

## Officers Report

### Planning Application No: WL/2024/00360

**PROPOSAL:** Planning application for the erection of 1 no. dwelling with associated access.

**LOCATION:**

LAND AT  
2 SCHOOL LANE  
GRAYINGHAM  
GAINSBOROUGH

**WARD:** HEMSWELL

**WARD MEMBER(S):** Cllr P Howitt- Cowan

**APPLICANT NAME:** Mr & Mrs Dawes

**TARGET DECISION DATE:** 23/07/2024 (Extension of time agreed until 13<sup>th</sup> September 2024)

**CASE OFFICER:** Danielle Peck

**Recommended Decision:** Grant planning permission with conditions.

**The application is presented to the planning committee for determination as Grayingham Parish Meeting have raised matters that are considered to be finely balanced in relation to compliance with Policy S1 of the Central Lincolnshire Local Plan.**

**Site Description:** The application site comprises of existing garden area afforded to 2 School Lane within Grayingham. The site is adjoined by other residential properties to the west and east and north beyond the highway. The site is bounded by a high hedge along its north boundary adjoining School Lane, fencing and trees form the south boundary, with low fencing to the shared eastern boundary. A Public Right of Way runs along School Lane (ref Gray/10/1).

**The Proposal:** The application seeks full planning permission for the erection of 1 no. single storey, three bedroom dwelling, works also include the installation of a new vehicular access off School Lane to the north. The bungalow would have the following approximate measurements: 19.2m in max width, 26.5m in max length, 2.6m to the eaves and 4.3m in total height.

Proposed materials to be used in the development are indicated to consist of:

- Facing Brickwork – TBS Old Town Red Multi
- Roof Covering – to be Marley modern concrete interlocking roof tiles – colour: smooth grey Windows and External Doors – cream coloured PCVu frames
- Rainwater Goods – black plastic half round gutters with circular section downpipes

**Relevant Planning History:**

## Site directly to the east:

147469- Planning application for the erection of 1no. dwelling. Granted February 2024.

### Representations (In summary)

Full versions of the representations received can be viewed on the Councils website using the following link: [West-Lindsey | Public Portal \(statmap.co.uk\)](https://www.westlindsey.gov.uk/public-portal)

### Grayingham Parish Meeting- Objects- Summarised as follows:

- **Sustainability-** There is very little work within the Parish & a lack of facilities to meet the day-to-day needs of residents. Apart from the Church, Grayingham has no social, educational, retail, healthcare services. Although it does have a limited bus service, that only runs Monday to Friday; however the reality is the use of a car remains an essential mode of transport for those that live here, going about their daily lives, including travelling to & from a place of work, or using other facilities & services elsewhere. CLLP Policy S2 2.2.10 states 'development needs to be located where it can minimise the need to travel especially by private car to ensure that Central Lincolnshire minimises the carbon being produced by activities within the area'. This proposal DOES NOT achieve that.
- **Character-** This proposal when considered in conjunction with the dwelling currently under construction, will constitute effectively 'multiple' infill dwellings along School Lane, resulting in a 'cramming effect' NOT in keeping with the surroundings. It will significantly change the rural open feel of the settlement of Grayingham creating what is now becoming a ribbon development along School Lane. This is creating a character like URBAN development in what is a RURAL settlement in the open countryside. concerns with the removal of the hedgerow along the front of the site. The hedgerow attracts wildlife and should be protected and enhanced.
- **Access and Issues with School Lane-**In particular, Highways Safety, & risks involved when a larger vehicle turns into school lane only to find no suitable turning area up the lane, so have to reverse back down the lane & out on to Low Road 'BLIND'. This occurs often, particularly with delivery vehicles & drivers unfamiliar with the Grayingham. Previously this has resulted in one resident nearly being knocked down, having to jump out of the way of the reversing vehicle. Note that Grayingham has NO actual footpaths just verges of varying widths throughout the settlement. Another resident who lives on Low Road near the junction with School Lane had their parked car damaged by a vehicle reversing out 'BLIND' on to Low Road. Although the proposed dwelling will have a private turning space for their own smaller vehicles, these spaces will not help larger vehicles turn, due in part to the narrow width of School Lane as they may not be able to turn in them. We question how highways have come to their conclusion. Grayingham Parish suggests that yet another dwelling will inevitably increase the traffic volume & hence the number of near misses & risk to public safety. We CAN NOT understand why Highways DO NOT consider this to be a serious hazard to both traffic & any pedestrians on Low Road. It MUST also be remembered the Lane is designated a Public Footpath (identified as such on OS Maps) and therefore can have the public walking it.

- **Foul and Surface Water Infrastructure-** Grayingham Parish residents are very concerned about the effect more growth will have on the existing capacity of our utility services; particularly with reference to the sewerage infrastructure. Resident living close to the Grayingham sewerage pumping station, at the south end of Grayingham see road tankers visiting to remove excess volume when the pumping station is unable to cope, as it often is in winter & during periods of heavy rainfall. Grayingham Parish suggests the sewerage infrastructure may be already over its design capacity... We understand that Grayingham had only a total of 20 dwellings in 1971 when the Mains Sewerage System was installed, we don't know what the actual designed capacity is in terms of number of dwellings, we do know that it now has over 130% more properties connected to the system today.

School Lane has no provision for drainage of surface water, this is a problem when very heavy rain occurs, it flows down hill to Low Road like a river, made worse by run-off from other properties. This has been known to cause flash flooding along Low Road, also in part resembling a river, because the drains just can't cope with this excess volume. Any additional new driveways created by development would just compound the problem, even permeable surfaces, suggested for this proposal only work to an extent with moderate rates of rainfall, heavier rainfall will just run off down School Lane.

- **Archaeology-** Grayingham Parish understands that part of this land has remained undeveloped for over 150 years & may be of significant archaeological importance. This site lies near an area which has the remains of the once much larger and now shrunken medieval settlements of Great and Little Grayingham. We fully support the comments of LCC Archaeology section.
- **Conclusion-** The current 2023 'Central Lincolnshire Local Plan' (CLLP) Policy refers to Grayingham as a Hamlet & is not in a hierarchy & therefore has NO minimum growth requirement. Policy S1: 7. Hamlets, states ...a hamlet is defined as a settlement not listed elsewhere in this policy... & goes on to state ...of such hamlets, development will be limited to single dwelling infill developments... Within the last five months a 'single infill Dwelling' on Land (Plot 1) associated with No.2 School Lane has been granted permission & is currently under construction. This application proposal (Plot 2) is also associated with Land at No.2 School Lane. Grayingham Parish Meeting considers this land is no longer being used as a 'Single' infill, but rather become 'Multiple' infill developments. The Rural Settlement of Grayingham relies on the NPPF & Central Lincolnshire Local Plan 2023 Policies to provide the controls on development in these settlements; These policies should ensure the character of small rural settlement are retained. That character being the very reason many residents came & wished to continue living here. The Parish believe it has demonstrated that the adverse impacts of this development would outweigh any benefits it could provide; it would have an adverse impact in many respects on the quality of the lives of those currently living here; these comments demonstrate this development in Grayingham is NOT SUSTAINABLE.

Based on, but not restricted to, the points made in these comments, & the number of Grayingham residents against this proposal, we urge that planning permission be REFUSED.

## **Local residents/Third Party Representations:**

**Letters of objection have been received from the following addresses within Grayingham:**

- **Two Cottages, School Lane x 2;**
- **Evercreech, Low Road x 2;**
- **Plicata House, Low Road x 2;**
- **The Old Cottage, School Lane x 2;**
- **Thymes, Low Road x 2;**
- **2-3 Old School House, Low Road;**
- **Littlebeck Hall, Church Lane x 2;**
- **The Stone House, Low Road x 3;**
- **The Cottage, Manor Lane;**

## **Comments summarised as follows;**

- Concerns with highway safety. School Lane is a single track road, vehicles have to reverse out as there is no turning provision, further development will only add to this issue. No footpaths along School Lane which causes concerns with pedestrian safety. The road is not suitable for HGV's. There has been damage to the existing road, verges and peoples properties. There should be delivery timeslots for large vehicles;
  - Grayingham is not a sustainable place. There are no local services or jobs, people have to rely on private cars for transport;
  - Issues with character- cramming effect, ribbon development, harming the openness of the village. The proposed materials are not in keeping with other properties within the area;
  - Concerns with foul and surface water drainage disposal. There is not sufficient capacity within the networks to deal with the existing drainage situation, therefore how can the systems cope with additional development;
  - Concerns with damage to wildlife/habitats.
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- **A letter of support has been received from 1 Low Road;**

I support this application. The land is a derelict garden and makes no positive contribution to the community. The addition of another property and family will have no negative impact on Grayingham and may well in fact improve the appeal of our community. Any disruption caused by the construction will be very short term and arguments about the effect of traffic on the highway ignore the lack of issues caused by the regular hgv traffic when the area was used as a car breakers business. The concern expressed about sewage capacity was adequately addressed by the planning officer when the previous planning application was granted.

**LCC Highways and Lead Local Flood Authority:** The Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. School Lane is an unadopted road, and the highway authority has no jurisdiction over the use of this road. With regard to this application, we have considered the safety and impact of these proposals on adopted Low Road and its junction with School Lane. It is for the Local Planning Authority

to determine whether the access provided by the private road is safe and suitable for all users. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application. Recommends an informative in the event permission is granted.

### **LCC Archaeology:**

**30/07/2024-** Given the results of the evaluation I can confirm that no further archaeological input will be required for the application.

**20/06/2024-** The site is located in the shrunken medieval settlement of Grayingham. There is high archaeological potential associated with medieval settlement activity. Archaeological evaluation results in the adjacent site, associated with planning permission 147469, did not reveal any archaeological remains. This does not mean however that there is not archaeological potential in the wider area of medieval settlement, including the proposed site. As well as the on-site development, there needs to be consideration for any potential impact on the historic environment of proposed off-site provisions for Biodiversity Net Gain. Depending on the location and details of the off-site BNG proposal this may need to be subject to evaluation or mitigation measures also if potential heritage assets are to be affected. Recommendation: Currently there is insufficient specific information on the archaeological potential for the site and the extent of impact to buried archaeological remains from the proposed development. Given the known archaeological potential, but as yet unknown character and extent, I recommend that the applicant submit the results of a trial trench evaluation which should aim to determine the presence, absence, significance, extent depth and character of any archaeological remains which could be impacted by the proposed development as noted above. Trenching results are also essential for effective risk management and to inform programme scheduling and budget management. Failing to do so could lead to unnecessary destruction of heritage assets, potential programme delays and excessive cost increases that could otherwise be avoided. It should also be noted that preferred mitigation strategies will include preservation in situ (avoidance of sensitive areas) where possible and open area excavation where not. It is important that the archaeological implications for this development have been fully considered as part of the application process and in the project feasibility assessment. In short, archaeology may be a significant element of this project and early understanding of the site resource and mitigation requirements will be essential. This information should be provided with the application so that an informed planning recommendation can be made and to meet the requirements of the National Planning Policy Framework (NPPF) paragraphs 200 and 211 and the Central Lincolnshire Local Plan policy S57. This will also help inform an appropriate mitigation strategy for the proposed impact if necessary and should permission be subsequently granted.

**WLDC Conservation Officer:** No representations received to date.

### **Relevant Planning Policies and Legislation:**

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 2023), the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

### Development Plan

- **Central Lincolnshire Local Plan 2023**

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S4 Housing Development in or Adjacent to Villages
- S6 Design Principles for Efficient Buildings
- S7 Reducing Energy Consumption –Residential Development
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S23 Meeting Accommodation Needs
- S47 Accessibility and Transport
- S49 Parking Provision
- S53 Design and Amenity
- S57 The Historic Environment
- S59 Green and Blue Infrastructure Network
- S60 Protecting Biodiversity and Geodiversity
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- S66 Trees, Woodland and Hedgerows

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

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

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

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 December 2023.. Paragraph 225 states:

*However, existing 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).*

<https://www.gov.uk/government/publications/national-planningpolicy-framework--2>

- National Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

- National Design Guide (2019)

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

- National Model Design Code (2021)

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

#### Other- Listed Building Statutory Duty

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

#### **Main Considerations:**

- Principle of development;
- Visual Amenity and Impact on Listed Building;
- Residential Amenity;
- Highways and Public Right of Way;
- Energy Efficiency;
- Ecology and Biodiversity;
- Archaeology;
- Drainage;
- Other Matters.

#### **Assessment:**

##### Principle of the Development:

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

Policy S1 of the Central Lincolnshire Local Plan sets out a spatial hierarchy for the central Lincolnshire authorities. The spatial strategy will focus on delivering sustainable growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates places and communities, and supports necessary improvements to facilities, services and infrastructure.

Grayingham is not explicitly listed in Policy S1; however, it is considered that Grayingham is a 'hamlet' (tier 7) as the village has a dwelling base of at least 15 dwellings which are clearly clustered together to form a single developed footprint. Policy S1 does acknowledge that hamlets can support single dwelling infill developments, within the 'developed footprint' of such hamlets. Within the glossary of the CLLP, infill is defined as; *Development of a site between existing buildings.*

It is noted that the Parish Meeting refer to the site not being within a sustainable location and that the proposal, in cumulation with the dwelling (147469) previously approved to

the east, would now constitute a 'multiple' infill development and would not meet with Policy S1.

As stated above it is recognised that Grayingham is a hamlet, taking into consideration the definition within Policy S1. The application site is existing garden area currently associated with no. 2 School Lane (host dwelling). It is sited in between this property (west) and a partially constructed dwelling recently granted planning permission under reference 147469 to the east. The development of 1no. dwelling in this location is considered to meet with the definition of 'infill' as defined within the glossary, given its siting in between existing buildings, and would be a single dwelling infill in accordance with the wording of Policy S1. It is also considered to be within the 'developed footprint' of the village, being surrounded by existing residential development.

Comments around the applicant needing to assess local housing needs prior to submitting an application have been received, such an assessment of wider housing needs within the district are not required for single dwelling proposals.

The proposal would therefore, in principle, accord to Policy S1 within the Development Plan subject to an assessment of all other relevant material considerations.

#### Visual Amenity and Impact on Listed Building Setting

Policy S53 states that development proposals will; *Contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness; and Reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style.*

The application proposes the erection of a bungalow with the following measurements: 19.2m in max width, 26.5m in max length, 2.6m to the eaves and 4.3m in total height.

Proposed materials to be used in the development are indicated to consist of:

- Facing Brickwork – TBS Old Town Red Multi
- Roof Covering – to be Marley modern concrete interlocking roof tiles – colour: smooth grey
- Windows and External Doors – cream coloured PCVu frames
- Rainwater Goods – black plastic half round gutters with circular section downpipes

Within this area of Grayingham there are varying styles of dwellings and a range of differing materials. As well as this, there are single and two storey dwellings directly adjoining the site to all boundaries, all of which are in differing plot sizes. The proposed materials are the same as those approved for use in the new bungalow to the east, they are considered to be appropriate within the context of the area.

Many of the objections received sight issues with a cramming effect and ribbon development with this site and the adjacent site under construction to the east. The effects of ribbon development are only usually relevant where there are sites on the edge of settlements, as stated in the above principle section the site is considered to be within the developed footprint of Grayingham. With regards to 'cramming', it is acknowledged



that the dwelling occupies a modest footprint within the site, however this is not considered to be harmful to the character of the wider area, the proposed site plan shows that there is ample room for the dwelling and outdoor amenity space, it mirrors the site under construction to the east.

Overall, the bungalow by virtue of its design, scale and siting is not considered to have a harmful impact upon the character of the area or street scene and would accord to the aims of Policy S53.

Views of the Grade II\* Listed St Radegund's Church (north east) are visible from the within the site. Section 66 of the 'Act' states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is also reflected within the provisions of policy S57 of the CLLP. The application has been accompanied with a comprehensive Heritage Statement which describes the site, the designated heritage asset and its surroundings. The significance of the setting of St Radegund's Church lies mainly in its slightly elevated open church yard, with the church sitting tight to its western boundary. The rural setting to its eastern side also makes a positive aesthetic and narrative contribution to its immediate setting, as do the former farm buildings to the northwest of the church and The Old School House.

The proposal for a single storey bungalow would be set back from the front boundary, in line with the dwelling under construction to the east. It is considered that the proposal would preserve the setting of the Church and views to and from would not be harmed. Overall, the proposal would preserve the setting of the Church in accordance with the statutory duty contained within the 'Act' as well as the provisions of Policy S57.

### Residential Amenity

Part 8, criteria d of Policy S53 of the CLLP states that development proposals will: *d) Not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;*

The dwelling would be adjoined by no. 2 School Lane to the west and the dwelling approved under 147469, currently under construction to the east. The proposed dwelling will be bounded by 1.8m close boarded fencing to the east and west, with the new hedging to the rear (south). The proposed boundary treatments will screen any views in and out of the site, given that openings are at ground floor level only.

In terms of the properties located opposite the site, and adjacent to the highway to the north, there is an adequate separation distance of c. 14m between principal elevations.

Due to the overall height of the bungalow there are no concerns in relation to dominating or overbearing impacts on either of the adjacent properties. The dwelling itself meets with the Nationally Described Space Standards and has an adequate amount of outdoor amenity space for future occupiers. Overall, the proposal would not have any

unacceptable impacts upon residential amenity and accords to the aims of Policy S53 and the provisions of the NPPF.

### Highways and Public Right of Way

Policy S47 of the CLLP states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

Policy S49 and Appendix 2 of the CLLP set out parking standards for new dwellings within the District. For new dwellings in Hamlets Appendix 2 of the CLLP states that for three-bedroom dwellings, three parking spaces should be provided. The proposed site plan demonstrates off road parking for four cars as well as turning provision within the site. Part of the hedge at the front of the site will be removed to allow for access

Many of the public comments received state concerns with highway safety and the width of the existing road. They also state that at present some vehicles have to reverse back down School Lane and back out onto Low Road, it has to be acknowledged that this situation would remain the same if the development were to be granted or not. This has been reviewed by the Highways Authority whom have no objections.

The development would increase vehicles using School Lane once the dwelling is completed, however it is not considered that the level of vehicles associated with a single dwelling, as well as the dwelling granted under 147469 would be at such a severe level to warrant a refusal on these grounds. In regards to severe highway safety impacts, Paragraph 115 of the NPPF states:

*115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

With regards to the comments about large vehicles using School Lane, it is accepted that there may be some larger vehicles using the road during construction, however it is not anticipated that construction periods (in particular for single dwellings) are for prolonged periods of time and therefore the use of School Lane for construction traffic would not be at a detriment to highway safety. Any damage caused to property through the construction process would be a private matter to resolve between the relevant parties involved.

Overall, the proposal would accord to Policies S47 and S49 of the Central Lincolnshire Local Plan.

### Energy Efficiency

Policy S6 of the CLLP states a set of design expectations that should be considered when formulating development proposals. This includes the orientations of buildings, form of buildings, fabric of buildings, heat supply and renewable energy generated.

In addition to this Policy S7 of the CLLP requires that all new residential development proposals must include an Energy Statement which confirms that in addition to the requirements of Policy S6 that all such residential development proposals, *can generate*

*at least the same amount of renewable electricity on-site and to help achieve this point, target achieving a site average space heating demand of around 15-20kWh/m2/yr and a site average total energy demand of 35 kWh/m2/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m2/yr, irrespective of amount of on-site renewable energy production.*

The application has been accompanied with an Energy Statement by GC reports dated 10/05/2024. In terms of the design principles. The dwelling has been designed with a 'fabric first' approach, with acceptable u-values. The location of the main habitable rooms are spread across the Southern, Eastern and Western aspects of the building, to make full use of the natural daylight and the warmth of the sun.

The submission has been accompanied with 'pre built' estimates of energy performance. Full SAP calculations have been included as an appendix to the statement as well as estimates of unregulated energy usage, detailed in Appendix C along with a summary of compliance table. The dwelling also has a predicted EPC rating of B.

Using SAP modelling, the proposed dwelling is calculated to have a space heating demand of 16.70 kwh/m2 /yr and a total energy demand of 30.6 kwh/m2 /yr. To meet the total energy demand (30.6) of the dwelling 8no. Solar PV panels are required to meet this demand as detailed within Appendix D of the statement. The solar panels are shown on the elevations and roof plan of the proposed dwelling. This would meet Policy S7.

Overall, the proposals would accord to Policies S6 and S7 of the Central Lincolnshire Local Plan, subject to conditions.

### Ecology and Biodiversity

In England, BNG is mandatory under [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#). Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.

The application has been submitted with a suite of documents in relation to BNG and Ecology, as follows;

- Ecological and Biodiversity Net Gain Statement by ESL ecological services dated August 2024;
- Statutory Metric Condition Assessment;
- The Statutory Biodiversity Metric.

Through the application process an amended metric and BNG report have been received. 7.5.1 The Site Block Plan delivers 0.09BU for habitats and 0.06BU for hedgerows, which results in a 60.93% and 33.97% net loss respectively. This means that an additional 0.16BU will be required through off-Site habitat and enhancement measures to achieve the 10% BNG target for habitats, and 0.04BU for hedgerows.

It is recognised that the 10% on site gain is more difficult to achieve for minor development proposals, given that tree and hedge planting within private gardens cannot be counted toward the 10% gain as it is not possible to secure its maintenance for the period of 30

years. The red line of the application site is drawn so tight to the site boundary that there is no opportunity for an on site gain. Therefore following the hierarchy the developer will need to purchase off site units to provide the 10% Gain.

The application is subject to the biodiversity gain condition which is a pre-commencement condition: once planning permission has been granted. The condition will require the submission of a Biodiversity Gain Plan which will be approved by the planning authority before commencement of the development.

In terms of ecology the report states the following in relation to protected species;

**Birds-** A typical assemblage of birds was recorded both on the Site and along the boundary features, although no priority bird species were recorded during the survey. The Site is unlikely to support nesting Schedule-1 species. Boundary hedgerows provide opportunities for a range of common and widespread birds and future use can be expected in the nesting season, which for most species typically runs from March to August inclusive. No further bird surveys are required and standard measures to protect active nests during any vegetation removal will be put in place. As a result, no adverse effect on birds is predicted.

**Bats-** The Site has no suitability of use by roosting bats and the potential for flight paths and foraging habitat is low. As such, no adverse effects on bats are predicted.

No further survey work has been recommended in the report. A condition will be added which states that the development shall proceed in accordance with the recommendations within the report.

The removal of the section of hedgerow to provide access is acknowledged, there will however still be large sections of the hedge remaining, it will be brought to the applicants attention that hedgerow removal should not be carried out within the bird nesting season.

### Archaeology

With regard to Archaeology Policy S57 of the Central Lincolnshire Local Plan states that; *Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.*

The applicant has under taken pre-determination trial trenching in accordance with the Historic Environment Officers initial consultation response. The results of the trial trenching are detailed in the Archaeological Evaluation Report by Contour Archaeology dated July 2024. The trenching showed that there were no finds within the trench, the report has since been reviewed by the Historic Environment Officer at Lincolnshire County Council who has advised that no further archaeological works or conditions are required as part of this development. The proposal therefore accords to Policy S57 and the provisions of the NPPF.

### Drainage

Policy S21 of the Central Lincolnshire Local Plan states that development proposals adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development and that proposed surface water disposal should follow the surface water hierarchy.

In terms of surface water management, percolation testing has been carried out at the adjacent site in three locations, ground conditions will be the same at this site. WLDC Building control were previously consulted on the testing and have confirmed soakaways would work in principle, subject to a detailed design which would be agreed with them as part of the Building Regulations process. The location of soakaways are shown on the proposed block plan.

The application site is located within Flood Zone 1 and is not at risk of surface water flooding as shown on the Environment Agency's flood risk maps. The site is therefore within a sequentially preferable location for development.

Many of the comments received from residents make reference to the existing foul water disposal issues at a nearby treatment works. Foul water service providers have to provide appropriate capacity within the network for new development, such matters would be agreed with the service provider to ensure that there is capacity prior to any connection being made. It is not for a single infill development to provide solutions to wider foul water disposal issues that may be happening within the area or at nearby treatment works. Overall, the proposal would accord to Policy S21 of the Central Lincolnshire Local Plan.

**Conclusion and reason for decision:** The application has been assessed against Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S4: Housing Development in or Adjacent to Villages, Policy S6: Design Principles for Efficient Buildings, Policy S7: Reducing Energy Consumption- Residential Development, Policy S20: Resilient and Adaptable Design, 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 S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains and Policy S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan 2023 and the Statutory Duty under Section 66 of the 'Act' in the first instance as well as guidance within the NPPG and the provisions of the NPPF.

In light of this assessment the principle of a dwelling in this location is considered to be acceptable and would meet with the provisions of Policy S1 in that the site is considered to be an infill development within a Hamlet. The proposal would not have an unacceptable visual impact on the character of the area and is considered to be acceptable in terms of the impact upon residential amenity. The proposal would not cause harm to highway safety. The proposal would meet with the energy efficiency aspirations of S6 and S7 as well as providing biodiversity enhancements, subject to conditions. It is recommended that planning permission is granted subject to conditions.

**Decision Level: COMMITTEE**

**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:**

None.

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

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

- Location Plan 708. 01 Rev B;
- Scheme Floor Plans and Elevations 708.04 Rev C;
- Scheme Block Plan 708.03 Rev B;
- External Materials Sheet;
- All received 11th May 2024.

The work, including proposed materials shall be carried out in accordance with the details shown on the approved plans.

**Reason:** To ensure the development proceeds in accordance with the approved plans.

3. The Biodiversity Gain Plan shall be prepared in accordance with the Ecological and Biodiversity Net Gain Statement dated August 2024 and prepared by ESL Ecological Services.

**Reason:** To ensure the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990.

4. The development hereby approved shall proceed in accordance with the surface water and foul drainage details submitted as part of the application, as shown on plan reference 708.03 Rev B. The development shall only proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with Policy S21 of the Central Lincolnshire Local Plan 2023.

5. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement by G Reports received 08/02/2024 unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of policies S6 and S7 of the Central Lincolnshire Local Plan (2023).

6. Prior to the occupation of the dwelling hereby approved a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement by G Reports received 08/02/2024 and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of policies S6 and S7 of the Central Lincolnshire Local Plan (2023).

7. The proposed landscaping hereby approved as shown on drawing no.708.03 Rev B shall be carried out in the first planting season following the occupation of the extension 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:** In the interests of providing biodiversity enhancements in accordance with the requirements of Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

8. The development hereby permitted shall proceed in strict accordance with the recommendations contained within Section 6 of the Ecological Appraisal by ESL dated August 2024.

**Reason:** In the interests of protected species in accordance with Policies S60 and S61 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

9. Prior to occupation of the approved dwellings evidence must be submitted to the local planning authority that a rainwater harvesting butt of a minimum 100 litres has been installed.

**Reason:** In the interests of sustainable water management in accordance with policy S12 of the Central Lincolnshire Local Plan.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order with or without modification) no domestic oil tanks or domestic gas tanks shall be placed within the curtilage of the dwelling hereby approved. Without express planning permission from the Local Planning Authority.

**Reason:** In the interests of energy efficiency to accord with policies S6 and S7 of the Central Lincolnshire Local Plan 2023.

## 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](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey District Council's own website [www.west-lindsey.gov.uk/CIL](http://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

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences 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 the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

### Biodiversity Net Gain

Hedge Removal- The removal of the section of the boundary hedge required for access purposes should take place outside of bird nesting season (March to August inclusive).

Please see below informative note regarding Biodiversity Net Gain and the Statutory Condition.

Unless an exception or a transitional arrangement applies<sup>1</sup>, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan<sup>2</sup> has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be [insert name of the planning authority].

#### **Biodiversity Gain Plan**

The biodiversity gain plan must include/accompanied by<sup>3</sup>:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;



- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat<sup>4</sup> present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state<sup>5</sup>.

### **The effect of section 73D of the Town and Country Planning Act 1990**

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

<sup>1</sup> listed exemptions from Statutory BNG and transitional arrangements can be found at [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/biodiversity-net-gain-exempt-developments). The LPA advises that all perceived exempt applications complete a Statutory Metric Baseline Assessment prior to commencement. Should the relevant exemption cease to apply following commencement, a higher value precautionary assessment will be required if an appropriate pre-commencement baseline was not conducted.

<sup>2</sup> The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>

<sup>3</sup> Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015\).-Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015).-Biodiversity%20gain%20plan,-14)

<sup>4</sup> Irreplaceable habitats for the purposes of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>

<sup>5</sup>Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure)

(England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/ukSI/2015/595#:~:text=Additional%20content%20of%20plan>

**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