

## **Officers Report**

### **Planning Application No: 140352**

**PROPOSAL:** Planning application for removal of single-storey bungalow and erect 1no. replacement two storey dwelling.

**LOCATION:** Claddagh Horsemarket Caistor Market Rasen LN7 6UP

**WARD:** Caistor and Yarborough

**WARD MEMBER(S):** Cllr Lawrence and Cllr Bierley

**APPLICANT NAME:** Mr & Mrs Gaughan

**TARGET DECISION DATE:** 02/03/2020

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Joanne Sizer

**RECOMMENDED DECISION:** Grant permission subject to conditions

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**Description:** The site is located within an existing residential area of Caistor. It is situated along the southern boundary of Caistor Conservation (Article 4) area and surrounded by a number of listed buildings and historic boundary treatment. The site consists of a modern detached bungalow set in a generous sized garden plot, allowing for off road parking. It is accessed off a small access road leading from Horsemarket and serving 3 other properties. These dwellings and the piece of grass land adjoining the eastern boundary have a similar land level to that of the site. The other residential properties that surround the site are all set on higher ground. The site is also subject to a medium risk of surface water flooding as shown on the Environment Agency Flood maps.

**Proposals:** This application seeks permission to replace the existing bungalow on site with a two storey dwelling. The proposals are subject to amendments and as some of the matters are finely balanced the application has been presented to Planning Committee for determination. The amendments are subject to a re-consultation which ends on the Friday 6<sup>th</sup> November 2020.

#### **Relevant history:**

373/88 – Outline application to erect bungalow – GC – May 1988

983/88 – Application to erect bungalow – GC – September 1988

#### **Representations:**

**Chairman/Ward member(s):** None received

#### **Parish/Town Council/Meeting:**

13/02/20 - Members supported the application but had concerns that a home was being demolished to make way for the new building

**Local residents:**Objecting to the proposal

7 Bobs Lane  
Petersfield Road Greatham  
Normanby Rise Claxby  
5 Bobs Lane  
58 South Street  
Carrs End South Street North Kelsey  
9 Bobs Lane  
67 Wiltshire Avenue Burton  
72 Tongue Way Ruddington  
90 Veneables Way Lincolnshire  
East Hall Barn Easthall Road North Kelsey  
Poplar Farm Skinners Lane Middle Rasen  
Sycamore House Bobs Lane  
15 Coach House Court Caistor  
Lea House 38 South Street  
2 Bobs Lane  
7 Nuffield Close Scunthorpe  
Hilltop Cottage 2 North Kelsey Road  
Ainsworth House Walesby Road Market Rasen  
14 Hansard Crescent Caistor  
6 Canada Lane Caistor

Objection matters raised (summarised):

- Loss of visual amenity (this includes open land, trees, historic buildings and the inter-relationship between them).
- Will tower above gardens and buildings, blocking light and views
- Nothing to look at but bricks and tiles.
- Loss of light and enjoyment of the garden for the majority of the day.
- Impact on Victorian wall
- Demolition is not environmentally friendly
- Existing drainage issues
- Size, scale and design is not in keeping with the area and detrimental to the character of it and the Conservation Area sitting on its boundary.
- Surface water drainage problems and interruption to spring flows
- Smoke not dispersing properly due to levels of new dwelling.
- Overlooking and loss of privacy to existing properties and gardens
- The property exits across a much used footpath for children accessing the Nursery, Primary and Junior School.
- A need for trees to replace what was once an old orchard
- The current green space in the valley provides a much needed break between the brick and concrete developments surrounding it and adjoining the conservation area. This will be lost.
- Archaeology - The site is very close to what is believed to be roman walls thus potentially being of significant interest.
- Overbearing and intrusive in stature and within the landscape.

- The height of the property is the issue and is out of scale to the surrounding buildings and Listed properties. It will dwarf the existing 3 storey listed property to the front.
- Not in-keeping with Caistor Neighbourhood Plan
- Question the validity of the parish council response

Concerns raised but does not object.

Hope House 15 Horse Market - height might be an issue. When we built an extension some years ago we were not allowed to build as high as our adjoining Victorian extension which is 2 full storeys. Hope House itself is 3 storeys and the new house would be approximately the same height.

Support the application.

North House Horsemarket  
32 North Street  
14 Navigation Lane  
Rose Cottage 12A South Dale

**LCC Highways/Lead Local Flood Authority:**

20/05/20 - You'll need to consult the Internal Drainage Board on this one. My understanding is that this type of work will require consent under the Land Drainage Act and any proposals will require approval from them. Looks like you might need to see some more details/design on what they are planning

07/05/20 - Does not wish to restrict the grant of permission

This application is a minor application and it is the LPA's responsibility to satisfy themselves that the risk from surface water flooding is acceptable. 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.

10/01/20 - The applicant hasn't address how they are going to mitigate the issue of surface water flooding when the new building will cover the area that is affected by surface water flooding. I have attached an extract from the EA website for your information, as this is a minor application this is something that will need to be address by yourselves with the applicant.

**Archaeology:**

14/04/20 - The information provided in the HIA does not have any bearing on our previous advice, which remains unaltered. We cannot agree with the conclusion that "historically, the land has been demonstrated to have no significance in recent history and there are no records of historic finds of any antiquity." The HIA consists only of a walk around photographic survey by the architect, with a single historic map, and it has therefore not considered sufficient evidence (or the Lincolnshire Historic Environment Record) to support this claim. Whilst the HIA may or may not be sufficient for the purposes of considering impacts on the built historic environment, we would advise the local planning authority to place no weight on it as regards the

potential archaeological impacts, as the assessment has not been produced using appropriate expertise or evidence.

24/01/20 - The proposed development is situated within the historic settlement of Caistor, close to the Roman town Scheduled Monument. The site is located close to a number of historic springs on the edge of the Roman and later town, and objects of Tudor date have been uncovered nearby around 100m to the east. Development on this site may therefore have an impact on archaeological remains of Roman, medieval and post-medieval date. Therefore it is recommended that any remains are recorded prior to their destruction.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by appropriate conditions to enable heritage assets within the site to be recorded prior to their destruction.

**Conservation Officer:**

05/10/20 - The revised scheme is much more appropriate with regard to siting and will maintain glimpsed views into the back of the Caistor Conservation area and the pantile roofs that are seen as you pass by the site from south travelling north up Horsemarket. The canopy of trees behind the existing bungalows will be also be seen clearly to the left of and above the proposed gable end of the new house. The plans indicate the outline of the existing bungalow and the proposed house and you can see that the impact is very limited in terms of the difference. We will see a prominent red brick gable, but provided we have control of external materials through conditions, I am content that this revised proposal will change the setting of nearby listed buildings and the setting of the Caistor Conservation Area, but not in a harmful way.

18/05/20 - Based on the information provided, I would advise that the proposed development would result in development that does not preserve the setting of listed buildings, or the setting of the conservation area, and is likely to have a harmful impact in its current form.

31/02/20 - I have visited the site and I would advise that there will be an impact on the direct setting of the Caistor Conservation Area and the setting of various listed buildings. Therefore a heritage impact assessment is required that considers the view into and around the site from the conservation area, including glimpsed views from South Street, between buildings on Bob's Lane, and behind listed buildings on Horsemarket and any views towards the site from listed buildings. Once we have this assessment, I will provide further advice. Currently, I have concerns that the development may be too close to listed buildings and may change how their setting is experienced due to the increase in volume and the change in siting compared to the existing building.

### **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 Caistor Neighbourhood Plan 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

LP3: Level and Distribution of Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP25: The Historic Environment

LP26: Design and Amenity

Caistor Conservation Area Appraisal.

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

Relevant policies of the NP include:

Policy 1 – Growth and the presumption in favour of sustainable development

Policy 2 – Type, scale and location of development

Policy 3 – Design quality

Other policies

- **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 not within a Minerals Safeguarding Area, Minerals or Waste site / area.

#### 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>

## **Main issues**

- Principle
- Visual amenity and the Historic Environment
- Archaeology
- Residential amenity
- Highway Safety
- Drainage and Flood Risk

## **Assessment:**

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

Central Lincolnshire Local Plan 2012-2036 (adopted in April 2017) contains a suite of policies that provide a framework to deliver appropriate residential development. These policies are considered to be in accordance with the NPPF for paragraph 213 purposes.

As a consequence of the site being located within the developed footprint of Caistor and application seeking permission for a replacement dwelling, the proposals would principally be assessed against Local Plan Policies LP2: The spatial Strategy and Settlement Hierarchy and LP3 Level and Distribution of Growth. As well as Policy 2 of Caistor Neighbourhood Plan.

Policy LP2 of the Central Lincolnshire Local Plan, designates Caistor as a Market Town. This policy states to maintain and enhance their roles as Market

Towns Caistor and Market Rasen will be the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. Most of this growth will be via sites allocated in this plan, or appropriate infill, **intensification or renewal within the existing developed footprint of the Market Towns.**

LP2 provides a definition of developed footprint and states that developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes:

- a. individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;
  - b. gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;
  - c. agricultural buildings and associated land on the edge of the settlement;
- and
- d. outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.

Policy 2 of the Caistor Neighbourhood Plan relates to type, scale and location of development and sets out a list of criteria for Major development to be considered against. Although this is not major development it is noted that one of the criteria of this policy relates to the provision of small scale and infill development.

Some representations have raised concerns in terms of the unsustainable nature of demolishing and replacing an existing property and Policy 3 of the Neighbourhood Plan advises that existing buildings should be retained and re-used with demolition generally being avoided.

The site is within an existing residential area and considered to be within the established developed footprint of Caistor. The proposed development in replacing a dwelling relates to a renewal of the site and also noted to have a neutral impact on the growth of this Market Town. The replacement dwelling also gives an opportunity for it to be more energy efficient with more living space that could not be achieved utilising the existing building. The demolition of the existing dwelling to achieve the proposed scheme is therefore unavoidable in this instance. Consequently the location of the site and provision of a replacement dwelling is principally in accordance with Local Plan Policies LP2 and LP3 as well as Policy 2 and Policy 3 of the Caistor Neighbourhood Plan.

#### Visual Amenity and impact upon the historic environment.

Local Plan Policy LP17 relates to landscape, townscape and views. It seeks to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area.

Local Plan Policy LP26 relates to design and amenity and 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, street scene** 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.

Policy LP25 relates to the Historic Environment and states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

It advises that 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**.

In addition to this policy LP25 states that Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should **preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting**

Neighbourhood Plan Policy 3 relates to design quality and states that wherever possible, development should be designed to **conserve and enhance the rural nature, heritage and quality and diversity of design**. **The natural environment and historic built environment should be respected**, with new buildings **integrating** with the existing environment. Landscaping should blend with natural rural setting and be indigenous species. Building lines should be respected and **housing reflect the local vernacular style**. **Traditional materials should be used to blend in with existing buildings**. **Boundary treatments should be brick, post and rail fences or hedges**.

The site is located within an existing residential area, is situated along the southern boundary of Caistor Conservation (Article 4) area and surrounded by a number of listed buildings and a historic boundary treatment. The listed buildings include 1-9 Horsemarket and 7 Plough Hill. There are however also a number of unlisted buildings of interest which are attached to, and form a part of, the setting of listed buildings and contribute strongly to the valued character of Caistor Conservation Area.

The site consists of a modern detached bungalow set in a generous sized garden plot which is accessed off a small road leading from Horsemarket. These dwellings and the piece of grass land adjoining the eastern boundary have a similar land level to that of the site. The other residential properties surrounding the site are all set on higher ground, some with sloping gardens meeting the site boundary.

The conservation area appraisal notes the changes in land levels and the listed buildings stating that the high grass banks create a sense of enclosure on Plough Hill and Nettleton Road/Horsemarket and the natural springs contribute to the distinctive and unique quality of town. The eastern side of Horsemarket is dominated by the elegant three storey façade of the late Georgian terrace known as no's 1 -11 Horsemarket with giant pilasters and a central carriage arch. Nos 1 – 11 Horsemarket. While the southern end of Horsemarket is effectively contained by a steep grass bank.

It is because of the changing land levels and the siting of the surrounding buildings that the presence of the bungalow in its valley position is limited and allows for views of the surrounding trees and greenery, the buildings within the Conservation Area and historic buildings beyond. Many concerns have been raised by numerous residents and other people in relation to the size, scale and design of the new dwelling and its detrimental impact upon the character of the area, including the neighbouring Conservation Area and historic properties. Their concerns centre on the size and design of the replacement property not reflecting the character or style of the area and would not therefore respectfully integrate into it. The Conservation officer also raised concerns and objections in relation to the replacement dwelling as originally submitted.

These concerns were raised with the applicant/agent and the scheme has since been amended with the siting and height of the dwelling being changed. Additional information has also been provided which enables a comparison of the existing and proposed properties to be made and how it will integrate into the surrounding area and land levels to be seen. These amended details are at the time of writing this report out for re-consultation but further comments have been received by the conservation officer, which confirm that the development is now much more appropriate in Policy LP25 and historic environment terms.

In this regard it has been noted that its siting will now maintain glimpsed views into the back of the Caistor Conservation area and the pantile roofs that are seen as you pass by the site from south travelling north up Horsemarket. The canopy of trees behind the existing bungalows will also be seen clearly to the left of and above the proposed gable end of the new house. The plans also indicate the outline of the existing bungalow and the proposed house and evidence the impact is limited in terms of the difference. There is nevertheless no doubt that you will see a prominent red brick gable and that this revised proposal will change the setting of nearby listed buildings and the setting of the Caistor Conservation Area. However, subject to appropriate materials

being secured by condition it will not be in a harmful way. As such the proposed replacement dwelling is considered to be in accordance with Policy LP25 of the Central Lincolnshire Local Plan, Policy 3 of the Neighbourhood plan and guidance within the NPPF.

The same principle is therefore applied to the impacts upon the visual amenity of the area. It is recognised that the size, scale and design of the dwelling will result in a visual change, with the replacement dwelling being more prominent than the existing. However, it will not be an unduly harmful impact. In this regard consideration is given to the setback position of the dwelling when being read from Horsemarket and within its valley setting from other public vantage points. The size, scale and design of the property forming its immediate neighbour must also be recognised. This property is a substantial size red brick built dwelling which forms part of the immediate street scene which the replacement dwelling will be read with. The proposed dwelling is also noted to be of a traditional gable form seen within the area and with the use of traditional materials has the ability to reflect some of the traditional characteristics seen within it. The dwelling is therefore considered to have some compatible features and on balance considered to be acceptable to the character of the area. It is therefore concluded that although the dwelling will result in a visual change and will have an impact it is not one that would be unduly harmful to the character of the area. The proposals on balance and subject to conditions are therefore considered to be in accordance with Policy LP17 and LP26 of the Central Lincolnshire Local Plan and Policy 3 of the Neighbourhood plan.

#### Archaeology:

Policy LP25 in relation to Archaeology states that 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.

Additionally it guides 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

LCC Archaeology have identified that the proposed development is situated within the historic settlement of Caistor, close the Roman town Scheduled Monument. The site is located close to a number of historic springs on the edge of the Roman and later town, and objects of Tudor date have been uncovered nearby around 100m to the east. Development on this site may therefore have an impact on archaeological remains of Roman, medieval and post-medieval date.

As a consequence LCC Archaeology have recommended that if permission is granted it should be subject to conditions securing that prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological

Handbook) in accordance with a written scheme of investigation; which is to be submitted to and approved in writing by the local planning authority. This is to enable heritage assets within the site to be recorded prior to their destruction.

The proposed development subject to the recommended condition(s) is considered to be acceptable in preservation through record in accordance with the Archaeology section of Policy LP25 of the Central Lincolnshire Local Plan and the NPPF.

Residential Amenity:

The amenity section in 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 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 for and collection of house hold waste
- u. Creation of safe environments.

Policy 2 of the Neighbourhood Plan states that the amenities of existing residents should be safeguarded.

Neighbouring properties to the North (Bobs Lane).

A number of concerns have been raised in relation to impact the scheme will have on the living conditions of nearby residents, especially those to the North on Bobs Lane. Concerns are based around the size, scale, massing and orientation of the dwelling which would have an over bearing impact, result in overshadowing and loss of light to the garden areas and loss of privacy to them.

The main body of the dwelling and the now two storey north elevation is noted to be set approximately 6 metres at the closest point to one of the adjoining gardens and approximately 40 metres away from the main dwelling houses, which are set on higher ground. The existing dwelling is not dissimilar in this regard.

The eaves height of the replacement dwelling measures approximately 5.3 metres with a total ridge height of 8.9 metres. This elevation also measures approximately 18 metres across. The ridge of the existing dwelling

approximately meets the eaves of that proposed and the north elevation measures approximately 11.5 metres across.

The replacement dwelling is therefore clearly much larger than that existing and through its size and massing would have a very clear presence from the lower levels of the garden areas of these properties. The ridge height also being 8.9 metres and the dwelling south in orientation would lead to some overshadowing of these lower garden areas. The garden areas directly outside the neighbouring properties and on higher ground would however be set approximately 20-30 metres away. It is also noted that no one has a right to a view.

The overall amenity impacts to these neighbouring properties are therefore mainly focused around the lower garden aspects closest to the site but would still have an impact on their existing amenity. Whether these impacts are considered to be unduly harmful to what they may reasonably expect to enjoy is however a finely balanced matter.

Overlooking from windows on this north elevation was also a concern raised. The windows are noted to serve a cloakroom, utility room and kitchen at ground floor and an en-suite, bathroom and 3<sup>rd</sup> bedroom on the first floor. As a result a majority of them will be obscurely glazed or belong to secondary living space. The kitchen window is also noted to be narrow and set at a height which could be screened by a boundary treatment. As such overlooking resulting from this elevation would be minimal and not considered to be unduly harmful and future changes to this elevation can be controlled through a condition.

#### Neighbouring property located to the south.

The Neighbouring bungalow to the south is noted to be on raised ground and already shares a very close relationship with the host dwelling and garden, with high levels of overlooking between both properties and garden areas being present. Weight is therefore afforded to this existing situation.

The replacement dwelling in terms of its layout, size and scale sees the smallest elements of the new house towards this neighbouring dwelling. Thereby resulting in the mass of the main living accommodation being set away from the shared boundary by 22 metres. This along with the neighbouring bungalow being set on higher ground and to the south ensures that the development would not be over bearing or result in loss of light. There are windows proposed on the south elevations of the new dwelling which serve principal living areas. Nevertheless, you can stand in the rear garden of the site already and gain similar views into this property and its garden. As such the relationship and overlooking from the replacement dwelling is not considered to be materially different or unduly harmful. The proposed replacement garage is also not considered to alter the relationship between the two properties and an acceptable change.

#### Dwelling to the south West (North House)

The replacement dwelling is set at a distance, orientation and sited not to result in any undue adverse impacts to the residential amenity of North House. The replacement garage is also located in the same place as the existing and of a size, scale and design not to have a detrimental impact.

#### Dwelling to the North West (15 Horse Market)

The replacement dwelling is located in a similar position to the existing and is noted to measure approximately 12 metres away from the shared boundary and 35 meters from the main house. It will have a larger stance from within this property and its garden area, but its presence is not considered to be harmfully overbearing or result in significant loss of light and overshadowing. The west elevation does see the introduction of two first floor windows overlooking the rear garden and elevation of No 15 Horse Market. These windows however serve a bedroom (secondary accommodation) and are at a sufficient distance so as not to be significantly harmful in terms of loss of privacy. Consideration has also been given to the other properties within close proximity to this neighbouring dwelling and the existing opportunities for overlooking into these areas. The proposed replacement dwelling overall is not therefore considered to be unduly harmful to the occupiers of this property.

#### Highway Safety

Policy LP13 of the Central Lincolnshire Local Plan relates to Accessibility and Transport and states all development should demonstrate that they provide well designed, safe and convenient access for all

Neighbourhood Plan Policy 2 seeks to provide and improve walking and cycling connectivity within the town and between community facilities.

The site and existing dwelling is served by an established access and provision for off road parking. It is also within walking and cycling distance to a number of local services and facilities. The existing site and dwelling has provision for off road parking as does that proposed. The Local Highway Authority have not raised any concerns with the development in terms of highway safety and consequently the development considered to be relevantly in accordance with the provisions of Local Plan Policy LP13 and Neighbourhood Plan Policy LP2.

#### Drainage and Flood risk:

Policy LP14 relates to Managing Water Resources and Flood Risk and incorporates requirements for adequate drainage provision.

The site lies within flood zone 1 (low probability) and meets the sequential test to direct new development to those areas at lowest risk of flooding (CLLP policy LP14 and NPPF paragraph 158).

Part of the site is however noted to be within an area at low and medium risk of surface water flooding. This area of flooding is shown on the EA maps to be running along the north east to north-west aspects of the site and beyond.

The medium risk area runs through site from the east, partially along the rear elevation of the existing dwelling and continuous along the north elevation before reducing in risk and continuing out of the site. Concerns have been raised by nearby properties in relation to this and the flow of natural springs and drains in the area.

In response to the original proposals the Lead Local Flood Authority noted the amended siting of the replacement dwelling within this area; and although they did not object to the proposal they did advise that the applicant would need to demonstrate how they are going to mitigate the issue of surface water flooding when the new building will cover the area that is affected by surface water flooding.

On this basis a Flood Risk assessment was undertaken and submitted which confirmed that the proposed development is at a medium risk of flooding from pluvial sources and that the flow path for the surface water flooding is associated with the line of a culverted watercourse. The mitigation proposed was for the dwelling to be repositioned and the culvert sized accordingly, replaced and diverted. The development with the correct scheme therefore has an opportunity to address the existing risk of surface water flooding on the site and possibly offer a betterment to the current situation.

The position of the proposed dwelling has now been amended and although still within the medium area of flood risk is considered acceptable subject to the mitigation measures identified being implemented and the current risk of flooding to the site and elsewhere made no worse. The mitigation measures did not however include any specific calculations or details to allow the adequacy of the measures to be assessed and the resultant risk of flooding to the site and elsewhere to be determined. Nor has there been any details provided for the surface and foul water drainage for the dwelling. As such pre commencement conditions to secure such details, their assessment, approval and implementation would be required should permission be granted. With such a conditions in place the development is considered to be principally in accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF.

### **Conclusion and reasoning.**

The amended replacement dwelling has been assessed against Local Plan Policies LP1, LP2, LP3, LP14, LP17, LP25 and LP26 as well as Policies 1, 2 and 3 of the Neighbourhood plan and all other material considerations including guidance within the NPPF and NPPG. As a result of this assessment the replacement dwelling is principally considered to be acceptable and subject to conditions preserve the setting of the neighbouring conservation area and nearby listed buildings. Its size, scale and design are also considered on balance to acceptably integrate into the area and respect the characteristics of it. The development subject to conditions also has the opportunity to provide a betterment in flood risk terms and record archaeology findings; it does not also raise any highway concerns. As such the development is considered to be in accordance with Policies LP1, LP2, LP3, LP14, LP17 and LP25 of the Central Lincolnshire Local Plan and Policies 1

and 2 of the Neighbourhood plan. The replacement dwelling will however have an impact on the residential amenity of nearby dwellings and the acceptability of the scheme is therefore considered to be finely balanced when assessing against the Amenity section of Policy LP26 and a criterion within Policy 2 of the Neighbourhood plan. Consequently the decision has been presented to planning committee for determination.

**Recommendation: Grant approval subject to the following conditions**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

2. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme, at least 14 days before the said commencement.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation measures in accordance with Policy LP25 and the National Planning Policy Framework.

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

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: 031/0146, 020/0146 C, 030/0146 B, 050/0146 received September and October 2020. 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, unless otherwise agreed in writing by West Lindsey District Council as Local Planning Authority.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with Policy STRAT 1 – Development requiring planning permission of the West Lindsey Local Plan First Review 2006

4. No further development other than the demolition of the dwelling shall take place until details of the proposed mitigation measures for surface water

flooding in line with the recommendations set out in the Flood Risk Assessment undertaken by Roy Loblely and dated March 2020 have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the risk of flooding to the site and elsewhere is not increased in accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF.

5. No further development other than the demolition of the dwelling and laying of the foundations shall take place until the approved surface water flooding mitigation measures secured by condition 4 above have been fully implemented in accordance with the approved details and retained/maintained thereafter.

Reason: To ensure the risk of flooding to the site and elsewhere is not increased in accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF.

6. No further development other than the demolition of the dwelling and laying of the foundations shall take place until details of the proposed external materials have been submitted in writing to, viewed on site and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and not altered thereafter.

Reason: To ensure the development respects the character and appearance of the site and area as well as the setting of the conservation area and historic buildings in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and Policies 1, 2 and 3 of the Neighbourhood Plan, as well as the NPPF.

7. No further development other than the demolition of the dwelling shall take place until details of the proposed surface and foul water drainage has been submitted to and agreed in writing by the Local Planning authority. The development must then be carried out in accordance with the approved details, completed prior to first occupation of the dwelling and retained/maintained thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development and/or to prevent pollution of the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan and the NPPF.

8. The archaeological work shall only be carried out in accordance with the submitted and approved specification secured by condition 2 above. 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.

9. The two windows on the north elevation serving the en-suite and family bathroom shall be glazed with obscure glazing prior to the first occupation of the dwelling and thereafter retained in perpetuity.

Reason: To safeguard residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy 3 of the Neighbourhood plan and guidance within the NPPF.

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

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

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of adjoining dwellings and to safeguard the character and appearance of the surrounding area and historic environment in accordance with Policies LP17, LP23, LP25 and LP26 of the Central Lincolnshire Local Plan and Policies 1, 2 and 3 of the Neighbourhood Plan 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