

LINCOLNSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: East Lindsey District Council

Application number: S/023/01378/23

Application Type: Major - Full

Proposal: Planning Permission - Change of use of land for the siting of 10no. holiday lodges and construction of an internal access road

Location: Land adjacent to Homelands, Orby Road, Burgh le Marsh

Response Date: 6 September 2023

This report includes the Substantive response of the Local Highway and Lead Local Flood Authority to a planning consultation received under the Development Management Order and includes details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement.

General Information and Advice

Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. As the County Council has received no application to recognise further rights of way affecting the site, no more informed guidance can be offered at this stage.

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Highway and Lead Local Flood Authority Report

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

Recommendation:

Recommendation for refusal:

The Application Site has been the subject of a previous Planning Application, under reference S/23/00978/19, for the same type of recreational accommodation use (nine lodge caravans). That Application was refused Planning Consent on 14 August 2019 by reason of the impact the proposed development would have upon the character and appearance of the area and the impact the proposed development would be expected to have upon highway safety – specifically, because of the absence of a safe pedestrian route between the site and the centre of the village. That decision was Appealed, and the Appeal was dismissed by the Planning Inspector on the grounds of harm to the character and appearance of the area and highway safety.

This Application offers no provision to address the highway safety issues identified in the Decision Notice and the Appeal Decision.

There have been no material changes in legislation or in the physical character of Orby Road since the date of the Appeal decision.

The only change there has been in circumstances here is a new residential estate that is accessed from Orby Road which is required, by a Condition of its Planning Consent, to provide a pedestrian route into the village via Pinfold Lane - an unadopted footpath. Whilst the internal footways of this residential estate, the required footpath link and Pinfold Lane might appear to offer an alternative to residents of the proposed development accessing the village without having to share the entire length of carriageway of Orby Road with motor vehicles, the developers of the estate have elected not to have roads adopted as public highways and therefore residents of the proposed development would have no lawful right of way through the estate.

In view of the above, the conclusion of the Planning Inspectorate regarding the safety of pedestrians using Orby Road between the Application Site and the village can only be taken as sound guidance for the determination of the highway safety impacts of the development being proposed in this Application.

The highway authority's recommendation therefore is that this Application should be refused Consent for the following reason:

The Application Site is outside the development boundary of Burgh-le-Marsh and access to the village, on foot, is possible only by walking along the carriageway of Orby Road because

of the absence of any footway along this route. Those walking between the site and the shops services and other attractions available within the village would therefore be at risk of conflict with vehicles using this road. The details submitted in support of this Application fail to provide sufficient assurance that safe and suitable access to the site can be achieved for all users and the proposed development would therefore be expected to have an unacceptable impact upon highway safety.

Officer's Name: Jon Sharpe

Officer's Title: Principal Development Management Officer

Date: 6 September 2023