

# Officers Report

## Planning Application No: 144062

**PROPOSAL:** Planning application to erect 8no. dwellings.

**LOCATION:** Land West of North Moor Road Scotter Gainsborough DN21 3HT

**WARD:** Scotter and Blyton

**WARD MEMBER(S):** Cllr Mrs L A Rollings, Cllr Mrs E A Clews, Cllr K L Carless

**APPLICANT NAME:** Mr Shaun Hunt

**TARGET DECISION DATE:** 11/03/2021 (Extn to 19<sup>th</sup> July 2024)

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Ian Elliott

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

---

This planning application is considered relevant to be presented to the planning committee as it has a recommendation for approval when the development is considered to be a departure from the Development Plan and following third party objections including the Scotter Parish Council.

### **Site Description:**

The application site is a plot of agricultural land adjacent to North Moor Road, Scotter. Apart from the vehicle access the site is set back to the west of North Moor Road which has a 30mph speed limit. The site is currently unused, slightly overgrown land. The site has an existing wide access point to the east boundary adjacent 7 Arrandale which is effectively a gap in the hedging. The land slopes gently downwards from east to west.

The north boundary is screened by low hedging. The east boundary is open to agricultural land with low field hedging nearby. The south boundary is open to agricultural land with dwellings on Arrandale close by. The west boundary is open to agricultural land with some low hedging close by.

To the north of the site is Scotter Football Club (Northmoor Park Playing Field). Neighbouring dwellings of mixed scale and design are to the east and south. Additionally, to the southern-most south boundary is an equestrian facility. Open fields sit to the west.

The site is located in flood zone 1 (low probability). Land within flood zone 2 (medium) /3 (high) is nearby to the west and sits adjacent almost on the south west corner of the site. The site is in a Sand and Minerals Safeguarding Area.

### **Site Allocation:**

Approximately half of the application site is located within housing allocation site WL/SCO/011 of the Central Lincolnshire Local Plan and CL4674 of the Scotter Neighbourhood Plan.

Under policy S80, the allocated site has an indicative dwellings figure of 51 dwellings.

The allocated housing site has extant permission (134677 and 142460) for 43 dwellings. The other half of the site extends outside the allocated site therefore within the open countryside (see area hatched in black below).



The hatched area on the plan demonstrates that four of the dwellings would be built almost exclusively on the allocated site area and four dwellings would be built almost exclusively adjacent the allocated site area. A high percentage of the garden spaces would be adjacent the allocated site area.

**Background History:**

This application was submitted on 29<sup>th</sup> November 2021. At the same time planning application 142460 was under consideration and its determination decision was considered a key factor in the actions required on the application. For this reason, the application was put on hold awaiting the determination of 142460.

Following the determination of 142460 the application required an update to the originally submitted documents including the location plan, design and access

statement and a minerals assessment. This was in part due to the adoption of the Central Lincolnshire Local Plan Review 2023.

Following the submission of the required or amended information a full re-consultation of 21 days commencing 25<sup>th</sup> October 2023 was undertaken. Since 25<sup>th</sup> October 2023, time has been taken to fully consider whether open space, NHS and education contribution could be cumulatively sought with the development approved in 134677/142460. This is covered in the assessment of the report.

**Relevant history:**

134677 - Outline planning application to erect up to 51no. dwellings with access to be considered and not reserved for subsequent applications – 19/12/17 - Granted time limit and other conditions

142460 - Application for approval of reserved matters to erect 43no. dwellings considering appearance, landscaping, layout and scale - following outline planning permission 134677 granted 19 December 2017 – 13/07/23 - Granted with conditions

**Representations (in summary)**

*Representations made in relation to the application, the substance of which are summarised below (full representations can be viewed online)*

**Cllr Mrs L A Rollings:** Comment

Residents are very concerned about this application. Could it possibly be looked at in committee please?

**Scotter Parish Council:** Objection

My Council has the following objections to make on the proposal:

This application should be rejected as it is outside the allocated area and boundary line in Scotter Neighbourhood Plan and Central Lincolnshire Local Plan.CL4674

Scotter Neighbourhood Plan and Central Lincolnshire Local Plan states (LP11) that 25% of new developments should be provided for affordable housing. Previous application 142460 for development of this area has not complied with this requirement by submitting a financial viability statement advising that due to planning restrictions on design it was not financially viable for the developer to meet these requirements.

The design and access statement of this application states that the developer intends to review the terms of the S106 agreement to address the affordable housing aspect of the development. It also states that a new financial viability statement has been submitted, however this is not currently showing. Due to the precedent previously set by WLDC and the lack of information on what the developer is requesting Scotter Parish Council object to this application unless it meets the 25% affordable housing requirement set out in the Central Lincolnshire Local Plan.

My council has the following comments:

Scotter Parish Council reiterates the comments on the original application 134677 & 142460 as they still stand and in addition we would like to comment the following; Scotter Parish Council firmly request that any development of this area be subject to referral to Severn Trent Water Development Enquiries Department for a full hydraulic assessment as it plans to link to the existing system. The existing drainage and sewerage system does not serve existing residents adequately and will not cope with the addition of approx. 100 mainly large houses created by this and the development under planning application 143478.

Scotter Parish Council request that this application and application 143478 be considered by highways as a whole and not independently. By doing so North Moor Road could benefit from a roundabout that could provide safe access/egress to both developments rather than 3 access/egress points on a busy road, one of which is on an unsafe bend.

**Local residents:** Representation received to date from:

#### Objections

Applegarth, Messingham Road, Scotter  
Maracuja, Messingham Road, Scotter  
Rustlings, Messingham Road, Scotter  
Mount House, Messingham Road, Scotter  
4 Arrandale, Scotter  
7 Arrandale, Scotter  
22 North Moor Road, Scotter  
11 Johnson Drive, Scotter  
15 Johnson Drive, Scotter

#### Neighbourhood Plan

- Increasing area contradicts Neighbourhood Plan which sets boundary set as planning application 142460 and has full weight in planning decisions.
- Neighbourhood Plan attains same legal status as a local plan.

#### Residential Amenity

- Building large dwellings which will be within the immediate proximity of single storey dwellings is a contradiction to Neighbourhood Plan policy D5.
- Houses on plots 48 and 49 do not meet the Scotter Neighbourhood Plan.
- Views of the countryside and the semi-rural setting enjoyed by the current residents of North Moor Road are to be lost under this scheme.

#### Affordable Housing

- No affordable housing proposed, which contradicts the Neighbourhood Plan.

#### Drainage

- Drainage and sewerage of this site is suspect and at properties nearby.
- Sewage spillage and overflows in the village.

#### Flooding

- Land classified as a higher risk flood zone.

- Flooding has got worse.
- Whilst the developer might suggest that there is no risk of the site flooding we have again seen within the previous month that the River Eau has flooded causing damage to properties along its banks. I can only see more properties causing more problems to this already concerning issue our village encounters on a regular basis.
- Increase risk of flooding

#### Highway Safety/Pedestrian Safety

- Safe access to and from the site is an issue.
- Footpath link to existing footpath is not possible and would have to cross private property.
- The proposed new footpath alongside the development on North Moor Road will not be able to join Messingham Road.

#### Character

- Existing hedge should be retained.

#### Other

- One argument for this contravention of the agreed village development boundary is to “provide better financial viability for the developer”! So the whole scheme rests on these houses outside the agreed application?

**LCC Highways/Lead Local Flood Authority:** No objection subject to conditions and advice.

Response received 10<sup>th</sup> November 2023:

#### Conditions recommended

- 1.8 metre footway to connect development to existing footway network.
- Estate road and associated footways
- Estate road phasing and completion plan
- Surface water drainage scheme
- Construction Management Plan and Method Statement

Response received 11<sup>th</sup> January 2022:

- The testing which has been carried out to date is not in line with Lincolnshire County Council’s Development Road Specification (in terms of the locations), which details:

*“Where infiltration is proposed on a site, testing must be undertaken in accordance with BRE 365 and carried out at a depth representative of the proposed construction depths. A minimum of three fills of each trial pit must be undertaken and the pit should achieve 75% empty for each test. The number and positioning of tests should be representative of the extent of the proposed construction and the variability of the ground conditions on the site and should be no more than 150m apart. A minimum of two trial pits should be carried out per site”.*

- With the variable ground water levels across the site, evidence is required from a reliable source for the previous 12 months for ground water

monitoring. There shall be a minimum 1.0m clearance between the underside of SuDS and highest recorded ground water level, where infiltration is the method of surface water disposal. Where total infiltration methods of SuDS cannot be achieved due to the presence of high groundwater levels preventing the minimum 1.0m clearance requirement, the acceptability of the SuDS solution shall be dependent on the detailed supporting evidence which includes soil permeability, hydraulic calculations and a minimum of 12 months recent groundwater monitoring results provided to the Highway and Flood Authority.

*“Where a Developer is considering infiltration in an area with a naturally high ground water level, they will be required to submit evidence of groundwater levels obtained from a reliable source for the previous 12 months or any other period stated by the Highway and Flood Authority.”*

- Some documents refer the increased ground level, we require clarity/evidence of the ground water level in relation to the base of the SuDS component. When raising levels on a site, consideration should be given to prevent flood risk elsewhere (off site).
- Soaked CBR testing which proves a CBR of greater than 3% across the site.

**WLDC Contributions Officer:** Comment

The application site is considered to be a linked development to the adjacent site permitted under planning permission 142460. Therefore an affordable housing obligation of 20% across the two sites is triggered under Policy S22 of the Central Lincolnshire Local Plan as the sites fall within Value Zone B. This equates to 10.2 affordable housing units as the total dwelling number is 51.

Ten on-site affordable housing units have already been permitted on the adjacent site with a Section 106 agreement securing their provision. An off-site commuted sum is required for the remaining 0.2 unit not delivered on the site. The current commuted sum figure for Value Zone B as set out in the Central Lincolnshire Planning Obligations SPD is £106,133 per whole unit, therefore giving a commuted sum in this instance of £21,226.60.

**LCC Education:** No contribution required

LCC Education has no comments on this consultation in relation to education as there is sufficient capacity in the locality for the children generated by this scheme.

**Environment Agency:** Does not wish to comment

The Environment Agency does not wish to make any comments on this application. It does not appear to match any of the criteria on our consultation checklist.

**LCC Archaeology:** No representation received to date

**LCC Minerals and Waste:** No objections

**WLDC Environmental:** No objections subject to a condition

- Contamination Condition

- Pre-cautionary Contamination Condition

**Lincolnshire Police:** No objections with advice on:

- Landscaping
- Layout of Roadways and Footpaths
- Utilities
- Communal Areas (Public Open Space) where applicable
- Lighting
- Building Regulations
- Door Chains and Viewers
- Letter Plates
- Intruder Alarms

**Senior Neighbourhood Planning Policy Officer:** Comment

The application site is covered by the adopted (made) Scotter NP which should be given full weight in planning decisions and forms part of the development plan for Scotter. Below are references to the site/proposal which I've identified as being of note. But please inspect whole plan and supporting character assessment as could be others you consider of relevance.

Policy H2: Housing Allocation on North Moor Road

The application site extends westwards beyond the allocated housing site CL4674 boundary. Several houses lie predominately outside the allocated site in open countryside. Does CLLP policy LP55 therefore apply?

- a. how is potential public access to the open countryside and River Eau to the west of site to be managed/enhanced? There is a potential link to Riverside POS12? See Proposal Map 5 Protected Open Space page 36
- h. is the site's western boundary treatment on to open countryside appropriate to its rural setting?
- j. is affordable housing being provided?

Policy H3: Housing Mix

Are a mix of tenures and house types being provided?

Policy D5: Design of New Development

- b. does the proposal respect the character and appearance of the open countryside particularly on western boundary?
- c. does it reinforce existing connections and take opportunity to create new ones, if possible to west of site?
- f. provide a mix of tenures and housing types?

Policy T8: Roads and Streets

- f. does it contribute to improved pedestrian routes?

Policy T9: Parking and Parking Standards

1. general requirements met?
2. parking standards met?

### Policy T10: Footpath and Cycle Routes

3. pedestrian connections provided?

### Policy L12: Landscape and the Countryside

3. how is the remaining open countryside to the west of application site to be conserved, protected, managed, enhanced?

### Policy O13: Open Space within New Developments

1.2.3.4. Proposal includes open space provision of 2100m<sup>2</sup>. Does it meet these requirements?

### Scotter Character Assessment

The following references apply to the site in relation to its setting with open countryside and potential links.

- Page 37 Fig 50 green wedge
- Page 38 Fig 51 landscape views
- Page 41 Fig 57 view west from North Moor Road
- Page 45 village edges Fig 65 examples of where development appears abruptly in views into the village
- Page 56 green space identified north of site. Potential link?
- Page 76 Character Area D Scotter Riverside. Potential link?
- Page 150 Conclusions see Threats and Opportunities section

**System Checked:** 2nd July 2024

### **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 2023), the Scotter Neighbourhood Plan (made 22<sup>nd</sup> January 2018) 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:

- 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
- S12 Water Efficiency and Sustainable Water Management
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S22 Affordable Housing
- S23 Meeting Accommodation Needs
- S45 Strategic Infrastructure Requirements

S47 Accessibility and Transport  
S49 Parking Provision  
S51 Creation of New Open Space, Sports and Leisure Facilities  
S53 Design and Amenity  
S57 The Historic Environment  
S60 Protecting Biodiversity and Geodiversity  
S61 Biodiversity Opportunity and Delivering Measurable Net Gains  
S66 Trees, Woodland and Hedgerows  
S80 Housing Site in Large Villages  
<https://www.n-kesteven.gov.uk/central-lincolnshire>

- **Scotter Neighbourhood Plan (NP)**

Relevant policies of the NP include:

H2 Housing Allocation on North Moor Road, Scotter  
H3 Housing Mix  
H4 Small Scale Residential Development  
D5 Design of New Development  
T8 Roads and Streets  
T9 Parking Standards  
T10 Footpath and Cycle Routes  
T11 Flood Risk  
L12 Landscape and Countryside  
O13 Open Space with new Development

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

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

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

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

- National policy & guidance (Material Consideration)

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

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in September 2023. Paragraph 219 states:

*"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

- **National Design Model Code (2021)**

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

#### **Other:**

Planning Obligations Supplementary Planning Document dated October 2023

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

#### **Main issues:**

- Principle of the Development  
*Central Lincolnshire Local Plan 2023*  
*Scotter Neighbourhood Plan*  
*Balancing Assessment*  
*Concluding Assessment*
  - Minerals Resource
  - Affordable Housing
  - Developer Contributions*National Health Service/LCC Education*  
*Public Open Space*  
*Community Infrastructure Levy*
  - Visual Impact
  - Residential Amenity
  - Highway Safety
  - Archaeology
  - Flood Risk
  - Drainage*Surface Water*  
*Foul Water*
  - Landscaping

#### **Assessment:**

##### Principle of the Development

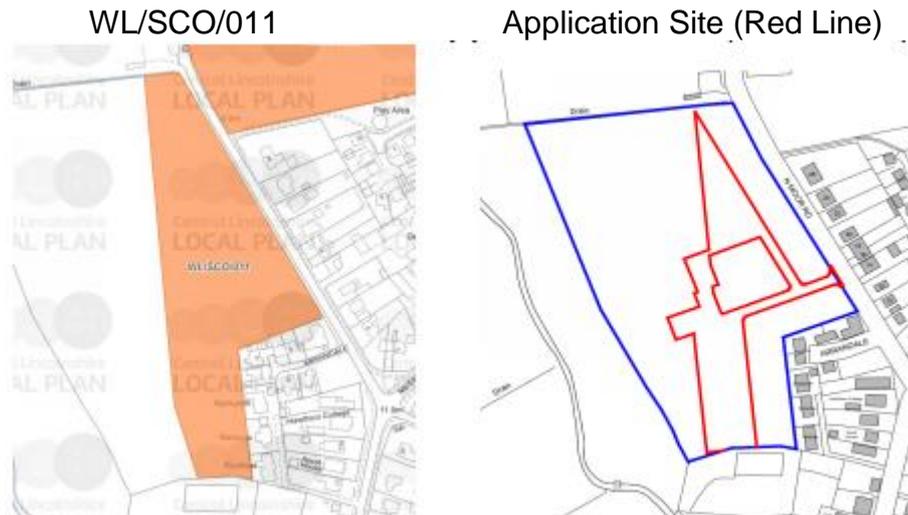
Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

##### *Central Lincolnshire Local Plan 2023:*

Local policy S1 of the CLLP sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Scotter as a large village and *‘to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth’.*

Local policy S1 states that most of the housing growth in Scotter will be ‘*via sites allocated in this plan. Beyond site allocations made in this plan or any applicable neighbourhood plan, development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages*’.

Local Policy S80 of the CLLP identifies sites within large villages which are allocated primarily for residential use. Half of the application site is identified as being within housing allocation WL/SCO/011 as North Moor Road, Scotter. The whole of the allocated site covers 2.05 hectares for an indicative 51 dwellings.



The application site area shown hatched black on the plan below is adjacent to, but immediately outside and to the west of the allocated site.



Section 1 of local policy S4 of the CLLP states that large villages “*will experience limited growth to support their role and function through allocated sites of 10 or more dwellings in the Local Plan, sites allocated in neighbourhood plans, or on unallocated*

*sites in appropriate locations within the developed footprint of the village that are typically:*

- *up to 10 dwellings in Large Villages”*

The glossary of the CLLP states that:

*“Developed footprint of a settlement is defined as the continuous built form of the settlement and excludes:*

- *individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*
- *gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built-up area of the settlement;*
- *agricultural buildings and associated land on the edge of the settlement; and*
- *outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.”*

**and**

*“Appropriate locations means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan. In addition, to qualify as an ‘appropriate location’, the site, if developed, would:*

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

As this area is immediately adjacent an allocated housing site with extant planning permission it is considered to be adjacent the developed footprint of the settlement. Therefore section 3 of local policy S4 applies.

Section 3 of local policy S4 *“proposals for residential development on unallocated land immediately adjacent to the developed footprint will only be supported where this is:*

- a. a First Homes exception site in accordance with the NPPF and provided it is outside of the Lincolnshire Wolds Area of Outstanding Natural Beauty and not within a location that is subject of a Designated Rural Area as defined in Annex 2 of the NPPF; or*
- b. exclusively for a rural affordable housing exception site.”*

*Scotter Neighbourhood Plan (SNP):*

Policy H2 (Housing Allocation on North Moor Road) of the SNP identifies sites within Scotter which are allocated for residential housing. Half of the application site is identified as being within housing allocation CL4674 as North Moor Road, Scotter.

Policy H2 states that the whole of the allocated site would provide an indicative 51 dwellings and provides criteria a) to i) to be met.



As identified previously part of the site is outside but adjacent the allocated site. Policy H4 (Small Scale Residential Development) of the SNP sets out the acceptability of small-scale residential development in terms of the type of site (infill and brownfield sites) and its location within the developed footprint. There is no clarification within policy H4 on the maximum number of dwellings that could be classified as small scale. However, It is considered that 8 dwellings in the Scotter settlement would be classed as more than a small-scale housing development.

Policy L12 (Landscape and the Countryside) of the SNP provides detail on the protection of the landscape and countryside within the SNP designated area. Policy L12 does not provide any content which is specifically targeted to residential development in the countryside and is not considered a principle policy.

*Balancing Assessment:*

The principle of the development which falls within the allocated housing sites (WL/SCO/011 (S1 and S80) and CL4674 (H2)) has been established by its allocated status and the existence of the extant outline planning permission (134677) and reserved matters approval (142460).

The area of the development site outside the allocated site needs to be assessed against local policy S4 of the CLLP. There is no relevant policy within the SNP. The development would be within the 10-dwelling limit for housing developments in large villages. The proposed development would not be a First Homes exception site in accordance with the NPPF or exclusively for a rural affordable housing exception site.

It is therefore considered that the proposed development within the allocated site would accord with local policy S1 and S80 of the CLLP and H2 of the SNP. However, conversely it is considered that the proposed development outside the allocated site would not accord with section 3 of local policy S4 of the CLLP. The proposed development would therefore be a partial departure from the development plan if granted permission.

The site allocated in the CLLP and SNP has an awkward long narrow shape making it challenging to design a housing development for an indicative 51 dwellings with all the necessary infrastructure such as roads, footpaths and open space. The design is further challenged by the relationship of the site to the adjoining neighbours off Arrandale and Messingham Road. The proposed application would increase the size of the overall housing development to the west of North Moor Road by a small amount of floor space. The increase in the floor space would provide the space to introduce eight further dwellings which would enable the overall housing development to meet the 51 dwellings indicated in local policy S80 of the CLLP and policy H2 of the SNP.

It is considered that this is a significant material consideration which would modestly increase the size of the approved development on the allocated site and would logically provide ground space for all the indicative 51 dwellings to the west of North Moor Road and provide dwellings allocated to meet the housing targets of the CLLP and the SNP.

The layout and design of the development approved on 142460 has an uncomplete and unfinished feel in the southern section with a one-sided street of bungalows facing west towards the open countryside. This is a consequence of the narrow southern area in the southern section of the site. This development would provide a small logical increase to the site to allow allocated housing numbers to be met, and to ensure a more holistic, complete and “rounded off” development. The proposed modest extension of the site would cover land in the open countryside to the west but this would be a practical and appropriate incursion into the open countryside to allow for a two-sided street at the southern end of the site. As identified on the hatched black plan earlier in this report a high percentage of the land outside the allocated site would be garden land providing an appropriate relationship to the open countryside to the west.

On balance and after careful consideration it is considered that the proposed development would provide a small logical increase to the site to allow allocated housing numbers to be met, and to ensure a more holistic “rounded off” development. Therefore, whilst the development is a departure from local policy S4 of the CLLP the benefits of the development outlined above would outweigh the harm caused by extending the site to the west without including first homes or exclusively affordable homes.

### Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies ‘to support sustainable economic growth and our quality of life’. Policy M12 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

*“Mineral sites (excluding dormant sites) and associated infrastructure that supports the supply of minerals in the County will be safeguarded against development that would unnecessarily sterilise the sites and infrastructure or prejudice or jeopardise their use by creating incompatible land uses nearby.”*

The site is in a Sand and Minerals Safeguarding Area. The Minerals and Waste Officer at Lincolnshire County Council has no objections to the development.

The development therefore accords with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

It is considered that policy M11 is consistent with the minerals guidance (chapter 17) of the NPPF and can be attached full weight.

#### Affordable Housing

Local policy S22 of the CLLP states that *“To help maximise what the planning system can contribute to meeting affordable housing need, affordable housing will be sought on all qualifying housing development sites:*

- a. of 10 or more dwellings or 0.5 hectares or more; or*
- b. within a designated rural area within North Kesteven District, of 5 or more dwellings.”*

Criteria j) of policy H2 of the SNP states that *“the development should provide a reflective mix of affordable homes on site as set out in the Central Lincolnshire Local Plan.”*

Local policy S22 of the CLLP also states that *“If a development scheme comes forward which is below these thresholds and thus does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then, if the combined total of dwellings or site size provided by the first scheme and the subsequent scheme/s exceed the thresholds in a) or b) as appropriate, then all of part one of this policy will be applied as a whole, with the precise level of affordable housing to be provided being ‘back dated’ to include the earlier scheme(s).”*

In this case there is a clear link between this application and the approved development on the allocated site to the east. This is because the development fits seamlessly with the approved development on the allocated site and has the same applicant. Therefore, whilst the number of dwellings (8) applied for does not trigger an affordable housing contribution in itself, the clear link between the two developments does. Scotter falls within Value Zone B (see Map 3, page 57 of the CLLP) therefore the development requires an affordable housing contribution of 20%.

The amended site and landscaping plan 10001 - S8 - P18 dated May 2023 in reserved matters approval 142460 identifies 10 affordable dwellings on a site of 43 dwellings (23.2%). The connected developments comprising 51 dwellings overall would require 10.2 affordable housing units at 20%. Ten affordable housing units permitted in reserved matters approval 142460 are secured leaving an off-site affordable housing commuted sum for 0.2 units. This commuted sum equates to £21,2265.60 (calculated from £106,133 per whole unit) and would need to be secured by a S106 Legal Agreement.

It is therefore considered that the 10 affordable dwellings already identified in reserved matters approval 142460 and the agreement to the paying of the commuted sum would meet the affordable housing requirement and would accord to local policy S22 of the CLLP and policy H2 of the SNP.

### Developer Contributions

#### *National Health Service/LCC Education:*

Local policy S45 of the CLLP sets out strategic infrastructure requirements. Local policy S45 and the Planning Obligations Supplementary Planning Document dated October 2023 does not give any guidance that NHS or Education contributions should be considered cumulatively with other developments with a clear connection to the application site. Therefore, as a standalone application for 8 dwellings it is not considered trigger the need for Education or NHS contributions.

#### *Open Space:*

Part A (New Open Space) of Local policy S51 of the CLLP states that *“In all new residential developments of 10 dwellings or more, development proposals will be required to provide new or enhanced publicly accessible open space, sports and leisure facilities to meet the needs of their occupiers in accordance with this policy, the standards set out in Appendix 3, and in compliance with the latest Central Lincolnshire Developer Contributions SPD (or similar subsequent document).”*

Policy O13 of the SNP states that *“New developments should provide a mix of private space and open space uses which meet local need, including children’s play areas, sports pitches, allotments and amenity green space to development plan standards. Where the provision of all or part of the required open space on a development site is not practical those development proposals should provide the outstanding amount off-site through the improvement of existing facilities, or through the provision of new open space, sport and recreational facilities.”*

The proposed development is for 8 dwellings therefore would not on its own trigger the need to assess local policy LP51 and provide new or enhanced open space, sports and leisure facilities.

However, the submitted site plan does identify an area of open grassed space measuring 2100m<sup>2</sup>. This area of open space has already been approved in reserved matters approval 142460 and its management and maintenance obligated within a signed Section 106 Legal Agreement. This area would provide some softening of the site and provide an area for the future residents.

Local policy S51 of the CLLP does not trigger the need for open space either on site (preferred) or off site. Policy O13 of the SNP does not identify a trigger for open space. Policy H2(c) of the SNP states that *“offsite contributions towards the play area on Elizabeth Close and open spaces within the Parish will be sought”*.

Following legal advice it is considered that the Local Planning Authority should not be seeking a public open space contribution in respect of the 8 dwelling and should only be considered again if an application for the entire allocated site is submitted.

The exception described after the asterisk in appendix 3 under table A3.2. states that “*smaller developments may be required to make a contribution where the development creates or exacerbates a deficiency of open space in the area*”. It is considered that this is not engaged.

As identified previously part of the site is outside but adjacent the allocated site. Policy H4 (Small Scale Residential Development) of the SNP sets out the acceptability of small-scale residential development in terms of the type of site (infill and brownfield sites) and its location within the developed footprint. There is no clarification within policy H4 on the maximum number of dwellings that could be classified as small scale. However, It is considered that 8 dwellings in the Scotter settlement would be classed as more than a small-scale housing development.

Policy L12 (Landscape and the Countryside) of the SNP provides detail on the protection of the landscape and countryside within the SNP designated area. Policy L12 does not provide any content which is specifically targeted to residential development in the countryside and is not considered a principle policy.

*Balancing Assessment:*

The principle of the development which falls within the allocated housing sites (WL/SCO/011 (S1 and S80) and CL4674 (H2)) has been established by its allocated status and the existence of the extant outline planning permission (134677) and reserved matters approval (142460).

The area of the development site outside the allocated site needs to be assessed against local policy S4 of the CLLP. There is no relevant policy within the SNP. The development would be within the 10-dwelling limit for housing developments in large villages. The proposed development would not be a First Homes exception site in accordance with the NPPF or exclusively for a rural affordable housing exception site.

It is therefore considered that the proposed development within the allocated site would accord with local policy S1 and S80 of the CLLP and H2 of the SNP. However, conversely it is considered that the proposed development outside the allocated site would not accord with section 3 of local policy S4 of the CLLP. The proposed development would therefore be a partial departure from the development plan if granted permission.

The site allocated in the CLLP and SNP has an awkward long narrow shape making it challenging to design a housing development for an indicative 51 dwellings with all the necessary infrastructure such as roads, footpaths and open space. The design is further challenged by the relationship of the site to the adjoining neighbours off Arrandale and Messingham Road. The proposed application would increase the size of the overall housing development to the west of North Moor Road by a small amount of floor space. The increase in the floor space would provide the space to introduce eight further dwellings which would enable the overall housing development to meet the 51 dwellings indicated in local policy S80 of the CLLP and policy H2 of the SNP.

It is considered that this is a significant material consideration which would modestly increase the size of the approved development on the allocated site and would logically provide ground space for all the indicative 51 dwellings to the west of North Moor Road and provide dwellings allocated to meet the housing targets of the CLLP and the SNP.

The layout and design of the development approved on 142460 has an uncomplete and unfinished feel in the southern section with a one-sided street of bungalows facing west towards the open countryside. This is a consequence of the narrow southern area in the southern section of the site. This development would provide a small logical increase to the site to allow allocated housing numbers to be met, and to ensure a more holistic, complete and “rounded off” development. The proposed modest extension of the site would cover land in the open countryside to the west but this would be a practical and appropriate incursion into the open countryside to allow for a two-sided street at the southern end of the site. As identified on the hatched black plan earlier in this report a high percentage of the land outside the allocated site would be garden land providing an appropriate relationship to the open countryside to the west.

On balance and after careful consideration it is considered that the proposed development would provide a small logical increase to the site to allow allocated housing numbers to be met, and to ensure a more holistic “rounded off” development. Therefore, whilst the development is a departure from local policy S4 of the CLLP the benefits of the development outlined above would outweigh the harm caused by extending the site to the west without including first homes or exclusively affordable homes.

#### Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies ‘to support sustainable economic growth and our quality of life’. Policy M12 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

*“Mineral sites (excluding dormant sites) and associated infrastructure that supports the supply of minerals in the County will be safeguarded against development that would unnecessarily sterilise the sites and infrastructure or prejudice or jeopardise their use by creating incompatible land uses nearby.”*

The site is in a Sand and Minerals Safeguarding Area. The Minerals and Waste Officer at Lincolnshire County Council has no objections to the development.

The development therefore accords with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

It is considered that policy M11 is consistent with the minerals guidance (chapter 17) of the NPPF and can be attached full weight.

### Affordable Housing

Local policy S22 of the CLLP states that *“To help maximise what the planning system can contribute to meeting affordable housing need, affordable housing will be sought on all qualifying housing development sites:*

- a. of 10 or more dwellings or 0.5 hectares or more; or*
- b. within a designated rural area within North Kesteven District, of 5 or more dwellings.”*

Criteria j) of policy H2 of the SNP states that *“the development should provide a reflective mix of affordable homes on site as set out in the Central Lincolnshire Local Plan.”*

Local policy S22 of the CLLP also states that *“If a development scheme comes forward which is below these thresholds and thus does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then, if the combined total of dwellings or site size provided by the first scheme and the subsequent scheme/s exceed the thresholds in a) or b) as appropriate, then all of part one of this policy will be applied as a whole, with the precise level of affordable housing to be provided being ‘back dated’ to include the earlier scheme(s).”*

In this case there is a clear link between this application and the approved development on the allocated site to the east. This is because the development fits seamlessly with the approved development on the allocated site and has the same applicant. Therefore, whilst the number of dwellings (8) applied for does not trigger an affordable housing contribution in itself, the clear link between the two developments does. Scotter falls within Value Zone B (see Map 3, page 57 of the CLLP) therefore the development requires an affordable housing contribution of 20%.

The amended site and landscaping plan 10001 - S8 - P18 dated May 2023 in reserved matters approval 142460 identifies 10 affordable dwellings on a site of 43 dwellings (23.2%). The connected developments comprising 51 dwellings overall would require 10.2 affordable housing units at 20%. Ten affordable housing units permitted in reserved matters approval 142460 are secured leaving an off-site affordable housing commuted sum for 0.2 units. This commuted sum equates to £21,2265.60 (calculated from £106,133 per whole unit) and would need to be secured by a S106 Legal Agreement.

It is therefore considered that the 10 affordable dwellings already identified in reserved matters approval 142460 and the agreement to the paying of the commuted sum would meet the affordable housing requirement and would accord to local policy S22 of the CLLP and policy H2 of the SNP.

## Developer Contributions

### *National Health Service/LCC Education:*

Local policy S45 of the CLLP sets out strategic infrastructure requirements. Local policy S45 and the Planning Obligations Supplementary Planning Document dated October 2023 does not give any guidance that NHS or Education contributions should be considered cumulatively with other developments with a clear connection to the application site. Therefore, as a standalone application for 8 dwellings it is not considered trigger the need for Education or NHS contributions.

### *Open Space:*

Part A (New Open Space) of Local policy S51 of the CLLP states that *“In all new residential developments of 10 dwellings or more, development proposals will be required to provide new or enhanced publicly accessible open space, sports and leisure facilities to meet the needs of their occupiers in accordance with this policy, the standards set out in Appendix 3, and in compliance with the latest Central Lincolnshire Developer Contributions SPD (or similar subsequent document).”*

Policy O13 of the SNP states that *“New developments should provide a mix of private space and open space uses which meet local need, including children’s play areas, sports pitches, allotments and amenity green space to development plan standards. Where the provision of all or part of the required open space on a development site is not practical those development proposals should provide the outstanding amount off-site through the improvement of existing facilities, or through the provision of new open space, sport and recreational facilities.”*

The proposed development is for 8 dwellings therefore would not on its own trigger the need to assess local policy LP51 and provide new or enhanced open space, sports and leisure facilities.

However, the submitted site plan does identify an area of open grassed space measuring 2100m<sup>2</sup>. This area of open space has already been approved in reserved matters approval 142460 and its management and maintenance obligated within a signed Section 106 Legal Agreement. This area would provide some softening of the site and provide an area for the future residents.

Local policy S51 of the CLLP does not trigger the need for open space either on site (preferred) or off site. Policy O13 of the SNP does not identify a trigger for open space. Policy H2(c) of the SNP states that *“offsite contributions towards the play area on Elizabeth Close and open spaces within the Parish will be sought”*.

Following legal advice it is considered that the Local Planning Authority should not be seeking a public open space contribution in respect of the 8 dwelling and should only be considered again if an application for the entire allocated site is submitted.

The exception described after the asterisk in appendix 3 under table A3.2. states that *“smaller developments may be required to make a contribution where the development creates or exacerbates a deficiency of open space in the area”*. It is considered that this is not engaged.

In addition to this the proposed open space approved in reserved matters 142460 is considered to be of sufficient size to meet the needs of the proposed development.

The proposed development would therefore accord to local policy S45 of the CLLP and the provisions of the NPPF.

*Community Infrastructure Levy (CIL):*

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22<sup>nd</sup> January 2018. This development would be liable to a CIL payment prior to commencement of works on the 8 dwellings.

Visual Impact

Local policy S53 of the CLLP sets out 10 criteria based on design and amenity. It is considered that criteria 1 (Context), 2 (Identity), 3 (Built Form), 5 (Nature) and 8 (Homes and Buildings) of S53 are the most relevant to the development.

Criteria a) of Policy H2 of the SNP requires *“the height, scale, mass and layout of the new properties should respect the scale, character and location of adjacent properties in Arrandale to the south”*.

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

The application site is not designated as a site for its special landscape or scenic quality.

The surrounding area of North Moor Road, Arrandale and Messingham Road comprises a mix of dwelling types and designs from modern two storey to older single and two storey dwellings.

The proposed eight new dwellings would be (approximate measurements in metres taken from submitted details):

Plot	Height	Eaves	Width	Length	Type	Bed	Garage	Parking
44	8.5	5.2	12.5	13.2	2 Storey	4	Att Single	3
45	8.2	5	15.4	13.2	2 Storey	5	Att Double	4
46	8.2	5	15.4	13.2	2 Storey	5	Att Double	4
47	8.2	5	15.4	13.2	2 Storey	5	Att Double	4
48	8.5	5.2	12.5	13.2	2 Storey	4	Att Single	3
49	8.2	5	15.4	13.2	2 Storey	5	Att Double	4
50	8.5	5.2	12.5	13.2	2 Storey	4	Att Single	3

51	8.2	5	15.4	13.2	2 Storey	5	Att Double	4
----	-----	---	------	------	-------------	---	---------------	---

(Key: Att = Attached and Det = Detached)

Reserved matters approval 142460 permitted the following housing mix:

- 19 three bedroom two storey dwellings
- 2 three bedroom single storey bungalows
- 12 two bedroom single storey bungalows
- 9 four bedroom two storey dwellings
- 1 five bedroom two storey dwelling

This development would change the overall development to 12 four-bedroom dwellings and 6 five bedroom dwellings. The overall 51 dwellings development would therefore still retain a good mix of housing.

Plan 10006 - P7 dated February 2023 and 10006 - P7 dated March 2023 identify the external materials to be used. The dwellings would be constructed from:

- A mix if red and buff brickwork
- Red pantile and slate roof tiles.

The proposed dwellings would integrate into the design and appearance of the dwellings approved in reserved matters approval 142460. The proposed external materials and design of the dwellings are acceptable.

The proposed eight dwellings would not be openly in view from north Moor Road or Messingham Road. The dwellings would be mostly visible from the rear of dwellings off Arrandale and Messingham Road.

It is not considered that the proposed dwellings would have an unacceptable harmful visual impact on the site or the surrounding area and would therefore accord to local policy S53 of the CLLP, policy H2 of the SNP and the provisions of the NPPF.

#### Residential Amenity

Criteria 8 d) of local policy S53 states that *“all development proposals will 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 proposed eight dwellings would not share a boundary with existing dwellings but proposed plot 50 and plot 51 would share a boundary with dwellings approved in reserved matters approval 142460. Plot 50 would share a boundary with approved plot 29 and plot 51 would share a boundary with approved plot 22. Proposed plots 44-49 would be opposite and facing approved plots 35-43

It is considered that the proposed eight dwellings would have a normal and acceptable relationship with the approved dwellings in 142460. The proposed dwellings given the separation distances, their position and the position of the

openings would not have an unacceptable harmful impact on the living conditions of any future proposed or approved dwellings.

All of the proposed eight dwellings would have more than sufficient external private garden spaces.

The proposed development would therefore accord to local policy S53 of the CLLP and the provisions of the NPPF.

#### Highway Safety

Local policy S47 of the CLLP require developments to contribute towards a safe highway.

Criteria d) of Policy H2 of the SNP states that development should “*provide new well connect and integrated public footpaths and cycle ways that link into the existing settlement;*”

Policy T8 of the SNP provides criteria for highway consideration for new roads and streets.

The proposed dwellings would be accessed from the vehicle access off North Moor Road already approved in 142460 to the east for 43 dwellings. The Highways Authority at Lincolnshire County Council have not objected on highway safety grounds or the arrangement of streets. The development would therefore accord with of policy S47 of the CLLP and policy H2 and T9 of the SNP.

#### *Off-Street Parking:*

Local policy S49 (see appendix 2) of the CLLP and section 2 of policy T9 of the SNP require developments to contribute towards a safe highway and set parking requirements based on the amount of bedroom a dwelling has.

Criteria g) of Policy H2 of the SNP states “*to provide adequate parking standards relevant to the size of the property*”.

Appendix 2 of the CLLP and policy T9 of the SNP differ in terms of their required spaces for the different size of dwellings. As the table demonstrates below the differences come when a dwelling has either 1 or 5 bedrooms.

	CLLP (S49)	SNP (T9)
1 Bedroom	1	2
2 Bedroom	2	2
3 Bedroom	3	3
4 Bedroom	3	3
5 Bedroom	3	4

The proposed 8 dwellings would have 3 parking spaces for each 4-bedroom dwelling (5 dwellings) and 4 parking spaces for each 5-bedroom dwelling. The Highways Authority at Lincolnshire County Council have not objected to the proposed level of

off-street parking provision. The development would therefore meet the parking standards of policy S49 of the CLLP and policy T9 of the SNP.

*Footpath Connectivity:*

Objections have been received in relation to connecting the proposed footpath to the existing footpath arrangement to allow access into the village centre. The objections received are based on the matter that the footpath to the south east of the vehicle access cannot be connected to the existing footpath due to third party land ownership.

In reserved matters application 142460 the Highways Authority at Lincolnshire County Council requested a condition demonstrating a 1.8 metre footpath/tactile crossing connecting the development to the existing footway network and this was considered reasonable and necessary. Therefore condition 3 on the reserved matters approval 142460 requires details of footpath connectivity including tactile crossing prior to above ground level development. The Highways Authority following discussion have agreed that the same condition attached to 142460 should be attached to 144062 if approved.

The approved plans in 142460 identify the location of a footpath to the north west and the south east of the vehicle access. These are also identified on the site plan with this application.

It is considered that the development would not have an unacceptable harmful highway safety impact and would meet the parking standards of the local and neighbourhood plan. The proposed development would therefore accord to local policy S47 and S49 of the CLLP, policy H2, T8 and T9 of the SNP and the provisions of the NPPF.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has to date not made any comments on the application. It is considered that the development would not be expected to have a harmful archaeological impact and would be expected to accord to local policy S57 of the CLLP and the provisions of the NPPF.

Flood Risk

Objections have been received on the risk of flooding caused by the development.

Local policy S21 of the CLLP states that *“all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.”*

Policy F11 of the SNP states that *“development should not increase flood risk. Planning applications for built development within Flood Zones 2 and 3 as shown on Proposals Map 4 must be accompanied by a site-specific flood risk assessment in line with the requirements of national policy and advice. All such proposals should demonstrate that flood risk will not be increased elsewhere and that the proposed development is appropriately flood resilient and resistant”.*

Local policy S21 and the National Planning Policy Framework (NPPF) requires a sequential approach towards locating development to areas at lower risk of flooding and the submission of a Flood Risk Assessment (FRA).

Assessment of the governments flood risk maps<sup>1</sup> it's appears that the site is almost exclusively located within flood zone 1 with an extremely small section of the south west corner in flood zone 3. The application has included a Flood Risk Assessment by William Saunders dated March 2023 which considers the site to be entirely within flood zone 1.

The Environment Agency have chosen not to comment on the application as it does not meet their criteria for comment. This would suggest that the Environmental Agency agree with the FRA that the entire site is in flood zone 1.

The proposed use of the site for dwellings is classed under Annex 3 (Flood Risk Vulnerability Classification) of the NPPF as being more vulnerable. With consideration of table 3 (Flood risk vulnerability and flood zone 'compatibility') of the NPPG and the position of the proposed built dwellings within flood zone 1 it is considered by the Local Planning Authority that the proposed eight dwellings would not be required to pass the sequential or exceptions test.

Paragraph 4.2.1 of the FRA states that *"At this stage it is presumed that floor levels generally will be set 150mm above adjacent ground levels to minimise risk of pluvial flooding"*. This can be conditioned if the recommendation is for approval.

It is therefore considered that the proposed dwellings would be located in flood zone 1, which sequentially is the preferred location as having the lowest risk of flooding and accords to local policy S21 of the CLLP, policy F11 of the SNP and the provisions of the NPPF.

### Drainage

Objections have been received in relation to drainage from the site.

Criteria k of the flood risk section of local policy S21 of the CLLP requires that:

*"they have followed the surface water hierarchy for all proposals:*

- i. surface water runoff is collected for use;*
- ii. discharge into the ground via infiltration;*
- iii. discharge to a watercourse or other surface water body;*
- iv. discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body;*
- v. discharge to a combined sewer;*

Criteria e) of policy H2 of the Scotter Neighbourhood Plan requires that *"appropriate flooding and surface water drainage are mitigated and the development must not lead to further issues elsewhere. The applicant will also be required to submit a foul and surface water drainage strategy"*.

The application has included a Preliminary Drainage Layout Plan (PDL) 39201 - P5 dated 3<sup>rd</sup> March 2023 and a Soaked CBR Letter Report dated 17<sup>th</sup> November 2022.

**Surface Water:**

Paragraph 80 (Reference ID: 7-080-20150323) of the Flood risk and coastal change section of the NPPG states that “*Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

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

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

The PDL states in summary that all roof drainage to be discharged to the plots permeable driveway and utilise the sub base of the permeable driveway to infiltrate into the ground. Roof water is to be connected to the driveways via a perforated distributor pipe. The highways would be drained via infiltration basin or infiltration strip with filter strip.

The Soaked CBR testing included excavating 5 machine trial pits and the report provides a summary of the ground conditions. These are:

**Topsoil:**

Within the trial pits slightly sandy gravelly clayey topsoil was proven to depths of between 0.25mbgl (TP05) and 0.40mbgl (TP01).

**Natural Deposits:**

Natural deposits underlying the topsoil generally comprised gravelly clayey sandy to a depth of between 0.50mbgl and 0.70mbgl with TP02 to TP05 underlain by sand to a termination depth of 0.70mbgl.

Table 1 summarises the testing results

Location	Position	Result (CBR%)	Average CBR %
TP01, 0.60m	Top	0.10%	0.15%
	Base	0.20%	
TP02, 0.60m	Top	0.50%	0.45%
	Base	0.40%	
TP03, 0.60m	Top	0.50%	0.50%
	Base	0.50%	
TP04, 0.60m	Top	0.60%	1.10%
	Base	1.60%	
TP05, 0.60m	Top	4.70%	2.90%
	Base	1.10%	



### *Foul Water:*

Paragraph: 020 (Reference ID: 34-020-20140306) of the water supply, wastewater and water quality section of the NPPG states:

*“When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.”*

The PDLP states that due to the site levels and the existing foul sewer levels it is necessary for a portion of the development to be served by a pumping station. The pumping station will discharge into new S104 foul sewers connecting to the existing sewer to the south of the site.

The discharge of foul water to the existing sewer is acceptable but a final plan is required in line with the latest plan.

Therefore, more comprehensive foul and surface water drainage details will need to be submitted for assessment through a condition discharge application at a later date.

Therefore, subject to a condition the development would not be expected to have an unacceptable harmful impact on drainage and accord to local policy S21 of the CLLP, policy H2 of the Scotter Neighbourhood Plan and the provisions of the NPPF.

### Landscaping

Local policy S53 of the CLLP and policy H2 of the Scotter Neighbourhood Plan again apply to the landscaping of the site. Criteria h) of policy H2 of the Scotter Neighbourhood Plan states that *“boundary treatments and landscaping must be appropriate to its rural setting particularly in relation to the open countryside to the north and west.”*

Details of landscaping are spread over a number of plans namely plan 10000 Rev P30 dated March 2023 (Site and Landscaping Plan), 10006 Rev P7 dated February 2023 (External Materials Plan) and 10008 Rev P7 dated March 2023 (Roof Tiling and Road Surfacing Plan).

Plan 10008 Rev P7 dated March 2023 (Roof Tiling and Road Surfacing Plan) provides clear and acceptable details of all hardstanding including the entrance bell mouth and 2-metre-wide pedestrian footpaths which are to be completed in tarmac to the highway authority's specification.

The landscaping details on site and landscaping plan (10000 Rev P30 dated March 2023) provides details of all boundary treatments dividing the plots and on the western outer boundaries of the site. The plots would be divided by fence panels. The western outer boundary of the site would be screened by the following:

- 1.2 metre high Lincolnshire style post and rail fencing with hedging for screening to the rear boundary of plots 44-49.
- 1.2 metre high Lincolnshire style post and rail fencing with hedging for screening to the side boundary of plots 50-51.
- 450-600 millimetre timber knee rail to the rear boundary of the open space

It is considered that the amended plan provides sufficient information on boundary treatments, however the plan lacks details of the tree species, hedging and aftercare.

Guidance within paragraph 131 of the NPPF states that unless there are clear, justifiable and compelling reasons not to "*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)*". It is considered that local and neighbourhood plan policy does not specifically refer to tree-lined streets but they do encourage appropriate landscaping to be submitted. Some of the proposed trees on the site plan line the streets adjacent the open spaces but tree-lined streets would not be present throughout the development.

Whilst most of the landscaping detail is considered acceptable it lacks clarification of soft landscaping in relation to species, planting height and aftercare.

Therefore, subject to further details through an additional condition the landscaping of the site would be expected to accord to local policy S53 of the CLLP, policy H2 of the Scotter Neighbourhood Plan and the provisions of the NPPF.

### **Other Considerations:**

#### Biodiversity Net Gain

Local policy S61 of the CLLP requires "*all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management*". Local policy S61 goes on to state that "*All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric*".

However, this application was valid on 10<sup>th</sup> December 2021 when the adopted Local Plan was the Central Lincolnshire Local Plan 2012-2036. Whilst revoked policy LP21 of the Central Lincolnshire Local Plan 2012-2036 required some net biodiversity gain

it did not require at least 10%. In this case with consideration given to the date of validation it is considered that it would be unreasonable to expect the applicant to satisfy the requirements of local policy S60(c) or S61 of the CLLP.

### Climate Change

Local policy S6 and S7 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. Local policy LP7 states that:

*“Unless covered by an exceptional basis clause below, all new residential development proposals must include an Energy Statement which confirms in addition to the requirements of Policy S6”.*

Local policy S7 provides guidance and criteria on the generation of renewable electricity and the limit on the total energy demand for each single dwelling (*“not in excess of 60 kWh/m<sup>2</sup>/yr”*).

As previously stated this application was valid on 10<sup>th</sup> December 2021 when the adopted Local Plan was the Central Lincolnshire Local Plan 2012-2036. Revoked policy LP19 of the Central Lincolnshire Local Plan 2012-2036 required consideration of renewable energy developments but it did not require all development to reduce energy consumption.

In this case with consideration given to the date of validation it is considered that it would be unreasonable to expect the applicant to satisfy the requirements of local policy S6 and S7 of the CLLP.

### **Conclusion and reasons for decision:**

The decision has been considered against policies 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, S12 Water Efficiency and Sustainable Water Management, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S22 Affordable Housing, S23 Meeting Accommodation Needs, S45 Strategic Infrastructure Requirements, S47 Accessibility and Transport, S49 Parking Provision, S51 Creation of New Open Space, Sports and Leisure Facilities, S53 Design and Amenity, S57 The Historic Environment, S60 Protecting Biodiversity and Geodiversity, S61 Biodiversity Opportunity and Delivering Measurable Net Gains, S66 Trees, Woodland and Hedgerows and S80 Housing Site in Large Villages of the Central Lincolnshire Local Plan 2023 and H2 Housing Allocation on North Moor Road, Scotter, H3 Housing Mix, H4 Small Scale Residential Development, D5 Design of New Development, T8 Roads and Streets, T9 Parking Standards, T10 Footpath and Cycle Routes, T11 Flood Risk, L12 Landscape and Countryside and O13 Open Space with new Development of the Scotter Neighbourhood Plan in the first instance. Furthermore, consideration is given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Code.

The application site is half within housing allocation WL/SCO/011 and half on land adjacent the allocated site. The principle of housing is acceptable on the allocated site through its allocation and the extant permissions. The acceptability of housing on

the half of the site adjacent the allocated site would be a departure from the development plan as the development does not propose a first homes or affordable housing exception site. The benefit of the proposed development would be to provide a small logical increase to the site to allow the indicative allocated housing number of 51 dwellings to be met. Therefore, whilst the development is a departure from local policy S4 of the CLLP the benefits of the development would outweigh the harm caused by extending the site to the west without including first homes or exclusively affordable homes. The development would not be expected to have an unacceptable harmful visual impact on the site or the surrounding area. It would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings or have an unacceptable harmful impact on flood risk, highway safety, drainage or archaeology.

**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 must be begun before the expiration of three years from the date of this permission.

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

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

2. No development must take place until a phasing plan for the construction of dwellings including the adjacent site to the east (approved in outline planning permission 134677 and reserved matters approval 142460) has been submitted to and approved in writing by the local planning authority. The development must be constructed in strict accordance with the approved phasing plan.

Reason: To ensure an appropriately phased approach to construction of the dwellings for the purposes of character and visual amenity and the proximity of the development to the approved 43 dwellings on the adjacent allocated site to the east to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2023 and policy H2 of the Scotter Neighbourhood Plan.

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

- i. the routing and management of traffic;
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi. wheel cleaning facilities;
- vii. measures to control the emission of dust and dirt;
- viii. details of noise reduction measures;
- ix. a scheme for recycling/disposing of waste;
- x. the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- xi. the hours of deliveries

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023.

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

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

- 10000 Rev P30 dated March 2023 – Site and Landscaping Plan
- 10006 Rev P7 dated February 2023 – External Materials Plan
- 10008 Rev P7 dated March 2023 – Roof Tiling and Road Surfacing Plan
- 139201 Rev P5 dated 3rd March 2023 – Foul Drainage Plan

Elevation and Floor Plans (unless stated all dated September 2018)

- 10606 Rev P2 dated September 2020 – Harrington Option A Elevation Plans (4B8P)
- 10625 Rev P1 dated April 2021 - Harrington Option A Handed Elevation Plans (4B8P)
- 10607 Rev P3 dated October 2020 – Harrington Option C Elevation Plans (4B8P)
- 10626 Rev P1 dated April 2021 - Harrington Option C Handed Elevation Plans (4B8P)
- 10404 Rev P2 dated September 2020 – Harrington Floor Plans (4B8P)

- 10412 Rev P1 dated April 2021 – Harrington Floor Plans – Handed (4B8P)
  - 10608 Rev P4 dated October 2020 – Harrington Plus Option A Elevation Plans (5B10P)
- 10609 Rev P4 dated October 2020 – Harrington Plus Option C Elevation Plans (5B10P)
- 10627 Rev P1 dated April 2021 – Harrington Plus Option A Handed Elevation Plans (5B10P)
  - 10628 Rev P1 dated April 2021 – Harrington Plus Option C Handed Elevation Plans (5B10P)
  - 10405 Rev P4 dated October 2020 – Harrington Plus Floor Plans (5B10P)
  - 10427 Rev P1 dated April 2021 – Harrington Plus Handed Floor Plans (5B10P)

The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2012-2036 and policy H2, D5 and T9 of the Scotter Neighbourhood Plan.

5. No development above ground level must take place until details of a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority.

The scheme must:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100-year critical storm event, with an allowance for climate change, from all hard-surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to GRR;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No occupation of each individual dwelling must take place until its individual drainage has been fully completed in strict accordance with the approved scheme. The approved scheme must be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development to accord with the National Planning Policy Framework, local policy S12 and S21 of the Central Lincolnshire Local Plan 2012-2036 and policy D5 and T11 of the Scotter Neighbourhood Plan.

6. No development above ground level must take place until the following additional landscaping details have been submitted to and approved in writing by the Local Planning Authority. Details must include:

- Native species, planting height and aftercare of all new trees.
- Mix of native species, planting arrangement, planting height and maximum height.

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

Reason: To ensure that appropriate landscaping is introduced and would not harm the character and appearance of the site or the surrounding area to accord with the National Planning Policy Framework, local policies S53 of the Central Lincolnshire Local Plan 2023 and D5 of the Scotter Neighbourhood Plan.

7. No development above ground level must take place until a detailed specification and plan for:

- a 1.8 metre wide footway with tactile crossing to connect the development hereby approved to the existing footway network to the north east and/or south east **and**
- a 1.8 metre wide footway to the front of the site to connect development hereby approved to Northmoor Park Playing Field to the north.

has 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. No occupation of the development must take place until the connecting footway and tactile crossing has been fully completed in strict accordance with the approved scheme.

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 to accord with the National Planning Policy Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and T10 of the Scotter Neighbourhood Plan.

8. No occupation of a dwelling hereby approved must take place until, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, must be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels to accord with the National Planning Policy Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and D5 of the Scotter Neighbourhood Plan.

9. No development above ground level must take place until an Estate Road and Phasing Plan for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The Plan must set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development. The development must be completed in strict accordance with the approved details.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development to accord with the National Planning Policy Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and D5 of the Scotter Neighbourhood Plan.

10. No occupation of each individual dwelling must take place until its individual driveway or parking space(s) has been completed in accordance with 10000 Rev P30 dated March 2023 dated May 2023 and retained for that use thereafter.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework, local policies S47 and S53 of the Central Lincolnshire Local Plan 2023 and policy D5 and T9 of the Scotter Neighbourhood Plan.

11. The development must be completed in strict accordance with the external materials plan 10006 Rev P7 dated February 2023 and Roof Tiling and Road Surfacing Plan 10008 Rev P7 dated March 2023.

Reason: To safeguard the character and appearance of the site, the area and the area of great landscape value and to ensure the proposal uses materials and components that have a low environmental impact to accord with the National Planning Policy Framework, local policies S53 of the Central Lincolnshire Local Plan 2023 and policy D5 and T9 of the Scotter Neighbourhood Plan.

12. The floor levels of the dwellings hereby approved must be constructed at least 150 millimetres above the immediate surroundings ground level.

Reason: To prevent flooding and protect the future residents to accord with the National Planning Policy Framework, local policy S21 of the Central Lincolnshire Local Plan 2012-2036 and policy T11 of the Scotter Neighbourhood Plan.

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

13. All planting or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework, local policies S53 of the Central Lincolnshire Local Plan 2023 and policy D5 of the Scotter Neighbourhood Plan.