

[6.] Full Planning Permission

S/094/00132/ 24 **APPLICANT:** Hockley Homes,

VALID: 12/02/2024 **AGENT:** Studio Bark,

PROPOSAL: Planning Permission - Erection of a detached dwelling with detached car port, erection of 3no. detached holiday lodges, alterations to existing workshop building, excavation of land to form 2no. ponds and provision of associated access and car parking.

LOCATION: DEANS FARM, KIRKBY LANE, KIRKBY ON BAIN, LN10 6YZ

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The proposed development contains a number of different elements including a dwelling to be considered under paragraph 84 of the National Planning Policy Framework (on the basis of an exceptional quality of design which would be sited in an isolated location and so be contrary to the housing policies of the Local Plan and therefore a departure from the development plan for the district.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site is an irregular shaped piece of land located in a countryside location, approximately 320m to the east of the settlement edge of Woodhall Spa, in the parish of Kirkby on Bain. Kirkby Lane runs along the northern boundary of the site. It is a former chicken farm site with two of the poultry sheds still present, in a semi-derelict state. Before the poultry farm use, the site was also used as a RAF base. The access into the site is off Kirkby Lane in the northern part of the site and this currently leads onto a grassed area with the poultry units close by.

2.2 To the west of the access is a former RAF small sewage building.

2.3 Beyond the poultry units is a grassed area with a number of mature trees around the boundaries of the site and also a significant number of newly planted trees in various zones. In the western part of the site is a current clearing amongst the existing vegetation with a fairly open boundary to the west with agricultural land beyond.

2.4 The site lies in a heavily wooded area with woodland to the north, west and immediate east.

2.5 There are several trees with Tree Preservation Orders along the roadside boundary.

2.6 The nearest neighbour to the site is Woodlands to the north on the opposite side of Kirkby Lane.

2.7 The Kirkby Moor Site of Special Scientific Interest (SSSI) immediately

adjoins the site to the east.

2.8 The site area of the application site is 2 hectares.

2.9 The site lies in Flood Zone 1.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 The proposal involves a number of elements which results in a "whole site approach" to the development of the site and forms a distinctive character to the development. It is set out in the application submission that all the elements are intended to lead to a sustainable and zoned approach to the development of the site.

3.2 The erection of a new dwelling is proposed in the western part of the site and this is put forward as being of exceptional architecture to meet the requirements of paragraph 84 of the National Planning Policy Framework (NPPF). The proposed dwelling is two storey and is to be rendered with wood detailing. It is proposed to construct the dwelling out of miscanthus bales and it will have a rammed earth core running centrally through the dwelling.

3.3 A detached car port with solar panels which can accommodate four cars is proposed close to the entrance to the site.

3.4 Three fully accessible holiday lodges are proposed in the central area of the site which are to be constructed in the same materials and to the same high levels of sustainability as the proposed dwelling.

3.5 Two ponds are to be excavated in the centre of the site which the lodges are to be positioned around, and associated access roads and car parking is also proposed.

3.6 One of the existing former poultry houses on the site has already been in use as a workshop for the applicant and it is proposed to demolish the redundant part of this building and the remainder of the building will continue to be used as a workshop.

3.7 A Sustainable Urban Drainage System (SuDs) is to be provided on the site incorporating swales and a retention pond.

3.8 The proposal also involves the planting of a large number of new trees and various biodiversity enhancement measures throughout the site.

3.9 The proposal is accompanied by the following documents:

- Ecological Appraisal
- Tree Report and Survey
- Arboricultural Impact Assessment
- Arboricultural Method Statement and Protection Plan
- Landscape and Visual Appraisal

- Planning Statement
- Design Statement
- Sustainability Statement
- Life Cycle Assessment
- Energy Modelling Analysis
- Market Appraisal
- Flood Risk Assessment and Outline Sustainable Drainage Strategy
- Site Access Appraisal
- Ground Contamination Investigation and Assessment Phase 1 Desk Study

4.0 CONSULTATION

4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Publicity

4.2 The application has been advertised by means of a press notice and site notice and neighbours have been notified in writing. The application has also been advertised on site and in the local press as a departure from the Local Plan.

Consultees

4.3 KIRKBY ON BAIN PARISH COUNCIL – Support. The proposal for lodges could bring possible tourists into the area which is great but the road is very dangerous and would need a footpath installed to Woodhall Spa cemetery to ensure safer travelling.

4.4 ROUGHTON PARISH COUNCIL – Although site is not in our parish, wish to comment that the road is narrow with limited visibility and no lighting or pavement; the proposed development would have a detrimental impact on the wildlife and fauna of this area; the plot could accommodate further development in the future which is a concern.

4.5 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY – No objections subject to planning conditions being imposed regarding surface water disposal and the submission of a Construction Management Plan and Method Statement.

4.6 ENVIRONMENTAL SERVICES (Environmental Protection) – No response received at the time of writing this report.

- 4.7 ENVIRONMENTAL SERVICES (Drainage) – No response received at the time of writing this report.
- 4.8 ENVIRONMENTAL SERVICES (Contamination) - The Phase 1 Desk Study indicates there are asbestos roofs on the site and that further information is needed as to whether there is any contamination beneath the solid concrete floors of the poultry houses. This information can be addressed by condition.
- 4.9 NATURAL ENGLAND – No objection subject to appropriate mitigation being secured through a Construction Environment Management Plan and mitigation measures being secured in relation to recreational disturbance to the SSSI. If appropriate mitigation is not secured we consider the proposal would damage or destroy the interest features for which Kirkby Moor Site of Special Scientific Interest has been notified. These measures can be secured by appropriate planning conditions or obligation.
- 4.10 ELDC CARAVAN LICENSING – Proposed holiday lodges are too large to fall under the legal definition of a caravan and so this team are unable to licence them.

Neighbours

- 4.11 Seven 7 letters of representation received raising issues of:
- Highway safety
 - Lack of footway
 - Loss of trees
 - Loss of habitat/impact on wildlife
 - Contamination of stream bordering site
 - Increase in litter
 - There is already disabled holiday accommodation available nearby
 - Woodhall Spa is at peak capacity for visitors
 - Light and noise pollution
 - Drainage/flooding
- 4.12 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

- S/094/2092/10 - Planning Permission - Change of use of existing agricultural land for the siting of 19no. static caravans (mobile chalets) and erection of a detached building to provide a reception area, office, games room, W.Cs and store, erection of a sewage

treatment plant, refuse collection area, associated parking and access roads on the site of existing poultry houses which are to be removed. REFUSED and DISMISSED AT APPEAL

- S/094/2976/09 - Planning Permission - Change of use of existing agricultural land for the siting of 34no. static caravans (mobile chalets) and erection of a detached building to provide a reception area, office, games room, W.C's and store on the site of existing poultry houses which are to be removed. REFUSED
- S/094/2760/05 - Planning Permission - Erection of 2 no. poultry houses with egg store, provision of 2 no. feed silos, installation of 2 no. water tanks, and 2 no. existing poultry houses to be demolished. APPROVED
- S/094/2094/04 - Planning Permission - Erection of 2no. poultry houses with egg store, provision of 2no. feed silos, installation of 2no. water tanks, 2no. existing poultry houses to be demolished. REFUSED
- S/094/1205/92 - Planning Permission - Erection of 2no. poultry houses connected by ancillary buildings and provision of 2no. bulk feed hoppers on the site of existing poultry house which is to be demolished. APPROVED

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

SP1 - A Sustainable Pattern of Places

SP2 - Sustainable Development

SP10 - Design

SP15 - Widening the Inland Tourism and Leisure Economy

SP16 - Inland Flood Risk

SP22 - Transport and Accessibility

SP23 - Landscape

SP24 - Biodiversity and Geodiversity

SP27 - Renewable and Low Carbon Energy

National Planning Policy Framework

Background Documents

National Planning Policy Framework

East Lindsey Local Plan

National Planning Policy Guidance

Lincolnshire Economic Plan 2016-2030

Wildlife and Countryside Act 1981

Countryside and Rights of Way Act 2000

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

ELDC Climate Change Strategy

East Lindsey Landscape Character Assessment

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

7.1 The main planning issues in this case are considered to be:

- **Principle of development as a whole in this location having regard to local and national policy;**
- **Impact on character of area;**
- **Impact on neighbours;**
- **Highway safety;**
- **Biodiversity;**
- **Flood risk and drainage;**
- **Impact on trees;**
- **Other matters.**

Principle of development as a whole in this location, having regard to local and national policy

7.2 The application site lies to the east of the village of Woodhall Spa. A previous appeal on the site for the outline erection of seven dwellings (reference S/094/01945/16) was refused and dismissed at appeal. In the

decision, the Appeal Inspector outlined the following with respect to the location of the site:

- 7.3 *The appeal site is in open countryside several hundred metres beyond the edge of the nearest settlement of Woodhall Spa. It has no physical or visual link to any settlement. Although there are some individual dwellings, on large plots, spaced out further along Kirkby Lane, there is no sense of the site being part of an established residential area or hamlet. As such, I consider it to be isolated.*
- 7.4 Due to the isolated nature of the site, this application has been submitted under the criteria of being an exception to the national policy position for avoiding the development of isolated homes in the countryside as identified at paragraph 84 of the National Planning Policy Framework (NPPF). Paragraph 84 states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of a number of circumstances apply. One of these circumstances (part e) is as follows:
- ...the design is of exceptional quality, in that it:*
- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*
- 7.5 The erection of the proposed dwelling on this site is submitted on this basis. A significant amount of information has been submitted with the application to show why the proposed dwelling is of outstanding architecture, through the use of natural materials, carbon embodiment, sustainable operation and renewable energy production. The dwelling also has not been submitted as a stand-alone dwelling, but as part of a wider approach to the development of the site to provide significant enhancements to the immediate setting in terms of new trees, habitat ponds, water strategies and a food growing area. The site will be ecologically zoned reflecting historic subdivisions on the site shown on OS maps. Therefore, the dwelling is not to be seen in isolation, but as a whole-site approach to the development and improvement of this previously developed site.
- 7.6 In terms of detail, the dwelling has been submitted with the aim of creating a flagship of carbon considerate design. The house will be constructed using local materials such as miscanthus bales and timber with a commitment to using local craftsmanship. The house will be orientated with passive heating and cooling in mind, using a combination of controlled glazing and exposed solid surfaces to reduce operational energy demands. The use of miscanthus insulation wall panels will reduce the impact of construction and using locally sourced miscanthus will reduce embodied carbon. The energy demand of the dwelling will be met by on-site renewables. There will be a rammed earth core running

through the centre of the dwelling which will act as a thermal store. The frame of the dwelling will be raised off the ground with screw piles which offer a very low impact foundation solution.

- 7.7 In terms of the sustainable approach to the construction of the dwelling, no high carbon products like cement will be used, existing materials on the site will be reused, particularly for the creation of the rammed earth core, no conventional heating system is needed, the dwelling will be to Passivhaus standard airtightness and will meet the Passivhaus Plus standard for on-site energy generation via PV array on the roof of the proposed car port. Rainwater harvesting will also be utilised. The Sustainability Appraisal submitted with the application details that the lifetime carbon emissions of the proposed dwelling can be wholly offset by the planting of 39 new trees. The proposed PV panels will deliver 30kWh annually and will enable 15,000kWh to be exported to the grid each year.
- 7.8 The planning statement submitted with the application sets out the following statement in terms of the exceptional performance of the dwelling:
- Burford House will have quantifiably exceptional performance on aspirational embodied carbon standards such as LETI and RIBA 2030, and in exceeding by 40% the energy efficiency requirements of the very latest aspirational Passivhaus classification. This is objective evidence of the exceptional nature of the design.*
- 7.9 Moreover paragraph 139 of the NPPF states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability.
- 7.10 The design of the dwelling itself takes inspiration from the historic buildings in Woodhall Spa. The first floor cantilevers by 150mm over the ground floor, which references historic buildings in Woodhall Spa, while also helping to break down the mass of the dwelling. The design and plan form of the dwelling is completely unique due to the internal layout being arranged around an almost metre thick structural rammed earth wall. The design concept has taken careful analysis of solar angles, solar shading and thermal mass and these approaches have created a certain quality of space and light internally. The information submitted with the application relays that a pastiche approach to the dwelling has not been taken, but instead the research of local buildings has led to a "reinterpretation of locally relevant vernacular buildings" (taken from the Exceptional Design Statement submitted with the application). The construction of the building itself has played a large role in the resultant design of the dwelling.
- 7.11 The proposal has not been presented to a Design Review Panel as is encouraged for paragraph 84 houses. As clarification 'design review' is usually an independent assessment of a development proposal by a panel of multi disciplinary professionals and experts to help inform and improve design quality in new development. However, in this case, the application

submission itself seeks to address some of the common comments relayed by Design Review Panels (which although encouraged within the NPPF and Planning Practice Guidance, is not a policy requirement).

- 7.12 In this particular case, it is considered that the emphasis of the submission is on the built sustainability credentials of the proposed dwelling and that much of this is based on factual models of the performance of the dwelling, all of which have been submitted as part of the application, rather than a subjective approach to the overall design of the scheme. The design of the dwelling itself does perhaps not immediately "shout out" exceptional design, but the application submission details the approach to the dwelling which is evident in terms of 'nods' to the distinctive design of Woodhall Spa through the incorporation of timber detailing, and the close consideration of solar gain and cooling in window designs. This is all evident in the design.
- 7.13 However, as already noted in this report, the application has been submitted as a whole site approach, rather than solely for the erection of a dwelling. The submission details the history of the site, from the former use as a RAF base, and then a poultry farm. The scheme incorporates elements of these previous uses through the retention and restoration of the RAF sewage building close to the entrance of the site, retention of part of one of the poultry units as a workshop, the zoning of the site to reflect the historic subdivision of the site and the creation of a growing area to reflect the former uses. In addition, the applicant has already planted 3000 new trees on the site and invested heavily in various biodiversity measures which have attracted raptors and reptiles to the site. More measures are proposed which will result in a Biodiversity Net Gain of 22.59% on the site (it should be noted that this application was submitted prior to 10% BNG becoming mandatory). The aim of the applicant is to manage the site for biodiversity purposes, and it will be properly landscaped to achieve this. Officers therefore consider that this proposal can be considered as a whole site development rather than for one individual, stand-alone dwelling with other elements. As such there are other material considerations to consider, in addition to the design of the dwelling itself. In this case, the sustainability credentials of the dwelling, along with the biodiversity elements of the site as a whole, are acknowledged and considered to result in an exceptional approach to the site development, notwithstanding the lack of critique through a Design Review process.
- 7.14 An impressive and substantial amount of information and evidence accompanies the application detailing the carbon embodiment of the scheme, along with the use of natural materials, use of local craftsmanship, the aim to educate local builders in miscanthus and rammed earth construction, aim of creating a flagship dwelling of "carbon considerate design" resulting in a dwelling and site that would be truly outstanding as per the requirements of paragraph 84 of the NPPF. The unique approach to the construction of the dwelling will help to raise the

standard of design in this rural area and would significantly enhance the immediate setting of this semi-derelict, previously developed site in a way that would be sensitive to the local area. It is therefore considered that the proposed dwelling meets the very strict criteria of paragraph 84.

- 7.15 The proposal also includes the erection of three holiday lodges. SP15 of the East Lindsey Local Plan is concerned with widening the inland tourism economy. Clause 3 sets out that the Council will support new log cabins and chalets where sites are in close proximity to a town, large or medium village, providing it can be demonstrated that they add to the built and natural environment by the provision of extensive landscaping and green infrastructure, do not cause unacceptable harm to the wider landscape, protected or important habitats, heritage assets and their settings and they have safe access to the relevant settlement with vehicles and pedestrians being segregated.
- 7.16 Woodhall Spa is defined as a Large Village in SP1 of the Local Plan. The site is approximately 320m from the edge of Woodhall Spa and as such it is considered the site does not lie within close proximity of the village. In addition, there is no footway available for pedestrians and vehicles to be segregated. The proposed lodges therefore, do not comply with the locational criteria of SP15. Extensive landscaping is proposed however, and it is accepted that the application proposal would not unduly harm the wider landscape character.
- 7.17 To further support the application, a justification/business plan as to why the development is "exceptional" and why it should be permitted contrary to the locational criteria of SP15 is provided. A Market Appraisal has been submitted with the application which details the proposal and how it fills a gap in the market that currently isn't on offer elsewhere in Woodhall Spa. The basis of this approach is that the proposed lodges will be fully accessible for wheelchairs. It is detailed that the disabled visitor market is significant and growing as society ages. It goes on to set out that there is no purpose designed accessible holiday accommodation in the local area and that most lodges that are advertised as "accessible" are standard lodges with ramps and not always fully accessible as a result.
- 7.18 In addition, it is proposed to construct the lodges in the same design and to the same construction standard as the dwelling and as such will be of outstanding architectural quality. It is put forward that the lodges will be a source of education for construction professionals and that it would attract people to stay who are interested in architecture. The lodges will be constructed to the same sustainability standard with miscanthus walls. This will enable a longer season and attract visitors in the winter months which is a gap in the market because the lodges will be warm by virtue of their construction. The lodges will also be ventilated by mechanical means giving safe filtered air that can help with allergies and sensitivities to pollution which would also represent a unique selling point for the development.

7.19 Overall, it is considered that the proposed lodges would offer something different, particularly by virtue of their accessibility but also their construction. Their construction and design will be a unique selling point and it is considered that this outweighs the lack of compliance with the locational requirements of SP15.

Impact on character of area

7.20 SP10 of the East Lindsey Local Plan states that the Council will support well-designed sustainable development which maintains and enhances the character of the area and uses high quality materials. The layout, scale, massing, height and density should also reflect the character of the surrounding area.

7.21 As set out in the previous section of the report, the proposal needs to be considered as a single, comprehensive project in enabling the landscape and biodiversity enhancements incorporated into the development. The existing site is a semi-derelict former poultry farm with two large poultry units. The site as a whole appears overgrown and the poultry units are visible from the road and public views via the access. In Winter there are more views available into the site. The site lies in a heavily wooded, rural setting and the current derelict buildings on the site do appear at odds with the surrounding rural character.

7.22 The proposed dwelling is situated in the western part of the site, away from the road. Due to existing and proposed landscaping, along with the proposed lodges and car port, there would be limited views available of the dwelling. The proposed lodges are to be constructed in the same materials as the dwelling which will provide a synergy through the site. The proposed car port is to be sited close to the entrance but will be sited behind existing landscaping and although will accommodate four cars, is a relatively low structure so will not appear overly prominent, particularly when considering the scale of the existing poultry units on the site.

7.23 A Landscape and Visual Impact Appraisal has been submitted with the application. This document outlines that local tree cover is such that views of the proposed development would be restricted to within 100m of the site, apart from a possible open aspect to the south-west which corresponds primarily with an extent of open agricultural fields. The site lies in the landscape character area of F1 Woodhall Spa to Coningsby River Terrace, and the overall landscape character sensitivity of this area is moderate to low.

7.24 This Appraisal sets out that the lodges are set well back within substantially vegetated areas. Views would be filtered in the winter months and largely screened in the summer months. The single storey garage would be the most obvious building due to its proximity to the road.

7.25 It concludes that overall, "visual effects would range from 'negligible' at the most distant view point, to 'slight to moderate' close to the site.

These effects would be considered to be neutral improving to 'beneficial' over time due to the change from derelict buildings to sensitively designed buildings clad with natural materials and located within a developing, naturalistic landscape setting."

- 7.26 Based on the conclusions on this report, the design and layout of the scheme, along with the significant landscaping and biodiversity enhancements proposed, it is considered that the proposed development will not result in an adverse impact on the character of the area. The development, when considered as a whole, is noted as having been designed to blend in with the woodland setting and rural character of the site.

Impact on neighbours

- 7.27 SP10 of the East Lindsey Local Plan sets out that development will be supported if it is designed to or unacceptably harm any nearby residential amenity.
- 7.28 The nearest neighbour to the application site is Woodlands, on the opposite side of Kirkby Lane to the north. The proposed dwelling and lodges are in the centre and western part of the site with the remaining eastern area being left for landscaping and biodiversity enhancements. This results in the built part of the development being a considerable distance away from this neighbour. Another property, Moor Holt, adjoins Woodlands to the east.
- 7.29 The proposed lodges and dwelling will be far enough away to not result in adverse overlooking or loss of privacy. The occupiers of Moor Holt have objected but no representation has been received from Woodlands. Objections raised are mainly on the grounds of the proposal not being policy compliant, highway safety, light and noise pollution and impact on wildlife.
- 7.30 The provision of three holiday lodges, set in a landscaped setting amongst surrounding woodland is unlikely to result in significant levels of noise pollution.
- 7.31 A condition can be attached to control lighting at the site. It is common practice to attach conditions to holiday sites requiring details of lighting to be submitted and agreed. If any lighting is required, it would only be low level that would be acceptable in this rural location and this can be controlled by condition.
- 7.32 In terms of impact on neighbour amenity, it is considered that the proposed development would not result in an adverse impact on neighbours by virtue of its layout and small scale.

Highway safety

- 7.33 The majority of third party objections received refer to highway safety as being a concern. Kirkby Lane is a 60mph road and has no footway.

There is however a wide verge along one side of the road which is wide enough for pedestrians to step onto to avoid vehicles. Clause 3 of SP15 does require development of holiday accommodation to have a separate road and footway into the nearest settlement. However, Members will be aware that this is generally considered more on a case by case basis because in some rural areas it is very difficult to access the nearest settlement without having to walk along a road for at least some distance. It is considered that despite there being no footpath, there would be opportunity for users of the site to access Woodhall Spa via the grass verge alongside the road.

- 7.34 LCC as Highway Authority have been consulted and they have raised no objections to the proposal. They have considered historical data regarding road accidents and there have been two "slight" accidents within the past five years with neither of these being attributed to the site access. They have confirmed that visibility at the access complies with Manual for Streets. They have also confirmed that the proposed access is adequate in width to enable two cars to pass in opposing directions.
- 7.35 The site already has permission for use as a poultry farm which would have generated a comparable amount of trips.
- 7.36 LCC has gone on to request a condition be attached to any permission regarding a Construction Management Plan which would require details to be submitted of the phasing of the development, the provision of on-site parking of construction vehicles and wheel washing facilities for example.
- 7.37 It is therefore considered that there is no evidence to suggest that the proposal would not result in an adverse impact on highway safety.

Biodiversity

- 7.38 Paragraph 180 of the NPPF states that development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. SP24 of the Local Plan is concerned with biodiversity and geodiversity and clause 1 states that development proposals should seek to protect and enhance the biodiversity and geodiversity value of land and buildings and minimise fragmentation and maximise opportunities for connection between natural habitats.
- 7.39 The site adjoins Kirkby Moor, a Site of Special Scientific Interest. The proposed development is in the western part of the site, away from the immediate boundary of Kirkby Moor. Improvements to biodiversity at the site plays a key role in the proposed development. The applicant has already planted 3000 new trees and has plans for a further 1000.
- 7.40 An Ecological Appraisal has been submitted with the application which shows that slow worm, common lizard, grass snake and adder are present on the site which are all protected species. In addition, Barn Owls use one of the buildings for roosting but not nesting. Bats also use the same building, and the boundaries of the site are of high value to foraging bats.

- 7.41 The plans show further significant enhancements of the site in terms of biodiversity with the creation of two ponds, a wildflower meadow, and further trees. The Ecological Appraisal details several recommendations for the development in terms of biodiversity which can be controlled via a planning condition. Measures include the provision of bird and owl nest boxes and precautionary methods of work for reptiles and badgers.
- 7.42 Based on the findings of the Ecological Appraisal, and subject to a condition controlling the recommended mitigation measures for the site, it is considered that the proposed development will not result in an adverse impact on wildlife.
- 7.43 Although the application was submitted prior to the recent Biodiversity Net Gain legislation coming into force, the application still addresses this and details that the proposal will lead to a net gain of 22.59%. The report recommends that within three months of development commencing, the applicant should submit a BNG Management Plan to the Local Planning Authority for approval. In this case, the application has been submitted on the foundation of the sustainability of the proposed development and the biodiversity improvements for the site as a whole justifying a departure from adopted policy. As such, in this case it is considered that the net gain in biodiversity plays a fundamental role in the success of the development and helps address the strict requirements of paragraph 84 of the NPPF. It is therefore considered, that if permission is granted, a condition securing BNG as proposed is imposed.

Flood Risk and Drainage

- 7.44 The application site lies in Flood Zone 1. The Environment Agency maps indicate that the site experiences some surface water flooding and this aspect has been addressed in detail in the Flood Risk Assessment (FRA) accompanying the application. According to the FRA, there is an error in the maps because the flooding indicates the high risk area through the centre of the proposed site and does not follow the lowest levels. As such, the site topography would tend to lead any pluvial flows to the north west rather than accumulating on the site and the report concludes that the risk of flooding from pluvial sources is actually low.
- 7.45 A sustainable surface water drainage strategy has been outlined for the development and research shows that the site is likely to be able to support the use of infiltration. It is proposed that the surface water will be directed into a pond via swales where it will infiltrate into the higher level sand and gravel.
- 7.46 Foul water will be disposed of via a package treatment plant as there are no public maintained sewers within 400m of the site.
- 7.47 LCC as Lead Local Flood Authority have raised no objections to the proposed drainage and have requested a condition be attached requiring the details of the surface water drainage scheme to be submitted.

Impact on trees

- 7.48 Several trees protected by Tree Preservation Orders are present on the frontage of the site. A Tree Report and Survey, along with an Arboricultural Impact Assessment have been submitted with the application. This report details that the tree population is mostly located along the site's boundaries, but some trees cannot realistically be retained based on the proposed layout. 102 trees were surveyed and in total six trees will need to be removed due to their condition and one tree will need to be removed to facilitate development. The report details that the impact of the removal of the trees is considered minimal and will not have a significant negative impact on the landscape character of the area. The trees are of poor quality and value and have limited long-term prospects.
- 7.49 It is important that the trees either side of the access which have TPOs are protected and the report details various mitigation measures to protect the trees and their roots. A condition can be attached to ensure these mitigation measures are followed.
- 7.50 The report concludes that the proposal will not have a detrimental impact on the tree population on the site.

Other matters

- 7.51 A Phase I Contamination Report has been submitted with the application which indicates asbestos in the roof sheeting. The removal of asbestos is dealt with via separate legislation and specialist contractors will be brought in to carry out this work. The report details that the existing poultry units have solid concrete floors so there is no way of fully investigating any potential contamination under these floors. As such, the Council's Scientific Officer has confirmed that further work will need to be carried out but this can be addressed by conditions.
- 7.52 The application site, as detailed within this report, lies in an isolated location away from the main settlement of Woodhall Spa where unrestricted dwellings would not usually be permitted. As such it is important that the proposed lodges have holiday conditions attached to ensure that they are not used for permanent residential purposes.
- 7.53 Several local objections have been received and the majority of points raised have been addressed within various sections of this report. One additional point raised is that Woodhall Spa is at peak capacity for visitors. There is no limit in planning policy for the number of holiday units that can be provided in an area. Another objection received is in relation to potential pollution of The Sewer, a stream running along the boundary of the site. There is no evidence to suggest that this will occur. Conditions controlling contamination and foul and surface water drainage will ensure no pollution occurs from these sources.
- 7.54 Roughton Parish Council (as neighbouring parish) has objected to the scheme on the grounds of highway safety, future expansion of site and impact on wildlife. These issues have been discussed within this report and any future expansion of the site would require planning permission

and any issues surrounding this would be considered at that time. Kirkby on Bain Parish Council support the proposal.

8.0 CONCLUSION

- 8.1 The proposal is for the erection of a new dwelling of exceptional design quality and architecture that would comprise a “flagship of carbon considerate design” under paragraph 84 of the NPPF. A significant amount of information has been submitted with the application to demonstrate how the dwelling will embody carbon, be self sufficient in terms of energy generation whilst also being able to export energy back to the grid, will utilise local natural materials and act as a learning resource for local craftsman with a view to encouraging the proposed materials as more common building materials.
- 8.2 The site as a whole has been designed to have ecological zoning, with a biodiversity net gain of over 20%. A significant number of trees have already been planted and further planting is proposed. The overall approach to the site will be one of landscaped areas suitable for this rural setting.
- 8.3 The proposed lodges, whilst being contrary to the locational requirements of SP15, are being presented as a unique approach to holiday accommodation with the lodges being constructed in the same innovative way that the dwelling will be constructed. This will represent a unique place to stay, with all lodges being fully accessible and with a view to the biodiversity present at the site being a large attraction and offering a unique setting for holidays. This “business plan” for the site presents strong reasons for why this development should be permitted in this location which outweighs the lack of compliance with the locational requirements of SP15.
- 8.4 It is considered that the proposal as a whole will not result in an adverse impact on the character of the area, and will enhance this woodland setting. There is no evidence to suggest that the scheme will result in an adverse impact on neighbours and any potential light pollution can be addressed by suitably worded planning conditions.
- 8.5 LCC as Lead Local Highway Authority have no objections to the scheme and although the concerns of neighbours and the neighbouring Parish Council are noted, there is no evidence to suggest that the proposed development will result in adverse highway issues. It is acknowledged that there is no footway linking the site with the edge of Woodhall Spa but there is a wide grassed verge available along Kirkby Lane which would be suitable for visitors to walk along.
- 8.6 Suitably worded conditions can address protection of the trees and to ensure the biodiversity gains are achieved on the site.
- 8.7 Most notably, it is important that planning conditions are used to ensure that the proposed dwelling is constructed in accordance with the

submitted details because it is the details that result in the dwelling being accepted as a paragraph 84 dwelling. The materials and sustainability measures are all important factors in coming to a recommendation for approval for the scheme so this must be carried through to the finished scheme.

8.8 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

8.9 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

10.0 OFFICER RECOMMENDATION

10.1 Approve with conditions

RECOMMENDATION: Approve

Subject to the following conditions:

1. Full planning permission
The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings and other documents, and any drawings approved subsequently in writing by the local planning authority pursuant to any conditions on this decision letter.

Plan No. 100 Rev B	Received by the LPA on 09/02/24.
Plan No. 101 Rev B	Received by the LPA on 09/02/24.
Plan No. 102 Rev B	Received by the LPA on 09/02/24.
Plan No. 103 Rev B	Received by the LPA on 09/02/24.
Plan No. 104 Rev B	Received by the LPA on 09/02/24.
Plan No. 105 Rev B	Received by the LPA on 09/02/24.
Plan No. 1000 Rev B	Received by the LPA on 09/02/24.
Plan No. 1001 Rev B	Received by the LPA on 09/02/24.
Plan No. 1101 Rev B	Received by the LPA on 09/02/24.
Plan No. 1102 Rev B	Received by the LPA on 09/02/24.
Plan No. 1103 Rev B	Received by the LPA on 09/02/24.
Plan No. 1201 Rev B	Received by the LPA on 09/02/24.
Plan No. 1202 Rev B	Received by the LPA on 09/02/24.
Plan No. 1203 Rev B	Received by the LPA on 09/02/24.
Plan No. 2100 Rev B	Received by the LPA on 09/02/24.
Plan No. 2101 Rev B	Received by the LPA on 09/02/24.

Plan No. 2102 Rev B	Received by the LPA on 09/02/24.
Plan No. 2103 Rev B	Received by the LPA on 09/02/24.
Plan No. 2201 Rev B	Received by the LPA on 09/02/24.
Plan No. 2202 Rev B	Received by the LPA on 09/02/24.
Plan No. 2203 Rev B	Received by the LPA on 09/02/24.
Plan No. 3100 Rev B	Received by the LPA on 09/02/24.

Reason: For the avoidance of doubt and in the interests of proper planning.

- No development shall take place until a schedule/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure the development is constructed to an outstanding architectural design in accordance with the submitted details and in order to protect the character of the rural setting of the site. This condition is imposed in accordance with paragraph 84 of the National Planning Policy Framework and SP10 of the East Lindsey Local Plan.

- Prior to the first occupation of the development hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within the first planting season following the date on which development is commenced or in line with a phasing strategy agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the landscape enhancement measures detailed in the application are implemented on site to achieve compliance with paragraph 84 of the National Planning Policy Framework and also to help the development assimilate into its countryside setting in accordance with SP10 and SP15 of the East Lindsey Local Plan.

- The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- 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 greenfield run-off rate;
- 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 dwelling or lodge shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall 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. This condition is imposed in accordance with SP16 of the East Lindsey Local Plan.

6. The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or

property adjacent to, or downstream of, the permitted development during construction. This condition is imposed in accordance with SP22 of the East Lindsey Local Plan.

7. The development hereby permitted shall not be commenced until further investigation has been carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority prior to the commencement of works.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the requirements of the National Planning Policy Framework.

8. Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the requirements of the National Planning Policy Framework.

9. Remediation of the site shall be carried out in accordance with the approved remediation strategy. No deviation shall be made from this scheme.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the requirements of the National Planning Policy Framework.

10. On completion of remediation, two copies of a validation report shall be submitted to the Local Planning Authority. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the requirements of the National Planning Policy Framework.

11. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed

in writing with the LPA. On completion of the development the LPA shall be notified in writing if no additional contamination was identified during the course of the development and the dwellings hereby permitted shall not be occupied until the LPA has acknowledged receipt of the same.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the requirements of the National Planning Policy Framework.

12. No external lighting shall be installed on site unless details of such lighting, including design, location, the intensity of illumination and fields of illumination, have been first submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the dwelling or lodges. Any external lighting that is installed shall accord with the details so approved.

Reason: To ensure the development does not result in light pollution in this rural location. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan.

13. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The Plan should detail mitigation measures to protect the interest features of Kirkby Moor Site of Special Scientific Interest. The development shall only proceed in accordance with the mitigation measures agreed.

Reason: To ensure the development does not damage or destroy the interest features for which Kirkby Moor Site of Special Scientific Interest has been notified. This condition is imposed in accordance with SP24 of the East Lindsey Local Plan.

14. Prior to the first lodge or the dwelling being occupied, details of mitigation measures in relation to recreational distance on the Kirkby Moor Site of Special Scientific Interest shall be submitted to and agreed in writing by the Local Planning Authority. The agreed mitigation measures must be implemented prior to the first occupation of the development and retained in place thereafter.

Reason: To ensure the development does not damage or destroy the interest features for which Kirkby Moor Site of Special Scientific Interest has been notified. This condition is imposed in accordance with SP24 of the East Lindsey Local Plan.

15. The development shall only proceed in accordance with the recommendations detailed in the Ecological Appraisal by ESL (Ecological Services) Ltd. dated December 2023 as follows:

- No buildings, trees or vegetation for use by nesting birds shall be cleared between March and August inclusive unless it has been hand-searched by an experienced ecologist for active nests in advance;

- Five 'hole' and five 'open-fronted' bird nest boxes shall be fixed to suitable trees at least two months prior to the demolition of Building 1;
- Precautionary methods of work for reptiles shall be undertaken;
- Precautionary methods of work shall be employed for badgers;
- No work affecting the roost in Building 1 shall be undertaken until either a licence has been granted or evidence demonstrates the risk of the commission of an offence is sufficiently unlikely that a licence is no longer necessary.

Reason: To protect wildlife at the site in accordance with SP24 of the East Lindsey Local Plan and in accordance with the National Planning Policy Framework.

16. Development shall only proceed in accordance with the mitigation measures outlined in section 4.0 of the Arboricultural Method Statement dated 12th December by Equans submitted with the application.

Reason: To protect the trees on the site in the interests of the visual amenity of the area and to protect biodiversity. This condition is imposed in accordance with SP24 of the East Lindsey Local Plan and the National Planning Policy Framework.

17. Prior to the commencement of development, a Biodiversity Net Gain Management and Monitoring Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall include details of timing for its implementation and management for a period of not less than 30 years. The development shall only proceed in accordance with the details outlined in the approved Plan.

Reason: To ensure that the development provides the net gain put forward as part of the development to help meet the requirements of SP24 of the East Lindsey Local Plan and the National Planning Policy Framework.

18. The lodges hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation on site, and of their main home addresses, and shall make this information available to the Local Planning Authority upon request.

Reason: To ensure the lodges are used for holiday purposes only because the site lies in a countryside location where the Council would not normally seek to permit new unrestricted dwellings in accordance with the requirements of the National Planning Policy Framework.

19. The dwellings shall not be occupied until the Building Regulations Part G(2)(b) standards limiting water consumption to 110 litres per person per day has been complied with.

Reason: To reduce demand for finite resources as the district is in a water scarce area. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan.

20. The internal layout and rammed earth core shall be implemented in accordance with the details shown on plan numbers 1101 Rev B and 1102 Rev B, which were both received by the Local Planning Authority on 9th February 2024.

Reason: The internal layout and rammed earth core play an important role in the outstanding design of the dwelling and the full completion of the dwelling in accordance with these details will ensure its conformity with paragraph 84 of the National Planning Policy Framework.