

Officers Report

Planning Application No: 145788

PROPOSAL: Outline planning permission to erect 4no. dwellings - access and scale to be considered and not reserved for subsequent applications.

LOCATION: Land adjacent to 16 Westgate Scotton Gainsborough DN21 3QX

WARD: Scotter and Blyton

WARD MEMBER(S): Cllr L Rollings, Cllr L Clews and Cllr M Snee

APPLICANT NAME: Mr D Smith

TARGET DECISION DATE: 06/01/2023 (Extension of time agreed until 31 March 2023)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions

The application is referred to the planning committee for determination due to the call in received from the local ward member stating material planning considerations and due to the objections of the Parish Council and neighbouring residents.

Description:

The application site comprises of an area of land to the rear of dwellings along Westgate, within the settlement of Scotton. The existing site is relatively flat, with residential properties adjoining the east and south boundaries with open countryside adjacent to the west boundary. The site is located within a Wind Blown Sand Minerals Safeguarding Area. The site is allocated for residential development for up to, and including, four dwellings, in the Scotton Neighbourhood Plan (Policy 3 – Land off Westgate (site 13)).

The application seeks outline planning permission for the erection of 4no. dwellings within **access** and **scale** to be considered with this application, and are not reserved for subsequent applications. Amended plans were received on 27th January 2023 and a full re consultation was carried out for 21 days on the 31st January 2023. The amended plans reduced the overall site area.

Matters of **layout**, **appearance** and **landscaping** are reserved for subsequent approval ('reserved matters').

Further amended plans have been received on 8th March 2023 which now propose the inclusion of one two bedroom dwelling and one three bedroom dwelling, as the plans did not introduce any new elements, a reconsultation was not deemed to be required. The development is not so changed that to grant permission would deprive those who should have been consulted on the changed development of the opportunity of consultation.

Relevant history:

138745- Outline planning application to erect 9no. dwellings with garages-all matters reserved. Resubmission of 137268. Refused 02/04/19.

137268-Outline planning application to erect 9no. bungalows with garages-all matters reserved withdrawn by applicant 05/04/18.

M03/P/1322- erect 4 bedroom dormer bungalow with integral double garage. Approved 05/01/04.

W89/1122/90- Outline application to erect six dwellings. Refused 01/03/91

W89/868/88- Outline application for residential development. Refused 07/09/88.

W89/405/90- Outline application to erect one bungalow in accordance with the revised plan received 29 August 1990. Approved 9/10/90.

Representations, in summary:

Full representations can be viewed using the following link: <https://planning.west-lindsey.gov.uk/planning/details.asp?id=145788&nb=1#content>

Cllr L Rollings: This is a complex application that has been submitted and refused several times before. During that time, ownership of adjacent properties has changed hands and there appears to be some dispute over land access to the site, which is currently shared. Having visited the site, it is hard to see how the access can be enabled without impacting heavily or even preventing access to the two neighbouring properties? I am also concerned that there are whole areas of the land identified that are at risk of flooding. Given that we can only expect heavier rainfall in the future, this is a concern and could potentially create an extra, unnecessary demand on flood and drainage authorities. Changing the position of proposed properties within a field that floods, to enable building, does not seem right. This part of Scotton is an area rich in biodiversity. Newts, wild flowers, deer and other wildlife will all be affected and proper consideration should be given to this. Whilst the land forms part of the Scotton neighbourhood plan, its' inclusion was not without contention. Given that at the time, huge concern over a planning application on Eastgate was in process, some residents would have felt that given the choice, they were not concerned over the proposed site off West gate and voted accordingly. Its' inclusion in the plan was not fully supported by any means.

For these reasons, I would ask that should the recommendation be to approve this application, that the decision be taken to the Planning Committee.

Scotton Parish Council, received 05/12/2022: Scotton Parish Council object to the application for the following reasons: -

1. The land around the proposed development is known to consistently flood. The application does not appear to address how additional surface water runoff and foul water would be dealt with, therefore contrary to Policy LP14, LP2 and LP4 of the Central Lincolnshire Plan. This issue was raised in the previous application 138745 seeking outline planning permission for this site, which was refused, as it did not include a flood risk assessment and was considered to have failed a flood risk sequential test.
2. The application does not meet the conditions of the Scotton Neighbourhood Plan Policy 3, that states it should include two-bedroom dwellings and demonstrate safe access and egress. The access and safety provision to new properties in previous application 138745 was also a reason for refusal previously.
3. The Great Crested Newt, which is a protected species, was shown to be present in 2017. The most recent survey conducted in 2021 was inconclusive and could not rule out the presence of this species using eDNA. It may be a wider presence and absence survey would yield more conclusive results as would a more up to date survey.

Comments on amended plans, received 07/02/2023-

Scotton Parish Council objects to the amended application and wishes to raise the following concerns:-

- the land is known to consistently flood
- there appears to be shared ownership of the land needed to establish safe access to the development. It is not clear if negotiation with landowners has been agreed to allow for development. If so this may not agree with Scotton Neighbourhood Plan, Policy 3, because it could not ensure that it did not 'cause unacceptable harm to the private amenity of adjacent properties along Westgate'.
- The application would not meet the conditions of Scotton Neighbourhood Plan, Policy 3 which stipulates that it should include 2-3 bedroom dwellings, with a maximum of 4 dwellings, which agrees with Community Objective 3, Table 7 'to allocate appropriate sites to accommodate small scale residential developments'.

Local residents/Third Party Representations:

Objections have been received from no.'s 7, 11, 14, 16, 18, 20, 24 April Cottage, 24a Orchard Lodge and 26 Westgate. Objections are summarised as follows;

- The drawings are inaccurate and not all of the land belongs to the applicant;
- There is no mention of the Great Crested Newts and wildlife that occupy the field and suddenly the pond is not a pond;
- There is no mention regarding Lincolnshire County Council's report on the splay required and the layout;
- The entrance to the field is not wide enough at 3.2 metre to allow Emergency Vehicles because the Fire Engines are wider than the space that actually belongs to applicant;
- A wooden gate has been erected which again encroaches on Number 18 which isn't their property;

- The fencing has been addressed by erecting acoustic fencing which normally is used for more industrial problems i.e on Motorways, built up Railway areas not in a residential area;
- Traffic regularly is parked along the roadside and even on the pavement at times and we have also now mobility scooters that travel on the road. Having another entrance with the possibility of a further twenty vehicles would just be an accident waiting to happen;
- The overhead electrical cables have not been shown on the plans and do not appear to have been taken into account when developing the site plan;
- Existing trees and hedges required to be removed to facilitate the development have not been identified as part of the planning application;
- The development amends the driveways to 16 + 18 making them difficult to use and limits them to 1 car each;
- None of the concerns from previous applications on this site have been addressed, the application should be refused;
- The properties will overlook neighbouring gardens and be an eyesore;
- The Design Report states scheme not within any Flood zone, yet flooding has taken place over the years and the potential for greater flooding effect due to weather extremes needs to be addressed;

Further objections on amended plans have been received from the following addresses, 9, 20, 22, 24 April Cottage, 24a Orchard Lodge, Westgate, 16 Middle Street, Scotton and 2A High Street Scotton.

Objections are summarised as follows;

- The reduction in the size of the site does not alleviate the flooding issues;
- Major problems with the access and exit onto Westgate, existing owners are disputing clearances for land;
- There are issues with existing drainage, parking and traffic;
- The proposed diverted underground cables breaches our property line we do not give them permission to access our land;
- It is understood that there is going to be a noise reduction tunnel, this isn't a tunnel it's a very high wall, this will reduce natural light;
- There is not enough room for two cars to pass each other, there are no paths for pedestrians;
- There are a lot of questions concerning the health and safety of Scotton residents and visitors if this build goes ahead;
- The original plans submitted on 28/10/2022 shows the narrowest point of the shared drive between my garage of No 20 rear footprint to a point near to the side of No 18 garage wall as being 3.2 meters, the 3.2 is in dispute as No 20 a contesting that they own the land 1 meter from their garage wall to the proposed drive;
- 4 properties plus the 2 that already use the existing highways access is 6 I thought the limit was 5 properties unless there were exceptional circumstance;

- The extension of the drive width will make it even more difficult for me entering and exiting my drive across the road;
- Draw your attention to policy 5 of the development plan although this is not windfall land it fits a number of planning constraints not being observed by the applicant mainly points 1 b,c,d, f 3;
- The proposal represents tandem building.
- The access road narrows significantly, this narrowing of the access road isn't obvious at the entrance.

LCC Highways/Lead Local Flood Authority:

13/02/23- The access as shown is acceptable at 5.5m wide, they may need to adjust the existing highway (footway) part to suit should they wish to put the access in at this width.

19/12/22- No objections. There is no precise definition of "severe" with regards to NPPF Paragraph 109, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety". The proposal is for 4 dwellings served from a private drive, and it is considered that the impact on the public highway is acceptable. In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF. The principle of development is acceptable. As this is an outline application with some matters reserved, layout has not been considered. Please make the applicant aware of the requirements for parking, turning and layout as detailed within the Lincolnshire County Council Design Approach. Recommends 5 informative's.

01/12/22- Additional information required. It is requested the applicant submits a scaled and dimensioned access drawing to accompany this application.

Environment Agency: No representations received to date.

Archaeology: No representations received to date.

LCC Minerals and Waste Team: No representations received to date.

WLDC Strategic Housing:

13/02/23- Further to our previous comments on the site, following the reduction in the site area to be below 0.5 hectares, this application no longer triggers an affordable housing contribution. However, the applicant should note that Policy LP11 of the Central Lincolnshire Local Plan requires that if a development scheme comes forward which is below these thresholds and thus does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then Policy LP11 as a whole will be applied, with the precise level of affordable housing to be provided being 'back dated' to include the earlier scheme(s).

13/01/2023- The NPPF paragraph 64 states affordable housing should only be sought on major developments. The NPPF defines major developments as “*For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.*” The site is 0.69 hectares in size and so will trigger an affordable housing contribution.

With the location of the site being in the Non-Lincoln Strategy Area, the contribution would be 20% of the units proposed to be delivered as affordable, on a site of 4 that would equate to 0.8 units rounded to 1.) Although the Central Lincolnshire Local Plan states that all delivery of affordable housing must be on-site, with only one unit being required, it would be sensible to secure the affordable housing with the option of providing an off-site contribution so if the proposed house types on the site are not suitable to be delivered as affordable housing, for example if they are too big as outlined in this application, an off-site contribution can be provided in lieu of the on-site delivery.

The current commuted sum for the Non-Lincoln Strategy area as set out in the Central Lincolnshire Local Plan Developer Contributions SPD is £98,349 off-site contribution per unit not delivered as affordable housing. For the 0.8 units required this would equate to £78,679.20.

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); the Scotton Neighbourhood Plan (made 2021); 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

LP11: Affordable Housing

LP12: Infrastructure to support growth

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

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2017/>

- **Scotton Neighbourhood Plan (NP)**

Relevant policies of the NP include:

Policy 3: The Allocation of Land off Westgate (Site 13)

Policy 11: Safeguarding Important and Distinctive Landscape Features

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/scotton-neighbourhood-plan-made>

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

The site is in a Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

National policy & guidance (Material Consideration)

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

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**
- **National Design Guide (2019)**
- **National Design Code (2021)**

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 (“Reg 18”) 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 Draft (“Reg 19”) of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 15th November 2022, the Local Plan Review commenced its examination and the examination finished 16th December 2022. Consultation on the post-examination modifications to the Plan, started 13th January 2023 and closed on 24th February 2023.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted “Reg 19” Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given)

Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.

The plan review submitted for examination is at an advanced stage but is still open to alterations so at this stage may be attached **some weight** in the consideration of this application.

The relevant policies are considered to be:

S1 The Spatial Strategy and Settlement Hierarchy
S2 Growth Levels and Distribution
S4 Housing Development in or Adjacent Villages
S6 Design Principles for Efficient Buildings
S20 Resilient and Adaptable Design
S21 Flood Risk and Water Resources
S47 Accessibility and Transport
S49 Parking Provision
S53 Design and Amenity

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

Main issues

- Principle of Development;
- Minerals;
- Visual Amenity;
- Residential Amenity;
- Flooding;
- Highways and Access;
- Ecology;

Assessment:

Principle of Development

Planning law requires that planning decisions are made in accordance with the development plan, unless there are material considerations to indicate otherwise.

The application seeks outline planning permission for the erection of 4no. dwellings with access and scale to be considered and not reserved for subsequent applications.

The site is allocated within the Scotton Neighbourhood Plan 2021 (SNP) for new housing. Policy 3 of the SNP specifically relates to this site and states the following; *Land at Westgate (Site 13), as identified on Map 3, is allocated for up to, and including, four dwellings*. It also includes a design code with a number of criteria that the development of the site should meet/include.

Policy LP2 & LP4 of the CLLP designates Scotton a medium village. It sets out criteria for residential development “unless otherwise promoted by the Neighbourhood Plan”. As above, the site is specifically allocated for residential development under policy 3 of the Neighbourhood Plan.

LP4 permits 10% growth in Scotton over the plan period. The latest growth table dated 03/02/2023 indicates 13 dwellings of growth remaining. LP4 also states that local communities can, through Neighbourhood Plans or other means, deliver additional growth over the levels proposed by this Policy.

Criteria a) of Policy 3 of the SNP states that; *It should include two and three bedroom dwellings*. The criteria does not state that the proposal should fully comprise of only two and three bedroom dwellings. Amended plans have been received which now include a two bedroom dwelling (Plot 2) and a three bedroom dwelling (Plot 4). The inclusion of these dwellings is considered to accord with Policy 3 of SNP. It is to be noted that the scale of the buildings is under consideration and will be fixed by the grant of planning permission – however it is considered necessary for a condition requiring the inclusion of 2 and 3 bed properties in order to ensure compliance with the development plan. Decisions are to be made in accordance with the development plan, unless there are material considerations to indicate otherwise. The site is allocated for residential

development for up to and including 4 dwellings in the Neighbourhood Plan. The principle of 4 dwellings on site accords with the development plan, subject to applying all policy criteria.

The principle of development on this site is considered to comply with the development plan, subject to further assessment of material considerations, discussed in the following report.

Minerals

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies 'to support sustainable economic growth and our quality of life'. Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

'Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:

- the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or*
- the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or*
- the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or*
- the development is, or forms part of, an allocation in the Development Plan.**

The site is located within a Sand and Minerals Safeguarding Area and the application has been submitted with a Minerals Assessment which states the following:

"Owing to the range of pre-existing constraints in the immediate surrounding area, the Development will not result in the sterilisation of any off-site mineral and will not prejudice the effective working of any permitted mineral or minerals operations."

The Minerals and Waste Team at Lincolnshire County Council have not commented on the application. It is considered that the prior extraction of any significant volume of mineral from within the site would be unfeasible. Taking into account these constraints and the fact that the site is allocated within the Development Plan (Scotton Neighbourhood Plan, it is considered that the proposal would be in accordance with the

criteria set out in policy M11. Prior extraction of the mineral would be impracticable and would have a negligible impact with respect to sterilising the mineral resource.

Overall, it is concluded that the development will not result in the sterilisation of a mineral resource worthy of safeguarding and will not prejudice the effective working of any currently permitted or proposed mineral extraction or minerals infrastructure. The proposal therefore accords to policy M11.

Visual Amenity

Policy LP26 seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing and form.

LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape, including setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural or man-made features within the landscape and townscape which positively contribute to the character of the area.

The outline proposal seeks approval of the 'scale' of the dwellings. For planning purposes, "Scale"... means the height, width and length of each building proposed within the development in relation to its surroundings¹.

The proposed site layout plan shows 4 dwellings all of which are one and a half storey in scale and would appear as dormer bungalows. Criteria c) of Policy 3 of the SNP states that the *height of the building, or buildings, should be no higher than existing buildings in the immediate locality.*

The site itself is set back from Westgate, which is located c.50m to the east. It is apparent that along Westgate and adjacent to the site boundaries that there is no defining character, there is a mixture of two storey and single storey dwellings. The dwellings would not be visible within any street scene. In terms of the 'scale' of the dwellings. The National Planning Practice Guidance states² that scale refers to the *height, width and length of each building proposed within the development in relation to its surroundings.*

The submitted plans show 1 and half storey dwellings (dormer bungalows) with rooms in the roof, the plots have the following approximate measurements.

- Plot 1- Five bed unit. Eaves height of max c.3.3m and total height of. C.5.8m. Max width of c.15.7m and max depth of 8.5m.
- Plot 2-Two bed unit. Eaves height of max c.3.3m and total height of. C.5.8m. Max width of c.15.2m and max depth of 10.1m

¹ Article 2, The Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

² <https://www.gov.uk/guidance/making-an-application#Outline-planning-applications>

- Plot 3- Three bed unit. Eaves height of max 3.4m and total height of c.5.6m. Max width of c.15.3m and max depth of 10.5m.
- Plot 4- Five bed unit. Eaves height of max 3.3m and total height of c.5.8m. Max width of c.22.7m and max depth of 8.5m.

The scale of the dwellings are considered to be acceptable and they reflect the scale of those adjoining properties along Westgate. It is not considered that the development of the site would be visually prominent within the area, given that the site is relatively well contained, with trees to western boundary and due to its set back positioning from the main street scene.

Landscaping is a reserved matter. “landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes— (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

It is a policy requirement (policy 3(d)) that *“a boundary treatment should be provided to the western boundary of the site. It should reflect the relationship between the village and its surrounding countryside”*. Drawing 1137-1008 (Proposed Boundary Treatments) does not show the provision of a western boundary treatment. It is therefore recommended that a condition is used to secure this with the reserved matters of landscaping, in order to comply with the condition.

Overall, the proposal would not be expected to have a harmful visual impact on the character of the area and would accord to policies LP17 and LP26 of the CLLP as well as Policy 3 of the SNP.

Residential Amenity

LP26 requires 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.

With regard to the proposed layout (albeit indicative at this state), show that all of the proposed dwellings are adequately separated from each other in terms of overlooking and over dominating impacts. It is also considered that the proposal offers an adequate amount of outside amenity space for the proposed dwellings. The plots are large in their size and can accommodate dwellings without appearing cramped or impacting negatively upon each other.

The site adjoins other residential garden areas to the south and east. Orchard Lodge and its garden area is located adjacent to the south boundary of the site, plots 1 and 4 are the closest to this boundary on the indicative layout, at distances of c.21m and 29m respectively.

The layout plan shows that dwellings can be erected here with appropriate separation distances to avoid unacceptable levels of overlooking between the dwellings and neighbouring properties. Subject to the final layout, the proposed dwellings would also not be expected to cause any dominating or overbearing impacts on to the nearby dwellings along Westgate.

The proximity of the vehicular access to no. 18 Westgate is acknowledged. The access would run adjacent to their south elevation, which comprises of a garage at ground floor and a bedroom at first floor. The provision of a road to the sides of 18 and 20 Westgate would not result in such an uncommon arrangement found in residential areas where access to a small number of dwellings is provided in relatively close proximity to the side elevation of a residential dwelling. In addition to this, the access would also run adjacent to the south boundary of the garden area of no. 16 Westgate. A plan has been submitted which shows that an acoustic fence would be erected along this boundary, extending along the boundary to no. 18, this would alleviate noise concerns from vehicles, subject to a specification of the fencing being submitted, this would be agreed through the reserved matters application for landscaping.

It is acknowledged that the proposed access would have increased levels of vehicles, and therefore additional noise above the existing situation. However, it is not considered that the additional 4 properties would cause such excessive levels of additional traffic and noise to warrant a refusal on residential amenity grounds. The Neighbourhood Plan has allocated the site for up to and including 4 dwellings. Overall, the proposal would accord to policy LP26 of the CLLP and Policy 3 of the SNP.

Flooding

The application site is an allocated residential site located within Flood Zone 1 which is sequentially preferable and therefore meets the test within LP14 and the NPPF. Paragraph 166 of the NPPF states that: Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan- 48 making stage, or if more recent information about existing or potential flood risk should be taken into account.

Many of the objections from neighbouring residents refer to the site previously being flooded. Part of the west side (mainly within the blue line) is within an area at risk of surface water flooding, the layout plan shows that the dwellings would be outside of this area. It is therefore it is not considered that the proposals would increase the risk of flooding on neighbouring occupiers or indeed any future occupiers of the dwellings.

Furthermore, a positive drainage scheme gives the opportunity to reduce existing flood risk.

In terms of surface and foul water disposal the application form states that surface water is to be disposed of via a soakaway. The means of the disposal of foul water is not yet known. Considering the limited information that has been provided with the application, a condition would ensure that further detail is submitted prior to any works commencing above foundation level (including evidence of site percolation). Overall, subject to conditions the proposal would accord to policy LP14 of the CLLP, and criteria (g) of policy 3 of the SNP.

Highways and Access

Policy LP13 of the CLLP states that proposals should provide well designed, safe and convenient access for all. Policy 3 of the SNP states that the site should demonstrate that the site has the *provision of safe and accessible access*. The outline proposal seeks approval of the access to the site as part of this application.

Access to the site is to be taken through the existing access off Westgate, to the east, which currently serves no.s 16 and 18, therefore a total of 6 dwellings would be served off this access point.

Amended plans were received on the 27th January 2023. The submitted plans show that the width of the access point off Westgate, measures c.5.5m. The access then measures 5.5m for the first 10m into the site. It then runs west, adjacent to the south elevation of no. 18 Westgate. This section of the access is not as wide as that off Westgate and measures c.3.2m in width at its narrowest point between the south elevation of no. 18 and the north west corner of the detached garage within the ownership of no. 20. A passing place is proposed just beyond this narrow point which would allow for two cars to pull in whilst another passes. The Highways Authority have reviewed the amended plans and have no objections to the proposals.

Many of the objections received from local residents refer to the site including land that is not within the ownership of the applicant. The applicant has signed Certificate B on the application form which confirms that notice has been served on the other land owners, this is in full accordance with the procedural requirements of Article 13 and 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015³. Land Ownership/Restrictive Covenants and the planning process are two separate regimes. The Local Planning Authority may grant permission however whether this can be lawfully carried out is a private matter between the relevant parties involved. It is however considered that this matter would need to be resolved before the construction of dwellings takes place – a condition that requires the access to be installed first is considered reasonable and necessary.

³ <https://www.legislation.gov.uk/ukxi/2015/595/article/13>

It is acknowledged that the width of the access into the site, to the side of no.18 is not optimum, however the applicant has indicated dedicated passing space and on balance, taking into account the submitted information, the access into the site is considered to be acceptable and would not have a severe impact upon highway safety. The proposal therefore accords to Policy LP13 of the CLLP and Policy 3 of the SNP.

Policy 3(f) requires that “the proposal should include an appropriate level of off-street parking, per dwelling”. The indicative layout shows that this is feasible and a condition is recommended for the developer to demonstrate dedicated parking provision.

Ecology

It is noted that a previous application at the site has been refused on Ecology grounds and the unknown presence or otherwise of newts. An updated (July 2021) Ecology survey has been submitted as part of the enquiry.

With regard to great crested newts the test results for the pond in the western part of the site were returned as inconclusive. The recommendations section of the report states the following: *Although the 2017 eDNA survey identified the presence of great crested newt within the pond and boundary drain, no great crested newt was ever noted within the pond during the suite of surveys undertaken in 2018, and the eDNA test undertaken in 2018 was negative. Since then, the pond’s value for great crested newt has reduced, with hardly any water present within the pond during this 2021 survey. The pond is thought likely to dry out annually, plus it is heavily shaded and choked with vegetation; all of these factors identified within the habitat assessment are not conducive to supporting great crested newt within the pond. Despite the eDNA survey results from the current survey being returned as inconclusive, when the above information is taken together, it is considered highly unlikely that great crested newt are present within the pond on site.*

The report concludes that it is not considered necessary to undertake any further surveys in relation to great crested newts. In summary, the report concludes that no ecological constraints have been found to be associated with developing the land. I have no reason to dispute or question the findings of the report, which has been carried out by a suitably qualified person.

The report does include some recommendations which could enhance the site, in the event permission were to be granted a condition would ensure that the development proceeds in accordance with these recommendations. Overall, the proposal accords to LP21 of the CLLP.

Conclusion and Planning Balance:

The decision has been considered against policies LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036, Policies 3 and

11 of the Scotton Neighbourhood Plan and Policy M11 of the (LMWP) Core Strategy in the first instance. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide.

The site is allocated for residential development for up to, and including, four dwellings in the Scotton Neighbourhood Plan. This application seeks outline permission for 4 dwellings, in accordance with the allocation.

In light of this assessment it is considered that the principle of the proposal is acceptable. The proposal would not have a harmful visual impact on the site or the surrounding rural area. The impacts upon residential amenity have been found to be acceptable. The highways and access matters, on balance are considered to be acceptable and would not cause detrimental harm to highway safety. The application is therefore recommended for approval subject to conditions.

Other matters

Pipelines- The site is in a consultation zone for a gas pipeline. National Grid and the Health and Safety Executive raise no concerns with the proposal therefore the impact on it is acceptable.

Underground cables- A plan has been submitted which refers to the diversion of underground cables, this is not a matter to be considered in this planning application, it is a private matter that would need to be agreed with the relevant undertaker and land owners.

Community Infrastructure Levy (CIL) – West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is within zone 2 where there is a charge of £15 per square metre. An informative will be attached to the permission making it clear that a CIL charge would be liable at reserved matters stage.

Land Ownership- Comments have been received from neighbouring residents with regard to land ownership and that the red line shown on the site location plan is incorrect. Certificate B on the application form has been signed and notice served on all of the land owners.

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

RECOMMENDED CONDITIONS

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

1. Application for approval of the reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until, plans and particulars of the **appearance, landscaping and layout** of the buildings to be erected and the landscaping of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted must be begun before the expiration of two years from the date of final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

4. No development shall take place until the access road to serve the development hereby approved has been installed, as shown on drawing 1137-1009 Rev P04 received 8 March 2023.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Central Lincolnshire Local Plan and Policy 3 of the Scotton Neighbourhood Plan.

5. The layout details required by condition 2 will identify off-street parking provision for each dwelling.

Reason: To accord with policy 3 (f) of the Scotton Neighbourhood Plan.

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

6.The landscaping details required by condition 2 shall include details of a boundary treatment to the western boundary of the site.

Reason: In order to demonstrate compliance with policy 3 (d) of the Scotton Neighbourhood Plan.

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

7.The development hereby approved must only be carried out in accordance with the recommendations set out in Section 5 (pages 13-20) of the Ecology survey completed by Inspired Ecology Ltd.

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

8. No development, other than to foundations level, shall take place until details of foul and surface water disposal (the drainage system to be used should include the results of soakaway/percolation tests, as appropriate) have been submitted to and approved in writing by the local planning authority. These details should include a plan showing the position of the drainage and location of the connections to the proposal. The approved details shall be implemented, maintained and retained in accordance with the approved plans.

Reason: To ensure adequate drainage facilities are provided to serve the development to accord with the National Planning Policy Framework and Policy LP 14 of the Central Lincolnshire Local Plan, and policy 3(g) of the Scotton Neighbourhood Plan.

9. With the exception of the detailed matters referred to by the conditions of this consent, the scale of development hereby approved must be carried out in accordance with the following drawings and any other documents forming part of the application:

- Site Location Plan 1137-1001 Rev P09 (red line only);
- Plans and Elevations 2 Bed Unit 1137-2001;
- Plans and Elevations 3 Bed Unit 1137 3002;
- Plans and Elevations 5 Bed Unit 1137 5002 Rev P01;

All received 8 March 2023. The development must include two and three bedroom dwellings.

Reason: To accord with Policy 3 of the Scotton Neighbourhood Plan which requires that the development contains two and three bedroom dwellings.

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

None.

Notes to the Applicant

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

Highways

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on our website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>