

# Officers Report

## Planning Application No: 147461

**PROPOSAL:** Planning application to erect 2no. dwellings.

**LOCATION:** Land off Bridle Way Market Rasen LN8 3ZT

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllr S Bunney, Cllr M K Westley and Cllr E L Bennett

**APPLICANT NAME:** Stirlin Developments Ltd.

**TARGET DECISION DATE:** 12/12/2023 (Extension of time agreed until 16<sup>th</sup> August 2024)

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Danielle Peck

**RECOMMENDED DECISION:** Grant planning permission with conditions.

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The application was deferred at the planning committee meeting of the 17th July to allow members to carry out a site visit on 25th July.

The application is referred to the planning committee for determination due to the objections received from Market Rasen Town Council and neighbouring occupiers stating material planning matters which are considered to be finely balanced.

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**Site Description:** The application site comprises of an area of undeveloped land to the north west of Bridle Way within Market Rasen. The site is currently overgrown with some unmaintained shrubbery and trees within and surrounding the site. Other residential dwellings and their garden areas adjoin the site to all boundaries.

**The Proposal:** The application seeks full planning permission for the erection of 2no. dwellings with detached garages. The dwellings are of a dormer style with rooms in the roof and the following approximate measurements;

- **Plot 1- Three bed detached dwelling;** A depth of 9m, width of 11.6m, a max eaves height of 4.6m and a total overall height of 7.2m. Plot 1 also has a single storey off shoot- 3.6m in depth and 5.4m in width, eaves height of 2.6m and 5m in total height. **Detached double garage-** 6.2m by 6.2m, eaves height of 2.7m and total height of 5.1m.
- **Plot 2- Three bed detached dwelling;** A depth of 9m, width of 14.8m, a max eaves height of 3.5m and a total overall height of 7.3m. **Detached double garage-** 6.2m by 6.2m, eaves height of 2.7m and total height of 5.1m.

**Relevant history:**

**121736-** Planning Application for erection of 5no. bungalows with integral garages. Granted with conditions 24/04/2008.

### **Representations:**

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

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

**Market Rasen Town Council:** At the Full Council Meeting of Wednesday 8th November, Market Rasen Town Council voted unanimously to object to the planning application on the following grounds;

- The proposed dwellings are not in keeping with those in the surrounding area.
- The area is an important ecological site.
- The proposed development is simply infilling and does not have sufficient access for either the developers or those who will reside in the properties.

### **Local residents:**

**Objections have been received from the following addresses:**

- No.s 2, 4,5, 17 and 19 Horseshoe Way, Market Rasen;
- 49 The Ridings, Market Rasen;
- No. 1, 2 and 8 Bridle Way, Market Rasen;
- 3 Lawrence Way, Middle Rasen.

**Comments/Objections summarised as follows;**

### **Ecology**

- The site is rough grassland and provides habitats for small mammals;
- The planning officer should consult with ecological and wildlife agency's who do not have vested interest in the development;
- To claim that building houses with large gardens (which would only have ecological benefits if they were left wild) have anything but a detriment to the current ecological environment are false and misleading.
- Biodiversity is likely to have temporarily diminished in the area due to the developer's activities over the past few years, and it should now be given an opportunity to rebound.
- I have seen great crested newts, bats, starling murmuration and hedgehogs in my own garden;
- I was told that planning permission wasn't granted for that plot in question because it was protected for environmental reasons.

### **Drainage/Flooding**

- The proposal/additional development will increase surface water flood risk to existing properties in the catchment;
- The new pond serving Horseshoe Way and the long standing main attenuation pond were already at risk of overflowing during the recent rainfall event on 20 October. Anglian Water had to attend. The main attenuation pond flooded badly during the rainfall event in August 2022;
- Anglian Water are not concerned regarding new SW inputs to their system, but I suspect the SW modelling does not incorporate the significant field run-off that enters the system;
- This therefore requires a full re-appraisal, and involvement of Anglian Water before any more development is allowed in this already overloaded SW catchment. Not doing so, will put at further risk all the properties in this area.

### **Character/Design**

- The houses are not in keeping with the overall design of the estate namely bungalows;
- This departure from the established architectural style of the neighbourhood is contrary to local planning policies that emphasize the importance of maintaining the character and visual harmony of the area.

### **Residential Amenity**

- Concerns with overshadowing of garden areas;
- Concerns with overlooking;
- The residents of this area have been living with construction noise for the past three years. Due to the positioning of this location, how they are going to have to get into the site, and the size of the equipment, a further construction phase is likely to generate significant noise levels, potentially causing disturbance to the residents.
- The developer needs to be more respectful of neighbouring dwellings during building works;
- Concerns with light pollution.

### **Parking/Highways**

- Concerns based on the experiences during previous construction in the area. The Stirlin workers and contractors for The Orchards site parked on the pavement, causing inconvenience and challenges for disabled persons' access.
- Construction vehicles blocking pavements or roads can make the area impassable for disabled individuals, posing a significant hardship;
- Concerns with the maintenance of the roads- who will repair damage;
- Concerns with using a wheelchair, If construction proceeds, there will inevitably be vans and HGV's using the street for access and parking, further threatening safety

### **Other**

- The covenants for those buying bungalows on The Orchards contains a clause that prevents owners from objecting to further development by the same builder on adjacent land.

**LCC Highways/Lead Local Flood Authority:** No objections. 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. Bridle Way is a private 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 the junction with Horseshoe Way. 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.

**Archaeology:** Archaeological evaluation and monitoring has been undertaken in connection with development to the north, south and west which suggest no significant archaeological remains extend into this site. No archaeological work is required.

**West Lindsey Building Control:** The FW drainage proposals are fine, they are connecting to a public sewer so no major issue there. Also, the surface water drainage proposals seem fine. The system will deal with the two new plots with no problems, utilising a retention basin and flow-controlled discharge to a public SW sewer. Surface water flooding is mentioned in the report, it highlights a high risk of surface water in two low points shown on the contoured site plan. A solution is mentioned in that plot 2 should be lifted and this will indeed protect the property, it will not prevent or alleviate the existing (and probably continuing) surface water flooding, but it also shouldn't make it worse.

**Central Lincolnshire Principal Ecology and Wildlife Officer:** BNG wise, as it is pre statutory there are certain aspects we can allow (the garden planting, pond retention of small trees in gardens for example) but this still leaves them at -3.28%. They have proposed offsite, but it is hypothetical they don't have land they intend to use. This means we would need to condition that they provide evidence of the purchase of 0.24 units (any type) or 0.48 statutory credits (category A1) before commencement (this won't be hugely expensive). Alternatively, we could allow for some small tree planting in the gardens or native scrub at the north edge of the pond as it is pre statutory.

We need to condition the production of a habitat management and monitoring plan inline the initial habitat creation and the management proposed in the Biodiversity Impact Assessment and Enhancement Plan –

For the newts my preferred approach would be if development commencement post March 2025 that an eDNA sample of pond 3 be taken before commencement (this is due to the pond being listed as a breeding pond in 2020) , should it be positive further population surveys and a mitigation licence must be sought due to the impact on foraging/commuting habitat. If the results are negative or development begins before

March 2025 the development should proceed in strict coherence of the proposed mitigation strategy. This covers us in case the population returns.

There are also some other mitigations (bat/bird boxes) in the PEA and Biodiversity Impact Assessment and Enhancement Plan we should condition.

**System Checked: 02/07/2024**

### **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); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

- ***Central Lincolnshire Local Plan 2023 (CLLP)***

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns

Policy S6: Design Principles for Efficient Buildings

Policy S7: Reducing Energy Consumption- Residential Development

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S66: Trees, Woodland and Hedgerows

<https://www.n-kesteven.gov.uk/central-lincolnshire>

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

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

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

#### 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:

*"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)."*

[https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)

- - **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 Code (2021)**  
<https://www.gov.uk/government/publications/national-model-design-code>
  - *Neighbourhood Plan*

There is currently no neighbourhood plan in preparation within the Market Rasen Parish.

### **Main issues**

- Principle of Development;
- Visual Amenity/Character;
- Residential Amenity;
- Energy Efficiency;
- Drainage;
- Ecology and Biodiversity;
- Highways.

### **Assessment:**

#### Principle of Development

- Policy S1 of the CLLP sets out a settlement 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.

Within Policy S1, Market Rasen is defined as a Market Town and falls within Tier 3 of the settlement hierarchy, it states;

*To maintain and enhance their roles as market towns, Caistor and Market Rasen will be the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. This growth will primarily be through sites allocated in this Local Plan and any applicable neighbourhood plan. In addition to sites being allocated in the Local Plan or a neighbourhood plan, development proposals in accordance with Policy S3 and other relevant development plan policies will be viewed positively.*

Policy S3 of the CLLP relates to housing in the Lincoln Urban Area, Main Towns and Market Towns. Where not specifically identified as an allocation or an area for change with the plan proposals within the developed footprint at appropriate locations will be supported in principle.

The application site is clearly located within the developed footprint of Market Rasen being adjoined by other residential dwellings and/or their garden areas to all boundaries. It would also meet the appropriate location test in that the development of the site would retain the core shape and form of the settlement and would not significantly harm its character and appearance (discussed further in the visual/character section of this report).

It is therefore considered that the proposal is acceptable in principle and accords to Policies S1 and S3 of the Central Lincolnshire Local Plan.

#### Visual Amenity/Character

Policy S53 of the CLLP requires that *'all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place which demonstrates a sound understanding on their context. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing, and form. Important views into, out of and through a site should also be safeguarded.'*

The application proposes 2no. detached dwellings of a dormer style, with rooms in the roof. As well as detached double garages. Concerns have been raised from the Town Council and neighbouring residents stating that the dwellings are not in keeping with those in the design of properties surrounding area. It is fully acknowledged that bungalows are the main house type within the immediate vicinity of the site, being located along Bridle Way and Horseshoe Way. However other two storey dwellings do adjoin the site to the north east and west of Plot 2.

The dwellings are set back into the site, away from the street scenes of Horseshoe Way and Bridle Way and would not be read in the same context as these properties in the same way as those along Bridle Way are read in conjunction with those along Horseshoe Way. It is not considered that the development these dwellings would be at such a detriment to the character of the area to warrant a refusal on these grounds.

Proposed materials are to consist of red facing brickwork with slate effect roof tiles as well as cill and header detailing to window openings. Within the surrounding area there is a mixture of materials such as buff and red brick, grey and red/brown roof tiles. The proposed dwellings would therefore be likely to assimilate within the area.

Overall, the proposals accord to the aims of policy S53 of the CLLP, the proposed design of the dwelling is considered to be appropriate and would not harm the character of the area.

### Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things.

Part 8, criteria d of Policy S53 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;*

Concerns have been raised from neighbouring residents in relation to overlooking and overshadowing impacts from the proposed dwellings. In this case the nearest residential properties are as follows;

- No. 5 Horseshoe Way- located adjacent to the west boundary of Plot 1- Separation distance of 12.1m;
- No.7 Horseshoe Way and no. 1 Bridle Way- located to the south west and east boundaries of Plot 1 respectively- Separation distances of 10.m and 7.8m.
- No. 8 Bridle Way- located to the east of Plot 1- Separation distance of 26m;
- Myland, Legsby Road- located to the east of Plot 2- garden area is 4m away from shared boundary;
- No.s 3,4 and 5 Hunt Close- Located adjacent to the west boundary of Plot 2- Separation distances of 17-20m.

Separation distances from the proposed dwellings to nearest shared neighbouring boundaries are detailed on the plan below;





Fig 1- Separation distances.

In relation to overlooking, the rear elevation of Plot 1 would have 2no. rooflights in its rear (east) roof slope, one of which serves a bedroom and the other serving a bathroom. Whilst some views toward no. 5 Horseshoe Way would occur, it is not considered to be at a detriment to the amenity of these neighbouring occupiers. Other openings in plot 1, to the north, east and south elevations are also considered to be sufficient distances away from neighbouring dwellings as to not cause unacceptable levels of overlooking. Minor levels of overlooking are also not unusual within residential areas.

With regards to plot 2, this would be the same, with rooms in the roof and rooflights in its rear elevation. All other openings in this dwelling are located appropriately as to not have any harmful overlooking impacts.

Overall, mainly owing to the separation distances between the proposed and existing dwellings as well as the orientation of the site, the proposal is considered acceptable in terms of impacts on neighbouring amenity and would accord to the aims of Policy S53 of the CLLP.

### 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/m<sup>2</sup>/yr and a site average total energy demand of 35 kWh/m<sup>2</sup>/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m<sup>2</sup>/yr, irrespective of amount of on-site renewable energy production.*

The application has been accompanied with a comprehensive energy statement. The statement details how the dwellings have been considered against the design expectations of Policy S6. The policy guidance is clear that the more benefits that can be achieved through steps 1-3, the more reward can be achieved, and the least amount needs to be achieved by steps 4 and 5. The design principles set out in the policy and how these have been considered in the design process are as follows:

**Orientation of buildings-** One of the bungalows is afforded a southerly orientation, and the other easterly, in order to increase the benefit from passive gains. In the main the design and layout of the units affords a reasonable amount of passive solar gain to the lounge, kitchen/diners and main living areas. The layouts are typical of modern homes with good levels of natural light afforded to the main living spaces.

**Form of buildings-** The proposed construction form is traditional masonry, it is therefore expected that the high mass and good insulation levels in this proposed scheme will provide an effective medium for managing internal temperatures, both having the ability to both hold heat and cool.

**Fabric of buildings-** The proposed construction is masonry with an insulated full fill cavity, with a lightweight block and low conductivity to further support the fabric performance. Triple glazed windows increase the energy efficiency of the proposed dwellings but with a lower G value solar gains are controlled. The aspiration is that the masonry approach provides good thermal mass, which in turn will assist with regulating internal temperatures throughout the year. To summarise, all of the main building elements outlined in Table 2 have been designed to provide a thermally efficient building envelope that achieves a standard of construction as required by the Energy Efficiency Design Guide.

**Heat Supply-** The statement considers space heating, water heating, lighting and ventilation. Air source heat pumps, led lighting and mechanical ventilation with heat recovery will be used for the dwellings heating.

**Renewable Energy Generated-** The proposed dwellings are calculated to have a space heating demand of- Plot 1 5.30 kwh/m<sup>2</sup>/yr Plot 2- 4.96 kwh/m<sup>2</sup>/yr and a total energy demand of Plot 1 31.01 kwh/m<sup>2</sup>/yr and Plot 2 30.68 kwh/m<sup>2</sup>/yr. To meet the total energy demand of the dwellings details of the solar arrays to be provided on the dwellings state that they will cover the total energy demand of the dwellings over a course of a year. Overall the proposal accords to Policies S6 and S7, subject to conditions.

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## Drainage

The application site is located within Flood Zone 1 (lowest risk of flooding). The site (northern part) does contain two small areas which are identified as at risk of surface water flooding, outside of where the dwellings would be located. The application has been accompanied with a Drainage Strategy/FRA by William Saunders dated August 2023.

Concerns have been raised by some neighbouring occupiers in relation to surface water and the impacts this would have on neighbouring properties. Photographs have been submitted of surface water flooding on nearby roads not within the site itself.

The submitted drainage strategy states the following:

*The ground conditions are not considered suitable for surface water to be discharged through infiltration. Ground investigation on Phase 1 (Bridle Way) had found shallow groundwater is an issue across the site. Given this the use of soakaways for the discharge of surface water is not considered viable due to the high-water table in places.*

*It is proposed to connect the two new plots to the existing surface water system as constructed for Bridle Way. The surface water system is controlled by a control chamber and attenuation basin. The surface water discharge from the overall development does not exceed the previous rates at 2 l/s. The surface water runoff generated by the proposed development will be managed in a manner which will ensure no risk of flooding or increased risk to surrounding properties, at present and considering allowances for future climate change.*

The information has been reviewed by the Council's Building Control Team, who state the following:

*The surface water drainage proposals seem fine. The system will deal with the two new plots with no problems, utilising a retention basin and flow-controlled discharge to a public SW sewer.*

*A solution is mentioned in that plot 2 should be lifted and this will indeed protect the property, it will not prevent or alleviate the existing (and probably continuing) surface water flooding, but it also shouldn't make it worse.*

The topographical survey shows that existing ground level is 27.68AOD where plot 2 will be located. The finished floor level for this plot would be 28.4AOD, it would therefore be set approx. 600mm higher than the existing ground level, this is considered to be acceptable.

Foul water is proposed to connect to the existing public sewer which is acceptable in principle.

Whilst the proposal would increase the areas of impermeable land there remains large amounts of permeable areas surrounding the proposed dwellings. Given the information submitted, the strategy for surface and foul water drainage is considered

to be acceptable and shows that surface water flooding would not be made worse on neighbouring sites through the development and the proposal would accord to the aims of Policy S21 of the CLLP.

### Ecology and Biodiversity

The application has been accompanied with a suite of documents which address matters of ecology and biodiversity, as follows;

- Preliminary Ecology Appraisal (PEA) by CGC Ecology;
- Great Crested Newt Survey by CGC Ecology;
- Arboricultural Report by EQUANS;
- Biodiversity Net Gain (BNG) Metric;
- BNG Impact Assessment and Enhancement Plan by Ecology Resources dated April 2024.

The application was submitted prior (December 2023) to the mandatory legislative requirement for developments to provide a 10% gain on site. Nevertheless, the proposal still falls to be considered by policies S60 and S61 of the Central Lincolnshire Local Plan. Policy S60 and S61 of the CLLP state that;

*All development should:*

- a) protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- b) minimise impacts on biodiversity and features of geodiversity value;*
- c) deliver measurable and proportionate net gains in biodiversity in accordance with Policy S61; and*
- d) protect and enhance the aquatic environment within or adjoining the site, including water quality and habitat.*

*Following application of the mitigation hierarchy, 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.*

*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.*

For the purposes of the policies, the proposal is qualifying development. Concerns have been raised from neighbouring residents of the impact of development in relation to biodiversity and ecology matters/impacts and the existing use of the site by protected species. The Town Council have described the site as an "important ecological site". The site is not however known to have any specific ecological designation.

The applicant has submitted a Biodiversity Enhancement Report during consideration of the application. It identifies the baseline as being modified grassland, mixed scrub and ruderal / ephemeral.

## Biodiversity Net Gain

The submitted Biodiversity Metric shows and a conditions assessment within the Biodiversity Impact Assessment and Enhancement Plan by Ecology Recourses dated April 2024.

The report and metric state the following in terms of baseline figures and units created:

Table 6. Project BNG net unit change						
	Baseline score	Units Lost	Units Created	Net Unit Change	Deficit	Percentage Change
Habitat Units	1.82	0.61	0.55	-0.06	0.24	-3.29%
Hedgerow Units	0.02	0.00	0.68	0.68	0.00	3975.85%

A review of the development proposals and of the results of the habitat surveys indicates that:

- The development will result in the loss of modified grassland, mixed scrub and ruderal/ephemeral, which equates to 0.61 Habitat units.
- No hedgerow units are expected to be lost to development.
- The proposed scheme does not achieve the minimum 10% Net Gain in Habitat units.
- It will result in a 3.29% biodiversity net loss of habitat units on site;
- However it achieves a significant net gain in Hedgerow units.

Despite the inclusion of a new pond habitat the proposal would not achieve a biodiversity net gain (BNG) and would result in a net loss of -3.29% in habitat units. There would be a 3975.85% gain in hedgerow units.

Policy S61 states:

*"Biodiversity net gain should be provided on-site wherever possible. Off-site measures will only be considered where it can be demonstrated that, after following the mitigation hierarchy, all reasonable opportunities to achieve measurable net gains on-site have been exhausted or where greater gains can be delivered off-site where the improvements can be demonstrated to be deliverable and are consistent with the Local Nature Recovery Strategy."*

The applicant has proposed biodiversity measures on the site, but would still amount to an overall net loss. The applicant's report states *"In order to achieve 10% Net Gain*

*ca, 0.24 habitat units are required and this will likely require offsetting due to the limited scope for habitat creation within the current proposals"*

This has been reviewed by the Central Lincolnshire Ecologist who advises that the developer would need to purchase 0.24 units of any type or 0.48 of statutory credits (category A1). Evidence of the purchase will be required to be provided pre commencement by condition.

Further biodiversity enhancement can also be secured in the garden areas by additional tree/shrub planting to be provided in a landscaping scheme. It is also considered necessary to condition the production of a habitat management and monitoring plan which is in line with the habitat creation and management plan in the Biodiversity Impact Assessment and Enhancement Plan.

#### - *Ecology*

The Ecology Report states the following in relation to species, suitability of the site and if there was any evidence of the species using the site at the time of the survey (carried out in 2023):

**Birds-** A small number of common birds were seen or heard during the survey. The scrub and the trees on site have high potential for nesting by common bird species. Any removal/management of any trees or scrub on site should commence outside the active nesting season which typically runs from early March through to early September. If work commences during the bird breeding season, a search for nests should be carried out beforehand by a suitably experienced ecologist, and active nests protected until the young fledge.

**Bats-** There are no trees on the survey site that are considered suitable to support roosting bats. No further work is required in respect of bats if any trees on site are to be managed or felled. Local bats will likely be using the survey area and adjacent habitats for foraging and commuting, and the redevelopment of the site may have an impact on the availability of foraging areas for bats within the local landscape. There will be no requirement for bat activity surveys providing precautionary measures are implemented to ensure that bats can continue to use the site for foraging and commuting once the development has been completed.

The report also recommends that bat and bird boxes/bricks are used in the proposed dwellings, this will be secured by condition.

#### *Great Crested Newts*

There are 8 ponds within 500m of the site- see Fig below taken from PEA:



Figure 2 below shows the locations of the eight ponds within 500m of the survey site.

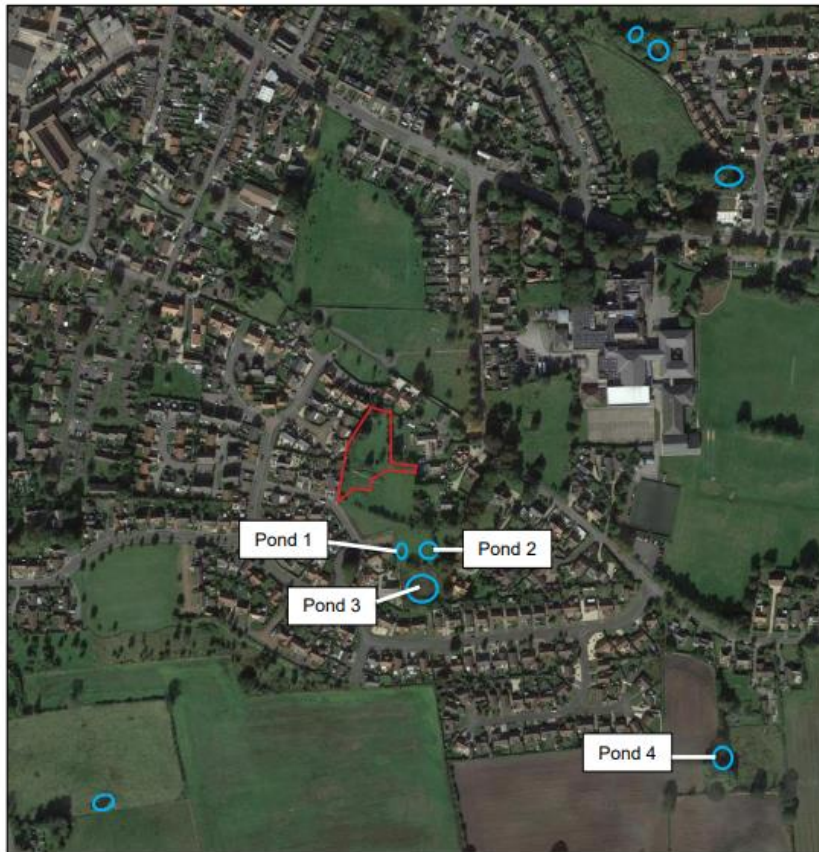


Figure 2: Locations of the eight ponds within 500m of the site (Google Maps, 2023)

The Great Crested Newt Survey, also by CGC Ecology details the following:

*The surveys indicate that Ponds 1 and 2 do not support great crested newts, mainly due to the lack of water and aquatic vegetation for egg-laying. Pond 3 appears to not be in use as a breeding pond for great crested newts this year, although it was confirmed as a breeding pond in 2020. Pond 3 appears to be in use by breeding smooth newt *Lissotriton vulgaris* in very small numbers, with one gravid female found.*

*As the results of the surveys indicate that great crested newt are not breeding within any of the three ponds within 100m of the proposed development site, it is not considered necessary to apply for a mitigation licence from Natural England prior to commencement of development, but a strict Mitigation and Compensation Strategy must be adhered to, as this species is known to have previously occurred in the area.*

The survey has also been reviewed by the Central Lincolnshire Ecology and Wildlife Officer. They have advised that if development is to commence post March 2025 then an eDNA sample of pond 3, this is due to the pond being listed as a breeding pond in 2020.

Taking this advise a pre-commencement condition will require the submission of a mitigation strategy and if the development is to commence after March 2025 then a

subsequent eDNA sample will need to be done from Pond 3. At present there is no need for a Natural England licence. Therefore, subject to conditions the proposal is acceptable in relation to the impacts upon Great Crested Newts.

It is also acknowledged that as part of the mitigation for the potential loss of foraging/commuting habitat a new breeding pond is proposed in the garden area of Plot 2. This would be secured by condition and would be very much a buyer beware situation in that any future occupiers of Plot 2 would be aware of the planning condition associated with this pond.

### *Trees*

The existing site contains Category B and C trees as assessed and detailed within the Arboricultural Report by EQUANS. Existing trees at the site will be retained as shown on plan reference J2121 00103 Rev E their retention will also continue to provide habitat features within the site.

It is not considered necessary to or reasonable to condition that an arboricultural method statement is submitted prior to commencement, however a condition will ensure the recommendations regarding construction methods are followed during works. Overall, the proposal accords to the aims of Policy S66 in relation to trees.

### Highways

Policy S47 requires that developments should demonstrate, where appropriate that they have had regard to the following criteria:

- a) Located where travel can be minimised and the use of sustainable transport modes maximised;*
- b) Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, car clubs, walking and cycling links and integration with existing infrastructure;*
- c) Making allowance for low and ultra-low emission vehicle refuelling infrastructure.*

The application site would use access off Bridle Way to the south east which joins with Horseshoe Way. As Bridle Way is a private road, the highways authority has reviewed the proposal in relation to the highway safety impacts at the junction, the impacts are considered to be acceptable. The access provides good visibility and it is not considered that there would be a harmful impact upon highway safety, given that the proposal comprises of 2no. dwellings.

As well as the above, each plot shows that there is ample off-road parking and turning provision within the site. Policy S49/ Appendix 2 of the CLLP states that three bed dwellings within Market Towns need to provide 2 parking spaces, the site plans show that this would be achievable. The proposal would accord to Policies S47 and S49.

**Conclusion and reasons for decision:** The application has been considered against Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S2: Growth Levels and Distribution, Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns, Policy S6: Design Principles for Efficient Buildings, Policy S7:



Reducing Energy Consumption- Residential Development, Policy S12: Water Efficiency and Sustainable Water, Management, Policy S21: Flood Risk and Water Resources, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, Policy S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains, Policy S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan in the first instance, the provisions of the NPPF and guidance contained within the NPPG.

In light of this assessment the site is within the developed footprint of Market Rasen, a sustainable Market Town. The proposal would not harm the character and appearance of the area and would not have unacceptable impacts upon residential amenity. The proposal is acceptable in terms of impacts upon highway safety, drainage and ecology subject to conditions. The application is recommended for approval subject to conditions.

### **RECOMMENDED CONDITIONS**

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

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

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

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

2. No development hereby permitted shall take place unless evidence to demonstrate that the biodiversity value attributable to the development shall exceed the pre-development biodiversity value of the onsite habitat by at least 10%, has been submitted to and agreed with the Local Planning Authority.

The biodiversity value attributable to the development is the total of—

- (a) the proposed post-development biodiversity value of the onsite habitat,
- (b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and
- (c) the biodiversity value of any biodiversity credits purchased for the development.

Where criteria (b) or (c) apply, the evidence will need to demonstrate that registered offsite biodiversity gain and/or biodiversity credits has been secured, as appropriate.

Development may only proceed in accordance with the agreed details.

**Reason:** To ensure the development compensates for the on site biodiversity loss, and achieves an overall biodiversity net gain of 10%, to accord with Policy S61 of the Central Lincolnshire Plan.

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

3. The proposed hedgerows, newt mitigation pond and mixed scrub as detailed in the submitted Biodiversity Impact Assessment and Enhancement Plan by Ecology Resources and the Habitat Enhancement Plan dated April 2024 shall be completed prior to the occupation of any dwelling and retained in perpetuity for the lifetime of the development.

**Reason:** To protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and policy S60 of the Central Lincolnshire Local Plan.

4. The development shall proceed in strict accordance with the Outline Mitigation and Compensation Strategy set out within Section 7 (Pages 10-14) of the Great Crested Newt Survey by CGC Ecology dated June 2023.

**Reason:** To protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and policy S60 of the Central Lincolnshire Local Plan.

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

- Proposed Block Plan J2121 00102
- Proposed Site Layout J2121 00103 Rev E
- House Type Plot 1 J2121 00104 Rev E
- House Type Plot 2 J2121 00105 Rev E
- Double Garage to Right (plot 2) J2121 00106 Rev B
- Double Garage to Left (Plot 1) J2121 00107 Rev B

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

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

6. No development, other than to foundations level, shall take place until details of all external facing materials, boundary treatments and the locations of the bat and bird boxes have been submitted to and approved in writing by the local planning authority. The development shall proceed only in accordance with the approved details.

**Reason:** In the interests of visual amenity to accord with policy S53 of the Central Lincolnshire Local Plan.

7. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement and PV panel details (Plot 1 and Plot 2) by Focus received on 01/05/2024 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).

8. 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 Focus received on 01/05/2024 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).

9. The development hereby permitted shall proceed in accordance with the surface water and foul water drainage details submitted as part of the application and detailed within the Drainage Strategy by William Saunders Dated August 2023. 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.

10. No services shall be laid within the development for the provision of piped natural gas.

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

11. The development hereby approved must only be carried out in accordance with the recommendations set out in Preliminary Ecology Appraisal by CGC Ecology dated 2023.

**Reason:** In the interest of nature conservation to accord with the National Planning Policy Framework and local policy S60 of the Central Lincolnshire Local Plan.

12. The development hereby approved must be carried out in accordance with the recommendations as set out in the Arboricultural Report by EQUANS.

**Reason:** To ensure the existing trees on site are protected during construction in accordance with Policy S66 of the Central Lincolnshire Local Plan.

13. 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:**

14. All planting, seeding or turfing comprised in the approved details of landscaping as required by condition 3 shall be carried out in the first planting and seeding season following the occupation of the building(s) or 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 shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and occupiers of adjacent buildings and in accordance with Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

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

**Reason:** To safeguard the character and appearance of the area and the amenity of the neighbouring occupiers, in accordance with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting 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.

**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 22<sup>nd</sup> 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>.

**Great Crested Newts-** It is recommended that if any site works are to commence post 1<sup>st</sup> March 2025 then a further eDNA test on Pond 3 should be carried out and advise sought from Natural England regarding a Great Crested Newt Licence if there is a positive result.

## **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