

**Guildhall Gainsborough
Lincolnshire DN21 2NA**

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AGENDA

This meeting will be recorded and the video archive published on our website

Planning Committee

Wednesday, 2nd May, 2018 at 6.30 pm

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

Members:

- Councillor Ian Fleetwood (Chairman)
- Councillor Owen Bierley (Vice-Chairman)
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Hugo Marfleet
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Thomas Smith
- Councillor Robert Waller

- 1. Apologies for Absence**
- 2. Public Participation Period**
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
- 3. To Approve the Minutes of the Previous Meeting** (PAGES 3 - 8)
The meeting of the Planning Committee held on 4 April 2018.
- 4. Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

5. **Update on Government/Local Changes in Planning Policy** (VERBAL REPORT)

Note – the status of Neighbourhood Plans in the District may be found via this link

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

6. **Planning Applications for Determination**

- i) 137326 - Land East of Hillside Cottages, Main Street, Burton LN1 2RD (PAGES 9 - 34)
- ii) 137374 - 36 Sussex Gardens, Scampton LN1 2UL (PAGES 35 - 46)
- iii) 135868 - Land off Carr Road, North Kelsey, Market Rasen LN7 6LG (PAGES 47 - 61)
- iv) 137057 - Bleak Farm, High Street, Cherry Willingham LN3 4AH (PAGES 62 - 79)

7. **Determination of Appeals** (PAGES 80 - 84)

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 24 April 2018

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 4 April 2018 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman)
Councillor Owen Bierley (Vice-Chairman)

Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Robert Waller

In Attendance:
Cllr Mrs Jackie Brockway Ward Councillor
Jonathan Cadd Principal Development Management Officer
Ian Elliott Senior Development Management Officer
Ele Durrant Democratic and Civic Officer

Also Present: 7 members of the public

71 CHAIRMAN'S WELCOME AND INTRODUCTION

The Chairman opened the meeting by welcoming all those present and any who may be watching the live webcast. He explained the procedure for the meeting and informed all present of the relevant housekeeping details.

72 PUBLIC PARTICIPATION PERIOD

There was no public participation at this point of the meeting.

73 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 7 March 2018.

The Democratic and Civic Officer advised the Committee that there had been an error noted in item 67 of the minutes regarding the recording of the decision. This had since been amended and the minutes to be signed were the correct version.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 7 March 2018 be confirmed and signed as a correct record.

74 DECLARATIONS OF INTEREST

The Chairman invited Members to make any declarations of interest.

Councillor G. McNeill declared that he knew an objector to application number 137326 (Main Street, Burton).

Councillor T. Smith declared a non-pecuniary interest in that he was Ward Member for application number 137353 (Anglian Way, Market Rasen).

Councillor D. Cotton declared that, as application number 137326 (Main Street, Burton) fell in his Ward, he had been contacted about the application but had not commented on the matter and was present at Committee as a Committee Member not a Ward Member.

75 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Principal Development Management Officer advised Members there were no current updates.

76 PLANNING APPLICATIONS FOR DETERMINATION

RESOLVED that the applications detailed in agenda item 6 be dealt with as follows:-

76a 137263 - HEYNINGS CLOSE, KNAITH PARK, GAINSBOROUGH

The Principal Development Management Officer advised Committee that there was an update to the report in that there was a typographical error regarding the height of the wall. It was recorded as being proposed at 1.4m however following a review this had been reduced to 1.1m with pillars at 1.3m.

The Chairman noted there were no public speakers registered and so asked Committee for any comments. A member of Committee enquired whether the application would have been presented had the applicant not been related to an Officer of the council and the Principal Development Manager Officer confirmed it would have otherwise be dealt with under delegated powers.

There were no further questions or comments and it was therefore moved, seconded and voted upon with unanimous agreement that permission be **GRANTED** in accordance with

the conditions as set out in the report.

76b 137353 - ANGLIAN WAY, MARKET RASEN

The Principal Development Management Officer advised Members there were no updates to the report. The Chairman again noted there were no speakers registered and so opened discussions for the Committee.

A member of Committee asked of the Principal Development Management Officer whether the application would have been considered under delegated powers had there not been a connection with an Officer of the council and the Principal Development Management Officer confirmed this would have been the case.

There were no further questions or comments and it was therefore moved, seconded and voted upon with unanimous agreement that permission be **GRANTED** in accordance with the conditions as set out in the report.

76c 137326 - LAND EAST OF HILLSIDE COTTAGES, MAIN STREET, BURTON

The Chairman introduced planning application 137326 for the erection of a single cottage, together with the part conversion and extension of an existing garage block to form an ancillary annexe with access and landscaping. The Senior Development Management Officer notified Committee of an update regarding the proposed annex in that, following feedback from the Conservation Officer, the annex extension had been reduced in height and the chimney had been removed. The Conservation Officer had been satisfied with these amendments.

The Senior Development Management Officer also noted that it had been highlighted that the site fell within a green wedge in the village therefore local policy LP22 applies however as the site was considered to be an infill development rather than extending any existing boundaries, this was acceptable within the Local Plan.

The Chairman informed Committee that there were four speakers registered to speak and he reiterated the process for those who were not familiar with it.

The first speaker, Councillor Sue North, introduced herself as Chairman of Burton Parish Council and explained she would be speaking against the application. She highlighted to Committee that Burton was a small village and that the proposed development would cause significant harm in the area. She explained that the new dwelling would not conform to existing building lines and this in itself would ruin the view across the hillside and detract from the aesthetic of the area. Councillor North stated that the planned building materials were out of character with the other houses around the village and this would also have a significant visual impact. Councillor North accepted that there had been amendments made to the proposed annex however she felt that the property would still be too close to the boundary wall and that the materials would not be in keeping with the area. She further commented that the additional vehicles at the site, estimated to be up to four vehicles, would cause ongoing problems for existing dwellings for access to driveways and onto the road. In addition to this, there would be significant damage to trees, either through being cut down or in the course of the building work and, considering the lack of support within the village,

approval of this application would be contradictory to the Local Plan. Councillor North concluded her comments by emphasising that the proposed dwelling and annex would be against the principles of protect and preserve existing green areas.

The Committee was then addressed by Mr James Lambert, who introduced himself as agent for the applicant, Mr S Myers. Mr Lambert stated that he was speaking in favour of the application and welcomed the recommendation to approve the plans. He explained to Committee that the site was an infill site and the proposed one dwelling with annex would provide part of the identified increase in housing for Burton. Mr Lambert highlighted that the applicant fully supported the addition of a condition to ensure the annex was only used in conjunction with the main dwelling and therefore not rented out or inhabited separately. He informed Committee that there had been ongoing consultation with the Planning Department. He stated there had been a formal pre-application enquiry completed, they had met with the Conservation Officers and worked closely with the Planning Officers to ensure the size of dwelling, design and materials would all be in keeping with the area and Local Plan. Mr Lambert highlighted that the dwelling was a single storey cottage with living space in the roof and the natural stone materials were designed to maintain the look of the area. Mr Lambert concluded by thanking the Committee for their time and attention to the application.

The third speaker, Mr Richard Seabrook, introduced himself to the Committee and explained he was representing the owners of 1 Hillside Cottage, who were opposed to the application. Mr Seabrook explained they had provided a selection of photographs to support their statement and he would be reading their words. The Senior Development Management Officer then showed the photographs on the main screens for Committee to view easily. Photographs one, three and four were used to illustrate how the proposed driveway would be above the height of the existing boundary wall at 1 Hillside Cottage. Mr Seabrook stated that not only were the occupants of the cottage concerned about the visual impact of this, such as headlights shining in their windows and seeing the cars driving past along the driveway, they were also concerned about safety issues. Mr Seabrook gave the example that, due to the nature of the landscape, the driveway would be considerably inclined and that if the driver lost control of the car in icy or wet weather, it was possible that the car could overrun and land in the garden at 1 Hillside Cottage. Photographs two, five and six demonstrated the position of the proposed dwelling in relation to the existing cottage. Mr Seabrook explained to Committee that, as shown in the photographs, the house footing would start above the height of the garage at 1 Hillside Cottage and the owners felt it would loom over the cottages. Photograph six was taken from the first floor window and Mr Seabrook explained that it showed how the existing buildings would not obscure the view of the new dwelling and the occupants of the proposed property would have clear view into the existing cottage. Mr Seabrook concluded by stating that the owners of 1 Hillside Cottage agreed fully with the objections of the Parish Council and disagreed with the rebuttals from the District Council.

Councillor Jackie Brockway, Ward Member, addressed the Committee in opposition to the application. She supported the comments made by the Parish Council and re-iterated the concerns of the owners of 1 Hillside Cottage regarding the driveway and their loss of privacy. Councillor Brockway also noted that the applicant did not own the retaining wall and it was unlikely that the wall, which is considered to be around 200 years old, would be sufficient to hold back the land and a house on top of it. The owners of the wall would not allow any changes to be made to it and there were concerns about how the applicant intended to address this to ensure it was suitably stable. Councillor Brockway also

highlighted that there was a stream on the property that had not been mentioned anywhere and she raised concerns about what impact this would have on the stability of the foundations or increased risk of landslide. She also noted that she felt the proposed dwelling was to be situated considerably higher than what had been demonstrated and requested that, if they were minded to, Committee considered a site visit to review for themselves.

The Chairman thanked all speakers and invited response from the Senior Development Management Officer. He explained that Burton had been identified as being able to sustain a further seven dwellings, the proposed property would be one of those seven. In relation to the concern that trees would be lost or damaged, he confirmed there would be one tree lost but there was another being planted and that there were no objections from the Tree and Landscape Officer. In terms of the building line, the Senior Development Management Officer explained the house would be set back and identified the position of Hillside Cottages with Essex House set further back on the site plan slide. Regarding the vehicle access issue, the increase of a possible four cars was considered a very modest increase. He further confirmed that the annex was conditioned to be used as an annex and was not a separate property and that in relation to the stream, he had no prior knowledge of this. He also commented that there were conditions on the application that addressed many of the concerns raised.

The Chairman thanked the Senior Development Management Officer and invited discussion from Committee.

A Member of Committee commented that Burton is considered one of the prettiest villages in Lincolnshire and therefore proposed a site visit in order for Members to see for themselves. Another Member of Committee enquired about the stream mentioned by Councillor Brockway and seconded the proposal for a site visit, adding he had no further comment to make.

There was further discussion about the accessibility of the village and the lack of local amenities and Councillor D. Cotton raised a point of information to clarify that Burton Waters was two miles from Burton village. He commented that the stream did exist.

Prior to voting for the site visit, the Senior Development Management Officer clarified that the Local Plan did support development within Burton and it was considered a sustainable development. It was also clarified by the Chairman that the issue of the retaining wall ownership would not be a planning issue; the concerns about whether it would retain the land with building on it and the stability of the land would be a matter for building control, not the Planning Committee.

As a final point of note, the Vice-Chairman highlighted that there was funding in place for communities to develop a Neighbourhood Plan and whilst it did not impact consideration of the application at Committee, he suggested it could be something for the Parish to look into.

The Chairman called for a vote and it was unanimously **agreed** for a site visit to be arranged prior to any further decision.

The Chairman confirmed the date would be arranged at the conclusion of the Committee and it was requested that, if possible, access to the garden of 1 Hillside Cottage would be beneficial.

77 DETERMINATION OF APPEALS

A Member of Committee noted that of the five appeal decisions, two had been upheld and he enquired whether there had been any costs awarded against the council. The Principal Development Management Officer confirmed there had been no costs awarded.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 7.17 pm.

Chairman

Officers Report

Planning Application No: 137326

PROPOSAL: Planning application to erect single cottage, together with part conversion and extension of an existing garage block to form ancillary annexe with access and landscaping - resubmission of 136100

LOCATION: Land East of Hillside Cottages Main Street Burton Lincoln LN1 2RD

WARD: Saxilby

WARD MEMBERS: Cllr Mrs J Brockway; Rev Cllr D J Cotton

APPLICANT NAME: Mr S Myers

TARGET DECISION DATE: 26/03/2018

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application seeks permission to erect a single cottage, together with part conversion and extension of an existing garage block to form ancillary annexe with access and landscaping.

The application has been referred to the Planning Committee at the request of the Ward Member. Members of the Planning Committee visited the site on 16th April 2018 prior to the Planning Committee on 2nd May 2018.

The application site is a good sized plot of land in the settlement of Burton. The plot has an unusual shape with a wide front section (approximately 21 metres (m) x 25m) with a narrower middle section (approximately 12m width) which widens out gradually the closer you get to the rear boundary (approximately 30m width). In total the site is approximately 55 metres in length. The site is set in a prominent location just off Main Street which slopes steeply upwards from south west to north east. The site itself is primarily flat to the front section with an overgrown area to the south west side and an existing stone and pantile 3 bay garage sat in the north east corner. The middle and rear overgrown sections (largely inaccessible) appeared to be more sloped than the front section but not as steep as the highway. The rear section includes a modest pig sty building.

The front of the site is screened by high trees to the north-east and north-west boundary with a low stone wall to the south-east and south-west boundaries. The middle and rear section of the site are screened by high trees to the north-east and north-west boundaries. The south-west boundary is open with some screening provided by the neighbour's outbuildings. Neighbouring dwellings are adjacent or opposite the north-east, south-east and south-west boundaries with an open field to the north-west.

The application site is located within the Burton Conservation Area and within the setting of a number of Listed Buildings and Conservation Area Important Buildings. These are:

- Church of St Vincent to the south – Grade II* Listed
- 1-8 Monson Almshouses to the north east – Grade II Listed
- Stone Cottage to the north east – Grade II Listed
- Post Office to the north east – Grade II Listed
- Debonaire Cottage to the north east – Grade II Listed
- Coach House at Old Rectory to the south – Grade II Listed
- The Old Rectory to the south – Grade II Listed
- Essex House to the south west - Grade II Listed
- Garage at Essex House to the south west - Grade II Listed
- Old School to the south west - Grade II Listed
- Gate Piers and Gate to Old School to the south west - Grade II Listed
- Wall of Old School to the south west - Grade II Listed
- 1-5 Hillside Cottages to the south west – Conservation Area Important Buildings.

The group of trees adjacent the north east boundary of the middle/rear section of the site are protected by Tree Preservation Order 1962 (Wood 4). In addition all trees on or adjacent the site are protected by their position within the Burton Conservation Area.

Relevant history:

132100 - Outline planning application to erect one dwelling with all matters reserved – 10/03/15 - Withdrawn by Applicant

Representations

Cllr J Brockway: Objection

A version of this very contentious planning application has been turned down before and this new application is just an attempt to build on one of the most unsuitable plots I've been asked to look at. I fully support the objections of the parish council and the neighbours and must ask for it to go to Planning Committee on the planning grounds put forward by both the PC and the neighbours.

It's not remotely in keeping with the street scene and the idea of building on the existing foundations is a nonsense. This will be a new house in an unsuitable and dangerous position in a conservation area.

Burton Parish Council: Objections

Burton Village is a small village as defined by the new Central Lincolnshire Local Plan.

Although there is a presumption in favour of sustainable development as set out in LP1 any development does have to accord with the other planning policies.

Policy LP2: The Spatial Strategy and Settlement Hierarchy will support development in appropriate locations. The Parish Council submit this is not an appropriate location as it would if developed;-

“...significantly harm the settlement’s character and appearance; and ...significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement”

The reason for this is that the site in question is in the Conservation Area of Burton Village.

The Conservation Plan refers to the importance and significance of the following:-

The trees which are in the village

Hillside Cottages which are given a special mention

The building lines to the fronts are important to the character of the area and any new development should accord with existing building lines.

Materials used should be in “harmony” with the traditional buildings.

- The new development is not in line with existing buildings.
- The style of the buildings is not in line with the neighbouring properties and concerns on a separate annex away from main proposed building.
- The annex building is far too near the boundary wall to Main Street and will overpower the scenery in a Conservation area
- The building materials are not in keeping with the style of the Conservation area.
- There will be damage to existing trees.
- The street scene will be totally changed and will have a detrimental effect to the Hillside Cottages which are referred to within Burton Conservation plan as significance importance.

In LP2 the “*developed footprint*” excludes “*and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*”

Although not on the edge of a settlement this is arguable undeveloped land as it is land that has always been used as either garden, allotments or garages not housing and further development would destroy the views of Main Street in the village of Burton which have been present for generations. They have indeed only changed a little since 1891 as a painting done at this time depicts a very similar scene. The development would also block the view over Hillside Cottage and into the valley beyond.

Policy LP4: Growth in Villages

As within settlement hierarchy 6, development in Burton needs to comply with LP4

This is not in the submission of the Parish Council development on;-

*1. Brownfield land or infill sites, in appropriate locations**, within the developed footprint** of the settlement*

2. *Brownfield sites at the edge of a settlement, in appropriate locations***

3. *Greenfield sites at the edge of a settlement, in appropriate locations***

It is not a brown field site as it has never been developed for housing and any foundations for the garages would be totally insufficient for housing.

It is not *“an appropriate location”*. See comments above in relation to LP2.

In order to comply with LP2 and LP4 there needs to be evidence of *“demonstration of clear local community support’ means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise .If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council.”*

Policy LP17: Landscape Townscape and Views

The Parish Council would draw attention to the comments listed in LP2 above and reference to the Burton Village Conservation Plan and for that reason would submit that this application is not in accordance with LP17.

Policy LP25: The Historic Environment

This policy states that *“development Proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire”* Further and in relation to a Conservation Area it *“should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area’s character, appearance and setting”*

This proposed development is in a key point of the Conservation Area and the view of the Parish Council is that this development due to its position, mass and size will block the views of Hillside Cottages. It will be the most prominent feature in the landscape and ruin the current views and historic setting of Hillside Cottages so is contrary to LP25.

Policy LP26: Design and Amenity

This policy states *“All development proposals must take into consideration the character and local distinctiveness of the place”* It should also *“respect topography landscape character and identity”*

The Parish Council are of the view that due to the proposed prominent location the raised height of the building in relation to its neighbouring existing property, means that this new development would breach LP26 as it would have a significant adverse effect on the site and on this sensitive conservation village setting.

There is no evidence of a consultation exercise with the community. All responses to date object to this application and previous applications which have been made by the applicant for this site.

There is no support from the Parish Council.

Therefore, in the submission of the Parish Council it fails the tests required in LP2 and LP4 and the Conservation Area Plan for the village of Burton.

Further, there is concern regarding the disturbance of archaeological artefacts and their preservation.

The Parish Council would also draw to the attention of the Planning Authority the inspector's comments on APP/N2535/W/15/3136940 The Waterhouse Main Street

Burton. Although the Inspector used the previous saved policies which are no longer relevant and have been replaced by the new Local Plan see above, he did comment and reflect on the conservation area. The importance of preserving the area was fully considered and the Parish Council believe the same comments apply to this application.

Local residents: Representations received from (All Burton):

- 1 and 5 Hillside Cottages, Main Street
- Applegate House, Main Street
- Lime Trees, Main Street
- The Old Rectory, Main Street
- 4 Hall Yard
- Debonaire Cottage, Middle Street

Objections (Summarised):

Visual Impact

- Impact on an Area of Great Landscape Value.
- Drastically adversely impact on the street scene.
- Blocks view over Hillside Cottages and into the valley.
- The siting and scale of the buildings is poor.
- The annex is too close to Main Street, outside the building line and out of character changing the scenic value of the hillside cottages. It is dominating and intrusive and will obscure some views of the village.
- Proposed buildings are not within the character of the existing buildings.
- The proposal will totally change the character and appearance of this part of the hillside.
- The proposed house is cramped into the width of the site (unlike other detached village properties).

Heritage

- Totally change the character and appearance of this part of the hillside.
- The old traditional pigsties are unique and of historical interest with their built-in feeding troughs.
- It will mar the very beautiful hillside as it stands with the church and field opposite.
- An archaeology survey should be conducted.

Residential Amenity

- Dwelling will overshadow 1 Hillside Cottage depriving of privacy and light.
- Dwellings ground floor and first floor windows of 1 Hillside Cottage will be exposed from windows, front door and driveway.
- Noise from up to 6 vehicles coming and going.
- Annex affords a constant view into 1 Hillside Cottage.

Trees

- The roots of trees will be damaged.

Highway Safety

- Increased traffic through the village

Other

- This is a proposal for two houses.
- The annex is likely to be rented.
- Driveway along shared wall could lead to car crashing through wall.
- The stone wall would be jeopardized during and after the construction of this driveway.
- Lead to looking up at a car park above from 1 Hillside Cottages.
- This fertile land has been used for allotments
- Appeal decision from The Waterhouse has issues which apply (paragraph 6, 7, 11, 12, 13, 15, 25, 26, 27, 28 and 29).

Conservation Officer: Comments

Representation received 19th March 2018:

1. The design of the new dwelling is of a size, scale, mass, design and materials to comfortably fit into the Burton Conservation Area, subject to details.
2. The extension to the annex is domestic in appearance and top heavy in comparison to the existing garage range. It is advised that the ridge height needs to be reduced by just above halfway between the existing garage and the eaves line currently proposed, and that the chimney, an overtly domestic detail should be omitted. This will give a better balance between the new and the old.
3. Hard and soft landscaping will be an important factor as the site is readily seen from the street. It is advised against the use of tegula and other block paving.
4. Is the existing wall to be retained in situ, and will there be any gates? (if not, then Gates, walls, fences, and other means of enclosure should be removed as PD).

LCC Highways/Lead Local Flood Authority: No objections with advisory. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.

Archaeology: No objection subject to a condition

Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority.

Natural England: No objections with comments

Tree and Landscape Officer: No objections subject to conditions

Comments summarised:

- The trees to the rear and their roots are on higher ground or an acceptable distance away from the development.
- The large TPO beech tree has a large root protection area overlapping the driveway/parking area in front of the existing garage. Beech trees have shallow root plates which can easily be damaged by shallow excavations, or ground compaction. There should be no excavations within this tree's RPA (radius as specified in the tree report).
- Any driveway/parking area within the beech root protection area should be constructed above existing ground levels using a cellular confinement system of appropriate depth for any vehicles likely to use it. A cellular confinement system for the purpose of root protection and load spreading to avoid ground compaction should not be set into the ground otherwise it defeats the point of using such a system.
- A replacement tree for the semi-mature oak to the east of the garage annex should be required as part of a landscape scheme. The proposed layout plan shows a replacement oak to the west side of the site entrance – this would be suitable, or any other large species tree characteristic to the village e.g. lime, walnut, beech.

IDOX checked: 22nd March 2018

Relevant Planning Policies:

Central Lincolnshire Local Plan 2012-2036 (CLLP)

Following adoption at Full Council the CLLP forms part of the statutory development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies considered relevant are as follows:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP4 Growth in Villages

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 The Historic Environment

LP26 Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

Burton Neighbourhood Plan (BNP)

Burton has to date not declared any interest in starting the process of creating a neighbourhood plan.

National Guidance

National Planning Policy Framework

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

National Planning Practice Guidance

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

Other

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

<http://www.legislation.gov.uk/ukpga/1990/9/section/66>

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<http://www.legislation.gov.uk/ukpga/1990/9/section/72>

Burton Conservation Area (BCA) dated July 1990

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
National Planning Policy Framework
Burton Neighbourhood Plan
Sustainability
Concluding Assessment
- Listed Buildings and Character of Conservation Area
- Visual Impact
- Residential Amenity
- Archaeology
- Impact on Trees
- Highway Safety
- Ecology
- Foul and Surface Water Drainage

Assessment:

Principle of the Development

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

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Burton as a small village and '*unless otherwise promoted via a neighbourhood plan or through the*

demonstration of clear local community support, the following applies in these settlements:

- *they will accommodate small scale development of a limited nature in appropriate locations.*
- *proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.*

Local policy LP2 states that *'throughout this policy, the term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:*

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

Local policy LP4 goes on to say that Burton has a growth level of 15% due to its proximity to Lincoln (see paragraph 3.4.4 of LP4). An updated table¹ (dated 16th March 2018) of remaining growth for housing in medium and small villages has not been completed. This states that Burton has 79 dwellings which equates to a remaining growth, at 15%, of 12 dwellings. It is understood that since the publication of this growth level there are 5 dwellings with extant permission since 1st April 2015. Therefore the remaining level of growth in Burton is 7 dwellings.

Submitted policy LP4 additionally requires a sequential approach to be applied to prioritise the most appropriate land for housing within small villages. LP4 states that:

'In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:

1. *Brownfield land or infill sites, in appropriate locations**, within the developed footprint** of the settlement*
 2. *Brownfield sites at the edge of a settlement, in appropriate locations***
 3. *Greenfield sites at the edge of a settlement, in appropriate locations***
- Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list'.*

Paragraph 5.19 (ii) of the submitted Planning, Design and Access Statement (PDAS) dated January 2018 states that *'the site is brownfield and an infill site within the developed footprint of the village and, as such, falls within the highest priority of land for release defined in policy LP4 of the CLLP'.* It is

¹ See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

agreed that the site is an infill plot within the settlement of Burton which is primarily a greenfield site with areas which have been previously developed such as the garage building and pig sty building. Therefore the site is at the top of the sequential test for housing development.

National Planning Policy Framework:

The Central Lincolnshire Local Plan was formally adopted on 24th April 2017 following an examination in public. This established a deliverable five year supply of housing land. The latest review published January 2018 identified a housing supply of 6.19 years.

One of the core principles set out in paragraph 17 of the NPPF states that planning should '*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*'.

Sustainability:

Burton is a small village with extremely limited facilities and services which are a church and the Burton Estate Club (<http://www.burton-by-lincoln.info/page6.html>). The village is served by a reasonably regular bus service (PC Coaches 777) between Saxilby and Lincoln. This service has 7 stops (7.35, 9.16, 10.12, 13.45, 15.10, 17.10 and 18.05) on a Monday to Saturday. There is also a bus service (Stagecoach 354) between Lincoln and Queen Elizabeth's High School, Gainsborough but only operates on school days. The bus stops are on Middle Street which is a short walk from the site and accessible by footpath although the bus stop to the north east of Middle Street requires crossing the highway (50mph) close to the traffic lights without a pedestrian crossing. The village does not have a village shop, post office, primary school, public house or any employment opportunities. The future residents will highly likely be reliable on a vehicle to travel. Burton therefore has extremely limited sustainable credentials.

Policies LP2 and LP4 recognise this, limiting village growth to 15%, and on sites of up to 4 dwellings. The proposal falls within these parameters.

Concluding Assessment:

The site is an infill plot within the settlement of Burton with some areas of the site previously developed therefore the site meets the highest priority for housing as set out in the sequential test of local policy LP4. It is therefore considered that the site is an appropriate location for housing providing the proposal is appropriately and sensitively positioned, designed and scaled. The proposal will provide a single dwelling towards the allocated growth for Burton in local policy LP4 of the CLLP. It is therefore considered that the principle of housing development on the site is acceptable subject to meeting all other material considerations.

Impact on Listed Buildings and Conservation Area

The site is located within the Burton Conservation Area, in the setting of Listed Buildings and Conservation Area Important Buildings. Therefore the

site is very sensitively located and the impact of the proposal on its surrounding area carries significant weight.

Local policy LP25 of the CLLP states that *'Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire'* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that *'Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building'*.

In the Conservation Area section of LP25 it states that *'Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting'*. Criteria j-o provides a base to assess the impact on the Conservation Area.

Guidance contained within Paragraph 128 of the NPPF states that *'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'*.

Paragraph 132 states that *'great weight should be given to the asset's conservation'* and that *'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*.

Paragraph 133 provides guidance that *'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent'*.

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that *'Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage'* and *'although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors'*.

Paragraph 34 of the BCA describes the importance of Main Street and the prominence of building including Hillside Cottages which sit adjacent to the south west. Paragraph 54 of the BCA states that *'the building lines to which the frontages of existing buildings are constructed may be important to the character of the area and any new development or modification to existing development may be required to accord with the existing building lines, unless there is a good and clear aesthetic justification for not doing so'*.

The application has included the submission of a Heritage Assets and Appropriate Location (HA) section (Paragraph 5.5-5.22 (Pg11-19)) within the PDAS dated January 2018 produced by JHWalter. This has identified the heritage assets and provided an assessment of the impact with a conclusion on page 21 paragraph 6.3 stating that the *'The character and appearance of the conservation area will be preserved as will be the setting of listed buildings within the vicinity, specifically St. Vincent's Church, the Old Rectory and the Coach House'*.

The Local Authority's Conservation Area Officer (CAO) has overall accepted the design of the new dwelling and the annex building subject to further details to be accepted through conditions. The CAO has recommended that the two storey aspect of the annex building is reduced in height and the overtly domestic chimney is removed to give a better balance between the new and the old. These alterations have been accepted by the agent and reflected on amended plans.

From the site visit it was observed that Hillside Cottages (Conservation Area Important Buildings) are initially not in view when turning onto Main Street from Middle Street due to high vegetation adjacent the highway. However as you travel down Main Street the position of Hillside Cottages and the role they play in the character and appearance of the Conservation Area is revealed more significantly. The proposed annex building will be set approximately 2.5 metres in from the front north east boundary wall therefore will only be in view from immediately adjacent the site given the existing screening. However an oak tree is to be removed from the east corner of the plot which provides part of this screening and its removal will to a greater extent reveal the proposed annex building in the street scene. Given the crown spread of the existing oak tree the point at which Hillside Cottages is first revealed when travelling down Main Street will be no worse than if the proposed annex building is in place. The single difference is the softer appearance of the tree and its crown spread. Therefore the gradual subtle reveal of Hillside Cottages will be retained. When travelling north west up Main Street the position of the proposed annex with a side extension will be noticeable and in a prominent location but would not appear as over-dominant or intrusive in the street scene.

The proposed dwelling to the rear of the plot will not be prominently in view from Main Street. Hillside Cottages are a run of terraced dwellings with Essox House set back to the north west of 5 Hillside Cottages. The proposed dwelling albeit closer will mirror this relationship but to the north of 1 Hillside Cottages.

The site visit included taking in the setting of a number of Listed Buildings including the grade 2 star listed Church of St. Vincent. Most of the listed buildings are fully or partly screened from the site by high vegetation and/or trees. However as previously stated it is not just about views but about the experience of the setting and whether the proposal will preserve this setting. The position of the trees around the site particularly the attractive copper beech tree which stands out due to its spread and contrasting colour against the other normal green leafed trees do have a purpose in the character and appearance of the conservation area. The position of the dwelling and the annex will not impact on the visual presence of the copper beech tree when viewed from outside the site and will remain in view when travelling up Main Street.

The proposal due to the siting, scale, massing and design of the dwelling and the annex will preserve the setting of nearby Listed Buildings and the character and appearance of the Burton Conservation Area therefore will be in accordance with local policy LP25 of the CLLP, the statutory duty set out in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

Visual Impact

Local policy LP26(c) of the CLLP states 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. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;

The development is proposed to be constructed from (taken from paragraph 3.1 of the PDAS):

Converted Garage:

- will retain its coursed limestone masonry walls and natural single roll clay pantile gabled roof

Annex New Build:

- Cavity walls with a blockwork inner leaf and a coursed limestone masonry outer leaf.
- Brick and stonework pointed in 1:3 lime mortar.
- Windows would be painted soft wood framed
- External doors would be solid timber and painted.
- Single roll clay pantile roof
- Rainwater goods to be black round and half-round mounted on rise and fall brackets.
- The chimney stack would be in contrasting red brick e.g Witton Multi Selected Brick.

New Dwelling:

- The new dwelling would be faced in the same materials, albeit the limestone would not be coursed.

As previously discussed (*see impact on Listed Buildings and Conservation Area*) the position of the dwelling to the rear and the annex in a more prominent location to the front of the site will not visually dominate the area and the important views along Main Street. The existing dwellings to the north west of Main Street are set back from the highway with front garden spaces of varying sizes. The development is proposed to be constructed of traditional materials and the siting, scale, massing and design of the dwelling and the annex is considered as appropriate and sensitive to the character of the area.

The proposal will therefore not have a significant adverse visual impact on the site, the street scene and the sensitive village of Burton therefore accords to local policy LP17, LP25 and LP26 of the CLLP, the statutory duty set out in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

Residential Amenity

The site has neighbouring dwellings to the north east, south east and south west. To the north east is The Waterhouse with a number of dwellings further away which front Middle Street. To the south east is Burton Hill House with 1 Hillside Cottages and Essox House adjacent the site to the south west. Objections have been received from the residents (including 1 Hillside Cottages) in relation to overshadowing, privacy and light on 1 Hillside Cottages (All measurements are taken from the submitted plans).

To the north east:

The rear garden boundaries of dwellings to the north east which front Middle Street are approximately 43 metres from the north east elevation of the proposed annex and approximately 53 metres from the north east elevation of the proposed dwelling.

The Waterhouse sits in a large plot with the dwelling located in the northern section of the site. The north east boundary of the application site follows the line of the driveway to The Waterhouse. The site is extensively screened to the north east boundary with the proposed position of the dwelling and annex a considerable distance from the main dwelling and private amenity space of The Waterhouse.

The development will therefore not have a significant impact on the living conditions of neighbouring dwellings to the north east.

To the south east:

Burton Hill House sits on the other side of the highway. The proposed south east elevation of the annex has a first floor bedroom window and will sit approximately 13 metres from the front boundary and approximately 28 metres from the nearest elevation of Burton Hill House. The front boundary to

Burton Hill House is screened by very high trees/hedging and their main private amenity space is to the rear of the property.

The development will therefore not have a significant impact on the living conditions of neighbouring dwellings to the south east.

To the south west:

The land is generally in an untidy and overgrown condition particularly to the rear and south west side to the front. Residents have commented that this has previously had an allotment use. If the site was cleared and re-used for a use not requiring planning permission such as an allotment then overlooking from that use would already be present on 1 Hillside Cottages.

1 Hillside Cottages is part of a run of terraced dwellings which are located on lower ground than the application site. The site visit included experiencing the differing ground levels from the front and rear gardens of 1 Hillside Cottages. It is approximated that the drop in levels is around 2.5 metres.

The front elevation of the proposed annex will be approximately 18-20 metres from the shared boundary with 1 Hillside Cottages and is proposed to only have ground floor windows on this elevation. The proposed annex will therefore not have a significant impact on the living conditions of 1 Hillside Cottages.

The development of the site will include excavation (see plan L-LEV-016-LS dated 18th December 2017) of between a metre and 2.9 metres of earth to the rear portion of the site to flatten the area and allow the dwelling to be set lower than if built on the existing slope. The south corner of the proposed dwelling will be approximately 10 metres from the rear elevation of 1 Hillside Cottages and approximately 10 metres from the centre of 1 Hillside Cottages rear garden. The position of the existing outbuildings will provide some screening to areas of the rear garden to 1 Hillside Cottages. The front south east elevation and south west side elevation has no first floor windows with the dwelling having the appearance of a bungalow when viewed from the front. It additionally has to be considered that even though the site is in a conservation area the site can be screened along the rear south east and south west side boundaries with 2 metre boundary treatments (fence panels, wall(brick/stone) or other means of enclosure) without requiring planning permission².

It is therefore considered that the proposal will not cause any further significant overlooking on 1 Hillside Cottages due to the restriction of ground floor windows only to the proposed south east and south west elevations of the dwelling.

The roof ridge of the proposed dwelling will be approximately 1.5 metres above the level of the roof ridge to 1 Hillside Cottages. The proposed south east roof plane will fall away from 1 Hillside Cottages with the proposed

² http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi_20150596_en.pdf

principal elevation approximately 1 metre above the outbuilding in the garden of 1 Hillside Cottages. The proposed south west gable end of the dwelling sits in line with the outbuilding set in the rear of the garden to 1 Hillside Cottages. It is acknowledged that the position of the proposed dwelling and its relationship to 1 Hillside Cottages will have some overbearing impact on 1 Hillside Cottages. However after careful consideration bearing in mind the heights of boundary treatments which could be installed without planning permission the proposed dwelling will have some but not a significant overbearing impact on 1 Hillside Cottages.

The proposed dwelling will not cause a significant loss of light due to the direction of the sun.

Objections have additionally been raised in relation to the noise and disruption caused by the volume of traffic generated by the site. The proposed driveway run along the shared rear boundary with 1 Hillside Cottages. Parts of the driveway within the root protection area of trees will need to be constructed using an above ground cellular confinement system. The site will have a two bedroom dwelling and a one bedroom annex. It is estimated that the development would generate use of up to four vehicles (three for the dwelling and one for the annex) not considering visitors, deliveries etc. It is considered that at least one of the four vehicles would make use of the proposed annex garaging or the external parking area in front of the proposed annex garaging. The vehicles using the driveway will do so at low speeds and this is further encouraged by the bend in the driveway. It is not considered that the development will generate an amount of traffic journeys which will have a significant disruptive impact on 1 Hillside Cottages through noise and headlight glare.

Due to the close proximity of 1 Hillside Cottage a condition will be attached to the permission restricting conversion work times to:

- 8am and 6pm Monday to Friday
- 9am to 1pm on a Saturday
- not on a Sunday or Bank Holiday

Overall it is therefore considered that the proposed dwelling and annex will not have a significant impact on the living conditions of neighbouring dwellings therefore is in accordance with LP26 of the CLLP and guidance contained with the NPPF.

Archaeology

It has been highlighted by the Historic Environment Officer at Lincolnshire County Council Archaeology that the proposed development lies *'in an area of archaeological sensitivity, in the core of the medieval settlement and within the conservation area. Records show that significant Roman remains have been found nearby, possibly a villa site. Any development here could disturb previously undisturbed archaeological remains'*.

Consequently it has been recommended that prior to any ground works the developer should be required to commission a scheme of Archaeological Works which should be secured by appropriate conditions to enable heritage assets within the site to be recorded prior to their destruction. Initially this would involve monitoring of all groundworks. Therefore a suitable pre-commencement condition will be attached to the planning permission.

Impact on Trees

The site is adjacent a group of protected trees which includes a particularly prominent large copper beech tree which has visual merit in the Conservation Area and the street scene. Additionally the Burton Conservation Area also protects any trees with a stem diameter greater than 7.5cm when measured at 1.5m above ground level. The position of the dwelling and annex has been influenced to by the presence of the protected trees.

The Tree and Landscape Officer (TLO) has no objections to the proposal subject to a number of comments including the use of an above ground cellular confinement system to construct the areas of driveway within the root protection area of the Copper Beech Tree.

Therefore suitable pre-commencement conditions will be attached to the planning permission regarding:

- Tree protection measures to be implemented prior to commencement of construction and retained until completion.
- Details and position of the above ground cellular confinement system

Highway Safety

Objections have been received in relation to highway safety concerns. The proposal will utilise the existing vehicular access to the front onto a 30mph highway. The visibility in both directions as observed during a site visit appeared acceptable. The Highways Authority at Lincolnshire County Council have not objected to the proposed access. The proposal would therefore not have an adverse impact on highway safety and accords to local policy LP13 of the CLLP and guidance contained within the NPPF.

Ecology

A Phase-1 Habitat Survey & Protected Species Assessment (HSPSA) compiled by ESL (Ecological Services) Ltd dated February 2017 has been submitted with the application. In summary section 7 (Protective measures and Biodiversity Gain) of the HSPSA states:

- The mature trees and shrubs on the boundaries of the site should be retained (paragraph 7.1.1)
- Installation of one bat box into fabric of building (paragraph 7.2.2)
- All demolitions and vegetation clearance activities must be undertaken between 1 September and 1 March. Outside this period, an ecologist must make a search for active nests in advance of work starting. Any nests found with eggs or young will be identified and protected until the young have fledged (paragraph 7.3.1).

- Installation of four quality timber bird nest-boxes (paragraph 7.3.2).

It is additionally important to note that paragraph 8.1.1 states that *'Ecological surveys are just a 'snapshot' in time and the survey must be repeated if planning consent has not been granted by 1 June 2017'*.

Local policy LP21 of the CLLP states that *'All development should:*

- *protect, manage and enhance the 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;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity'*

Guidance contained within paragraph 118 of the NPPF encourages *'opportunities to incorporate biodiversity in and around developments should be encouraged'*. The incorporation of bat and bird boxes to the site will provide a biodiversity benefit to the area. The proposal will not have an adverse impact on ecology therefore conforms to local policy LP21 of the CLLP and guidance contained within the NPPF.

Suitable ecology conditions will be attached to the permission in relation to:

- An up to date ecology survey including identifying suitable locations for the bat box and four bird boxes.
- The proposed development shall be completed in accordance with paragraph 7.1.1, paragraph 7.3.1 and any other recommendation stated in the later ecology survey

Foul and Surface Water Drainage

The application form states that foul drainage will be disposed of to the mains sewer. Surface water is proposed to be dealt with through soakaway which is a method of sustainable urban drainage system and is encouraged, however the suitability of the site for soakaways has not been justified through appropriate testing. Therefore it is considered that foul and surface water is capable of being addressed by the use of a condition.

Other Considerations:

Annex Use

The proposed annex contains all the required elements to be a self-contained one bedroom dwelling. The annex will provide accommodation for the occupant who will use the facilities in the main dwelling as well as the annex. Therefore the annex is ancillary to the main dwelling but the use of the annex needs restricting through a condition on the permission to ensure it cannot be sold or rented as a separate residential unit.

It is considered reasonable and necessary to condition the annexes garaging to be retained as garaging in perpetuity to resist any intentions to convert them to further living accommodation such as an additional bedroom.

Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding therefore meets the NPPF sequential test.

Permitted Development

It is considered relevant and necessary to remove certain permitted development rights. This is due to the sensitive location of the site and the proximity of the proposed dwelling and the overall site to protected trees. The permitted development rights to be removed would be Class A-H of Part 1 and Class A of Part 2 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).

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is within charging zone 1, where the charge would be £25 per square metre for houses.

On measuring the floor space of the dwelling and the new build element of the annex it is estimated that the floor space created will be approximately 200m² (Dwelling 145m² and annex 55m²). Therefore using this approximate figure the development, which is located in the Lincoln Strategy Area will be liable to a CIL payment required prior to commencement of the development of approximately £5,000. An advisory note will be attached to the permission.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036 in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

In light of this it is considered that the principle of the development is acceptable including the contributing an additional dwelling on an appropriate site towards the allocated growth of Burton and housing supply in Central Lincolnshire. The proposal will preserve the character and appearance of the Conservation Area and the setting of nearby Listed and Conservation Area Important Buildings. It will not have a significant adverse visual impact on the site, the surrounding area or the street scene and will not have a significant harmful impact on the living conditions of neighbouring dwellings, trees, highway safety, archaeology, drainage or ecology. This is subject to pre-commencement conditions.

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

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 or works shall take place until details of the schedule of works including specification and methodology where appropriate have been submitted to and approved in writing by the Local Planning Authority in relation to the following:
 - Sample panel of stonework and bond to be used for the external surfaces, shall be made available on site.
 - Sample panel of brickwork and bond to be used for the external surfaces of the buildings, shall be made available on site.
 - Sample panel of brickwork and bond to be used for the retaining wall, shall be made available on site.
 - Details on the construction method of the retaining wall.
 - Sample of roof tile to be inspected on site.
 - All joinery details to include drawings, sections at 1:5 scale and details of colour finish, method of opening, cill and headers.
 - Rainwater goods including material, profile, method of fixing and colour finish.
 - Rooflight details including colour finish.

The development shall be completed in accordance with the approved details and retained thereafter. The sample panels of brickwork and stone work shall remain on site until the respective stone and brickwork has been completed.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding area including the Conservation Area and the setting of Listed

Buildings to accord with the National Planning Policy Framework and local policies LP17, LP25, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

3. No development shall take place until, details of the form and position of the protection measures to protect the trees adjacent the sites boundaries and details of the above ground level cellular confinement system to construct sections of the driveway including a plan clearly identifying the covered areas have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be installed prior to commencement and retained in place until the development is completed. The cellular confinement system shall be installed in accordance with the approved details.

Reason: To safeguard the existing boundary trees during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policies LP17, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. No development shall take place until details of a scheme for the disposal of foul sewage and surface water from the site (including the results of any necessary soakaway/percolation tests and connectivity plan) have been submitted to and approved in writing by the Local Planning Authority. No occupation shall occur until the approved scheme has been installed.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

5. No development shall take place until an up to date ecology survey including appropriate locations for a bat box and four bird boxes has been submitted and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the recommendations in the ecology report and the bat and bird boxes shall be retained thereafter.

Reason: In the interest of nature to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

6. No development shall take place until a landscaping scheme has been submitted including details of the height and materials used for the boundary treatments and the surface material of the parking spaces have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site to accord

with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following
 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the work.
 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

8. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 7 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036).

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

9. 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:
 - L-LEV-016-BPP Rev H dated 22nd March 2018 – Proposed Block Plan
 - L-LEV-016-EP Rev J dated 11th April 2018 – Proposed Dwelling Elevations
 - L-LEV-016-EP Rev J1 dated 11th April 2018 – Proposed Dwelling Elevations
 - L-LEV-016-FPP Rev I dated 18th December 2017 – Proposed Floor Plans
 - L-LEV-016-GAP Rev A dated 20th March 2018 – Proposed Annex Elevations, Floor Plans and Section Drawing.
 - L-LEV-016-LS Revision C dated 11th April 2018 – Proposed Long Sections

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 local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

10. Before the dwelling is occupied, the access, drives and turning spaces shall be completed in accordance with the approved plan drawing number L-LEV-016-BPP Rev H dated 22nd March 2018 and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

11. Construction work shall only be undertaken between the hours of 8am and 6pm Monday to Friday and 9am to 1pm on a Saturday and not on a Sunday or Bank Holiday

Reason: To preserve residential amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

12. The proposed driveway and turning spaces shown on plan L-LEV-016-BPP Rev H dated 22nd March 2018 shall be constructed from a permeable material and retained thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036

13. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 7.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

14. Following the archaeological site work referred to in condition 13 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036).

15. The report referred to in condition 14 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036).

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

16. Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H of Schedule Part 1 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) the dwelling hereby permitted shall not be extended or altered and no buildings or structures shall be erected within the curtilage of the site unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the resulting amount of space around the dwelling and the visual impact on the sensitive location to accord with the National Planning Policy Framework and local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

17. Notwithstanding the provisions of Classes A of Schedule Part 2 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 boundary treatments shall be installed or erected within the curtilage of the site unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their visual impact on the sensitive location to accord with the National Planning Policy Framework and local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

18. The annex building identified on plan L-LEV-016-BPP Rev H dated 22nd March 2018 and L-LEV-016-GAP Rev A dated 20th March 2018 shall only be used and occupied in conjunction with the existing dwelling and shall not be used as a separate unit of living accommodation.

Reason: The creation of an independent dwelling in this location would be contrary to the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

19. The proposed annex garages shown on plan L-LEV-016-GAP Rev A dated 20th March 2018 shall only be used solely for that purpose and shall not be converted for any other use.

Reason: To retain the adequate parking on the site and to resist the extension of living accommodation to the proposed annex to accord with the National Planning Policy Framework and local policies LP13, LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

Note on Scampton Village and Scampton Former RAF settlement growth levels – re: application 137374

Confirmation has been received from the Central Lincolnshire Joint Planning Team that that the growth and settlement figures shown for ‘Scampton’ in the Central Lincolnshire Local Plan apply only to the historic Scampton Village area. Wherever ‘Scampton’ is shown in the Local Plan it refers to the historic village part of the Parish only.

The existing housing in the separate former RAF area, now a settlement in its own right for a number of years, has not been included in the figure for Scampton village. This is an omission from the Local Plan. The Council is therefore required to adopt the most reasonable approach in its application of local and national planning policy when assessing planning applications in the former RAF settlement. There is currently no neighbourhood plan to assist in determining this application.

The former RAF area contains 438 dwellings (figure based on WLDC GIS mapping data). The Local Plan Inspectors report (April 2017) confirms that settlements with a cluster of more than 250 dwellings and less than 750 dwellings are categorised as a ‘medium villages’. Therefore it is considered that the medium village policies are most applicable and should be used to determine this application.

This omission from the Local Plan will need to be addressed in the next review of the Local Plan, and the Joint Planning Team have confirmed this will happen. [note: a similar instance has been identified in North Kesteven District concerning former RAF dwellings around RAF Cranwell]. At this time the Council must adopt the most reasonable approach, based on its adopted policies. It follows that applying Medium village policies is the most reasonable and transparent approach.

Medium villages have a base growth figure of 10% growth. Therefore it is reasonable that this settlement be apportioned this figure, in the same way that settlements of similar size and with a similar level of facilities are able to do under the current Local Plan.

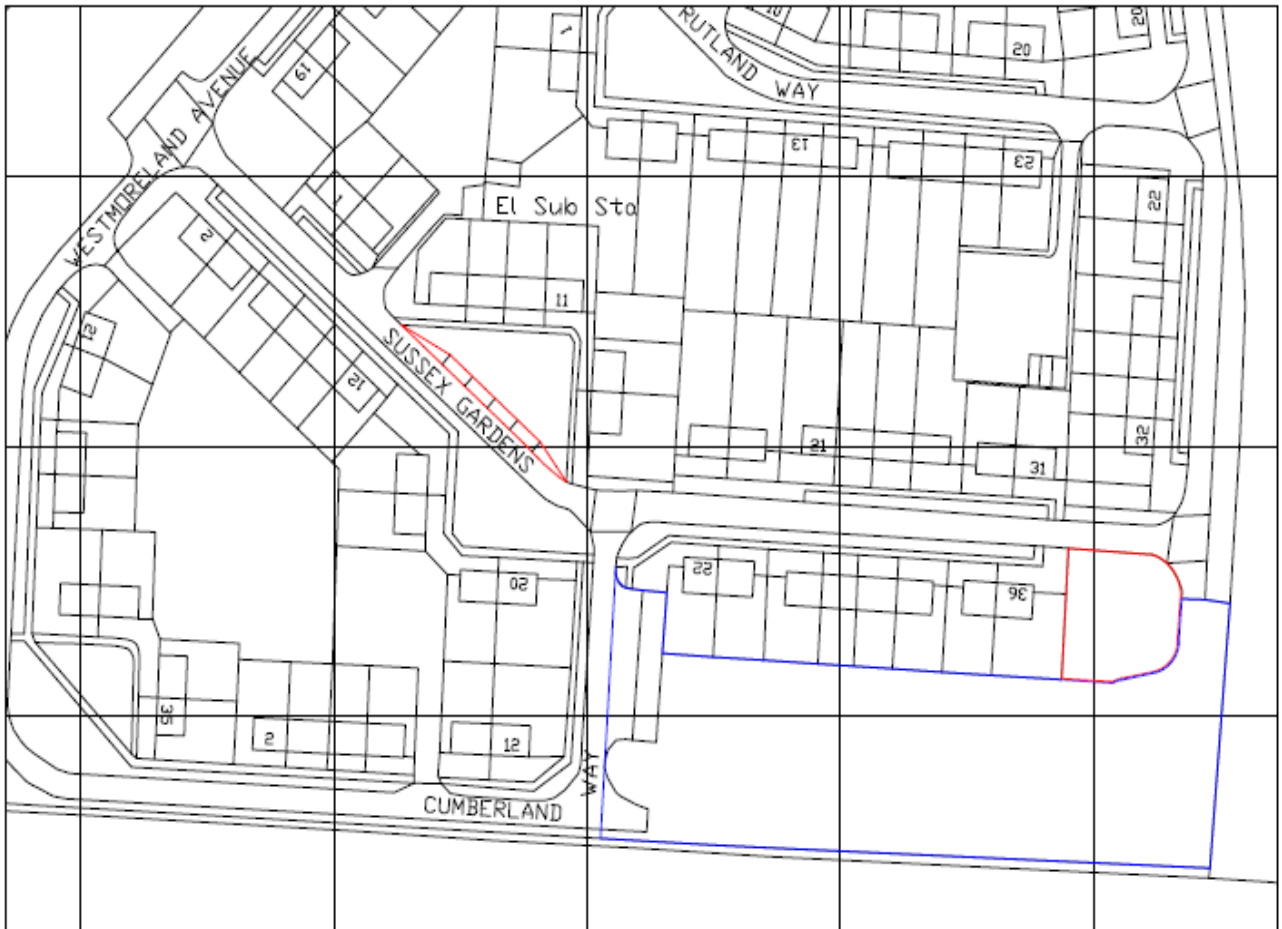
It is recognised that some medium villages have been uplifted to 15% growth in the local plan based on local services and facilities. Whilst this settlement has a number of facilities that improve its overall sustainability, no uplift in growth has been tested through an examination. Therefore it is again reasonable to apply the base growth level only of 10%.

An alternative, ruled out, would be to apply this uplift across the whole of the Scampton parish. However, that would lead to a substantial uplift in growth targets for the historic and much smaller Scampton too (which has only 82 dwellings and is classed as a ‘small village’). There is also currently no physical connectivity between the two Scampton settlements at this time, and therefore again it is reasonable to assess them separately in their own right, rather than group them together as one settlement of over 500 properties.

It is noted too that there have been Highways concerns that may inhibit future growth of this former RAF settlement given its single access point onto the A15. This is potentially a serious constraint that may result in the settlement not delivering its full 10% growth – in fact potentially only a small proportion of this may be deemed acceptable. Therefore, each individual application should be determined on its own merit. In the case of this application, the two additional dwellings have been to be acceptable by LCC on Highways grounds.

Accordingly, and in view of the above, it is considered that the development of two dwellings in this location complies with the growth levels for a settlement of its size based upon the definitions within the local plan and therefore policies LP2 and LP4 are not considered to be conflicted.

Oliver Fytche-Taylor, Planning Services Manager 17/04/18



Officers Report

Planning Application No: 137374

PROPOSAL: Planning application for the erection of 2no. dwellings and car parking

LOCATION: 36 Sussex Gardens Scampton Lincoln LN1 2UL

WARD: Scampton

WARD MEMBER(S):

APPLICANT NAME: Mr Tony Crowe

TARGET DECISION DATE: 20/04/2018

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Rachel Woolass

RECOMMENDED DECISION: Grant permission

Summary to Planning Committee

The application site is located within an existing housing area which originally formed part of RAF Scampton. This residential area has been separated from the operational RAF base for a number of years and is now a settlement in its own right. It is not part of the village of Scampton. No growth figures are shown in the Local Plan for this settlement. This is an omission from the Local Plan. The Council is therefore required to adopt the most reasonable approach in its application of local and national planning policy when assessing planning applications in this former RAF settlement. There is currently no neighbourhood plan to assist in determining this application.

The former RAF settlement contains 438 dwellings (figure based on WLDC GIS mapping data). The Local Plan Inspectors report (April 2017) confirms that settlements with a cluster of more than 250 dwellings and less than 750 dwellings are categorised as a 'medium villages'. Therefore it is considered that the medium village policies are most applicable and should be used to determine this application.

Having determined the most appropriate policies to assess this proposal through it is considered that two additional dwellings within the developed footprint of the settlement and the limited impact on: the character of the area, residential amenity, highway capacity and safety and drainage would lead to a recommendation to support this proposal.

Please see position statement.

Description:

The site is located within the existing residential estate adjoining RAF Scampton. The site is a small area to the front of application site 133013 already granted for 9 dwellings. Works are ongoing on the residential development.

The application seeks permission for the erection of 2 dwellings and car parking. Construction of the foundations have already taken place.

Relevant history:

133013 – Outline application for the erection of 9 dwellings with access to be considered and all other matters to be reserved. Permission granted 27/11/15

135879 – Application for approval of reserved matters (appearance, landscaping, layout and scale) for the erection of 9 dwellings following outline planning permission 133013 granted 27 November 2015. Permission granted 22/05/17

136709 – Planning application to vary condition 2 of planning permission 135879 granted 22nd May 2017 re: modify house types. Permission granted 23/10/17

137375 – Application for non-material amendment to planning permission 136709 granted 23 October 2017 re: reposition garage to plot 8 and alteration to access road. Planning permission not required.

137357 – Planning application to erect home office in front garden to plot 9. Permission granted 11/04/18

Representations:

Ward member: Cllr Patterson – Object – The applicant has shown a blatant disregard to the planning process and residents by starting to build without planning permission and erecting an office when the constitution of the residents' management company states that it is not allowed, again he has nearly built this without permission. The land for the car parking is also owned by County Way the residents management company and not the applicant. This is an outrageous breach of planning laws and I strongly object to permission being granted.

Parish/Town Council/Meeting: No representations received to date

Local residents: Objections received on the first consultation from –
5, 7, 8, 13, 15, 17, 18, 19, 23, 25, 26, 27, 28, 30, 31, 32 Sussex Gardens, 5, 13, 19 Rutland Way, 12 Fourth Avenue, 8, 20 Devonshire Road, 6, 16, 26, 28 Northumberland Avenue, 27 Shropshire Road, 15, 29 Westmoreland Avenue, 8 Lancaster Drive with the main concerns summarised as:-

- limited parking
- proximity of blind corner with no footpath
- further parking bays higher up the street benefits nobody other than those higher up
- still no green area as originally planned
- no assurance that the application would be adhered to
- on public open space
- may cause major drain and sewage problems
- safety issues for pedestrians
- proposed parking doesn't even belong to applicant
- foundations already dug
- highway safety
- too many new houses built in the area

- offering of 4 parking spaces is insufficient
- children play on this land
- no housing growth remaining in Scampton
- lack of consideration with regards to noise and disturbance from the builders
- attempting to evade proper contribution to the community
- County Way have already rejected the proposal to provide spaces
- dwellings are out of keeping

- 2 representation of support: 1 Cumber Close and an anonymous representation –
- the builders have been fine I live behind the plans and where they are currently building some and you wouldn't even realise they were there. The extra parking would be a massive help to the roads around the area as everyone parks on the road.
- It's good for the local area to see new houses

1 anonymous observation received –

In general I have no objections to the new houses, however with each house built you have to count for two additional cars. With this in mind please remember that all the houses in this area have to exit on to the A15 using only ONE exit. At the moment if you are unlucky and start work during the more popular morning rush, the queue can sometimes reach down school lane. I really do believe before any more houses are given planning permission, the question of a round-about to exit the estate need to be strongly considered.

A petition has been received with 56 signatures. This petition is for this application and 137357. The points relevant to this application are as follows:

– The approval of these two further properties and home office would result in the scale and nature of this new development to be significantly different from the original approved plans. The proposed open space and landscaping would be taken away and the away will become cluttered.

- There does not appear to be any proposed footpath in front of the driveways to these houses and as they are to be constructed adjacent to a blind bend, this would pose significant safety risks to pedestrians. There are a large number of children living in this area who either walk or cycle to school etc. and also the disable residents who use a mobility scooter.

- The plans and already established footings, show the houses will be constructed significantly further forward than the existing houses which would leave very little room for the parking of cars and the required footpath.

- Any further properties on this development could overload the sewerage system.

- The land where these car parking spaces are proposed is owned by County Way and no permission has been given to the developer to use this area to construct these parking spaces. They are also situated much further up the estate and would only be of benefit to the adjacent residents. The main car parking problem is in the area of the proposed houses and home office.

- The infrastructure around this area of the estate is now showing significant wear and tear. The recently replaced road surfaces (paid for by the residents) are beginning to crumble in places due to the heavy site traffic, and a large number of grassed verges have been severely damaged. Recently, and without permission from the Estate Management Company, a site office has been moved onto estate owned land. If further construction is allowed to take place, where would the developer propose keeping equipment and supplies whilst this is taking place?

Mr Crowe has continued to show a blatant disregard for the residents of County Way and to the planning process.

Amended Plans

An amended plan was received with the addition of a footpath to the front of the properties. A re-consultation was sent out. Objections were received from the following properties – 7, 17, 28, 30 Sussex Gardens, 32 Northumberland Avenue, 5, 19 Rutland Way with the main concerns:

- The builder has amended the plans. These plans now show 2 unnamed constructions on land on Cumberland Way. These were never on any original plans. Crafty way to try and get buildings passed. This pathway indicated will still not sort out the very dangerous blind corner. The houses are not wanted or needed, this is and should stay public open space for the community to use for the children to play and be safe.
- Thought the 21 day consultation had ended and it was going in front of planning committee due to the number of objections.
- Surprised to receive letter informing us the plans had been amended and been given an extra 14 days, the proposal to add a footpath as a token gesture is ludicrous.
- Strange that the nearly built home office does not show. Assume this is to make the plans less cluttered and imply more open space.
- Applicant does not follow through on his promises as the footpath at the rear of our property is still to be finished with hardcore. There are large holes near the new fence posts and the surface is uneven making it difficult to walk along.
- Looking at the plans there is only between 3640mm and 3575mm from the front of the property to the kerb, even without adding a footpath of 1200mm, there are only a few cars that can actually fit in that parking space.
- Object to the building of these two properties as originally this was going to be public open space.
- Would like to highlight the discrepancies, point 10 refers to vehicle parking claiming no loss of existing parking spaces however the overall development has lost us 4 parking spaces on the site plans an area that been provided space for up to 8 cars has been earmarked for future development.
- Point 14 refers to the land being derelict, this is not the case as the land was used and maintained by the community for well over a decade. The land only became unusable as a public open space after it was ploughed at 5 in the morning in preparation for the sale as development land.
- Main concern is the loss of public open space.
- Development is on a bad corner.
- Footpath is a nice idea however it is so small and does not really help the residents.

- Building work has already caused traffic issues showing that parking and traffic are a problem already, without adding more cars.
- Insufficient information provided to assess the suitability of the proposed footpath.
- No permissions in place for connecting drainage.

1 representation of support from 3 Cumberland Close –

- Applicant has been an incredible builder and always checks on us to see how we are doing. Instead of objecting to a local man doing building work why don't we support him? He has done an amazing job and left no mess. You don't realise they are working. The extra parking is needed.

LCC Highways/Lead Local Flood Authority: No objections

Archaeology: No archaeological input required

Relevant Planning Policies:

National guidance

National Planning Policy Framework

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance

<http://planningguidance.communities.gov.uk/blog/guidance/>

Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP4: Growth in Villages

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP26: Design and Amenity

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

Main issues

- Principle
- Highways and Drainage
- Residential Amenity
- Design

Assessment:

Principle

Scampton is defined as a small village in the Central Lincolnshire Local Plan. However, the former 'RAF Scampton' has not been included as part of this village nor is it defined within this policy as a settlement in its own right. This is an omission from the Local Plan.

Therefore it is required to adopt a reasonable approach in the application of local and national policy.

Policy LP1 states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the appropriate Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole;
- or Specific policies in that Framework indicate that development should be restricted.

Category 7 of policy LP2 states that a hamlet is defined as a settlement not listed elsewhere in this policy. Whilst this settlement is not listed elsewhere in the policy, this settlement could not be defined as a hamlet. This is due to the following.

The Planning Inspector's report following the examination of the Central Lincolnshire Local Plan had the following comment on the settlement hierarchy –

“Settlements have been placed into tiers solely on the basis of their size, as measured by dwelling numbers. The Large Villages are those with over 750 homes, Medium Villages are between 250 and 750 and Small Villages 50 to 250. Anything less than this is regarded as a Hamlet or Countryside.”

The settlement of the former 'RAF Scampton' has approximately 438 homes. This could not be defined as a Hamlet by the Inspector's viewpoint and the basis in which the criteria for category 7 (Hamlets) was made.

It would, however, be appropriate to define the settlement as a medium village and assess as such, given the level of dwellings, and hence would have its own growth agenda as per the other settlements listed. If one were to apply the principles of the medium village with a base of 10% growth this would equate to 44 additional dwellings. It would not be appropriate to uplift the growth percentage (as is the case in some villages i.e. Hemswell Cliff – 15%) as this settlement, any potential justification for a higher figure, has not been put forward or tested through an examination. As 9 dwellings have already been granted in this settlement this would leave the remaining growth at 35 dwellings.

There have been many objections to the application indicating that the growth levels in Scampton have already been met and proposal has not received community support and therefore would be unacceptable. However, this argument of a lack of growth was based on 'Scampton Village's' growth level of which there is no remaining growth. As the former 'RAF Scampton' is not part of Scampton Village and was not included in these figures it would be incorrect to apply the small village part of the policy as this relates to Scampton village only. The community support element would therefore not be a part of the application's assessment.

Policy LP2 states for Medium Villages that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:

- they will accommodate a limited amount of development in order to support their function and/or sustainability.
- no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.
- typically, and only in appropriate locations, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.

When assessing against the principles of policy LP2 and medium villages the proposal would be acceptable. The proposal is for two dwellings which are surrounded on three sides by existing (or consented) residential development and would be considered an appropriate location.

Given the omission within the CLLP to specifically list former RAF Scampton as a settlement, it is considered that the assessment of the proposal against policy LP2 is the most reasonable and justified approach in this case. Nevertheless Policy LP1 provides an underlying approach to proposals where the Development Plan is silent on such matters. Together these policies support a case by case assessment of proposals within the former RAF Scampton settlement which will allow their suitability and impacts to be fully assessed. In this case the principle for support of the two dwellings is established and the other material considerations will be considered below.

Highways and Drainage

Whilst there have been many objections raised with regards to the highway capacity and highways safety, the highways team have not raised any objections to the proposal. Each property would have 2 parking spaces on plot whilst the highway would be 5m wide to the front of the property.

The proposal has also been amended to provide a footpath to the front of the properties given the objections received in the application. This did not withdraw the objections that residents had raised. There were no objections to the path and its design from the highways team, however. The footpath would be therefore be acceptable.

No concerns have been received from the Lead Local Flood Authority with regards to drainage. A condition will be attached to provide a scheme of drainage works.

The proposed car parking would be of benefit, however, there is no guarantee this would come forward as the land is not owned by the applicant. This cannot therefore be given weight within the planning determination.

Residential Amenity

There are no concerns with regards to residential amenity.

Design

There has been some concern raised with regards to the design of the properties. It is not felt that the design is inappropriate. The houses have been designed to be similar to the ones already built under permission 133013. They are slightly further forward than the existing houses on Sussex Gardens but that does not make them unacceptable. They are not positioned as such that they would be incongruous to the street scene.

Other matters

Objections have been received regarding the loss of public open space. The land is not allocated as public open space and therefore has no protection under policy LP23. Whilst this may have been used to walk over and children play, there is currently no legal right to do so. Similarly, there are other large areas similar grassland within the surrounding estate.

With regards to noise and disturbance of the builders, this would be a matter for the Environmental Health Team to investigate.

With regards to being affected by construction traffic. This can become an issue in some developments, however this is a temporary implication and should this become a serious problem it would be a civil issue. Should any damage be caused this would also be a civil matter.

With regards to the footpath at the rear of the properties on Sussex Gardens this may be that it is still to be finished as the works are ongoing. As the footpath is private it would be a civil matter.

The home office building granted under application 137357 has not been shown on the plans, however, this building does not impact on the outcome of this decision. The home office building is under construction.

Comments have been received regarding the amended plans showing two unnamed constructions, whilst it is not clear what these indicate, they do not form part of the application site and should the application be approved this wouldn't allow construction of these.

Many objections have been received that the foundations have already been started. The planning system does allow for retrospective applications to be submitted for works that have already been carried out. The application is still treated in the usual way.

Whilst the 21 day consultation ended, amendments had been received which the officer requested a re-consultation as it was determined that the amendments were material to the application and required further comments. This is normal procedure.

Conclusion

The proposal has been considered against the Development Plan namely policies, LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP4: Growth in Villages, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP26: Design and Amenity in the

Central Lincolnshire Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The proposal is acceptable. The proposal is an appropriate location and would not have a detrimental impact on residential amenity or highway safety.

Recommendation: Grant Planning Permission subject to the conditions below:

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

None

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

1. No development following the foundations shall take place until, a scheme for the disposal of foul and surface waters have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with policy LP14 of the Central Lincolnshire Local Plan.

2. No development following the foundations shall take place until details of all external materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials:

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

3. With the exception of the detail matters referred by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 0217-15 dated February 2018, 0217-20D dated April 2017, 0217-30B dated September 2017 and 0217-31 dated September 2017. The works shall be in accordance with the details shown on the approved plans and in any other documents forming part of the application.

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

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

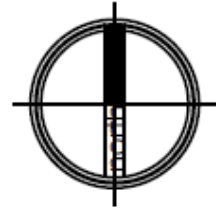
None

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



Officers Report

Planning Application No: 135868

PROPOSAL: Outline planning application for residential development of up to 9 no. dwellings - all matters reserved.

LOCATION: Land off Carr Road North Kelsey Market Rasen LN7 6LG

WARD: Kelsey

WARD MEMBER(S): Cllr L Strange

APPLICANT NAME: Mr Thomas Atkinson

TARGET DECISION DATE: 16/06/2017

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission

Description:

The site comprises a field off Carr Road, which is bounded by hedging. The site lies within North Kelsey which is defined as a medium village in the Central Lincolnshire Local Plan. There are residential properties to the south, a pond to the east, Beeches Farm to the west and residential garden to the north of the site.

The application seeks outline permission for a residential development of up to 9 dwellings with all matters reserved.

Relevant history:

None

Representations:

Chairman/Ward member(s) - Cllr Strange: The access and exit to Carr Lane is narrow. Cannot see how a safe footpath can be safely considered. The current and future planning guidance is for a growth of 10%. Reference that normally only nine dwellings would be expected on a development at any one time, unless exceptional circumstances prevail however these circumstance are not exceptional. The immediate neighbours were worried how close the development would be to their properties in terms of overlooking and loss of light; safety issues raised over accessibility to the proposed pond by children;

- A major ongoing concern has to be flooding and removal of surface water from such a low lying site and the only public transport in the village is the problematic call connect service so every family will have to travel in and out of Carr Lane by their own transport; it has been stated that a refusal to build adjacent to the site was made previously on the grounds of lack of car parking 133940.
- Residents and Parish Council of North Kelsey are not NIMBYs, should other developments come forward to submit for say five developments of no more than ten properties at access points to the village elsewhere say on Eastfield Road or Brigg Road around the cemetery area, then I think there would be general support – but not on Carr Road

Following the re-consultation for a reduction in houses the Ward Councillors comments remained the same.

North Kelsey Parish Council: Object with the main concerns:–

Flood Risk – A high flood risk area

- Traffic generation – Access and highway safety
- No exceptional circumstances: Previously 10 affordable homes 133246 has already been granted for 7 dwellings. It is referenced that only 9 dwellings would be expected on a development at any one time unless exceptional circumstances prevail.

Following the re-consultation to reduce the housing the Parish Council reiterated their previous comments.

Local residents: Objections received from Lucas House, Resthaven Cottage, Harlaxton Cottage, The Jays, Lakeland House, Tudor House, Axholme, Holme Lea, Beeches Farm, Pinfold Farm, The Walnuts, Barn Cottage, Sunny Bank, Lindum, Woodbine Farm, Berkeley House, Lyndon, Rosemount, 1 Pinfold Close, Barrowling Farm, Fir Tree Cottage, Brushwood, Catalina, Beck House, The Beeches with the main concerns –

- Too high density and inappropriate for a small rural village
- Development of this size will put too much pressure on already inadequate infrastructure such as drains, sewerage, roads and facilities in the village such as the school
- Flooding issues
- Speeding is an issue – further traffic load is adding to the safety risk
- No green/open spaces
- Land is home to Barn Owls
- Highway safety
- Traffic issues
- - Lack of amenities
- Road is narrow and unsafe
- Road would require significant upgrading
- Lack of parking
- Carr Road is the only access to the children’s playing field therefore significant impact of traffic associated with the initial construction and afterwards will substantially increase the risks of accidents
- Due to the number of stables down Carr Road horses are exercised on a regular basis down this road adding to the problem and increasing the risk
- Road not wide enough to accommodate the turning circle of Lorries and other construction vehicles onto site
- Any disruption to the access of Carr Road during the development will cause major issues to those businesses
- Drainage issues
- Why is this application being considered at all when the Central Lincolnshire Local Plan is to prioritise brownfield site development and not greenfield agricultural land?
- Loss of privacy
- Many brownfield sites available
- School is full

- Overshadowing
- Loss of light
- Protection of trees
- Visually overbearing
- Not in-keeping with existing residential properties
- Represents an un-neighbourly form of development
- The development will lead to the necessity to widen the roads
- Public Transport in the village will be a necessary addition
- Street lighting will need improvement in most areas of the village
- Police presence will be a necessary requirement
- Concern over route of construction traffic
- Destroy the character of the village
- No mobile phone coverage
- In the summer the pond come become stagnant
- Who will maintain the pond, ditch and proposed pump system?
- Established population of Great Crested Newts at Brushwood

The applications was reduced from 24 dwellings to 9 dwellings and a re-consultation was sent 22nd May 2017. Comments were received from the following properties – Lucas House, Barrowling Farm, Holme Lea, 1 Pinfold Close, Lakeside Lodge, Brushwood, Axholme, Beck House, Beeches Farm, Lakeland House, The Beeches and Rosemount with the main concerns

-
- Object to the driveways to plots 1, 2 and 9, object on safety grounds
- Highway safety
- No visitor parking
- Road is neither suitable nor wide enough
- 9 houses on the plan but room for more at a later date?
- No pond showing, where is the excess water to drain?
- Drainage issues
- School is full
- Gardens need to allow room for fuel storage as no gas in the village
- Provision of car parking still likely to be inadequate
- No regular bus service
- Driveways directly onto Carr Road
- Safety of children accessing the playing fields
- Absence of a footpath
- Does not meet exceptional circumstances stated by the planning regulations
- Adverse effect on residential amenity, the addition of a housing estate would change the area forever with noise, disturbance and loss of an existing view
- Overdevelopment of the site
- Overbearing and out of scale
- Beeches farm has two resident barn owls which are protected species
- A suitable site should be found to the north and east of the village on Station Road and Easthall Lane which would not affect the volume of traffic in the village. Another area which could be considered is North Kelsey Moor.
- No need for 9 luxury houses
- Not in-keeping with the area
- Only development that could be seen sympathetic is the construction of 4/5 properties built on the roadside

- Overshadowing and loss of light
- Loss of privacy

A further consultation was undertaken following receipt of an Archaeological Desk Based Assessment and an Ecology Report. One comment was received from Beeches Farm –

We welcome the Archaeological and Ecological reports relating to this development. However, may we bring to your attention that the Ecological report relates to the first site proposal (24 homes with pond), yet the site visit was undertaken on 23rd June, a full five weeks after the revised planning proposal was submitted (9 homes with no pond). The report recommendations and summary go into some detail on the benefits of the pond to wildlife etc., but seeing as this feature was long ago removed from the proposal, its value now seems somewhat redundant, and accordingly should be revised.

One from Brushwood –

Reiterate comments regarding Great Crested Newts
Pond is no longer being created yet it refers to it in the report

One from Beck House –

- Would like to point out that the ecology and archaeology assessments, although interesting, are not the prime reasons for public objections. Prime reasons remain highway safety and flood risks.
- Where is the assessment to go alongside the sequential test? Based on the test development will be on greenfield. If any meaningful assessment has been carried out then I believe it would have come to have a different outcome.
- Sequential test is meaningless and not substantiated by any detailed assessment.
- No assessment for housing need for the type of development.
- Continue to believe that this site is not suitable nor appropriate for any development other than possibly infill along the side of Carr Road.

LCC Highways: The principle of development is acceptable to the Highway Authority (HA). As the site exceeds 10 dwellings, it will be required to drain via SUDs principles and the current proposal outlined in the drainage strategy is acceptable provided the outfall is a viable option. The current drainage on Carr Road is poor with areas susceptible to surface water flooding, including in particular the proposed area for outfall from this development. In order for this development to be viable it must not exacerbate any current drainage problems. Before the HA can recommend final conditions it would request the applicant investigates suitability of the outfall or provide a fall back solution in terms of drainage should the proposed outfall not prove suitable at a later stage.

The HA have only considered layout in terms of drainage at this point, however it should be noted that there appears to be insufficient parking provision. The proposed frontage footway shown will be required approx. 1.2m wide linking to the existing footway at West Street.

Following a re-consultation which reduced the number of housing to up to 9 dwellings the following comments were received –

The current proposal is acceptable, however, as per the previous proposal the situation of the outfall for draining the site will require addressing before the Highway Authority can support this application. The current drainage on Carr Road is poor with areas susceptible to surface water flooding, including in particular, the proposed area for outfall from this development. In order for this development to be viable it must not exacerbate any current drainage problems and provide improvement where possible.

Before the HA can recommend final conditions it would request the applicant investigates suitability of the outfall and any improvements necessary, or provide a fall back solution in terms of drainage should the proposed outfall not prove suitable at a later stage.

Access and layout are reserved matter however the access points shown are acceptable as the access road serves more than 5 dwellings it will need building to an adoptable standard. A frontage footway will be required, approx. 1.2m wide linking to the existing footway at West Street.

NHS England: Please be advised that NHS England will not be requesting contributions or commenting on the above subject planning application at this time.

Anglian Water: Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

- The foul drainage from this development is in the catchment of North Kelsey Water Recycling Centre that will have available capacity for these flows.
- The sewage system at present has available capacity for these flows.
- The proposed method of surface water management does not relate to Anglian Water operated assets. The local planning authority should seek the advice of the Lead Local Flood Authority or Internal Drainage Board. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted.

Following the re-consultation for a reduction in the amount of housing the Anglian Water comments remain the same.

Developer Contributions Officer: I would suggest that the quota be secured at this time and that the detail including type and tenure be agreed at reserved matters. Defining the number and the type of dwelling at this point of an outline application restricts the development unnecessarily at this point.

- Current policy requirement for the delivery of affordable housing will be 25% of the total units to be delivered as affordable housing.

- The Parish Council are keen to understand if they are able to request further contributions to facilities within the village to mitigate the impact of this development. I have advised this be put in the formal consultation response and will be considered as part of the application.

Following the amendments the amount of housing would not trigger the requirement of affordable housing but should the total floor area be over 1000sqm then a contribution will be required.

Lincolnshire Police: Do not have any objections to this development.

Following the amendments the Lincolnshire Police had no objections.

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

Archaeology: There are known archaeological features on this proposed site. Medieval to Post-Medieval earthworks and ditches have been identified from aerial photographs on this site.

Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. I recommend that further information is required from the applicant in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application.

The agent provided more information in the form of a desk based assessment however more information was still required. A geophysical survey was provided and following this no further archaeological input was required.

Relevant Planning Policies:

National guidance

National Planning Policy Framework

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance

<http://planningguidance.communities.gov.uk/blog/guidance/>

Central Lincolnshire Local Plan

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP21: Biodiversity and Geodiversity

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

Main issues

- Principle
- Highways and Drainage

- Residential Amenity
- Affordable Housing
- Ecology
- Archaeology

Assessment:

Principle

The application seeks outline permission for the erection of up to 9 dwellings. The proposal was initially for 24 dwellings however there were no exceptional circumstances to permit this level of dwellings therefore the proposal was reduced to up to 9 to be in accordance with policy.

The proposal is within the village of North Kelsey which is defined as a medium village in the Central Lincolnshire Local Plan.

Policy LP2 states that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:

- they will accommodate a limited amount of development in order to support their function and/or sustainability.
- no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.
- typically, and only in appropriate locations, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.

The term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:

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

The proposal would be deemed an appropriate location. The proposal site would retain the core shape and form of the settlement, would not significantly harm the settlements character and appearance and would not significantly harm the character and appearance of the surrounding countryside or the rural setting of the area.

Objections have been received that they have already had enough development with two other housing developments to the north of the village. The remaining growth however as of 06/04/18 and the time of writing the report is 24. Therefore there is ample growth left within the village.

Other areas of North Kelsey have been suggested by the objectors for preferable growth. There is however no neighbourhood plan directing developers to preferable land and the suggestion of North Kelsey Moor would not be appropriate as there is no growth allocated there. In any event the submitted planning application is the one under consideration and the proper consideration of those sites suggested as alternatives would be when and if planning applications are submitted for formal consideration.

Other objections received state that the land is the lowest priority for housing. Whilst preferable sites to develop are brownfield sites, it is considered that the village does not have brownfield sites that could be developed.

The sequential test has provided little in the way of other land availability, never the less the site is considered an appropriate location and would therefore be in accordance with policy LP2.

An objector states that they should have included within their sequential test land with planning permissions however this is not land that could be considered "available".

The proposal would not be overdevelopment or out of character. The proposal can comfortably accommodate up to 9 dwellings retaining the core shape of the settlement. Whilst it is noted that some comments have been received stating that a row of dwellings to the front of the site would be acceptable, the current proposals are also considered to be acceptable and appropriate.

The demonstration of exceptional circumstances is no longer required as the number of dwellings has been reduced to 9. The development is considered to accord with policy LP2.

Highways and Drainage

The highways team have been consulted upon and they do not have any objection to the principle of development at the site.

Many objections have been received regarding highway safety to all users. The highways team have not raised any objections on the grounds of highway safety. They have stated that a frontage footway will be required linking to the existing footway at West Street.

Objections have been received regarding the amount of accesses onto Carr Road. The highways team have stated that these access points are acceptable. The plan however is only indicative and this is subject to change in the reserved matters application.

Objections have been received that there is no visitor parking however the site plan is indicative only at this stage, therefore the parking is not known at this time. The site is large enough to accommodate adequate parking.

The foul drainage from this development is in the catchment of North Kelsey Water Recycling Centre that will have available capacity for these flows.

The highways team did require some more information for surface water drainage of the site to prior to determination.

The current drainage on Carr Road is poor and susceptible to surface water flooding, including in particular, the proposed area for outfall from this development. The proposal must not exacerbate any current drainage problems and provide improvement where possible.

The applicants were requested to investigate the suitability of the outfall and any improvements necessary, or provide a fall back solution in terms of drainage should the proposed outfall not prove suitable at a later stage. This was subsequently provided in the form of CCTV surveys and highways now have no objections subject to the imposition of conditions.

Residential Amenity

Concerns have been raised with regards to overshadowing, loss of light, loss of privacy and the proposal being overbearing. At this stage the site plan is indicative only and therefore these concerns cannot be assessed. As only the principle of development has been applied for the layout, appearance and scale are all matters to be reserved. There is concern with the indicative layout with regards to plot 1; however, this together with consideration of the other plots is considered capable of satisfactory resolution at Reserved Matters.

It is not felt that an additional 9 houses in this area would create an unacceptable level of noise and disturbance to existing residents.

Affordable Housing

As the number of dwellings has been reduced to 9 this level of dwellings would not trigger the requirement for affordable housing. However should the cumulative floor space exceed 1000sqm then this will require a contribution. A condition will be attached for the proposal for no more than 9 dwellings and there shall be no more than 1000 square metres of combined gross internal floor space on the site.

Ecology

'The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF paragraph 109).

A protected species report has been submitted following a request from the officer.

The site is considered to have low potential to support common reptile species and is likely to provide foraging opportunities for bats and barn owl. Precautionary measures have been provided within the report and should be followed to prevent harm to these species. This will be conditioned.

Additional precautionary measures and ecological enhancements are required in order to ensure legal compliance and no net loss to biodiversity. These are as follows:

- Appropriate timing with regards to nesting birds
- Provision of bird boxes
- Best practice in relation to bats – retention of boundary hedgerows and appropriate lighting across the site.
- Provision of bat roosting units
- Best practice in relation to badger and other ground mammals during development works
- Best practice in relation to hedgehogs within the development, and maintenance of commuting routes and connectivity with wider landscape
- Provision of an amphibian hibernaculum and creation of wildlife pond
- Use of native species and wildflowers in the landscaping scheme

Comments have been received regarding the pond being removed on the amended plan and that the ecological survey still references that there is a pond which would improve the foraging of bats. The recommendation is for the creation of a wildlife pond. Whilst this has been removed on the amended plan, this plan is indicative only and therefore the pond can be included once the layout is submitted in the reserved matters application.

A resident opposite the site have stated that they have Great Crested Newts on their property. No evidence has been submitted with regards to this. The survey has assessed for its potential to support great crested newts. Although there are recent records for great crested newts in the area, none have been recorded in the ponds closest to the pond adjacent to the survey site. As such, it is considered unlikely that any great crested newt will be found on the survey site, and no further survey work or mitigation will be required for this species.

The adjacent neighbours have a breeding pair of barn owls. This is acknowledged in the survey. Recommendations have been made in order for the proposal not to have a detrimental impact on owls.

Archaeology

North Kelsey is a village which has its roots in the Anglo-Saxon period. At the time of the Domesday survey there was a minimum population of 52 as well as a manor and a mill. There is also a moated site nearby.

There are known archaeological features on this proposed site. Medieval to Post-Medieval earthworks and ditches have been identified from aerial photographs on this site.

Insufficient information was provided. The agent then submitted a desk based survey however the potential of the site was still unknown, the desk based assessment identified information already known about this site that there are features that potentially relate to the medieval development of North Kelsey and further investigation. The developer was therefore requested to commission and undertake a geophysical survey.

Following receipt of further information, no further archaeological information was required.

Other matters

A development of this size would not warrant a contribution towards education.

A loss of an existing view would not be a material consideration with regards to this type of application.

Overall planning balance and conclusion

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk and LP21: Biodiversity and Geodiversity of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. The proposal would be in an appropriate location and would not, subject to the imposition of appropriate conditions, have a detrimental impact on the interests of satisfactory drainage, highway safety, the amenities of existing residents and the interests of bio diversity.

Recommendation: Grant Planning Permission subject to the conditions below:

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

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until, plans and particulars of the appearance, layout and scale of the buildings to be erected and the landscaping of and access to the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

4. No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 1.2 metre wide link footway and uncontrolled tactile paved crossing point, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before (any of) the dwelling(s) is/are occupied. Or in accordance with a phasing arrangement to be agreed in writing with the local planning authority.

Reason: To ensure safe access to the site and each dwelling/ in the interests of residential amenity, convenience and safety and in accordance with Policy LP 13 of the Central Lincolnshire Local Plan.

5. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority

Reason: To ensure that the future maintenance of the streets serving the development thereafter, are secured and shall be maintained by the Local Highway Authority under Section 38 of the Highways Act 1980 or via an established private management and maintenance company in the interests of highway safety and to ensure a satisfactory appearance to the highways infrastructure serving the development in accordance with Policies LP 13 and LP26 of the Central Lincolnshire Local Plan.

6. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway in accordance Policies LP 13 and LP26 of the Central Lincolnshire Local Plan.

7. Notwithstanding the drainage details submitted, no development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
 - a) 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;

- b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) 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. The development shall be carried out in accordance with the approved drainage scheme and no dwelling 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 surface water run-off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the residents of this site in accordance with policy LP 14 of the Central Lincolnshire Local Plan.

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

- 8. No more than nine dwellings shall be erected on the site. There shall be no more than 1000 square metres of combined gross internal floor space on the site.

Reason: For the purposes of proper planning and to ensure that affordable housing is not required.

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

- 9. The applications shall be in accordance with the recommendations within the Ecology and Protected Species Survey by Scarborough Nixon Associates Limited dated June 2017.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and policy LP21 of the Central Lincolnshire Local Plan.

Notes to applicant

- 1. Prior to the submission of details for any access works within the public highway you must contact the Head of Highways - on 01522 782070 for application, specification and construction information.
- 2. You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

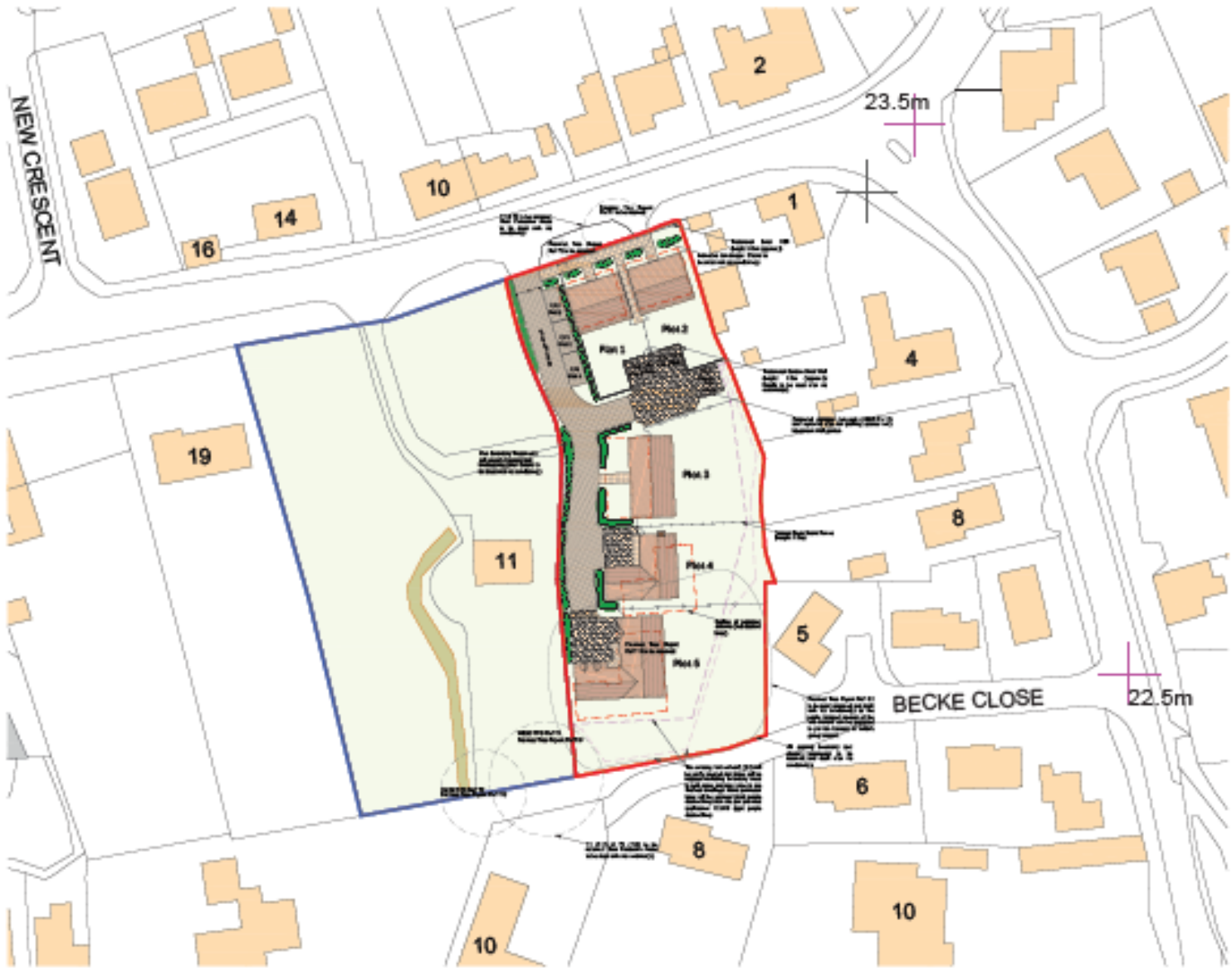
3. Please contact Lincolnshire County Council Streetworks & Permitting team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required in the public highway in association with this application. This will enable Lincolnshire County Council to assist you in the coordination and timings of such works.

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



Officers Report

Planning Application No: 137057

PROPOSAL: Planning application for the residential development of 5no. detached dwellings.

LOCATION: Bleak Farm High Street Cherry Willingham Lincoln LN3 4AH

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Mrs A Welburn, Cllr Mrs M Palmer and Cllr Mr C Darcel

APPLICANT NAME: Mr H Roe

TARGET DECISION DATE: 02/02/2018 (Extension to 04/05/18)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

The application has been referred to the Planning Committee at the request of the Ward Member

Proposal:

This full application has been submitted to construct five two storey four bedroom dwellings with two front facing dwellings and three behind.

Site:

The application site is an area of land (0.32 hectares) positioned in the centre of Cherry Willingham. The wider site has a previous agriculture history of being farmstead (farmhouse and barns) but this use has now ceased. This site is now in an untidy condition with a derelict lean to barn to the front and a modern portal framed agricultural building (open to ends and sides) and orchard to the rear. Its appearance includes piles of rubble, bricks, roof tiles, timber and other items. The site is set just back from and above the highway and slopes upwards from north to south. The site is open to the north boundary with the occasional tree with a mix of fence panels, walls and hedging to the east. The south boundary is screened by high trees and hedging. The west boundary is screened to the rear half by high hedging and is open to the front half. Neighbouring dwellings are adjacent or opposite to the north, east and south. The remainder of the unused agricultural site sits to the west including the run down unoccupied farmhouse. A protected tree sits in the south west corner of the site. There are Listed Buildings in the vicinity of the site. These are:

- The Manor House - Grade II Listed (approximately 26 metres to the south east)
- 21, 23, 25 and 27 High Street - Grade II Listed (approximately 95 metres to the west)

Amended drawings have been submitted primarily to alter the design of plots 1 and 2 but additionally to move plot 5 further away from the protected tree. A 14 days re-consultation process has been instructed.

Relevant history:

132418 - Outline planning application for erection of up to 13no. dwellings with all matters reserved and the conversion of a barn to a dwelling – 23/08/16 - Granted with Legal Agreement

Representations

Cllr Welburn:

- The Planning Committee stated for the outline that they wished the details to go back to them for consideration: As this is a new full application. In view of this request and the interest shown by the members I am surprised that the application has not been referred automatically to the planning committee.
- Paragraph 58 of the NPPF, as well as the adopted Local Plan policy, seeks to ensure good design that will establish a strong sense of place, add to the overall quality of the area, respond to local character (there is some strength of character in this part of the village) and optimise the potential of the (larger) site to accommodate development. This design is very generic and has no design theme to complement the site and its setting next to the farmhouse and at the historic centre of the village. No consideration is apparent of heritage or streetscape issues and the site's relationship with the street scene.
- Policy LP11 - This site is big enough for affordable housing and Cherry Willingham needs a mix of housing types. This is referred to in our emerging local plan.
- LP12 - The High Street is already heavily congested and at certain times is one lane only, there is little provision for parking in this design which will increase road side parking. The High Street is on a bus route and whilst we have a good bus service this is not available on Sundays or evenings and cars are an integral part of people's lives in a rural area. The High Street is a main through route and will be affected by an increase in traffic upon the stopping of Hawthorn Rd. cars parked on the side of the road will create a bottle-neck. We also have limited availability in the local surgery.
- LP25 - The centre of Cherry Willingham is our heritage asset and could easily have been made a conservation area. There are TPOs on some of the trees on the site as well as an old orchard. All the houses on the opposite side of the road are non-designated heritage buildings in our neighbourhood plan and as such this area need more thought in the design of any housing on this site to preserve the street scene.

Cherry Willingham Parish Council: Objections and comments

Visual Impact and Design

- The design is very generic and has no design theme to complement the site and its setting next to the farmhouse and at the historic centre of the village.
- No consideration is apparent of heritage or streetscape issues and the site's relationship with the street scene.
- Traditional materials are being proposed (e.g. clay pantiles) which is good, given the style of dwelling proposed, but the detailing is somewhat bland and suburban.
- Proportions/detailing for some window openings need reviewing and chimney stacks should be larger as a design feature to be proportionate to the scale of the dwellings and to enliven the roofscape (see immediately across the road. A more bold but honest contemporary approach would be a better fit for the site and strengthen 'sense of place'.

Landscaping

- No tree retention/planting plans in respect of the orchard have been provided.

Other

- Wishes to flag up that affordable housing is needed as part of this development in due course 3.
- CIL is now also in place.
- The site as a whole should be considered at the same time.
- Has concerns that the whole site will end up a 'bitty' design if the whole site is not considered at the same time.

Local residents: No representations received to date

LCC Highways/Lead Local Flood Authority: No objections subject to conditions and advisory notes

Archaeology: No archaeological input required

Conservation Officer: No objection subject to conditions

Representations received 16th April 2018:

I would indeed refer you to my previous comments and would be disappointed if we could not obtain a much better design, something that reflected the lost buildings as a starting point, at the very least.

Representations received 18th January 2018:

The proposed development is within the wider setting of two listed buildings, and I understand too, that the farmhouse is still extant on site. I am concerned that the proposed development appears standard and formulaic, particularly when you take into account the heritage assets that existed and how these contributed, most unusually, to a streetscape.

Historic farmsteads tend to be located in remote settlements unless these were 'town farms' often built as a result of Enclosure Awards. I would advise that in the setting of listed buildings, we need to know more about how design impacts upon setting. Currently, the application contains insufficient information, which does not then allow the LPA to have 'special regard' as is required under section 66 of the LB&CA Act 1990.

Tree and Landscape Officer: Objection

Representations received 3rd April 2018:

The revised dwelling position at plot 5 now has the house fully outside the 10.3m RPA of the nearest TPO oak. The oak is shown in a slightly incorrect position a bit too far to the west, although it is now shown in a more accurate position than the earlier plans when it was shown a few metres to the east side of the red site line, and this latest plan now shows the TPO tree a few meters to the west of the red line of the site. Protective fencing should be erected at 10.3m from the tree stem, and not from the tree positions shown on the plans. Protective fencing should be erected prior to commencement of site clearance and setting out, and should be retained in the approved position until completion of works. No drainage excavations, patios, paving, etc should be installed within the tree RPA. There should be no changes in existing/current ground levels within the tree RPAs.

Representations received 22nd February 2018:

The position and size of the plot 5 dwelling is too close to the large TPO oak and would create a need for cutting back the crown to make space for the building, additional cutting back of the crown to make space for construction activity around the house as it is being built, plus the proximity to such a large tree is likely to lead to future pruning pressures from new residents. The position of the plot 5 dwelling in front of the tree will also partially hide the tree and reduce the amenity it provides to the area. With these issues in mind, I therefore object to the proposed development in this current layout. If the application results in planning permission being granted, details of tree protection, including type and position, will be required.

A scheme of landscaping should also be required to soften the impact of the development to the area, provide visual amenity, and provide some small mitigation measure for the loss of the old orchard and its important habitat/biodiversity value.

IDOX checked: 16th April 2018

Central Lincolnshire Local Plan 2012-2036 (CLLP)

Following adoption at Full Council the CLLP forms part of the statutory development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies considered relevant are as follows:

LP1 A Presumption in Favour of Sustainable Development
LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth
LP10 Meeting Accommodation Needs
LP13 Accessibility and Transport
LP14 Managing Water Resources and Flood Risk
LP16 Development on Land Affected by Contamination
LP17 Landscape, Townscape and Views
LP25 The Historic Environment
LP26 Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

Cherry Willingham Neighbourhood Plan

Cherry Willingham Parish Council have publicised their Draft Neighbourhood Plan (Reg.14). A public consultation has been completed for a 7 week period from the 20th January 2018 to 3rd March 2018. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. With consideration given to paragraph 216 of the National Planning Policy Framework the draft version of the SNP can only be afforded little weight as aspects of clear community support cannot be demonstrated until the consultation results are known. The policies relevant to this application are noted to be:

Policy H3: Infill Development and Redevelopment Opportunities
Policy HE1: Protecting the Historic Environment
Policy D1: Design Principles for Cherry Willingham

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/cherry-willingham-neighbourhood-plan/>

National Planning Policy Framework

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

National Planning Practice Guidance

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

Other

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

<http://www.legislation.gov.uk/ukpga/1990/9/section/66>

Greater Lincolnshire Biodiversity Action Plan 2011-20 (3rd Edition)

<http://www.glnp.org.uk/admin/resources/lincs-bap-2011-2020-review-2015final.pdf>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
National Planning Policy Framework

*Cherry Willingham Draft Neighbourhood Plan
Extant Planning Permission 132418
Concluding Assessment*

- Listed Buildings
- Visual Impact
- Residential Amenity
- Archaeology
- Impact on Trees
- Highway Safety
- Foul and Surface Water Drainage

Assessment:

Principle of the Development

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

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Cherry Willingham as a large village and *'to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth'*. LP2 states that most of the housing growth in Cherry Willingham will be *'via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint'*. The application site is not an allocated site but is an appropriate infill site within the developed footprint of Cherry Willingham.

National Planning Policy Framework:

The Central Lincolnshire Local Plan was formally adopted on 24th April 2017 following an examination in public. This established a deliverable five year supply of housing land. The latest review published January 2018 identified a housing supply of 6.19 years.

Cherry Willingham Draft Neighbourhood Plan:

As listed above the Draft Neighbourhood Plan currently has little weight in the decision making process, however the relevant policies are listed on the policies section above.

Policy H3 sets out criteria for infill development placing importance on the character of the area and the impact on the setting of heritage assets.

Policy HE1 provides a map identifying the position of Listed Buildings (Map 3) and Non-Designated Heritage Assets (Map 4) within the settlement and importance on protecting their setting.

Policy D1 provides design principles for all new development in the settlement and sets out criteria in different categories such as character, landscape and parking.

Extant Planning Permission 132418:

The application site is the eastern section of a larger site given outline planning permission for residential development (see history section) on 23rd August 2016. This permission gave three years for the submission of the reserved matters application, namely access, scale, appearance, layout and landscaping.

Concluding Assessment:

It is therefore considered that the principle of residential development on the site has already been established and the development can be supported subject to satisfying other material considerations.

Impact on Listed Buildings and Non-Designated Heritage Assets

The site is located within the setting of Listed Buildings. The Manor House is to the south east and is divided from the site by other residential dwellings. The Listed Buildings off High Street are almost 100 metres away. The setting of these Listed Buildings is currently harmed by the current untidy condition of the site and the adjacent land to the west.

Local policy LP25 of the CLLP states that *'Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire'* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that *'Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building'*.

Policy HE1 of the Cherry Willingham Draft Neighbourhood Plan (CWDNP) sets out criteria for protecting Heritage Assets within Cherry Willingham. Map 3 (pg30) and Map 4 (pg31) of the CWDNP identifies the location of Listed Building and Non-designated Heritage Assets. In particular criteria 2 of HE1 states that *'The setting of an asset is an important aspect of its special architectural or historic interest and proposals that fail to preserve or enhance the setting of a heritage asset shall not be supported'*.

Guidance contained within Paragraph 128 of the NPPF states that *'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'*.

Paragraph 132 states that *'great weight should be given to the asset's conservation'* and that *'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*.

Paragraph 133 provides guidance that *'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent'*.

Paragraph 135 states that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that *'Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage'* and *'although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors'*.

The Local Authority's Conservation Area Officer (CAO) has stated that *'the proposed development appears standard and formulaic, particularly when you take into account the heritage assets that existed and how these contributed, most unusually, to a streetscape'* and that *'currently, the application contains insufficient information, which does not then allow the LPA to have 'special regard' as is required under section 66 of the LB&CA Act 1990.'*

The application has included the submission of a Heritage Statement dated 3rd April 2018 which states that *'there is no major impact on any listed buildings in the immediate nearby area because of the privacy and shelter provided by existing boundary trees/ hedgerows creates a buffer between the application site and the listed buildings further afield'*.

The comments of the Conservation Officer are noted, however the site already has outline permission (132418) for residential dwellings. Included in the outline application which gained permission was an indicative layout which suggested that the dwellings to the rear of the site were to be more standard dwellings with possibly a small run of agricultural barn style terraced dwellings (plots 2-4) to the front. However planning permission 132418 does not include a condition stipulating that the dwellings to the front are designed with an agricultural barn appearance.

Taking into consideration the condition of the site and the planning history of the site it is considered that the proposal due to the siting, scale, massing and design of the dwelling will at least preserve the setting of nearby Listed Buildings and non-designated heritage assets. Therefore the proposal will accord with local policy LP25 of the CLLP, policy HE1 of the DWCNP, the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

Visual Impact

Objections have been received from the local ward member and the Parish Council in regards to the visual impact of the development.

Local policy LP26(c) of the CLLP states 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. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;

Cherry Willingham Draft Neighbourhood Plan (CWDNP) sets out criteria for infill developments (Policy H3) and design principles (Policy D1). Policy D1 states that *'proposals shall only be supported where they are of a high standard of design that have fully considered the relevant design principles'* The site as observed at the site visit is currently in poor condition in terms of its ground condition, existing derelict buildings, piles of different materials and other items left on site such as a bath, oil drum and tyres. The condition of the site currently detracts from the street scene along the High Street and the setting of the nearby listed buildings to the west and the buildings opposite which are considered as non-designated heritage assets in the CWDNP.

The development proposes to construct five detached two storey dwellings with 4 bedrooms to be constructed from (identified on application form):

- Brick
- Clay Pantiles
- UPVC windows and doors

The proposed three dwellings behind plots 1 and 2 are standard dwellings but each dwelling has a different design therefore provides more interest than a development which proposes an identical dwelling and plot layout for plot 3-5. The submitted heritage statement states that *'in terms of detailing on the proposed elevations, the units (in particular units 1 & 2) reference the historic use of the site and the exact details can be dealt with via condition(s)'*.

The site is in a prime location in the centre of the settlement and in desperate need of redeveloping to improve the visual appearance and street scene along this stretch of high Street.

The site is 0.32 hectares in size and can accommodate the five dwellings proposed whilst providing sufficient garden space and off street parking. In comparison to the indicative site layout (L-BOW-025-SLPP Revision E dated 11th September 2015) proposed in outline planning permission 132418 this development provides less density of dwellings from 7 to 5 dwellings.

The area around the development site includes a mix of frontage dwellings and dwellings will sit further back from the main highways through Cherry Willingham along cul-de-sacs or no through roads. This includes Becke Close to the south east/south and Blacksmith's Green to the north.

Therefore given the present condition of the site the proposal will not have a significant adverse visual impact on the site, the street scene or the surrounding village of Cherry Willingham therefore accords to local policy LP17 and LP26 of the CLLP, policies H3 and D1 of the DWCP and guidance within the NPPF.

Residential Amenity

The site has neighbouring dwellings adjacent or opposite in all directions. No objections have been received from neighbouring residents.

On the opposite side of High Street to the north is 4, 6, 8 and 10 High Street. To the east of the site is 1 High Street, 4, 6, 8 Church Lane and 5 Becke Close. To the south is 8 and 10 Becke Close. The proposed dwellings given the separation distance will not impact on the living conditions of these neighbouring dwellings through a loss of privacy, an overbearing impact or a loss of light.

To the west of the site is Bleak Farm Farmhouse which is unoccupied and currently in an uninhabitable deteriorating condition. Although it seems unlikely it is possible that this dwelling could be refurbished and occupied again in the future. Proposed plot 4 and plot 5 will have bedroom windows which will look towards the east and south elevations of the farmhouse and the rear garden space. The farmhouse would still have some areas of privacy in its rear garden space. Consideration is given to the separation distances and the proposed uses of the rooms. Therefore it is considered that some overlooking of the farmhouse would occur if occupied but not to a significant degree. The proposed dwellings will not cause an overbearing impact or loss of light on the farmhouse.

It is important to consider the impact of the proposed dwellings on each other although there is a degree of buyer beware. The proposed dwellings have been positioned and designed including first floor openings to ensure the dwellings will not have a significant harm on the living conditions of the future residents.

Due to the close proximity of neighbouring dwellings it is considered that a construction method statement is required to ensure the construction phase considers the neighbouring residents. This will be condition on the permission.

The proposal includes parking to the side of plot 1 (1 space for plot 1, 2 and 3) and an area of 6 parking spaces (2 spaces for plot 1, 2 and 3) between the rear boundaries of plot 1/2 and the north side boundary of plot 3. The parking spaces to the side of plot 1 is not ideal but the amount of vehicle movements will not significantly disturb the residents of plot 1. The parking to the rear has close access to each serving dwelling and will be covered by natural surveillance from the rear of plots 1, 2 and 3.

Overall it is therefore considered that the proposed dwellings will not have a significant impact on the living conditions of neighbouring dwellings or future residents of the site therefore is in accordance with LP26 of the CLLP and guidance contained with the NPPF.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the proposal.

Impact on Trees

The application site includes a protected tree in the south west corner of the site and an old traditional looking orchard to the rear.

Protected Tree:

The relocation of plot 5 has moved it outside the root protection area of the protected tree and provided better clearance from its crown. The Authority's Tree and Landscape Officer has no objections regarding the protected tree subject to conditions requiring appropriate protective measures to be installed prior to commencement until completion and that no excavation occurs within the root protection area.

Orchard:

The southern part of the site includes an old orchard which can already be removed through the building out of extant planning permission 132418.

Paragraph 118 of the NPPF states that:

'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*

Local Policy LP21 states that:

'All development should:

- *protect, manage and enhance the 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; minimise impacts on biodiversity and geodiversity; and seek to deliver a net gain in biodiversity and geodiversity'.*

Pages 139-142 of the Greater Lincolnshire Biodiversity Action Plan 2011-2020 (3rd Edition) describes the importance in retention of Traditional Orchards. It states that *'traditional orchards are defined as groups of fruit or nut trees planted on vigorous rootstocks at low densities in permanent grassland, and managed in a low intensity way'* and that they have declined 60% since the 1950's.

The alteration of the layout by moving plot 5 further north has allowed some of the Orchard Trees to remain in place as stated on proposed site plan J1548-PL-02 dated March 2018. Again the Authority's Tree and Landscape Officer has not objected to the part removal of the Orchard.

Given the orchard trees can be removed through extant planning permission 132418 the proposed retention of some of the orchard trees through this development is welcomed.

Subject to conditions the development will accord with LP21 of the CLLP and guidance contained with the NPPF.

Highway Safety

The proposed vehicular access off High Street will utilise an existing access in the north west corner of the site. High Street has a 30mph speed limit and the observation views were considered acceptable at the site visit.

The Highways Authority at Lincolnshire County Council have not objected to the proposed access subject to conditions. The proposal would therefore not have an adverse impact on highway safety and accords to local policy LP13 of the CLLP and guidance contained within the NPPF.

Foul and Surface Water Drainage

The application form states that foul drainage will be disposed of to the mains sewer. Surface water is proposed to be dealt with through soakaway which is a method of sustainable urban drainage system and is encouraged, however the suitability of the site for soakaways has not been justified through appropriate testing. Therefore it is considered that foul and surface water is addressed by the use of a condition.

Other Considerations:

Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding therefore meets the NPPF sequential test.

Contamination

Due to the historical use of the site and storage of chemicals it is considered necessary to include a precautionary contamination condition in the interest of public health and safety.

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. Details in relation to CIL have been sent to the agent/applicant in emails dated 3rd January 2018.

An updated additional information and assumption of liability forms has not been submitted following the email sent on 15th February 2018. On measuring the floor space of the dwellings it is estimated that the total floor space created will be approximately 990m². Therefore using this approximate figure the development, which is located in the Lincoln Strategy Area will be liable to a CIL payment required prior to commencement of the development of approximately £24,750. An advisory note will be attached to the permission.

Affordable Housing

The proposal is below the dwelling and floor space limit for an affordable housing contribution to be required in accordance with local policy LP11 of the CLLP and provisions of the NPPF.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036 in the first instance, relevant policies of the Cherry Willingham Draft Neighbourhood Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

In light of this it is considered that the principle of the development is acceptable including the contributing five dwellings on an appropriate site with the developed footprint of a large settlement and towards the housing supply in Central Lincolnshire. The proposal will not have a significant adverse visual impact on the site, the surrounding area or the street scene and will preserve the setting of nearby Listed Building and Non-Designated Heritage Assets. It not have a significant harmful impact on the living conditions of neighbouring dwellings, trees, highway safety, archaeology or drainage. This is subject to pre-commencement conditions.

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

Representors to be notified -

(highlight requirements):

Standard Letter Special Letter Draft enclosed

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 shall take place until details of the external materials listed below have been submitted or inspected on site and agreed in writing by the Local Planning Authority.

- A one metre square sample panel of brickwork, mortar and bond.
- Roof materials
- rainwater goods and downpipes including the colour
- All windows including section drawings and colour finish.
- Doors

The brickwork panel constructed shall be retained on the site until the development hereby approved has been completed.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding area including the Listed Buildings and Non-Designated Heritage Assets to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policies H3, HE1 and D1 of the Cherry Willingham Draft Neighbourhood Plan.

3. No development shall take place until details of a scheme for the disposal of foul sewage and surface water from the site (including the results of any necessary soakaway/percolation tests and connectivity plan) have been submitted to and approved in writing by the Local Planning Authority. No occupation shall occur until the approved scheme has been installed.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Draft Neighbourhood Plan.

4. No development shall take place until, details of the form and position of the protection measures to protect the tree adjacent the south west boundary of the have been submitted to and approved in writing by the Local Planning Authority. The details to include a plan showing the root protection area of the tree and no excavation or land level changes within the root protection area. The approved protection measures shall be installed prior to commencement and retained in place until the development is completed.

Reason: To safeguard the existing boundary trees during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policies LP17, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No development shall take place until a landscaping scheme has been submitted including details of:
 - the height and materials used for the boundary treatments
 - the surface material of the road and parking spaces
 - the species, height, position and planting formation of any hedging and/or trees.

have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Draft Neighbourhood Plan.

6. No development shall take place until a construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) shall be adhered to throughout the construction period. The statement shall provide for:
 - (i) the routing and management of traffic;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and local policies LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

7. 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:

- J1598-PL-02 Rev 04 dated March 2018 - Proposed Site Plan
- J1598-PL-03 Rev 02 dated March 2018 – Plot 1 and 2 Proposed Floor Plans
- J1598-PL-04 Rev 02 dated March 2018 – Plot 1 and 2 Proposed Elevations and Sections Plan
- J1598-PL-05 Rev 01 dated November 2017 – Plot 3 Proposed Floor Plans
- J1598-PL-06 Rev 01 dated November 2017 – Plot 3 Proposed Elevations and Sections Plan
- J1598-PL-07 Rev 01 dated December 2017 – Plot 4 Proposed Floor Plans
- J1598-PL-08 Rev 01 dated December 2017 – Plot 4 Proposed Elevations and Sections Plan
- J1598-PL-09 Rev 02 dated December 2017 – Plot 5 Proposed Floor Plans
- J1598-PL-010 Rev 01 dated November 2017 – Plot 5 Proposed Elevations and Sections Plan

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, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Draft Neighbourhood Plan.

8. Before the dwellings are occupied, the access and the individual drives/parking and turning spaces shall be completed in accordance with the approved proposed site plan J1598-PL-02 Rev 04 dated March 2018 and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow

vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework, local policies LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Draft Neighbourhood Plan.

9. The proposed driveways and turning spaces shown on plan proposed site plan J1598-PL-02 Rev 04 dated March 2018 shall be constructed from a permeable material and retained thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036

10. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

NONE

Agenda Item 7



Planning Committee

2 May 2018

Subject: Determination of Planning Appeals

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess
Chief Operating Officer
Mark.sturgess@west-lindsey.gov.uk
01427 676687

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

RECOMMENDATION(S):

That the Appeal decisions be noted.

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

Equality and Diversity including Human Rights: The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment: None arising from this report.

Climate Related Risks and Opportunities: None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

Appendix A - Summary

- i) Appeal by Mr Ian Manser against the decision of West Lindsey District Council to refuse outline planning permission for one dwelling at Rhodesia, 1 Main Street, Grasby, Lincolnshire DN38 6AH.

Appeal Dismissed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission



Appeal Decision

Site visit made on 15 February 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26 March 2018

Appeal Ref: APP/N2535/W/17/3189369

Land at Rhodesia, 1 Main Street, Grasby, Lincolnshire DN38 6AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ian Manser against the decision of West Lindsey District Council.
 - The application Ref 136109, dated 10 April 2017, was refused by notice dated 16 June 2017.
 - The development proposed is to erect one dwelling with all matters reserved.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all matters reserved for future consideration.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of future occupiers of the site and the occupiers of neighbouring dwellings with particular regard to overlooking, loss of light and overshadowing.

Reasons

4. The appeal site comprises a raised area of land located on Main Street, which runs relatively steeply downhill from the entrance to the village from the A1084. The plot sits above the level of the road and immediately to the south of an existing access way to two properties, one of which is located uphill from the site and the other to the rear. This access has been cut into the bank resulting in the ground level of the house to the rear sitting below the current ground level of the appeal site. South of the site is a former Methodist chapel that has been converted into a dwelling known as the Old Chapel, and beyond that is a bungalow at no. 1 Clixby Lane. The gardens and northern elevations of both properties are clearly visible from the appeal site which in its current configuration is roughly on the same level as windows for habitable rooms in the roof space at the Old Chapel. From the appeal site there is also a clear view down and into habitable rooms at no. 1 Clixby Lane.

5. Despite the final design, layout and scale of any dwelling being a reserved matter, in my opinion the dominant location of the appeal site on the hill would inevitably lead to overlooking of the windows and gardens at the Old Chapel and no. 1 Clixby Lane. The relative position of the appeal site with windows serving habitable rooms at those dwellings would result in significant harm to the living conditions of the occupiers of those properties as a consequence of a loss of privacy. Similarly, the overlooking of the gardens would result in an unacceptable detrimental effect on the privacy of those occupiers in the enjoyment of their amenity space.
6. The relative positions of the plot and dwellings in the surrounding area would likely not result in overlooking of any windows at a dwelling on the appeal site as elevations would be higher or on a similar level, although there is potential for overlooking of any garden space. However, that is a matter that could be addressed at detailed approval stage. Despite the location of the appeal site high on the hill, the north to south descent of the road would mean that it is unlikely that any dwelling on the site would cause overshadowing or a loss of light to the occupiers of the dwellings at the Old Chapel or no. 1 Clixby Lane, and any potential effect on the occupiers of those properties to the north and east could be addressed at detailed approval stage. However, although the potential for overshadowing or loss of light could be addressed when considering reserved matters, these would be insufficient to outweigh the unacceptable detrimental impact of overlooking on the occupiers of Old Chapel or no. 1 Clixby Lane.
7. Consequently, the proposed development would not accord with Policy LP26 of the Central Lincolnshire Local Plan 2017, which seeks to ensure that developments are compatible with neighbouring land uses and do not result in unacceptable overlooking.

Conclusion

8. Therefore, for the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR