

Officers Report

Planning Application No: 141030

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

LOCATION: 18 Lindholme Scotter Gainsborough DN21 3UR

WARD: Scotter and Blyton

WARD MEMBERS: Cllr Rollins, Cllr Clews and Cllr Snee

APPLICANT NAME: Mr Calvert

TARGET DECISION DATE: 01/07/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Grant planning permission.

The application has been referred to the planning committee, as it is considered appropriate to do so in view of the planning history and earlier decision of the committee, and previous representations in view of the benefits and harm that may arise from the proposed development.

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 but is larger in size than the existing. The development is proposed due to 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 proposed dwelling is therefore to be

raised by approximately 1.7 metres from existing levels and incorporates a raised ramp to the front and patio to the rear.

This application is a re-submission, following application 140569 which was refused planning permission on 30 April 2020, following the resolution of the planning committee, for the following reason:

1. As a consequence of its scale, massing 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.

The proposals and proposed amendments to the previously refused scheme are outlined below:

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

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. **These elements are the same as the previous scheme.**

The eaves height is now, approximately 7 metres and the overall ridge height is approximately 11.45 metres (from existing site levels). **Application 140569 proposed an eaves height of 6.7 metres and ridge height of 10.2 metres.**

The garage dimensions (separate from the house) approximately measure 6.5 metres in length and approximately 7.7 metres in width (including the passageway). The eaves height is approximately 3.8 metres and the ridge height is 7.9 metres approximately (from existing site levels). **The garage in application 140569 measured 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 7.2 metres approximately.**

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 4.1 metres and the ridge height 8.8 metres (from existing site levels). **The extension in application 140569 measured 7.5 metres in length and 5.5 metres in width, with an eaves height of 6.7 and ridge height of 10.2.**

The amended replacement dwelling now consists of 3 storeys (including rooms in the roof):

It provides a lounge, hall, cloaks, kitchen, games room, utility and day room at ground floor. The first floor includes 4 bedrooms, 1 en-suite, linen/store and a family bathroom. Bedroom 5, an en-suite, dressing room and balcony are at second floor. The garage consists of parking and storage provision at ground floor with a studio and lobby above.

The proposals have been amended during consideration of the application, and a re-consultation of the amended details underway with representations invited until 10th June.

Relevant history:

140569 – Erect replacement dwelling – RE - 2020

120812 – Erect conservatory – GC 2007

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

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

Representations (In Summary):

Following the submission of revised drawings, the period of consultation has been extended until 10th June. The report summarises comments received up to the 4th June. Any further representations that are received beyond this date will be summarised at the meeting.

Ward Members: No comment received at time of writing.

Parish Council: No comments received at time of writing.

Local residents: No comments received at time of writing.

LCC Highways/Lead Local Flood Authority: 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.

Internal Drainage Board Comments:

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to

Planning Permission, and would be restricted to 1.4 litres per second per hectare of greenfield run off.

No obstruction within 9 metres of the edge of an ordinary watercourse are permitted without Consent of the IDB. If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant permits.

Environment Agency:

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 (FRA) dated May 2020 and drawing numbers '19/19/R1/11', '19/19/R1/15', '19/19/R1/07', '19/19/R1/08', '19/19/R1/09' and '19/19/R1/04' 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 16 of the FRA.
- Compensatory flood storage shall be provided as shown in the submitted drawings and as described in the FRA.

LCC Archaeology:

This office has previously been consulted on plans to replace the dwelling on this site and would like to reiterate earlier comments in association with application 140569.

The specification 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 within 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.

Conservation Officer:

Thank you for the consultation on this application. I visited the site with regard to the last application. Please refer to my previous comments in relation to 140569 with regard to this application.

Previous comments:

I visited this site last week. 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:

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant

Building Control: Reiterate previous comments of 140569 and the drainage strategy appears to be fine.

Natural England:

Has no comments to make on this application.

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.

The principle of the development has not altered from that of 140569 and the previous assessment remains applicable in this regard:

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 proposed development or associated data has not resulted in a change to the risk of flooding or how the development seeks to address it. The Environment Agency have reiterated their previous comments made in the assessment of 140569 and the Lead Local Flood Authority again do not raise any concerns to the proposals. Consequently the previous assessment undertaken for 140569 and flood risk is still therefore relevant to the determination of this application and outlined below.

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.

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>

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, advises 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

(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.

A site specific flood risk assessment has been submitted with the application and 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 previously raised concerns in relation to the risk of flooding in terms of information provided and how the development will impact on flooding to their property and 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 and 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. The Internal Drainage Board (IDB) have commented that they have no objections to the discharge of surface water to soakaways subject to a percolation test or the mains system providing the water authority accept any additional flow. They also note additional approvals or permits may be required from the IDB or EA.

A condition to ensure the submitted drainage strategy is implemented shall be added to any permission or if found not to be feasible during construction and the carrying out of a percolation test an alternative shall be submitted to, approved in writing and implemented prior to occupation of the dwelling.

The proposed replacement dwelling subject to conditions therefore offers a betterment to the current situation, with the property being safe for its lifetime without increasing the risk of flooding to the site or elsewhere. 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.

It was noted in the assessment for application 140569 that when taking account of the character of the area as set out in the Neighbourhood Plan character appraisal, 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 would 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 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.

That said, the assessment of application 140569 also outlined that the replacement dwelling due to its dominant size and scale would result in a significant local change. It recognised that its presence along with the provision of flood resilience measures needed would not ideally fit with the surroundings and existing characteristics forming this element of Scotter riverside area when being assessed against policy D5 of the neighbourhood plan and LP26 of the CLLP. However, with no objections being received by the Parish Council in this regard, it was concluded that the visual impact of the property would have to be balanced against all other material considerations in terms of their acceptability.

The main changes to visual impact and setting of the listed building proposed in this application result from the increase to the eaves and ridge height, along with the alterations to the rear extension and west side elevation and provision of the balcony and windows in the roof.

The alterations proposed to the rear extension/west side elevation and the provision of the balcony would not impact upon the presence of the dwelling in the street scene and those proposed to the garage not significantly out of size, scale and character to the other properties forming part of the immediate area. These aspects do not therefore raise concerns in terms of impacts on the character of the area.

The revised dwelling does not also raise concerns in relation to the setting of the nearby listed buildings with no objections being raised by Historic England or the Conservation Officer at the time of writing. Based on this stance, it is concluded that the proposals do not result in harm to their setting or the significance of the listed buildings.

The increases to the eaves and ridge height and the presence and scale of the dwelling to the character of the area does however raise further concerns. The eaves height has been increased to 7 metres and the overall dwelling now has a total height of 11.45 metres above the existing ground level. The presence of the dwelling and especially its expansive front elevation will therefore be increased and substantially viewed within the surroundings. Amendments were sought in relation to making reductions but nothing has been received to try and address the concerns raised through CLLP policy LP26 and Neighbourhood Plan Policies H4 and D5.

As a consequence, concerns are still raised with the presence and scale of the dwelling along with other flood resilience measures needed and its ability to fit in to the characteristics forming this element of Scotter Riverside area; without being harmful to it. These are considerations and requirements which are set out in Policy LP26 of the CLLP and Policies H4 and D5 of the Neighbourhood Plan and the acceptability of the visual impacts the proposed dwelling would therefore have has to be weighed against all other material considerations for justification.

The Historic Environment (Archaeology)

The proposed development has not resulted in a change to the potential for Archaeology on the site or the measures which need to be taken in accordance with the submitted report. The previous assessment undertaken for 140569 and outlined below is still therefore relevant to the determination of this application.

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 again 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. With such conditions forming part of any approval given the development is considered to be relevantly in accordance with Policy LP25 of the CLLP and guidance within the NPPF.

Residential amenity

It was outlined in the assessment for application 140569 that impacts on the neighbouring property No 16 would be harmful and it was resolved at the planning committee's meeting that planning permission be refused for the following reason:

As a consequence of its scale, massing 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.

In a bid to address the reason for refusal this application has made amendments to the rear extended element of the proposed dwelling forming the west side elevation and facing onto No 16.

The first floor to the rear 'extension' proposed within the first application, has been removed.

As submitted, a sliding roof had originally been proposed with this latest application. In response to ongoing Case Officer concerns, the applicant has now further amended the rear 'extension' so that it now comprises a single storey element with pitched, hipped roof.

The west side elevation in application 140569 had an expanse of wall measuring 87.1 sq metres (13 x 6.75). The wall of the westfacing elevation being considered now measures 52.5 sq metres (7.5 x 7) with a single storey element measuring 22.55 sq metres (5.5 x 4.1) beyond which incorporates a hipped roof sloping away from this neighbouring property. The massing of the west elevation has therefore been reduced as a result.

However, in making these changes and ensuring that no accommodation is lost, the eaves and ridge heights of the dwelling have both been increased to allow a 3 storey property. The eaves height of the existing dwelling stands at 2.75 metres above existing ground level and the proposed now set at 7 metres. This has been increased from 6.7 metres proposed in application 140569.

The ridge height of the existing dwelling is 7.5 metres above existing ground level and now proposed at 11.45 metres. This has been increased from 10.2 metres proposed in application 140569.

The replacement dwelling as a result would still undoubtedly have a significance presence and stance from within this neighbouring property and its garden area. In this regard it is reiterated that 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.

It is because of this relationship and the scale of the property that the presence of the dwelling and the impacts on No 16 are considered to be harmful to the residential amenity of the occupiers of this neighbouring property.

The revised dwelling has however reduced the massing of the West wall elevation which runs down the shared boundary of this property. Eaves levels are dropped, reducing the dominating effect of the side wall, and allowing greater views of a pitched tiled roof, which directs away from the shared boundary.

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.

The presence of the property and the resultant impacts and harm caused to the amenities of No 16 therefore results in the ability for the development to meet the requirements in LP26 to be finely balanced. The acceptability of the resultant harm to the residential amenity of No 16 would therefore also have to be weighed against all other material considerations for justification.

Impacts through overlooking to No 16 are also material to this development due to the raised levels of the site along with the resultant floor levels of the proposed property. These impacts are however considered to be manageable through the use of conditions should planning permission be granted.

In conclusion therefore, it is considered that the revised dwelling will still form a large, somewhat dominating feature, placed up to the shared boundary that will have a negative impact upon the amenities presently enjoyed at no.16. However, that impact has been reduced through revisions to the scheme in order to decrease it's massing. This harm needs to be weighed against the other planning matters under consideration.

Ecology

The proposed development or timeframe between them has not resulted in a change to the potential for and impacts upon Ecology on the site; nor the measures which need to be taken in accordance with the submitted report. No objections/comments have been received for this application so far and subject to this stance remaining, the previous assessment undertaken for 140569 and outlined below is still relevant to the determination of this application.

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

The proposed development has not resulted in a change to the previous assessment for highway safety and parking provision. The Local Highway Authority or Parish council have again not raised any concerns and consequently the assessment undertaken for 140569 and outlined below is still relevant to the determination of this application.

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 3 storey dwelling.

The site is within flood zone 3B – where national planning policy states that development for more vulnerable uses (including dwelling houses) should not be permitted. However, the site is already occupied by a family dwelling, and is vulnerable to future flooding events. The proposed development will result in a considerably more flood resilient property as the building will be raised and allow for flood water storage underneath without increasing flood risk elsewhere. Substantial weight is therefore afforded to this betterment.

Although it is considered that a larger dwelling can be accommodated within this site the proposed dwelling will no doubt have some visual impacts on the character area. The acceptability of these impacts when being assessed against Policy LP26 of the CLLP and Policies H4 and D5 in the Neighbourhood plan are considered to be finely balanced and weigh against the overall acceptability of the proposal.

Similarly the presence of the property and the resultant impacts and harm caused to the amenities of No 16 results in the ability for the development to meet the requirements in LP26 to be finely balanced. The acceptability of the resultant harm to the residential amenity of No 16 therefore also weighs against the proposal.

The proposals in relation to all other material considerations and subject to conditions are considered to be acceptable and in accordance with the policies set out in this report.

It is therefore concluded that there are visual and residential amenity matters which are finely balanced and weigh against the approval of the scheme. However, substantial weight has been afforded to the betterment in flood risk terms and consequently this material consideration may on balance be considered to outweigh the harm caused through impact to visual and residential amenity considerations, following the revisions made. As a result of the amendments it is considered that a recommendation for approval of the application (subject to conditions) is now considered, for the determination of this application.

The Proposed Conditions for such an approval are:

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:

None

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

2. The development shall be carried out in accordance with the approved flood risk assessment (FRA) dated May 2020 and drawing numbers '19/19/R1/11', '19/19/R1/15', '19/19/R1/07', '19/19/R1/08', '19/19/R1/09' and '19/19/R1/04' 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 16 of the FRA.
- Compensatory flood storage shall be provided as shown in the submitted drawings and as described in the FRA.

Reasons: To reduce the risk of flooding to the proposed development and future occupants, the impact of flooding on the property and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF.

3. 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, details and materials:

19/19/R1/09, 19/19/R1/18, 19/19/R1/19, 19/19/R1/16, 19/19/R1/04A, 19/19/R1/05A, 19/19/R1/06A, 19/19/R1/07A, 19/19/R1/08A, 19/19/R1/11A, 19/19/R1/12A, and 19/19/R1/15A. 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 Policy LP1 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. The scheme for the disposal of surface water and dealing with foul sewage for the replacement dwelling shall be completed in accordance with the submitted drainage strategy, associated details and percolation tests. Should it come to light during construction that the approved system will not function adequately, then details of an alternative scheme shall be submitted to and approved in writing by the Local Planning Authority. All approved drainage works shall be completed prior to the first occupation of the dwelling and be retained/maintained for the lifetime of the development thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development, in the interest of Flood Risk and to prevent pollution of the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. The applicant or developer is to provide the Local Planning Authority two weeks' notice of their intention to start the archaeological works. The archaeological work shall then only be carried out in accordance with the submitted and approved specification dated March 2020 undertaken by Neville Hall, Freelance Field Archaeologist & Consultant. Within 3 months of the completion of the archaeological works on site a written report of the findings shall then be submitted to the local planning authority to ensure any finds and documentary archive is submitted to a suitable archive or museum.

Reason: To ensure appropriate preservation of archaeological remains through recording are achieved in accordance with Central Lincolnshire Local Plan Policy LP25 and guidance within the NPPF.

6. The development, including any demolition works shall be carried out in strict accordance with the recommendations set out in the ecological report submitted with the application, including provision of any proposed details of habitat protection/ creation. These are set out below:

- Bats – Supervision of all works relating to the removal of timber cladding and roofing tiles from the existing dwelling shall be undertaken by a suitably licensed ecologist. All Contractors working on the buildings will be briefed on the legal protection afforded to bats and their places of shelter and how to proceed if a bat is discovered during the course of the work, as set out in Appendix 2 of the ecology report.
- Lighting – Any proposed security lighting on site used during construction should be placed as far from the boundaries of the site as possible. Light spillage on any retained hedgerows should be avoided by using shields to direct light to target areas only. Where possible the use of low pressure sodium lamps or high pressure sodium instead of mercury or metal halide lamps shall be used. The height of any lighting columns should be as short as possible the use of a sensor should be considered to provide some dark periods on site.
- Bat conservation – 3 bat roosting units (Schwegler type 1FE with back plate as shown in Appendix 2 of the ecology appraisal or similar) shall be provided/installed on the replacement dwelling prior to its completion or first occupation and retained thereafter.
- Birds – If works are commenced during the bird breeding season (March to August), a search for nests should be carried out before they begin, and active nests be protected until the young fledge.
- Badgers – Good working practices should be adhered to during development, including demolition, with any trenches being covered overnight and any pipes over 200mm in diameter capped off at night.

Reason: To protect, manage and enhance biodiversity in accordance with Central Lincolnshire Local Plan Policy LP21 and guidance within the NPPF.

7. The proposed boundary wall running along the front western boundary between No 16 and No 18 Lindholme as shown on drawing No's 19/19/R1/15A and 19/19/R1/19 shall be fully completed prior to first occupation of the dwelling. It shall then be retained and maintained in perpetuity for the lifetime of the development.

Reason: in the interest of residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

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

8. Notwithstanding the provisions of Classes A, B and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the replacement dwelling hereby permitted shall not be altered or extended, no new windows or doors shall be inserted on the West elevation, and no buildings or structures shall be erected within the curtilage of the dwelling house 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 flood risk and the living conditions of neighbouring properties in accordance with Central Lincolnshire Local Plan Policies LP14 and LP26 as well as guidance within the NPPF.

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

Prepared by :

Joanne Sizer

Date : 04/06/20

R. Clarkson

Authorising Officer

Date: 04/06/2020

Decision Level (x as appropriate)

Committee x