

Officers Report

Planning Application No: 141621

PROPOSAL: Planning application to erect 1no. dwelling.

**LOCATION: Land adjacent 1 & 3 Padmoor Lane Upton Gainsborough
DN21 5NH**

WARD: Lea

WARD MEMBER(S): Cllr Mrs J B Milne

APPLICANT NAME: Mr and Mrs Crow

TARGET DECISION DATE: 11/12/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve subject to conditions

This application is reported to planning committee in light of the finely balanced nature of the planning policy considerations as described below.

Description:

The site is a corner plot located on the junction of Padmoor Lane and High Street. The application site consists of the garage, car parking area and garden area for 1 and 3 Padmoor Lane. There is a business premises directly to the west and south of the application site. Directly opposite on the east side of High Street is the parish Church of All Saints, which is a grade II* listed building. To the south, beyond the business premises, is 28 High Street (grade II listed) and its stable block. To the north is 26 High Street, also grade II listed.

Planning permission is sought to erect one dwelling. The proposal has been significantly amended to move it further west and improve its design.

Relevant history:

M06/P/0052- planning application to erect detached dwelling. Refused 6/4/2006. Appeal APP/N2535/A/06/2009872 dismissed 20/6/2006.

M06/P/0599- planning application to erect detached dwelling. Refused 24/8/2006.

131368- Planning application for erection of 1no. dwelling. Refused 23/7/2014.

Representations:

Upton Parish Council:

“Upton Parish Council wishes to make the following comments in support of the above planning application.

The applicant is a well-respected resident of Upton for over 40 years and has contributed and supported village life. Mrs Crow is part of the family that owned the local blacksmiths Neville Barnes. Their support and contributions has been invaluable to events and organisations in the village. Mrs Crow feels very passionate at wanting to spend her retirement in the village she loves. This new build would allow them to fulfil their dreams, as well as having the space for Mrs Crow to teach the piano. The site for the proposed dwelling is on “Brownfield” land and consideration has been given to the existing buildings and surroundings. This proposal will contribute to the supply of housing in Upton in accordance with the Central Lincolnshire Local Plan. The entrance to the proposed property is from High street an existing access into the rear of the properties for 1 and 3 Padmoor Lane. Parking has been allocated for up to 6 cars for the 3 properties, which is more than adequate.”

Local residents:

Residents of 1A Church Road, Upton; Beaconsfield House, Upton; 2 The Hop Gardens, Willingham by Stow; and The Old Vicarage, 28 High Street, Upton support the proposal (summary):

- Support the proposal
- Concur with the Parish Council
- Allows long standing resident of Upton to enjoy her retirement in the village
- Proposal is in context and scale with the area.
- Design and layout appropriate for the area and similar to others approved. Proposal is an enhancement compared to existing garage
- Use of brownfield land and infill development
- Boundary hedge retention ensures to harm to listed buildings
- No access issues as it is existing and well used with ample parking
- The family have lived in the village for nearly 100 years and have been supportive of the church and community and continue to do so
- Proposal would allow the space to teach music and continue the family tradition
- Additional houses will assist growing infrastructure

WLDC Environmental Protection Officer:

“the requirement for a suitable assessment to consider all aspects of potential nuisance from noise, dust, odour or vibration at the existing engineering works adjacent to the development stands. The assessment should consider the potential for these issues to occur if the business was operated at potential capacity and not just on the current activities which may not be representational of the norm. The assessment should cover any mitigation that may be required to ensure that future occupiers of the dwelling are not

significantly affected by the engineering activities and should be approved by the LPA prior to development commencing.”

WLDC Conservation Officer:

Comments on initial proposal:

“I have visited the site to consider the impact of the proposed development on the setting of the various listed buildings, which are:

1. The Church of All Saints, grade II* listed;
2. 26 High Street, grade II listed;
3. 28 High Street, grade II listed.

Moreover, the list description for all three listed buildings have the letters ‘GV’ which means ‘group value’. Group value is one of the statutory criterion for the listing of buildings. The DCMS Principles of Selection for Listing Buildings states in paragraph 17 that when making a listing decision, the Secretary of State may also take into account:

o Group value: The extent to which the exterior of the building contributes to the architectural or historic interest of any group of buildings of which it forms part, generally known as group value. The Secretary of State will take this into account particularly where buildings comprise an important architectural or historic unity or a fine example of planning (e.g. squares, terraces or model villages or where there is a historical functional relationship between the buildings. Sometimes group value will be achieved through a colocation of diverse buildings of different types and dates.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757054/Revised Principles of Selection 2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757054/Revised_Principles_of_Selection_2018.pdf)

The setting of the three is shared and closely interlinked with an enhanced consideration due to the group values noted. The proposed development in the location proposed would impact on the immediate setting of both 26 and 28 High Street, and the Churchyard would result in harm to this setting. The site as existing has been open for at least 140 years according to old maps. There is a 20th C structure on site but this is single storey and flat-roofed and is not a prominent feature of the site and does not impose on the setting. Policy LP25 of the adopted local plan states:

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.

The proposed development does not protect the significance of these listed building and their shared setting, including views to and from the shared setting of these heritage assets no consideration has been given to the views and vistas towards 28 High Street at all, but instead, are located to block any views in entirety. Also, set between two separate listed buildings, the

development would be an unwelcome intrusion that does not preserve this shared setting, due to its siting, scale, height, mass and design. The proposals fail to meet key criterion of Adopted CLLP Policy LP25.

It is a requirement of the LPA when exercising its planning function to have 'special regard' for the preservation of the setting of a listed building (section 66 of the LB&CA Act 1990). The proposed development does not preserve the shared setting, enhanced by the group value noted on the list descriptions of three listed buildings.

I would advise that any new development must be set back no further forward than the recently approved dwellings on the plot between the site and 28 High Street. The design needs to be improved for a traditional form and locally distinctive materials and details would be required.

Without suitable revisions as noted above, I am unable to offer any support for the application in its current form. Given the above, the only recommendation that can be given is that of refusal. I will be happy to write a supporting statement for any appeal that may arise should this prove necessary (refer to recent successful appeals re setting of listed buildings at nearby Willingham-by-Stow)."

Comments on amended proposal:

"I welcome the revised designs which are much more appropriate to the context and with the correct materials should result in an attractive development. All credit to the designer who has taken on board comments and context and produced a pleasing result. Please can we secure the materials stated as a certainty?"

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." Advice repeated under reconsultation.

LCC Highways:

No objection and recommends two informatives regarding the new access and works within the highway.

LCC Archaeology:

Recommends a scheme of archaeological works.

LCC Minerals and Waste:

"It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 prior extraction of the mineral would be

impracticable and the site is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource. Accordingly, the County Council has no safeguarding objections.”

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); 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:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP4: Growth in Villages

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

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

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

The site is in a Sand and Gravel 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/collections/planning-practice-guidance>

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)**

Draft Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Upton and Kexby Parishes Neighbourhood Plan

West Lindsey District Council has approved (14/11/2019) the joint application by Upton and Kexby Parish Councils to have their parishes designated as a neighbourhood area for the purposes of producing a neighbourhood plan. The neighbourhood plan group are now working towards the production of the neighbourhood plan. There is no draft to consider.

Other

Statutory test

The Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“66 General duty as respects listed buildings in exercise of planning functions.
(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Main issues

- **The principle of development**
- **Design and heritage impacts**
- **Residential amenity**
- **Highways**
- **Flood risk and drainage**

Assessment:

The principle of development

The site is in a Sand and Gravel Minerals Safeguarding Area and policy M11 of the Core Strategy applies. A minerals assessment has been submitted. LCC Minerals and Waste consider the proposal would have negligible impact on minerals resources and raise no safeguarding objection. The impact on minerals is acceptable in accordance with Policy M11.

Upton is designated a small village by Policy LP2 which states:

*“Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support****, the following applies in these settlements:*

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

Policy LP4 establishes the total level of % growth for each Small Village, and further policy requirements in respect of identifying whether a site would be suitable for development.”

*“** throughout this policy, the term ‘appropriate locations’ means a location which*

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

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

*“**** throughout this policy and Policy LP4 the term ‘demonstration of clear local community support’ means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise. If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council. If an applicant is in doubt as to what would constitute a ‘thorough, but proportionate, pre-application consultation exercise’, then the applicant should contact the applicable local planning authority.”*

Policy LP4 permits 10% growth in Upton with the “West Lindsey District Council– Monitoring of Growth in Villages – 19/11/2020 table available on the Council’s website indicating no growth remains.

Policy LP4 states:

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

- 1. Brownfield land or infill sites, in appropriate locations**, within the developed footprint** of the settlement*
- 2. Brownfield sites at the edge of a settlement, in appropriate locations***
- 3. Greenfield sites at the edge of a settlement, in appropriate locations***

Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list.

*A proposal within or on the edge of a village in categories 5-6 of the settlement hierarchy should be accompanied by demonstrable evidence of clear local community support** for the scheme if, in combination with:*

- a. other development built since April 2012;*
- b. any extant permissions; and*
- c. any allocated sites,*

the proposal would increase the number of dwellings in a village by more than 10% or, where relevant, the identified growth level in the above table; or for non-dwellings, have a floorspace of 1,000 sqm or more or have an operational area (including, for example, parking and storage spaces) of 0.5ha or more.”

The proposed new dwelling complies with the scale of development permitted by Policy LP2. This is an infill plot in an appropriate location within the developed footprint of the village which is sequentially preferable for development in accordance with Policy LP4.

At the point this application was validated on 4th September 2020, there was remaining growth of 1 dwelling for the village. This meant the application was not required to demonstrate evidence of clear local community support. However, application reference 141329 planning application for the demolition of industrial buildings and erection of 4no. dwellings at The Forge Padmoor Lane Upton Gainsborough DN21 5NH, immediately to the west and south of the application site, was approved on 24th September thereby taking up the single dwelling of remaining growth.

If the proposal was submitted today there would be a requirement for clear local community support but the circumstances described above, whereby remaining growth has been taken up during the life of the current application, are beyond the control of the applicant.

In light of the wider acceptability of the proposal as described below and this unusual policy context, it is considered reasonable and necessary to report the application to planning committee to enable discussion to take place as to the merits of the proposal. It is noteworthy that a small number of supportive letters from the Parish Council and residents have been received during the consultation process and that no objections have been received.

Policies LP2 and LP4 are consistent with the NPPF paragraph 78 requirement for policies to “identify opportunities for villages to grow and thrive” so are given full weight. The proposal is considered to be in compliance with Policies M11, LP2 and LP4.

Design and heritage impacts

The primary consideration is the statutory test within The Planning (Listed Buildings and Conservation Areas) Act 1990 which states:

“66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Policy LP25 requires development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. Where proposals affect the significance of an asset the application must, proportionally, describe and assess significance of the asset; identify the impact the proposal would have on significance and special character of the asset; provide clear justification for the proposal, especially if harm to significance arises, so that harm can be weighed against public benefits. Unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposal does not harm the significance of the asset and/or its setting. Permission to alter a listed building will be granted where the LPA is satisfied the proposal is in the interests of the buildings preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the building. Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

NPPF paragraph 192 requires LPA's, in determining applications, take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 193 requires, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration

or destruction, or from development within its setting), should require clear and convincing justification.

Policy LP26 requires all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. It requires all development must take into consideration the character and local distinctiveness of the area and where applicable must demonstrate that they make effective and efficient use of land; maximise pedestrian permeability; respect existing topography, landscape character, relate well to the site and surroundings with regard to siting, height, scale, massing, form and plot widths; not result in settlement coalescence; not result in ribbon development, nor extend existing linear features of the settlement and instead retain, where appropriate, a tight village nucleus; incorporate as far as possible existing natural and historic features; incorporate appropriate landscape treatment to ensure assimilation into the surrounding area; provide well designed boundary treatments and hard and soft landscaping; protect important local views; reflect or improve on the original architectural style of the local surroundings or embrace opportunities for innovative design and new technology which sympathetically complement or contrast with the local architectural style; use appropriate high quality materials which reinforce local distinctiveness.

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve”. Paragraph 127 requires policies and decisions ensure developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies LP25 and LP26 are consistent with the NPPF and are given full weight.

The site is a corner plot located on the junction of Padmoor Lane and High Street. The existing dwelling, although much altered, has brickwork of perhaps the late 19th century, with a later additions to its east (and south) of a slightly different brick. In the grounds are some modern garages. The site was once a Blacksmiths (old OS maps). The site is contained by estate railing and there is a lawned area behind this. Directly opposite on the east side of High Street is the parish Church of All Saints, which is a grade II* listed building. To the south is 28 High Street (grade II listed), and its stable block. To the north

is 26 High Street, also grade II listed. All of the list descriptions contain the letters GV (group value) meaning that at the point of listing, not only did these buildings meet national criterion for listing in their own right, but that their exteriors also contribute to the architectural or historic interest of any group of buildings of which it forms part (section 3 (a) of the LB&CA Act 1990).

The initial proposal entailed a dwelling in unnecessarily close proximity to the footway, with a design that did not reflect the historic character of the village that failed to preserve the group value setting of the surrounding listed buildings.

Amendments were sought and secured including a steeper roof pitch to the dwelling and piano room to reflect that found on traditional buildings in the area; chimney stacks at each gable end of the main roof; ground floor front windows to the main dwelling that are as tall as the front door; a traditional pantile roof and red brick walls; good quality cream coloured heritage upvc windows; traditional timber front door; additional windows to the front of the piano room; and the relocation of the dwelling further west to respect the building line of 1 Padmoor Lane and the permitted dwelling to the south. The proposed front projection is set slightly further to the west than the existing outbuilding to be demolished. The Council's Conservation Officer supports the proposal and Historic England make no comment.

The amended proposal is considered to be appropriate to its context, reflects vernacular design in the area and would preserve the setting of the adjacent listed buildings in accordance with the statutory test and Policies LP25 and LP26.

Residential amenity

Policy LP26 requires proposals do not unduly harm residential amenity with consideration to compatibility with neighbouring land uses; overlooking; overshadowing; loss of light; increase in artificial light or glare; adverse noise and vibration; adverse impact upon air quality from odour, fumes, smoke, dust and other sources; adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste; and creation of safe environments. This is consistent with the requirements of NPPF Paragraph 127 that policies and decision should ensure that developments "f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users" and NPPF paragraph 170 in seeking to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and can be attached full weight.

There would be a gap of 4.7m between the rear elevation of 1 Padmoor Lane and the nearest single storey element of the proposal. This relationship is broadly similar to the existing outbuilding to be demolished. The two storey element of the proposed dwelling would be approximately 11m from the rear

elevation of 1 Padmoor Lane and there are no proposed side openings to create overlooking. 1 Padmoor Lane would retain an 8.6m deep rear garden. This relationship would not cause harm to residential amenity.

The two storey element of the proposed dwelling would be 11m from that of 3 Padmoor Lane. There would be a gap of 7m between the single storey rear projection of 3 Padmoor Lane and that proposed and a gap of 7.4m between it and the two storey element of the proposal. The rear elevation of the proposal faces west whilst those of 1 and 3 Padmoor Lane are south facing, creating an angled relationship that minimises overlooking. 3 Padmoor Lane would retain a part 10m deep and part 5.5m deep rear garden.

The proposed dwelling would have part 4.8m deep and part 7.7m deep rear garden with its single storey rear projection creating a screened area from the rear of 1 and 3 Padmoor Lane. The western boundary of the garden would be formed by the building currently occupied as an engineering works. The Council's Environmental Protection Officer has confirmed they do not require a noise assessment prior to determination of the application and are content with the imposition of a condition requiring a noise, dust, odour or vibration assessment be submitted including mitigation measures such as enhanced glazing and or acoustic grade boundary fencing to minimise noise pollution. The EPO raises no concerns in principle noting a lack of historic noise complaints. Such a condition is recommended in the interests of residential amenity.

The proposed site plan indicates the approved footprint of plot 1 under planning application 141329 which sits slightly to the west of the proposal. There would be a 1.5m gap between these dwellings and plot 1 would project approximately 4.8m to the rear of the rear elevation of the proposal. Plot 1 features a single first floor side north facing obscure glazed bathroom window resulting in no overlooking.

The aforementioned interrelationships between plots is considered to have an acceptable impact on residential amenity for existing and future residents. There is no guarantee 141329 will be implemented. In this scenario the proposals relationship with and impacts arising from the adjacent business use are acceptable.

The impact on residential amenity is considered acceptable in accordance with Policy LP26.

Highways

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 108 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 109 requiring development should only be prevented or refused on highways

grounds if there would be an unacceptable impact on highway safety. The policy is therefore given full weight.

The existing vehicular access would be widened from 3.7m to 4.1m to allow two vehicle to pass each other. A large parking area would be provided using permeable paving to provide two car parking spaces each for the use of 1 and 3 Padmoor Lane whilst the proposed dwelling would have three car parking spaces. Ample on site turning space would be provided.

LCC Highways raises no objections to the proposal. The highway and on site arrangements are considered acceptable in accordance with Policy LP13.

Flood risk and drainage

Policy LP14 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical whereas NPPF Paragraph 165 requires this for only major developments. However, there is general consistency in requiring developments do not lead to increased risk of flooding therefore LP14 is given full weight.

The site is in flood zone 1 (low risk) and is not at risk of surface water flooding. This is an acceptable flood risk location for a dwelling.

Surface water is proposed to drain to soakaway with no infiltration test having been submitted. The parking area would be made of permeable paving. Foul water would drain to the mains sewer in High Street. Final details of surface water drainage will be required via condition to ensure compliance with Policy LP14.

Conclusion

The proposal would have negligible impact on mineral resources. The scale and location of the proposal is considered compliant with Policies LP2 and LP4. The proposal would take Upton one dwelling above its 10% growth allowance but the circumstances are such that this is considered acceptable. Significant design and heritage impact improvements have been secured such that the proposal is acceptable in this regard. Sufficient spaces between dwellings and garden sizes are proposed. The impact from adjacent business premises is acceptable subject to condition. No harm to residential amenity would arise. Appropriate vehicular access and parking facilities are provided. Flood risk and drainage matters are acceptable subject to condition securing final details. The proposal is considered acceptable therefore it is recommended that planning permission is granted subject to the following conditions:

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).

2. Development shall proceed in accordance with the following approved drawings:

1518C/100 Rev B
1518C/102 Rev B
1518C/103 Rev B
1518C/104 Rev B
1518C/105

Reason: For the sake of clarity and in the interests of proper planning.

3. No development shall take place on the site until 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 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions and:

- i) the programme and methodology of site investigation and recording;
- ii) the programme for post investigation assessment;
- iii) the provision to be made for analysis of the site investigation and recording;
- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v) the provision to be made for archive deposition of the analysis and records of the site investigation;
- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

Reason: To secure appropriate assessment and investigation of potential archaeological interest on the site in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

4. No development above damp roof course level shall take place until details of the means of surface water drainage (including percolation test) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before occupation of the dwelling.

Reason: To secure appropriate surface water drainage in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

5. Prior to their use in the development details of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To secure good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

6. No development above damp roof course level shall take place until a noise, dust, odour and vibration impact assessment has been submitted to and approved in writing by the Local Planning Authority which shall include details of any mitigation measures required. The development shall only be implemented in accordance approved mitigation measures and maintained as such for the life of the development.

Reason: In the interests of the amenity of the future occupiers of the dwelling having regard to the implications from adjacent uses and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

7. Before the first use of the development, a scheme of landscaping including details of the size, species and position or density of all trees and hedging to be planted or retained, shall have been submitted to and approved in writing by the Local Planning Authority. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the first use of the dwelling or the completion of the development, whichever is the sooner; and any trees or hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the visual impact of the development on the area of great landscape value is minimised in accordance with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

Informatives

LCC Highways states:

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

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

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