

Officers Report
Planning Application No: 140569

PROPOSAL: Planning application for replacement of a dormer bungalow with a two storey house.

LOCATION: 18 Lindholme Scotter Gainsborough DN21 3UR
WARD: Scotter and Blyton
WARD MEMBER(S): Cllr Rollins, Cllr Clews and Cllr Snee
APPLICANT NAME: Mr Calvert

TARGET DECISION DATE: 31/03/2020
DEVELOPMENT TYPE: Minor - Dwellings
CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Refuse permission

Description: The application site is located within an established residential area of Scotter, a large village as defined by the Central Lincolnshire Local Plan (LP2). It sits within Flood Zone 3b (The Functional Flood Plain) as designated by the Environment Agency's flood maps. The site is also designated as a sand and gravel minerals safeguarding area.

The site hosts a detached residential dwelling and garage with associated garden area. The River Eau runs directly along the eastern boundary of the site. Beyond the southern boundary sits a band of trees and open designated local green space, locally known as parson's field. A neighbouring residential property (No 16) adjoins the site to the North West with other dwellings set in a line to the north and facing onto the highway (Lindholme). Further residential properties are accessed off Lindholme but these are set to the North East and on the other side of the river. These properties also sit on higher ground and are at some distance away from the site.

The grade I listed St Peters Church and grade II listed Old Rectory both sit on higher ground to the west. They are separated from the site by No 16, a band of trees and other designated important open space.

This application seeks permission for the erection of a replacement dwelling and garage. The proposed dwelling is larger in size than the existing dwelling on site. The development is proposed due to numerous flooding events that have occurred at the property and seeks to reduce the impacts of flood events to the property by raising it above the existing known flood risk levels.

The existing dwelling has an approximate width of 7.5 metres and a length of 17 metres. The eaves height is approximately 2.75 and an overall ridge height of approximately 7.5 metres. (From existing site levels).

The proposed dwelling is to be raised by approximately 1.7 metres from existing levels and incorporates a raised ramp to the front and patio to the

rear. The proposed dwelling has an approximate width of 13 metres including the rear extension and an approximate length of 24.7 metres including the garage and passageway between. The eaves height is approximately 6.75 metres and the overall ridge height is approximately 10.2 metres (from existing site levels).

The garage dimensions (separate from the house) approximately measure 7.7 metres in length (including the passage) and approximately 6.5 metres in width. The eaves height is approximately 4.2 metres and the ridge height is 7.2 metres approximately (from existing site levels).

The rear/side elevation extension dimensions (separate from the house) measure approximately 7.5 metres in length and 5.5 metres in width. The eaves height is approximately 6.7 metres and the ridge height 10.2 metres (from existing site levels).

The replacement dwelling consists of a dining room, lounge, hall, kitchen, cloaks, games room, utility and day room at ground floor. The first floor includes 5 bedrooms, a dressing room, two en-suites and a family bathroom. The garage consists of parking and storage provision at ground floor with a studio and lobby above.

Relevant history:

120812 – Erect conservatory – GC 2007

M03/P/1079 – Erect detached garage – GC 2003

W88/440/78 – Erect dwelling – PPC - 1978

Representations (In Summary):

Cllr Rollings – 11/03/20 –

I am very happy to support this proposal. Whilst I understand that the increase in height of the proposed application is bound to change the appearance of what is currently in place, not necessarily for the worse, I really feel that the impact on neighbours will be minimal.

These flood events are extremely traumatic for the adults and children who are affected and unless there is a change in the way that the EA chooses to manage and maintain the River Eau these incidences of flooding will continue and the properties that sit along the River Eau, who are affected must be allowed to adapt accordingly.

Also, it is my view that these are large family houses and the designs must be allowed to be changed to reflect modern ways of living - especially in times of flood.

Cllr Snee – 13/03/20

I am happy to support this proposal, I understand that the increase in height of the proposed application is bound to change the appearance of what is currently in place, however, I feel the impact on neighbouring properties will

be minimal. The properties in this location are currently all of an individual design.

The recent flood event experienced by the applicant was extremely traumatic for both the Adults and small children. I witnessed first-hand the devastation and emotional turmoil caused by the recent flood when visiting the family home the day after the floods. I feel unless there is a change in the way the Environmental Agency manage and maintain the River Eau these incidents of flooding will continue and the properties that sit along the river will need to adapt accordingly. This applicant is proactively wishing to make these changes for the safety and welfare of his family. In my opinion the proposed new home will also allow the applicant to make changes to reflect the modern ways of living and make more environmentally friendly choices.

Parish Council: No comments received at time of writing.

Local residents:

Tudor Lodge 11 Lindholme 21/02/20 –

Entirely support this project on the grounds that it would improve the aesthetic of our street by complementing our own property and those around it. The proposed building work shall not affect my own quality of life and cause minimal disruption to the area, in regards to parking or noise. Once completed, the proposed dwelling appears modern, tasteful and represents a vast improvement upon the bungalow that currently sits on the plot. Considering the dreadful flooding that devastated our community in the past 12 months, I believe that the proposal that my neighbours have put forward is far more sustainable than continually rebuilding their home.

7 Lindholme 22/02/20 –

As a resident on Lindholme I support this proposal. I believe it is an excellent idea due to the issues with flooding.

24/02/20 - I would welcome this development on Lindholme. I think it is the best solution to overcome the flooding this house has suffered.

16 Lindholme

16/03/20 – A statement of corrections is put forward in terms of the Flood risk information submitted for the application. This proposal will make flooding more likely and worsen the situation.

08/03/20- Objects to the proposals on the following grounds:

Biodiversity being present on the site and in the dwelling,
Flooding also due to silting and not just tidal outfall

The visual impact of the dwelling being incongruous and overwhelming on the street scene.

Loss of privacy and overlooking, presence of dwelling.

LCC Highways:

18/02/20 – No objections:

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 and accordingly, does not wish to object to this planning application.

The following should be an informative: Please contact the Lincolnshire County Council Street works and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

Environment Agency

08/04/2020 - We have reviewed the FRA and consider that it satisfactorily addresses our earlier concerns, subject to the condition below. The proposed development is located in a high flood risk area. We are supporting this application because it is a replacement dwelling which will significantly increase the resilience of the property in comparison to the existing dwelling. The applicant should demonstrate that there is provision of an equivalent amount of flood plain storage in the new development compared to what is existing.

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning condition is included:

The development shall be carried out in accordance with the approved flood risk assessment dated April 2020 and drawing numbers '19-19-Drwg 09B', '19-19-Drwg 07B' and '19-19-Drwg 03B' and the following mitigation measures they detail:

- Finished floor levels shall be set no lower than 6.84 metres above Ordnance Datum (AOD).
- Flood resilience measures shall be implemented as described on page 17 of the FRA.
- Compensatory flood storage shall be provided as shown in the submitted drawings.

Reasons

- To reduce the risk of flooding to the proposed development and future occupants.
- To reduce the impact of flooding on the property.
- To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

05/03/2020: We require further information on floodplain compensation before we can fully assess the application.

LCC Archaeology

08/04/20 - The specification recently submitted for a programme of archaeological monitoring and recording during the groundworks phase of this development would be sufficient to deal with the potential archaeological impacts we have already raised.

Therefore no pre-commencement archaeological condition would now be required, provided that the specification forms part of the approved plans, and suitably worded conditions are added to require the following:

- The developer to provide the local planning authority with two weeks' notice of their intention to start the archaeological works.
- The work only to progress in accordance with this agreed specification.
- That following the completion of the work on site a written report of the findings is submitted to the local planning authority.
- That any finds and documentary archive is submitted to a suitable archive or museum.

21/02/20 The development is in an area of substantial archaeological interest, where Anglo- Saxon graves were uncovered during the 19th century between the church and the river, and close to the find spot of a prehistoric log boat preserved by the waterlogged ground conditions adjacent to the River Eau. Medieval remains have also been revealed in the surrounding area. Given that the present house will have had caused some ground disturbance it is recommended that the appropriate mitigation response would be to require an archaeological scheme of works for the archaeological monitoring and recording during the groundworks phase of development.

Recommendation: Prior to any demolition or 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) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features. This should include the grubbing out of existing foundations following demolition.

Conservation Officer:

Although quite an enlargement is proposed in terms of height, the location of the church, although close, is much elevated. I do not consider there will be

harm to the setting of the church as a result of this proposal, given the context of adjacent development on Lindholme.

Historic England:

We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Building control: 20/04/2020 - The drainage strategy appears to be fine.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Scotter Neighbourhood Plan (made 2018); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**
<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Relevant policies of the CLLP include:

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
LP17: Landscape Townscape and Views
LP21: Biodiversity and Geodiversity
LP25: The Historic Environment
LP26: Design and Amenity

- **Scotter Neighbourhood Plan (NP)**
<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/>

Relevant policies of the NP include:

H4 – Small scale Residential Development
D5 – Design of New Development
T8 – Roads and Streets
T9 – Parking Standards
F11 – Flood Risk

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

<https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

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

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

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

- **National Planning Practice Guidance**
- *National Design Guide (2019)*

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

With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 and LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP13 is consistent with NPPF paragraphs 108-111 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 155 to 165 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 170 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity. LP25 is consistent with chapter 16 of the NPPF as they both seek to conserve and enhance the historic environment. LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.

Main issues

- Principle

- Flood risk
- Drainage
- Visual amenity including setting of Listed Buildings
- The Historic Environment (Archaeology)
- Residential amenity
- Ecology
- Highway Safety

Other matters:

- Safeguarding Minerals

Assessment:

Principle

Planning Law dictates that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

Policy LP2, LP3 and LP4 of the CLLP set the strategic approach to the level and delivery of housing growth across Central Lincolnshire. Policy LP2 categorises Scotter as a tier 4 large village. Policy LP2 outlines that Scotter will be a focus for accommodating an appropriate level of growth to maintain and enhance its role as a large village which provides housing, employment, retail, and key services and facilities for the local area. Most of this growth will be via sites allocated in the CLLP, or appropriate infill, intensification or renewal within the existing developed footprint.

Policy H4 of the neighbourhood plan relates to small scale residential developments and states that development will be supported within the existing built form subject to certain design criteria.

The proposed application is for a replacement dwelling located within the existing developed footprint and built form of Scotter. There would also be no overall increase in the residential units as a replacement property and consequently the proposed development accords with the principle strategy of Local Plan policies LP2, LP3 and LP4 as well as Policy H4 of the Neighbourhood Plan. The principle of development can therefore be supported subject to all other material considerations being satisfied.

Flood Risk

The site sits directly alongside the River Eau which runs along the eastern boundary. The site is shown to be in an expansive Flood Plain and designated as Zone 3b (Functional Flood Plan), the highest flood risk category.

Policy LP14 of the CLLP relates to the water environment and Flood risk and states that all development proposals in such locations will be considered

against the NPPF, including application of the sequential and, if necessary, the exception test.

Paragraph 158 of the NPPF guides that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The National Planning Practice Guidance on Flood Risk and Coastal Change¹ (NPPG) offers further guidance on the Sequential test and advises that justification should be provided to why the development couldn't go elsewhere and explain why it cannot reasonably be located within an area with the lowest probability of flooding.

The Flood Risk Vulnerability and flood zone "compatibility" table (Paragraph: 067 Reference ID: 7-067-20140306)² states that in flood zone 3B (functional floodplain) it is for "*essential infrastructure that has to be there and has passed the Exception Test, and water-compatible uses*". It states that development for "more vulnerable" uses, which includes buildings used for dwelling houses, should not be permitted.

The proposals relating to a replacement dwelling within an established residential area of the village and on a site which is all designated as flood Zones 3a and 3b cannot reasonably be located within an area with a lower probability of flooding.

Dwelling house developments should not normally be permitted in flood zone 3B – however, in this instance, a dwelling already occupies the site and has been subject to flooding. The development proposes a betterment in this regard, by replacing it with a more flood resilient property. The Environment Agency, as a statutory consultee, advise that they support the replacement dwelling on the basis that it will significantly increase the resilience of the property in comparison to the existing dwelling.

Paragraph 159 of the NPPF states that where it is not possible for development to be located in zones with a lower risk of flooding, the exception test may have to be applied. Paragraph 160 of the NPPF relates to the exceptions test and guides that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

¹ See <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

² See <https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-3-Flood-risk-vulnerability>

(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the exception test should be satisfied for development to be allocated or permitted.

Table 3 also set out in the NPPG outlines Flood risk Vulnerability and Flood risk compatibility. It shows that more vulnerable uses within Flood Zones 3a should pass the exceptions test. It also outlines that more vulnerable uses within Flood Zones 3b should not be permitted.

In this respect the NPPG advises that where developments may contain different elements of vulnerability the highest vulnerability category should be used, unless the development is considered in its component parts. Based on the site being within the highest risk category 3b, Table 3 of the NPPG sets out that more vulnerable uses should not be permitted.

The erection of a new dwelling on the site would not therefore ordinarily be supported, with National Planning Policy making it clear that subject to the passing of the exceptions test, only essential infrastructure and water compatible development is permitted in such areas. Consequently the erection of a new dwelling in Zone 3b would not be permitted by the NPPF, Local Plan Policy LP14 or Neighborhood Plan Policy F11.

However, it has to be recognized that although the proposals do relate to the erection of a new dwelling, as a replacement it does not introduce completely new development on to the site, an additional residential unit, nor a more vulnerable use. The existing dwelling was constructed around 1978 and sits within an established residential area and built footprint of the village. It therefore already forms part of the expansive floodplain and as a consequence is known to be at risk of a 1 in 5 yr probability (20% in any one year) of flooding. The site does not benefit from any formal flood defences and the dwelling has in fact recently been flooded on a number of occasions within this time period.

It is therefore evident that should the current situation on site remain the same, with the site and dwelling being un-altered it would be subject to further flooding events and the occupiers subject to constant impacts on their home as a result. This consequently is the reason why the replacement dwelling is proposed and the development seeks to reduce the risk of flooding to the dwelling by raising its living accommodation above the known flood risk levels.

Consultations outside of the planning process have been undertaken by the applicant with the Environment Agency and a site specific flood risk assessment have been submitted with the application. On this basis the proposed replacement dwelling has been designed to be raised above the calculated Flood Water levels and incorporates flood resilience measures. The undercroft of the dwelling is also to be used as voids for flood water storage and calculations submitted in support of this.

A neighboring resident has raised concerns in relation to the risk of flooding in terms of information provided and how the development will impact on flooding elsewhere. The Environment Agency (EA) and Lead Local Flood Authority as relevant flood risk management authorities have been consulted as part of the assessment and determination of this planning application. The Lead Local Flood Authority have not raised any concerns. The Environment Agency have confirmed that they are satisfied with the flood resilience measures proposed by the Flood Risk Assessment and recommend that a planning condition is applied to secure them.

A drainage strategy has also been submitted with the application and proposes the use of the existing system (main for foul and soakaway/foul for surface water with some amendments. It includes provision for both the dwelling and flood water storage. No objections has been received to the strategy put forward by the EA or Building control. A condition to ensure the approved drainage strategy is implemented shall be added to any permission or if found not to be feasible during construction an alternative approved in writing and implemented prior to occupation of the dwelling.

The proposed replacement dwelling therefore offers a clear betterment to the current situation, with the property being safe for its lifetime without increasing the risk of flooding to the site or elsewhere. (Flood defenses/agreements with the EA/maintenance/mitigation measures/agreements in place – subject to conditions.

It is therefore concluded that weight can be given to the betterment that the proposed replacement dwelling will result in, in flood risk terms and support for this element of the proposals is given when weighing up all other material considerations in the determination of the application.

Visual Impact including setting of listed buildings.

When assessing the acceptability of the design of the new dwelling Local Plan Policy LP26 and Neighbourhood Plan Policy D5 give local considerations. Chapter 12 of the NPPF relates to well-designed places. LP25 also offers guidance in terms of impact on the Historic Environment and in this case the setting of the nearby grade 1 Listed Church.

Local Plan Policy LP26 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 are well designed in relation to siting, height, scale, massing and form**. The policy also states that the proposal should **respect the existing topography, landscape character, streetscene and local distinctiveness of the surrounding area and should use appropriate, high quality materials** which reinforce or enhance

local distinctiveness. Any important local view into, out of or through the site should not be harmed.

Local Plan Policy LP25 relating to The Historic Environment guides that Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

Development proposals will be supported where they:

- d. **Protect the significance of designated heritage assets (including their setting)** by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of **scale, design, materials, siting, layout, mass**, use, and views and vistas both from and towards the asset;
- e. Promote opportunities to better reveal significance of heritage assets, where possible;
- f. Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

Similarly Neighbourhood Plan Policy D5: Design of New Development states that new development should deliver good quality design. In this case development should:

Recognise and **reinforce the distinct local character** (as detailed in the Scotter Village Character Assessment 2016) in relation to **scale, mass, form, density, character, landscape setting and materials**; Be of a **scale, height, mass and layout that respects its immediate surroundings including where appropriate, the scale and location of adjacent properties** or the character and appearance of the countryside; Be well integrated with its surroundings by reinforcing existing connections and taking any opportunities for creating new ones; and **respect and protect listed buildings and their settings, and retain key views towards these important structures (as identified in the Scotter Village Character Assessment 2016)**;

The village character assessment designates the application site in Character area D– Scotter Riverside. It notes that this area is focused along the edges of the River Eau, where the village's northern and southern extents converge. It is one of Scotter's most distinct and attractive Character Areas, achieving a fine balance between the built and natural environment.

More specifically in relation to Lindholme and the surrounding area it is noted that there are two different elements forming its character. The immediate neighbouring dwellings on the same level as the application site and those dwellings set on the other side of the River and on higher ground.

The dwellings within the immediate context of the site are noted to be detached properties, both two-storey and bungalows, running along a central tarmacked road which is edged on its southern side by a footpath. These properties, as is the case across much of Character Area D, display differing

approaches to size, building design and facade treatments, the only consistent characteristics being the use of red / brown brickwork.

To the rear of these properties and set on higher ground sits the Grade I listed St Peters Church. The church can be seen from Lindholme and the site itself but trees do provide some screening of views. The character assessment does not however include any key views of the Church from Lindholme which includes the application site.

The character assessment also notes that the residential properties on the other side of the river share a much more detached relationship with Lindholme's central access route. They have vast front entrances sloping up towards the properties and those close to the application site are noted to be large in size and grand in stance due to their elevated position. These dwellings are however also like their southern counterparts noted to be varying in building size, design and façade treatments.

The application site being located at the end of the highway (Lindholme) holds a prominent position within the streetscene. The existing dwelling consist of a modest dormer bungalow and constructed in brick, stone and wooden cladding, with a tiled roof. There is also a detached garage set to the front of the plot and within the street scene. The dwelling clearly has more of a visual relationship with the nearby properties to the north-west, but does have some visual connection with those on higher ground to the north east.

The proposed replacement dwelling is to be sited in the same position as the existing but the detached garage is to be moved in to the site and in-line with the proposed property. The footprint of the proposed dwelling is also to be extended to the rear.

The main element of visual change is however to the scale of the property. The proposals replace a dormer bungalow with a two storey dwelling and its presence will therefore be greater. This will however be further exacerbated by the fact that the ground floor level is to be raised by 1.725 metres above existing ground levels and also results in a ramp access to the front. Elements which have to be incorporated for flood risk purposes. Concerns from a local resident have been received in terms of visual impact on the area and the dwelling being viewed as incongruous.

The existing dwelling currently has a ridge height of 7.5 metre while the replacement dwelling will stand at 10.2 metres in height. The design of the dwelling is also significantly different to that of the existing with a much more of an imposing presence. Its roof line is hipped while previously gabled with a dormer feature giving a majority of character. The replacement dwelling gives much of its character through its expansive elevations and will no doubt be a key feature within the immediate street scene and from wider views.

Nevertheless, when taking account of the character of the area as noted in the appraisal, it is evident that the replacement dwelling will sit in an area said to have a mixture of different sized and designed properties, some noted as

having a grand stance. The replacement dwelling will therefore sit amongst other larger two storey properties, including its direct neighbour number 16. The site also holds the determining position at the end of Lindholme and consequently lends itself to hosting a larger feature property. Materials for the development have also been specified as red brick and grey tiles and are considered appropriate for the design of the dwelling and those noted in the area.

It is therefore concluded that although there is no doubt that the replacement dwelling is of a scale that will be dominant and result in a significant local change. When reflecting on the character of the immediate area as set out in the character appraisal, it is concluded that the site has the ability to host a larger dwelling without being unduly harmful to the character of the area. It has to however be recognised that the replacement dwelling due to the flood resilience measures needed will inevitably have a presence and impact which will not ideally fit with the surroundings and existing characteristics forming this element of Scotter riverside area. No comments have been received from the Parish Council in this regard and such visual impacts will therefore have to be balanced against all other material considerations in terms of their acceptability.

In terms of the replacement dwelling and its impact on the setting of the nearby grade I listed Church, consultations with Historic England and the Conservation Officer have taken place. Historic England do not raise any objections and note that advice from our Local Conservation specialist should be taken. The Conservation Officer has also not raised any concerns and has acknowledged that although quite an enlargement is proposed in terms of height, the location of the church, although close, is much elevated. As a consequence of its elevation and given the context of the adjacent development on Lindholme, it is advised that there will be no harm to the setting of the church as a result of this proposal.

It is therefore concluded that the proposals protect the significance of designated heritage asset in accordance with Local Plan Policy LP25, Neighbourhood Plan policy D5 and guidance within the NPPF.

The Historic Environment (Archaeology)

Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site.

Wherever possible and appropriate, mitigation strategies should ensure the preservation of archaeological remains in-situ. Where this is either not possible or not desirable, provision must be made for preservation by record according to an agreed written scheme of investigation submitted by the developer and approved by the planning authority.

Lincolnshire County Council Archaeology has identified that the site and surroundings have archaeological significance and advise that "Given that the present house will have had caused some ground disturbance it is recommended that the appropriate mitigation response would be to require an archaeological scheme of works for the archaeological monitoring and recording during the groundworks phase of development and this secured through appropriate conditions.

Residential amenity

The Amenity section of Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development:

- m. Compatibility with neighbouring land uses;
- n. Overlooking;
- o. Overshadowing;
- p. Loss of light;
- q. Increase in artificial light or glare;
- r. Adverse noise and vibration;
- s. Adverse impact upon air quality from odour, fumes, smoke, dust and other sources;
- t. Adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste;
- u. Creation of safe environments.

The application site only adjoins one neighbouring property. The property known as No 16 Lindholme sits to the North West of the existing dwelling with its garden area expanding to the south of both properties. The boundary treatment between the garden areas consists of an approximately 1.5 - 1.8 metre close boarded fence to the rear and brick wall to the front.

No 16 is modern two storey detached dwelling with its front principal elevation facing east and over the front aspect of the application site and existing dwelling. The side elevation of this property also faces onto that of No 18. It hosts the main living room to the property and has French/patio doors leading to an outdoor decked area and side garden. There is also an upper floor bedroom window facing onto this element too. As a result of the siting and relationship of the two properties, No 18 Lindholme has a clear visual

presence from most front and side aspects of this neighbouring property and private garden area.

Concerns have been raised by the occupier of this neighbouring property in relation to the proposed developments and adverse impacts upon the living conditions due to the size and scale of the property and loss of privacy.

The replacement dwelling will predominately sit on the same footprint as the existing dwelling but does move the garage further into the site and out of sight from this neighbouring property. There is however also a two storey rear extension proposed which runs down the shared rear boundary of this neighbouring dwelling and forms an extension to the side elevation facing onto the neighbours living space and its private garden area.

The replacement dwelling and extension are all to be raised by 1.7 metres from the existing ground floor levels to mitigate against the risk of flooding to the site and occupiers of the dwelling. As a consequence the height and scale of the dwelling will be dramatically enlarged as would the presence of it from this neighbouring property and garden area.

The ground floor of this replacement property would in fact now be located at the top of the shared boundary wall and fence and the overall ridge height increased by over 2.5 metres and at a height of 10.2 metres in total. The extended side elevation would also span approximately 13 metre across this shared boundary.

The replacement dwelling as a result would undoubtedly have a significant impact upon the living conditions of the occupiers of No 16. The scale and mass of the west side elevation would be such that it would completely dominate the facing side of the neighbouring property, including the lounge, outdoor decked area and garden. As well as having a significance presence and stance from other aspects of the dwelling, including the upper floor accommodation.

Concerns in this regard and in relation to the raising of the garden area along the shared boundary for potential overlooking concerns have been raised with the applicant at both pre application stage and through this application process. Some concessions have been made by the applicant - through alterations to the raised garden area; removal of a window and door serving a utility room in the western (facing) elevation; and a reduction in the ridge height and pitch have been forthcoming.

However, the requested alteration to either reduce, relocate or remove the two storey 'extension' to the rear and side elevation have not been addressed. The applicant claims this element is required to justify the development costs by improving facilities and the market value of the property. It is also argued that it cannot be re-located into the site and away from the boundary as it would have impacts on the property layout and their own amenity.

However, planning decisions are made in the public interest. There is an identified impact upon the neighbour, which is a significant material consideration which weighs against the proposals. The applicant's response that mitigating the harm to the neighbour will affect his own private interests, cannot be given any weight in the overall planning balance and does not provide justification for the harm that would arise as a consequence of their proposals.

It is considered that amendments to the proposed development can be made to reduce the harm to the neighbour.

The replacement dwelling as a result of not being altered is considered to be such an expanse and mass of structure along this shared boundary and close to key indoor and outdoor living areas that its presence is harmful to the living conditions of this property. The proposal is not therefore considered to be in accordance with the safeguarding provision of Local Plan Policy LP26 and on such grounds refusal of permission would have to be recommended.

Ecology

Policy LP21: Biodiversity and Geodiversity

States: 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.

It also relevantly guides that Development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings.

In relation to Mitigation any development which could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.

Where any potential adverse effects to the biodiversity or geodiversity value of designated sites are identified, the proposal will not normally be permitted. Development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species. In exceptional circumstances, where adverse impacts are demonstrated to be unavoidable, developers will be required to ensure that impacts are appropriately mitigated, with compensation measures towards loss of habitat used only as a last resort where there is no alternative. Where any mitigation and compensation measures are required, they should be in place before development activities start that may disturb protected or important habitats and species.

A Preliminary Ecological Appraisal has been submitted with the application.

It advises that “some areas of the existing building were considered to offer potential to support bats, notably timber cladding present on the house walls, although no evidence of their presence was found during the survey”.

It recommends further survey work during the active season (April – September), or alternatively supervision of all works relating to the removal of timber cladding and roofing tiles from the house could be undertaken by a suitably licensed ecologist. This can be subject to a planning condition.

The Report also recommends that, since the building is clearly used for roosting and possible nesting by species of common birds, that building work should ideally avoid the active nesting season.

Recommendations are also made for the protection of badgers but it advises that mitigation should not be necessary for water voles and great crested newts.

The recommended and necessary mitigation measures set out in the report can be secured through planning conditions and with such measures in place the proposals in accordance with the provision set out in Policy LP21 and guidance within the NPPF.

Highway Safety and Parking

Policy LP13: Accessibility and Transport

States that : Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

Neighbourhood Plan Policy T8: Roads and Streets but is not considered to be relevant to the development.

Neighbourhood Plan Policy T9 relates to Parking and Parking Standards and provides a guide for all new development. It guides that:

1) Adequate private parking and suitable off-street parking should be provided on all new housing developments to minimise obstruction of the highway in the interests of the safety of all road users, including cyclists and pedestrians. Parking areas should be designed to minimise the visual impact of the private car park on the street scene and on the amenity of residents.

2) Development proposals should provide the following parking standards as a minimum:

- a) 1 or 2 bedrooms = 2 spaces
- b) 3 or 4 bedrooms = 3 spaces
- c) 5 or more bedrooms = 4 spaces

The replacement dwelling does not see a material change in parking provision for the site or surrounding area. It is therefore considered that the application

makes sufficient provision for on-site car parking, with the Parish Council and the Local Highway Authority raising no concerns. The proposals are therefore considered to appropriately meet the provisions of CLLP policy LP13 and Neighbourhood Plan Policy T9.

Other matters

The site is within a Minerals Safeguarding Area. However, the site is already occupied by a dwelling, and the proposals would not lead to further sterilization of minerals.

Conclusions and balance

The application proposes to redevelop the site, replacing the existing dormer property, with a substantially larger dwelling.

The site is within flood zone 3B – where national planning policy states that development for more vulnerable uses (including dwellinghouses) should not be permitted.

However, the site is already occupied by a family dwelling, and is vulnerable to frequent flooding events.

The proposed development will result in a considerably more flood resilient property - the building will be raised and allow for flood water storage underneath.

It is considered that the larger dwelling can be accommodated within this site but will have some visual impacts on the character area.

Nonetheless, the property will sit alongside the shared boundary with a neighbouring residential property. It will result in a significantly overbearing walled elevation that will dominate the outlook of no.16 with its unavoidable presence.

These concerns have been raised with the applicant who has had the opportunity to address them. However, the applicant has not made the requested amendments, citing that it would affect their private interests which are not material planning considerations.

Overall, it is considered that the development will result in a more flood resilient property, in a location at the highest risk of flood risk, and that this may be attached great weight and can be considered positively.

However, it will have an unduly adverse effect upon the amenities of the neighbour, through its sheer dominating and overbearing presence, which can be addressed through an alternative design approach. This is contrary to policy LP26 of the Central Lincolnshire Local Plan and H4 of the Scotter Neighbourhood Plan.

Consequently it is recommended that planning permission is refused for the following reason:

1. As a consequence of its scale and positioning, the development will have a significant visual presence and overbearing impact upon the neighbouring property, to the detriment of the amenities that they may reasonably be expected to enjoy. This is contrary to policy LP26 of the Central Lincolnshire Local Plan and H4 of the Scotter Neighbourhood Plan.

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