

Officers Report

Planning Application No: 145741

PROPOSAL: Planning application for removal of existing buildings and erection of 4no. dwellings.

LOCATION: The Old Rectory Residential Home Sturton Road Saxilby
Lincoln LN1 2PG

WARD: Saxilby

WARD MEMBER(S): Cllr Brockway & Cllr D J Cotton

APPLICANT NAME: Highgate Homes (Lincoln) Ltd

TARGET DECISION DATE: 22/12/2022 (extension of time agreed until 31st March 2023)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant planning permission with conditions

This application has been referred to the Planning Committee, at the request of Saxilby parish Council who are concerned that the development is in conflict with policies of the Neighbourhood Plan.

Site Description: The application site comprises of the currently vacant care home known as 'The Old Rectory', located to the eastern side of Sturton Road within the settlement of Saxilby. The site is adjoined by other residential dwellings to the south, and to the west opposite the highway. Open fields and countryside adjoin the site to the north and east. The site is surrounded by a number of large trees which are protected by Tree Preservation Order Saxilby 1971.

The Proposal: Through negotiations with the agent for the application, the proposals have been amended from the original submission, the number of dwellings has been reduced from the originally proposed 6. Amended plans were received on 12/01/2023 and 23/02/2023, a 14 day re consultation was carried out on 24/02/2023 with the highways department and the Parish Council.

The application now seeks full planning permission for the erection of 4no. dwellings, which would include the demolition of the existing care home, known as 'The Old Rectory'.

Relevant history:

W85/279/90- Extend residential home. Conditional consent 22/05/90.

W85/459/87- Extend existing residential home. Conditional consent 24/07/87.

W85/110/84- Change the use of dwelling to home for the elderly. Conditional consent 15/03/84.

W85/593/79- Proposed dwellings (3). Refused 20/08/79.

Representations:

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

Saxilby Parish Council:

20/03/2023- Objects. Comments summarised as follows; The Parish Council's previous comments stand. We would prefer that the original building is restored and converted into apartments.

The Old Rectory is on the Historic Environment Register (record ML1126150). It was built in 1842 and is a building of note in the Saxilby with Ingleby Neighbourhood Plan (2017). Any developments will only be supported where they preserve or enhance the character or appearance of the parish. (NDP Policy 5: Protecting the Historic environment)

If permission is granted, then the council supports the Tree and Landscape Officer 's comments regarding the protection of the trees with TPOs throughout the construction of the new dwellings and in the future. To ensure survival, each tree needs to be individually assessed by an arboriculturist.

Existing hedging to be retained enhancing biodiversity. (NDP Policy 11: Minimising the impact of development on the natural environment)

The council also supports the Highways comments with access to the site from Broxholme Lane and the improved footpath from Sturton Road.

The council requests that the gate is retained on Sturton Road. (NDP Policy 16: Existing and new non-vehicular routes. NDP Policy 17: Traffic and movement around the village)

20/01/2023- Objects. Comments summarised as follows;

The council request this is called into WLDC planning committee. There has been no engagement with the parish council and community which is not in-line with the NPPF and Local Plan. The council welcomes engagement

The council request an extension of time so developers can meet with the council. A heritage statement is requested.

NDP - Policy 5:

It is noted the proposed building to be removed is a building of notable interest in the NDP pp 62 due to the age, and historical significance to the parish character.

- The council requests the conservation officer is consulted for their views.

- The application submitted is of poor quality of, making the application difficult to understand.
- Policy 11 and 12- Trees have TPOs and need protection and frame the road on the village. approach as in the Character Assessment point 3.15 and provides the 'Thick vegetation' giving way housing along Sturton Road. The Saxilby with Ingleby Character Assessment notes the importance of the trees on the street scene - pp60-61 para 6.13, 6.18, 6.19-6.21.
- Mature gardens and tree which form well established landscaping features as per the Character Assessment
- It is understood trees have tree protection orders in the plot and these have been trimmed.
- There should be no impact on biodiversity
- Trees, mature shrubs and hedging need to be properly protected during construction process if the development is permitted.
- There should be soft boundary treatments in-line with the NDP and Character Assessment for the area
- Policy 16 and 17-
- The council supports the extension of the public footpath from Mill Lane/Sturton Road onto Broxholme Lane in front of the length of the development in-line with NDP policy
- Access should be onto Broxholme Lane for all properties.
- Policy 14.3 · Development should have open space on-site.
- The council notes the development may be eligible for CIL and requests it is applied
- The development should be fit for the future - the council recognises the impact of climate change and importance of biodiversity, and requests that this proposal should be fit for the future e.g., net zero, highly energy efficient, super insulated, water collection and harvesting, ground source heat pumps, solar panels, and electric car charging points.
- NDP Policy 1 and 2 also need to be considered

Local residents:

30 Highfield Road, Saxilby-

06/03/2023- In general i would support the amended plans showing all four properties being serviced by a drive from Broxholme Lane, incidentally this is one of the things being requested at the beginning of this process. There is still risk to the listed trees on site and i would ask that planning enforcement officers are on site for the part of demolition as referred to in section six in the TREE & LANDSCAPE COMMENTS and periodically through out, to ensure these important trees are respected. Further i would request that the existing no longer needed dropped kerb on Sturton Road behind plot 1 is removed and the pavement made good A further request would be that the shared drive is called and becomes known as "Old Rectory Drive" to maintain a link with the history of the site.

01/02/2023- The Major trees on site have protection orders on them so any work that can cause their deterioration is an offence as i understand it. please see and if possible answer the following questions

1: how will the drives be constructed without disturbing the roots of the trees that they pass under?

2: on the original layout the edge of the buildings in places are adjacent to the tree protection zones, if this is still the case how will foundations be dug without breaching the tree protection zones?

3a: the sustainable drainage uses the drive ways as considerable soak away areas, as some of these go under the trees how will they be constructed without disturbing the tree roots?

3b: how will the water logging of the tree roots be prevented by the drainage scheme with the soils being clay based and the trees being relevantly shallow rooted

4: tree protection zones should not be used as storage areas and must be protected from soil compaction

5: upon completion of the development it should be required that the occupiers of the properties are openly and fully informed of the trees protected status and the responsibilities that this puts on them.

6: trenches for the provision of services to the site must no breach any of the tree protection zones.

I would also ask that the councils tree protection officer pays unannounced visits to the site on a regular basis to ensure all requirements to protect the trees are being followed and if not immediate and decisive action is taken by the council against the developers.

LCC Highways/Lead Local Flood Authority:

07/03/23- No objections. The development has an existing use as a residential home and will utilise an existing access off Broxholme Lane. This proposal will generate a comparable amount of trips. It is therefore not be possible to raise an objection to the proposals based on traffic impact, in accordance with the NPPF. The dimensions of the existing access is to be upgraded to enable 2 cars to pass in opposing directions and sufficient parking and turning is provided on site. The proposal would therefore not result in an unacceptable impact on highway safety. Recommends conditions and informatives in the event permission is granted.

08/11/22- No objections. Requests a condition to ensure a 2m wide footpath is installed prior to the occupation of the dwellings.

LCC Archaeology: No archaeological impact.

WLDC Tree and Landscape Officer:

07/03/2023- The revised plans are much better in relation to impact on the important protected trees. The revised access arrangement for the two westerly plots now resolves my concerns about the harmful effects of the previous

driveway layout off Sturton Road as detailed in my previous comments at paragraphs 10 , 11, 12 and 16, dated 02 Feb 2023.

* All other points raised in my previous comments still stand.

02/02/2023- . I have two main concerns regarding these proposals: One concern is regarding the access off Sturton Road and the driveway across the front of plot 2. Ideally the access and driveway position should be moved to reduce extent of encroachment through RPAs of high amenity TPO trees T8 and T9. Details of tree-friendly construction for the highway access and the driveway within the site should be provided for prior approval. I suggest consulting with Lincolnshire County Council Highways and Arboricultural Officer to arrive at a solution that meets Highways approval and would minimise harm to tree roots. It should be demonstrated how the raised finished level of a tree-friendly driveway (due to being constructed on top of existing ground levels) can meet the lower level of the highway without causing root damage or compaction. My second concern is regarding the tree pruning pressure that would be created by the position and widening of the access drive off Sturton Road, as it would require cutting back one side of the tree crown for access to clear vehicles and vans which would be harmful to the TPO trees appearance and amenity.

Appropriate tree protection measures of fencing and ground protection in accordance with 6.2.2 and 6.2.3 of BS5837:2012 should be required for prior approval for the whole site for prior approval. The type and positions should take account of comments at above points 6 and 9 above. Details should be supplied for the demolition and clearance stage and also for the construction stage of this site, including road/driveway construction. Tree protection measures should be fixed in their approved positions prior to any works commencing and retained in their approved positions until completion of the work stage that they relate to i.e. demolition and clearance or construction. 18. Utility positions where they enter the site and serve the plots should avoid the trees RPAs. 19. Drainage pipes, inspection chambers, and any soakaways should be positioned so they are outside tree RPAs. Drainage pipes exiting the site should be in the gap between the RPAs of trees T9 and T10, or in the large gap between T12 RPA and the trees along the easterly side. It would be preferable for a drainage plan to be provided so we can ensure its layout would have no detrimental impact on the trees. 20. An Arboricultural Method Statement (AMS) should be required. An AMS should provide details on how any activities under or near the trees would be carried out, with the aim of protecting the trees and minimising any negative impacts on the trees and their growing environment. It should include details on how any tasks would be done from demolition and clearance through to construction completion, drainage and paths around the new building, plus all the other usual AMS information.

WLDC Conservation Officer: I have been to site to view what architectural or artistic interest the building has. The two wings are modern and of no heritage importance. The middle building, the original old rectory, is visibly different due to its slate roof. However, there is no architectural interest visible to consider this a non-designated heritage asset through its architectural merit. The building

is noted within the Neighbourhood Plan but this is in a section highlighting "Other buildings of Note". This is separate to the Non-Designated Heritage Assets and so it is clear that it is not an NDHA through that. There is no historic or significant features raised within the Neighbourhood Plan in order to review and therefore with no evidence of significance for The Old Rectory being a heritage asset, I do not consider this building to be of historic merit to be considered an NDHA.

Lincolnshire Bat Group: Thank you for referring this ecology survey and bat report to Lincolnshire Bat Group for comment. We would largely agree with the conclusions, although September can be a little late for emergence surveys, as the big summer roosts have largely broken up by then. However, anecdotal evidence passed to LBG agrees with the suggestion that a roost could be to the west of the site, and that the attraction, given there appears to be no roost present in the buildings, is the insects associated with the mature trees surrounding the site. As far as enhancement is concerned, not just bat boxes to trees, surely? Shouldn't there also be integral bat boxes incorporated into the walls of the new builds and a scheme for this be submitted?

ECM Checked: 14/03/2023

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 Saxilby with Ingleby Neighbourhood Plan (made 2016); 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 of Distribution and Growth

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

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

- ***Saxilby with Ingleby Neighbourhood Plan (SINP)***

Relevant policies of the NP include:

Policy 1: Housing Mix

Policy 2: Design of New Developments

Policy 5: Protecting the Historic Environment

Policy 11: Minimising the Impact of Development on the Natural Environment

Policy 12: Green Infrastructure

Policy 14: Open spaces, Sports facilities and recreation facilities

Policy 16: Existing and new non vehicle routes

Policy 17: Traffic and movement around the village

Saxilby with Ingleby Neighbourhood Plan Character Assessment

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

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

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

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:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution.

Policy S4: Housing Development in or Adjacent to Villages

Policy S7: Reducing Energy Consumption – Residential Development.

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

Policy S59: Green and Blue Infrastructure Network

Policy S60: Protecting Biodiversity and Geodiversity

Main issues:

- Principle of Development
- Visual Amenity including Impact on the Character of the Area
- Heritage
- Residential Amenity
- Trees and Ecology
- Highway Safety and Access
- Drainage

Assessment:

Principle of Development

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

The application seeks full planning permission for the erection of 4no dwellings, including the demolition of the existing buildings at the site.

The settlement of Saxilby is designated as a large village under Policy LP2 of the Central Lincolnshire Local Plan. Policy LP2 states that: *'Appropriate infill, intensification or renewal of the existing urban area is permitted under this policy as these large villages have a range of employment, retail and key services and facilities for the local area and will be a focus for accommodating an appropriate level of growth.'*

The application site comprises of existing vacant care home on the north eastern edge of the village of Saxilby. The site is adjoined by residential dwellings to the south, and adjacent to the highway to the west, open fields adjoin the east and north boundaries. It is considered that the site forms part of the built form of the village and therefore can be considered as an appropriate location for development in accordance with the requirements of Policy LP2. The principle of the development is considered to be acceptable subject to consideration of other materials considerations as detailed in the following report.

Visual Amenity and Impact on the Character of the Area

Policy LP26 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. The policy also 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, form and plot widths. Policy LP17 of the CLLP seeks to protect and enhance the intrinsic value of our landscape and townscape.

Within the NP Character Assessment, the site is located within Character Area G, 'Church Road, St. Botolphs Church and Mill Lane'. Paragraph 5.109 states: *A range of architectural eras are present in Character Area G. Victorian dwellings line the Church Road spine of the area, while along Mill Lane the majority of the buildings were built in the 1960's yet embrace a more traditional vernacular.*

The character assessment also recognises the large trees that surround the site and their importance in the approach to the village. Para 3.15 states the following; *The approach from Sturton Road into Saxilby passes through Ingleby and dog-legs twice and chicanes once before its straight arrival into the north of the settlement. This arrival is flanked on both sides by wide green verges and a mixture of open boundaries and low hedgerows, allowing long views into the settlement on approach and to the wider countryside on departure. Groups of larger deciduous trees are scattered along the route which serve to frame the road while also guiding the eye forward towards the village.*

In terms of surrounding character, to the south of the site, along Sturton Road/Mill Lane, the layout of properties here is very linear in its nature. Directly to the south east corner of the site, a new dwelling has recently been granted permission (planning ref: 142191), this in itself creates a form of back land development, directly adjacent to the site.

As detailed in the proposal section, in depth negotiations with the applicant have taken place through the application process. The original number of dwellings (6) has been reduced to 4 and the proposed site layout has been amended to better reflect that of the development along Sturton Road/Mill Lane, with two dwellings to the front and two at the rear. Further to the north west of the site, a new residential development is under construction (Church Lane). Large detached two storey properties are located adjacent to the highway along within this new build estate along Sturton Road and form the approach into the village from Sturton by Stow. Mill Lane also comprises of a mixture of bungalows and two storey dwellings. It is reasonable to conclude that there is a mixture of property types and styles within this area of Saxilby.

The dwellings themselves are all large, four and five bedroom, two storey detached properties with rooms in the roof and would be of a similar height to the existing care home. The max eaves and ridge heights of the dwellings would be 5.2 and 9.5m respectively. The modest heights of the dwellings are acknowledged, however with consideration to the above discussion these are not considered to be unacceptable for the site or the wider area. The proposals also include the retention of all of the trees along all boundaries, this would provide a degree of screening from the surrounding area and would not impact on the green approach into the village. Further planting to close off the access along Sturton Road is also proposed.

The rear elevations (west) of Plots 1 and 2 have been amended to have architectural detailing as seen on front elevations to ensure they would still address Sturton Road. Proposed materials to be used in the development are to comprise of a mix of white render, stone and dark grey roof tiles, the materials

are similar to that used in the existing Old Rectory building, it is considered that in the event that permission were to be granted a condition could secure further material details.

Considering the sites location on the edge of the settlement and that the site is surrounded by the large protected trees it is considered necessary to remove permitted development rights for the erection of extensions and outbuildings to allow the local planning authority to assess the impact on the surrounding area and the impacts that any further development may have on the root protection areas of the protected trees.

Overall, the design and layout is appropriate in relation to the surrounding area. The dwellings are well designed and would accord with the high design aspirations of the NPPF. The proposal therefore complies with policy LP26 and LP17 of the Central Lincolnshire Local Plan and the policies contained within the Saxilby with Ingleby Neighbourhood Plan.

Heritage

Concerns have been raised by Saxilby Council with regard to the historic significance of the existing building and its loss through this proposal.

Paragraph 40¹ of The National Planning Practice Guidance gives guidance on what should be considered to be a non-designated heritage asset:

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area.

During the application process (on 28/12/2022), the building has been added to the Lincolnshire Historic Environment Record (ref MLI126150)². It has been given the following description: *The former vicarage in Saxilby was constructed in the 1840s. It was likely constructed of brick, now largely obscured with a white render, and features a hipped roof. The original two-storey structure had two wings added to it at some point between 1971 and 2000, likely when the building was converted to use as a care home. The extensions are between one and one-and-a-half storeys high and are L-shaped, forming a partially*

¹ <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#non-designated>

² <https://heritage-explorer.lincolnshire.gov.uk/Monument/MLI126150>

enclosed front courtyard. The building no longer functions as a care home, having closed very recently (2022).

It should be noted that the building was added to the record after the original determination date for the application of the 22/12/2022. Given its inclusion on the HER and that a photograph the building is noted under Appendix B- Heritage Assets as an 'Other Buildings of Note in the Plan Area', the existing building is considered to be a non-designated heritage asset, and therefore its total loss must be assessed.

Paragraph 203 of the NPPF states that: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Policy LP25 states that; *In instances where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made by its setting, the applicant will be required to undertake the following, in a manner proportionate to the asset's significance:*

- a. describe and assess the significance of the asset, including its setting, to determine its architectural, historical or archaeological interest; and*
- b. identify the impact of the proposed works on the significance and special character of the asset;*

The application has been accompanied with a full assessment of significance by Austin Heritage Consultants. The assessment states that the building was original built c. 1840's (or was a significant rebuild of a pre- 1824 building). Since the building was originally constructed it has been heavily altered and it is believed that there has been four main phases of work to the building, as detailed below.

- c.1840s to 1885 – additions to the east side
- c.1947 to 1972-73 – demolition alteration of the west side and loss of some outbuildings
- c.1980s and later – series of extensions and alterations to the interior and exterior to form the current layout.

Within the assessment the significance of the building has been assessed against the heritage values recognised by Historic England in their *Statements of Heritage Significance: Analysing Significance in Heritage Assets – Historic England Advice Note 12 (2019)*³

³ <https://historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/>

The assessment gives detail of the building and assesses it against the points as noted in the above Advice Note, this includes, Archaeological Interest, Architectural and Artistic Interest and Historic Interest.

The assessment concludes the following; *Demolition of the building would see the loss of the remnant of what is believed to be a c.1840s former rectory. However, this fabric has been considerably altered in terms of layout and fabric both externally and internally, particularly pre-1972-73 and during its conversion to a care home in the c.1980s. Some of the changes that have occurred during the second half of the 20th century, including what is believed to have removal of fabric from the western side pre-1972-73, followed by the c.1980s redevelopment, have had a detrimental effect on how the layout and fabric of the original building is presented and read today. Consequently, the original building is no longer intact.*

It is acknowledged that there is some history to the existing building, however it has also been unsympathetically extended and altered over time. Its importance has also been reviewed by the Councils Conservation Officer. They have visited the site and state the following:

I have been to site to view what architectural or artistic interest the building has. The two wings are modern and of no heritage importance. The middle building, the original old rectory, is visibly different due to its slate roof. However, there is no architectural interest visible to consider this a non-designated heritage asset through its architectural merit.

Therefore applying the NPPF test *“In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

It's loss would be whole – however, its significance is considered to be low. Applying a balanced judgment, it is considered that the benefits of redeveloping the site outweigh its loss. Given its total loss, it is considered necessary to condition that the building is fully recorded prior to its demolition, in accordance with Historic England recording guidance.

Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

The nearest residential properties to the application site are those located to the south of the site on Sturton Road, Plots 2 and 3 are the closes to these neighbouring dwellings. However, an intervening access road separates the site from these properties, the only first floor side opening (that faces south) would be on Plot 2 which is labelled as obscurely glazed and is at high level. It is not considered that the dwellings would cause any unacceptable impacts upon neighbouring residential amenity.

With regard to the proposed layout, all of the proposed dwellings are considered to be adequately separated between 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. It is acknowledged that some of the garden areas would be shaded by the large trees, however it is considered that all properties would still enjoy acceptable levels of outdoor amenity space.

Overall the proposals would not cause unacceptable impacts on neighbouring residential amenity and accords to the aims of Policy LP26 of the CLLP as well as the policies in the SINP.

Trees and Ecology

Policy LP21 of the CLLP states that all development should;

- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity.*

Criteria f of Policy LP26 states that development proposals should *incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures*; Policy 11 of the SINP states that development will be supported where it can be demonstrated that it meets the following criteria:

- a. Where development protects and enhances existing features in the natural environment.*
- b. Development will be expected to retain well-established landscape features such as mature trees, species-rich hedgerows and ponds.*
- c. The use of boundary treatments that are sympathetic to maintaining and enhancing biodiversity on new or existing developments will be encouraged and supported.*

Paragraph 131 of the NPPF recognises the importance trees in developments and states that; Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

This corner site contains various high amenity trees along all four of its boundaries some of which are protected by Tree Preservation Order Saxilby 1971, or are replacement trees required by past consent decision notices for the removal of some TPO trees. The majority of these high amenity trees are along the west and northern boundaries adjacent public highways where they provide good feature and character to the area, the trees T1 to T5 are particularly prominent in views from the east along Broxholme Lane.

An Arboricultural Report by AWA Tree Consultants (dated September 2022) in accordance with BS5837:2012 has been carried out and submitted with the application. The council's tree and landscape officer has reviewed the report and the proposals.

The proposed removal of trees T1 and T7 detailed in the report is considered to be acceptable given that they have been assessed as being category c trees (Cat C trees should not pose a constraint to development).

Demolition and clearance activities would pose a risk of damage to its branches and roots, and would cause ground compaction which can lead to tree decline and potentially tree death. Scraping the ground to remove demolition rubble is also likely to cause root damage. Therefore, the ground should have ground protection measures put in place prior to demolition works commencing to cover the tree RPA. It is considered necessary to condition that an Arboricultural Method Statement (AMS) document is submitted prior to any demolition and clearance actions and details of tree protection measures during these activities should also be submitted for approval.

Initial concerns were raised by the tree and landscape officer with the proposed access to plots 1 and 2 off Sturton Road and the unacceptable impacts this would have on the Root Protection Areas of the trees along this western boundary. Amended plans have since been received on 23/02/2023 which now propose vehicle access to all four dwellings off Broxholme Lane, to the north. The historic access point to the west off Sturton Road would not be used and would instead have new planting/hedging.

The tree and landscape officer has reviewed these amendments and now has no concerns with the siting of the proposed dwellings. The comments with regard to the requirement for a further details on how trees would be protected through the demolition and construction stages are still relevant. It is considered that these can be secured by pre commencement condition, to provide an Arboricultural Method Statement and tree protection measures to be in place during the demolition and construction phases.

Subject to the inclusion of these conditions the impacts on the protected trees is considered to be acceptable and the proposal therefore accords to the policies within the Development plan as well as the provisions of the NPPF.

Ecology

The application has been submitted with an ecology and protected species survey by Tim Smith carried out in September 2022. In terms of protected species the following has been described in the survey:

Bats

The inspection of the roof voids of the Old Rectory determined that there were four roof voids. Roof void 1 was considered to have a negligible potential for roosting bats. Roof voids 2, 3 and 4 were considered to have low potential to

support roosting bats. Due to the low potential for roosting bats, emergence surveys were carried out on 25/08/22, 06/09/2022 and 14/09/2022, the results are detailed in the Bat emergence and activity surveys report submitted with the application.

The survey concludes the following: *The results of the surveys were that no bats were seen or heard to emerge from the roof voids of The Old Rectory. The building is therefore not being used by roosting bats. As expected there was bat foraging activity in the garden. Mostly this was by common pipistrelles, with much less activity by soprano pipistrelle. Activity high over the site, and unrelated to the site, was noted by noctule bats. The surveys have shown that roosting bats are not a constraint to the proposed re- development of the site.*

In terms of mitigation and recommendations, the report states the following; *The only mitigation for roosting bats required is for a licensed bat ecologist to oversee the removal of the roof coverings at the dog-leg turn in roof void 4. This is standard practice. Enhancements for roosting bats could take the form of providing one or more commercially available bat roosting boxes, which are suitable for pipistrelle bats, which could be attached to the retained mature trees on the site's boundaries.*

The surveys have been reviewed by the Lincolnshire Bat Group who state that they would largely agree with the conclusions of the emergence surveys. They state that September can be late for emergence surveys, however they agree with the suggestions that a roost could be located to the west of the site and that the attraction, given there appears to be no roosts present in the buildings, is the insects associated with the mature trees surrounding the site. They also suggest that bat boxes should be incorporated into the walls of the new builds and not just in the surrounding trees, such details can be secured by means of condition.

Barn Owls and other Birds

The site's buildings are not suitable for use by nesting or roosting barn owls, and none of the trees in the site has any features which barn owls could use. The site has no suitable habitat which barn owls, which are coming from off-site roosts, could use for hunting over.

The site has habitat which could be used by other birds for nesting in, this being the mature trees, boundary hedges and the buildings themselves. No birds' nests were seen on the exterior of the buildings although one old pigeon nest was seen in the roof void of the original building.

Badgers

No badger setts or signs of use by badgers were seen on the site. There are no records of badgers for the site or the immediate area.

Otter, water vole and white-clawed crayfish

The site has no open water habitats and so these species will not occur. No open water habitats are adjacent to the site. NBN had no records of water vole or crayfish for the site or immediate area.

Great Crested Newts

The survey concludes that the site has no pond or other area of open standing water which could be used for breeding in by great crested newts. Breeding great crested newts will therefore not occur at this site.

To address the potential of whether newts are sheltering on and foraging over the site, it is necessary to consider whether there are any nearby off-site ponds which could be suitable for newts and then assess the likelihood of newts dispersing to reach the site.

Searches of maps, aerial photographs, other sources and field inspections were made for ponds within c250m radius of the site which could potentially be used by newts. The result was that no ponds were found, therefore it is considered that sheltering newts are absent from the site.

Overall the proposal, subject to conditions is considered to be acceptable in terms of the impact on ecology and therefore accords to Policy LP21, the provisions of the NPPF and the guidance contained within the NPPG.

Highway Safety and Access

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. Policy 17 of the SINP states that Development proposals in Saxilby must ensure that any transport impacts of the scheme are identified and acceptable. Any measures needed to deal with the anticipated impacts must be implemented.

The site has an existing access point off Broxholme Lane. The originally submitted proposals included the use of the historic access point off Sturton Road for plots 1 and 2. As detailed above, through the application process concerns were raised with regard to utilising this access and the harmful impact it would have on the protected trees.

The Highways Authority have reviewed the amended plans received on 23/2/23. There are no highway safety concerns with all four properties utilising the access off Broxholme Lane. It is also not anticipated that the vehicular movements to and from the site would be too dissimilar to when the building was in use as a care home.

The Highways Authority have requested two conditions in the event permission is granted. One of which is the closing off of the access onto Sturton Road and the other being the installation of a 2m wide footway to the north of the site, connecting the development from Sturton Road onto Broxholme Lane prior to the occupation of any of the dwellings. It is considered that this is reasonable to include, the provision of the footpath would connect the site to the main

footpath along Sturton Road/Mill Lane into the main centre of the village, and it is also shown on the proposed site plan.

The proposed site plan shows that all properties have adequate off road parking provision for at least two cars.

Overall, it is not considered that there would be a detrimental impact upon highway safety and the proposal accords to policy LP13 of the CLLP and Policy 17 of the Saxilby with Ingleby Neighbourhood Plan.

Drainage

CLLP Policy LP14 relates to managing water resources and flood risk and seeks to steer development away from areas at high risk of flooding in line with sequential and exceptions test within the NPPF. The application site is located in Flood Zone 1 and consequently associated with a low risk of flooding and would sequentially be a preferable location.

In terms of surface water drainage the submission indicates that surface water at the site would be managed soakaways, no further detail has been provided and therefore would need to be secured by condition, which will include the requirement for percolation tests to be carried out.

In relation to foul drainage, both the PPG and the Building Regulations 2010 (Approved Document H) set out a presumption in favour of connection to the public foul sewer wherever it is reasonable to do so. Foul water is proposed to connect to the main sewerage system, which is the most preferred option within the drainage hierarchy. Therefore the proposed methods of drainage are acceptable in principle, subject to condition.

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, LP10: Meeting Accommodation Needs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP16: Development on Land Affected by Contamination, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan and the policies contained within the Saxilby with Ingleby Neighbourhood Plan, in the first instance, including the draft policies contained within the submission version of the Central Lincolnshire Local Plan and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

In light of this assessment the proposal is considered to be within the built footprint of the village of Saxilby. Applying the test within the NPPF, the demolition of the Old Rectory, a non-designated heritage asset has been found to be acceptable due to its low heritage significance. The proposal is considered to be acceptable with regard to the impacts on residential amenity and highway safety. The impact upon the protected trees that surround the site have been found to be acceptable subject to conditions. Matters of the impact on ecology

have also been found to be acceptable. The application is therefore recommended for approval.

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

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

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

2. No development including any site clearance works and/or any demolition, shall commence, until details of the form and position of the tree protection measures to be installed during the demolition and construction phases have been submitted to and agreed in writing by the Local Planning Authority. The approved protection measures must be installed prior to commencement and retained in place until the development is completed.

Reason: To safeguard the large trees that surround the site that are protected by Tree Preservation Orders to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

3. No development including any site clearance works and/or demolition shall commence until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details on how activities under or near the trees would be carried out. It shall also include how tasks from demolition and clearance through to construction completion, drainage, paths around the buildings will be done and shall comply with British Standard 5837. The development or other operations shall then only take place in complete accordance with the approved Arboricultural Method Statement.

Reason: To safeguard the large trees that surround the site that are protected by Tree Preservation Orders to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

4. No development shall take place until a Historic Building Record of the building has been submitted to and approved in writing by the Local Planning Authority. The recording should be to Level 3 as described in Historic England's- A Guide to Good Recording Practice.

Reason: To ensure the appropriate recording of the historic building in a manner proportionate to its importance in accordance with policy LP25 of the Central Lincolnshire Local Plan and guidance within the NPPF.

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

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

Site Location Plan received 27/10/2022

Site Plan 815H- 26D received 23/02/2023

Proposed Block Plan 815H- 39B received 23/02/2023

Amended Plot 1 Elevations 815H- 42 received 23/02/2023

Amended Plot 1 Plans 815H- 41 received 23/02/2023

Amended Plot 2 Elevations 815H- 44 received 23/02/2023

Amended Plot 2 Plans 815H- 43 received 23/02/2023

Amended Plot 3 Elevations 815H- 28A received 23/02/2023

Amended Plot 3 Plans 815H- 27A received 23/02/2023

Amended Plot 4 Elevations 815H- 30A received 23/02/2023

Amended Plot 4 Plans 815H- 29A received 23/02/2023

The works shall be carried out in accordance with the details shown on the approved plans and any other approved documents.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with policies LP17 and LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

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

7. No development shall take place above foundation level until details of the facing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan and Policy 2 of the Saxilby with Ingleby Neighbourhood Plan and the National Planning Policy Framework.

8. No development shall take place above foundation level until details including the locations of the bat boxes to be installed at the site have been submitted to and agreed in writing by the Local Planning Authority.

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.

9. The development hereby approved must only be carried out in accordance with the recommendations set out in Report of ecology and protected species survey by Tim Smith dated September 2022.

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.

10. Prior to the installation/upgrade of the new vehicular access off Broxholme Lane, details of how the existing vehicular access onto Sturton Road is to be permanently closed shall be submitted to and agreed in writing by the Local Planning Authority. Within seven days of the new vehicular access being first brought into use, the existing vehicular access shall be permanently closed in strict accordance with the approved details and retained as such thereafter.

Reason: To reduce to a minimum, the number of vehicle access points to the highway, in the interests of highway safety in accordance with policy LP13 of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.

11. The development hereby permitted shall not be occupied until the 2 metre wide footway, to connect the development to the existing footway, as shown on drawing no. 815H 26-D has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property in accordance with policy LP13 of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.

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

12. Notwithstanding the provisions of Class A, AA, B, C, D and E of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), following the commencement of the development hereby permitted, there shall be no further alterations, additions or enlargement to the dwelling, or additional buildings within its curtilage, unless planning permission has first been granted by the local planning authority.

Reason: To safeguard the residential amenity of adjoining dwellings and to safeguard the character and appearance of the area, in accordance with the National Planning Policy Framework and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

13. Prior to the first occupation of the development, a scheme of landscaping including details of the size, species and position or density of all trees and hedges to be planted, and areas of public open space, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include tree lined streets. All planting comprised in the approved details of landscaping shall at the latest be carried out in the first planting season following the occupation of the relevant dwelling; and any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the visual impact of the development on the area is minimised in accordance with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

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. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

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

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

For further guidance please visit our website;

www.lincolnshire.gov.uk/highways-planning/works-existing-highway

Ecology

The details of the bat boxes required by condition 7 should include details of bat boxes to be incorporated into the walls of the dwellings.

Historic Building Recording

Please use the following link to view the Historic England's guidance on good recording practice, as required by condition 4. [Understanding Historic Buildings: A Guide to Good Recording Practice \(historicengland.org.uk\)](http://www.historicengland.org.uk/Understanding-Historic-Buildings-A-Guide-to-Good-Recording-Practice)