

Officers Report

Planning Application No: 143367

PROPOSAL: Planning application for erection of 1 no. dwelling being variation of condition 3 of planning permission 141174 granted 17 September 2020 - amendment to plans.

LOCATION: Land between Elizabeth Close and Hawthorn Close Glentworth Gainsborough

WARD: Hemswell

WARD MEMBER(S): Cllr Howitt-Cowan

APPLICANT NAME: Mr A Rashid

TARGET DECISION DATE: 06/09/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Grant permission with conditions

This application has been referred to the Planning Committee on the basis of objections from the Ward Member, Parish Council and local residents on matters that are considered to be balanced.

Description:

The application site is a piece of land within the defined settlement of Glentworth. Planning permission was granted in September 2020 for 1 dwelling, following the resolution of the Planning Committee. The site is approximately 0.1 ha and was previously grassed with trees and shrubbery. Works have now commenced on site and the original route of the permissive footpath that runs through the site and connects Hawthorn Close to Elizabeth Close has been moved, this footpath is a registered Asset of Community Value. The site is located within Flood Zone 1 (low probability), on the Environment Agency Flood Map for Planning¹.

The application seeks to vary condition 3 of planning permission 141174 which states:

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: ZD/G/P1 and ZD/G/P2 received 1st September 2020. Works shall be carried out in accordance with the details shown on the approved plans.

¹ <https://flood-map-for-planning.service.gov.uk/>

Reason: *To ensure the development proceeds in accordance with the approved plans and to accord with policies LP17 and LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.*

The current application has been submitted in order to secure amendments to the scheme comprising a retaining structure along the northern boundary of the site comprising a Gabion wall to secure the stability of the land which sits adjacent to a watercourse.

The application form confirms these works were started on 8th March 2021. S73A of the Town & Country Planning Act 1990, allows planning permission to be granted for development carried out before the date of the application.

Relevant history:

142367 - Request for confirmation of compliance with conditions 4, 5 & 6 of planning permission 141174 granted 17 September 2021. Partial discharge, 28/5/21.

141174 - Planning application for erection of 1no. dwelling, GC, 17/9/20.

Representations:

Chairman/Ward member(s): Comments received from Cllr Howitt-Cowen 'I am sufficiently aware of this PA and the problems associated with it. I understand that this PA has experienced several difficulties namely the gabion wall requires a retrospective planning application approved or it should be removed completely. There are some significant concerns and challenges -

1. The amended drawing for approval shows the baskets but they are not drawn to scale, these are as stated 1.5m high but what was omitted from the application is that they are 1m deep, that is not a 1m deep basket drawn to scale. The original hedging depth has simply been cut in half and split into hedge & basket. The reason for this is that if it was drawn to scale the house would have to move across and there is no room to do this due to the easement.

2. I think WLDC should comment on the Civil Engineering integrity of just placing these baskets onto the bottom of an existing stream to create a barrier, there is no physical boundary between the baskets and the water below or the side. This stream is key to the efficient drainage of the village and surrounding areas and is a significant change to the original application in which the function of the stream was not compromised.

3. From the recent issues with damage to Anglian Water assets it is clear the locations shown for rising mains and other pipework is not correct

I cannot support this PA receiving retrospective planning permission. It was obvious to us on the ground that this land was not appropriate for a dwelling of this scale, and I trust a thorough examination will now be given to this application and believe the overwhelming evidence does not support the granting of retrospective permission.

I am very tempted to ask for it to go to Committee, as this matter is controversial and full exposure of the problems associated with this PA are a learning curve.'

Parish/Town Council/Meeting: 'Glentworth Parish Council wishes to OBJECT to the application for retrospective planning consent and request that the LPA defer a decision until further investigations are undertaken in relation to underground services, flood risk as well as

an assessment of the damage already done contrary to the recommendations of the Ecological Report.' In summary objects from Glentworth PC mainly relate to:

- PC full supports letters of objections from neighbours.
- Plans not accurate.
- Developer has altered size and shape of the site and the line of the watercourse.
- No consent for works within the watercourse have been sought or given.
- Are the gabions a safe method of construction for their intended purpose? What is their purpose?
- Developer has removed/damaged trees contrary to the Ecological report
- LPA should require applicant to commission a full and extensive underground survey to determine what services exist.
- LPA should consult with Anglian Water and other utility providers.
- A new Ecological Survey should be commissioned.

Local residents: Comments and objections along with video footage and photographs received from no.'s 10, 14, 15, 16 Hawthorn Close, 2, 7 and 11 Church Street, 4 St Georges Hill, 4 Kexby Road and 7 Elizabeth Close. In summary the concerns and objections mainly relate to:

- Drawings inaccurate and not to scale
- Original planning application should be revoked
- Gabion boxes are significant obstruction to stream
- WLDC should comment on the civil engineering integrity of the boxes in the stream
- Damage caused to Anglian Water assets
- Piling on site cause for concern for cracking or structural damage to nearby properties
- Site not appropriate for a dwelling
- Blatant disregard to the public open space
- 2 years of worry and stress for residents. Public voice is powerful and should have been respected and listened to.
- Rising main runs through site. Not plotted accurately on plans.
- Line of watercourse now altered by gabion boxes and they are a restriction to the water flow and present the possibility of flooding and erosion.
- Looking for a formal review by the Local Government Ombudsman.
- Gabion boxes galvanised not stainless steel.
- Hedge removed to make access from Acis car park but permission not sought from Acis.
- Gabion boxes placed directly on bed of the watercourse.
- Concerns over stability of the land.
- Developer has extended the plot by digging out ground from opposite side of the stream.
- Placement of gabion boxes caused much environmental harm during construction.
- Is the developer a Riparian Owner?
- Developer has encroached onto private land by 3m.

- The site is a health and safety hazard for people and animals.
- LCC made no attempt to survey the site to assess damage to watercourse.
- No site specific Flood Risk Assessment has been carried out.
- LCC nor IDB provided comments on body of water.
- Needs to apply for consent to work near the watercourse and also needs an environmental permit due to the risk of pollution from waste water and waste water operations.
- A person who contravenes a stop notice after a site notice has been displayed, or the stop notice has been served on them, is guilty of an offence ([section 187\(1\) of the Town and Country Planning Act 1990](#)). A person guilty of this offence is liable on conviction to an unlimited fine.
- Site is fraught with issues. A sewage rising main, storm water tanks, a foul sewer, a surface water outfall, and a watercourse.
- If WLDC pass the permission for the gabion baskets, it would create more planning breaches just by passing it.
- Developer not adhering to sections of the HASAWA regarding securing access and having suitable and sufficient barriers around an excavation.
- Planners should take into surface water flooding consideration and factor in climate change impacts
- No Sustainable Drainage System (SuDS) submitted
- Gabions wont withstand the velocity of the flow
- The new drawings submitted by the developer do not now include the new landscaping and are still sitting on an easement.

LCC Highways: No objections

Environment Agency: None received

Archaeology: None received

LCC Flood Risk Team: 'I write following the site meeting which took place at Hawthorn Close, Glentworth with representatives of Lincolnshire County Council, West Lindsey District Council Planning and Upper Witham Internal Drainage Board, meeting with local residents, the Parish Clerk, Chairman of the Parish Council and local district Councillor.

The purpose of this site meeting was to discuss and consider the impact and potential flood risk implication from the watercourse as a result of the single property development at this location following concerns raised by local residents with LCC, WLDC and Upper Witham IDB. It should be noted that as this is a single property development LCC are not

a statutory consultee in this process and therefore cannot comment on the development application in a formal capacity. Consideration on this occasion was purely that of assessing the condition of the water course and potential flood risk impacts.

Following inspection of the site, it is the opinion of IDB drainage engineers that the siting of gabion walling to the bank would not have a significant impact on conveyance of water at this location due to the nature of the existing bed and angle of banks. Equally, taking these factors into consideration, enforcement action would not be appropriate due to insufficient evidence to suggest there would be a significant impact to flows in the water course. A more detailed explanation of these considerations has already been supplied to WLDC by the drainage engineers from Upper Witham Internal Drainage Board.

Taking all factors into consideration it is deemed that the siting of the gabions linked to the development are not significantly detrimental to the conveyance of water when considering the risk of flooding from the water course.'

Witham 3rd IDB: 'the board has no comments on this application, the development does not affect the interests of the board.'

Natural England: 'Natural England currently has no comment to make on the variation of condition 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: ZD/G/P1 and ZD/G/P2 received 1st September 2020. Works shall be carried out in accordance with the details shown on the approved plans. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.'

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 Glentworth Neighbourhood Plan (made November 2019); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

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
LP4: Growth in Villages
LP10: Meeting Accommodation Needs
LP13: Accessibility and Transport
LP14: Managing Water Resources and Flood Risk
LP17: Landscape, Townscape and Views
LP21: Biodiversity and Geodiversity
LP23: Local Green Space and Important Open Space
LP26: Design and Amenity

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 & LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP10 is consistent with NPPF chapter 5 as they both seek to ensure a mix of housing to meet accommodation needs. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity. LP23: Local Green Space and other Important Open Space is consistent with chapter 8 of the NPPF as they both seek to protect open space and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

- **Glentworth Neighbourhood Plan (NP)**

The Neighbourhood Plan was formally made on the 4th November 2019. The relevant policies are:

Policy 3: Design and Character of Development
Character Profile

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

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

- **Draft Central Lincolnshire Local Plan**

The consultation on the first Draft of the Central Lincolnshire Local Plan (Reg 18 stage) ran for 8 weeks from 30 June to 24 August 2021. Policies of the Draft Plan which are considered relevant to this application are:

S48: Parking Provision
S52: Design and Amenity

The NPPF states:

“48. 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).”

The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

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 July 2021. Paragraph 219 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)**

Main issues:

This application is made under s73 of the Planning Act to ‘vary’ the previously approved development, through varying the approved plans condition (condition 3). Under s73, the planning authority may grant its permission subject to new conditions, forming a new and separate planning permission.

Or, if it considers that planning permission should only be granted with the original conditions – then to refuse its permission. However, the original permission (141174) remains extant and is unaffected by this decision.

However, under s73 the local planning authority shall consider only the question of the conditions to which planning permission was granted. It is not an opportunity to revisit the original permission.

- Background and principle
- Impact on streetscene and residential amenity
- Impact on watercourse/flood risk
- Assessment of other conditions

Assessment:

Background and principle

Planning permission was granted by Planning Committee on 17/9/20 for 1 dwelling. This application seeks permission to vary condition 3 of planning permission 141174 which relates to the approved plans for the inclusion of a line of gabion boxes along the northern boundary of the site. Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant previous planning permission. Under this section the local planning authority may amend or remove conditions but may not amend any other part of the permission.

It should be noted that since the granting of application 141174 the Draft Central Lincolnshire Local Plan has been published. The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

Impact of proposed changes on streetscene and residential amenity

The proposed gabion boxes have been placed along the northern edge of the site along the boundary with the watercourse. They extend approx 36m along the majority of the northern boundary and are 1.5m in height.

In terms of the visual impact of the gabion boxes, whilst utilitarian in appearance it is not considered that they are unacceptable in this location, particularly given the limited visibility of the structure outside the site, which would be restricted to views from the north towards the site. Furthermore in time, gabion boxes do produce vegetation and will soften in appearance.

With regards to their impact on residential amenity due to the position of the retaining structure within the site, and in relation to the neighbouring residential properties and proposed dwelling on the site it is not considered that the structure would result in harm to residential amenity.

Therefore due the size, scale and location of the proposed gabion boxes it is considered that they will not harm the character and appearance of the streetscene or the proposed dwelling, nor the living conditions of neighbouring occupiers.

Impact on watercourse/flood risk

The gabion boxes have been placed along the northern boundary of the site. The agent confirmed that the gabion boxes are required to stabilise the bank of the stream. It should be noted that gabion boxes by their very nature are permeable structures and will allow water to flow through them with ease.

The EA surface water flood map suggests the open waterway along the northern boundary is prone to surface water flooding, showing it being 'high risk' meaning that each year this area has a chance of flooding of greater than 3.3%. The area immediately adjacent to the high risk area appears to be classed as 'low risk' meaning that each year this area has a chance of flooding of between 0.1% and 1%.

It should be noted here that this particular watercourse is not classed as a "Main River" and as such the Environment Agency would not have any involvement or responsibility. Also this area also falls outside of the designated boundary of the Witham Internal Drainage Boards. As this is classed as an "Ordinary Watercourse" any consenting and enforcement considerations lie with Lincolnshire County Council acting as Lead Local Flood Authority. The LCC Flood Risk Officer confirmed that *'in Lincolnshire we have a Memorandum of Understanding with Internal Drainage Boards across the county to carry out these functions on our behalf, taking advantage of the knowledge and experience that is held within Internal Drainage Boards. The village of Glentworth falls within what we refer to as an Extended Area for which the Internal Drainage Boards acts on our behalf as described above. For information, the guidance when considering any intervention is as follows':*

"Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures within any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, within any ditch, dyke or other such watercourse will require consent from the Board."

Both Anglian Water, the Environment Agency and the Internal Drainage Board (IDB) (who are acting as agent for LCC as the site lies outside the Boards Drainage District) have been consulted as part of this application and no objections have been raised albeit the IDB has stated that a Land Drainage Consent is required, however these cannot be issued retrospectively and therefore have raised no objections to the proposed development.

Concerns have been raised by local residents and the Parish Council regarding an increase in surface water flooding from the proposed gabions and that no FRA or SuDS has been submitted. It is clear that the watercourse has been altered, mainly by the siting of the gabion boxes along with some vegetation being cleared from the banks.

An officer from the IDB visited the site and recognised that the channel is still large with the gabions in place and considered that *'the culverts and channel profile further*

upstream the works that have been undertaken in the channel do not warrant any enforcement action' and concluded that they do not represent a flood risk.

A further site visit took place with 2 officers from LCC Flood Risk Team and an officer from the Internal Drainage Board. The Senior Commissioning Officer Flood Risk stated that *'Following inspection of the site, it is the opinion of IDB drainage engineers that the siting of gabion walling to the bank would not have a significant impact on conveyance of water at this location due to the nature of the existing bed and angle of banks. Equally, taking these factors into consideration, enforcement action would not be appropriate due to insufficient evidence to suggest there would be a significant impact to flows in the water course. A more detailed explanation of these considerations has already been supplied to WLDC by the drainage engineers from Upper Witham Internal Drainage Board.*

Taking all factors into consideration it is deemed that the siting of the gabions linked to the development are not significantly detrimental to the conveyance of water when considering the risk of flooding from the water course.'

Therefore based on the information and advice received from the IDB and Flood Risk Team at LCC along with no objections raised by Anglian Water or the Environment Agency it is considered that the proposed gabion boxes will not have a significantly detrimental impact on flood risk in accordance with policy LP14 of the CLLP. Policy LP14 is consistent with chapter 14 of the NPPF.

Assessment of other conditions

Condition 1 – Time limit. Works have already commenced on site and therefore this condition is no longer required.

Condition 2 – Realign footpath. The footpath has been realigned and therefore this condition is no longer necessary.

Condition 3 – Plans conditions. This condition is subject to this application and if approved will need updating with the amended plans.

Condition 4 –Materials. Details of the materials were submitted and approved under application 142367 therefore this condition will be updated with the approved details.

Condition 5 – Drainage details. Drainage details were submitted for approval under application 142367. Therefore this condition will be updated and amended.

Condition 6 – Landscaping details. Landscaping details were submitted for approval under application 142367. Therefore this condition is no longer required.

Condition 7 – Implementation of landscaping. This condition will be updated to reflect the landscaping details submitted for approval under application 142367.

Condition 8 – Ecological Survey. This condition is still necessary to ensure the recommendations within the report are adhered to.

Condition 9 – Tree Protection measures. This condition is still necessary to safeguard the existing trees on the site during construction works.

Condition 10 – PD rights removed. This condition is still necessary to enable any such proposals to be assessed in terms of their impact on the resulting amount of space around the dwelling and to safeguard the character and appearance of the building and its surroundings.

Other matters

Land ownership - Claims have also been with regard to encroachment of the gabion boxes onto land outside the ownership of the applicant, however the agent has confirmed that the gabion boxes have been placed in their entirety, within the ownership of the applicant. The development before the Council is located within the redline shown on the site location plan. Planning permission can be applied for on land outside of the applicant's ownership – however, the application includes a signed Certificate A to state it is within their ownership. They have confirmed that they consider this has been signed correctly. Land ownership is otherwise not a material planning consideration.

Underground Drainage - A number of comments have been received during the consultation regarding the existence of mains drainage beneath the application site. The applicant has informed the LPA that there is an easement over the land and the layout of the plot has been adjusted to take account of this. To clarify, the possible impact on an easement is a private matter and is not a material planning consideration which can factor in this decision.

Structural integrity - Concerns over the safety and structural integrity of the gabion boxes have been raised. The structural integrity of the retaining structure is not a planning matter.

Structural damage - Concerns regarding structural damage to properties and noise and disturbance during the construction phase are not material planning considerations. If it is the case that damage is caused to other land or property of adjacent landowners it is a civil matter and may be addressed through private legal action.

Principle of development – Concerns have been raised with regards to the site being inappropriate for a dwelling, disregard to open space etc cannot be dealt with through this S73 application for the siting of gabion boxes and under this section the local planning authority may consider only the question of the conditions subject to which planning permission should be granted. The original permission remains intact and un-amended.

Stop Notice – Comments received with regards to a Stop Notice being served are incorrect. No such Notice has been served on the owner.

Future planning breaches – We cannot take into account the possibility of future planning breaches on the site. These will be dealt with via the correct procedure if a breach occurs.

Inaccurate plans – Third parties have raised concerns regarding the accuracy of the plans. Amended plans were submitted 13/8/21 and further amended plans submitted on 1/11/21, any other inaccuracies were not apparent during the officers site visit but the officer raised the question with the agent who confirmed that the gabions on site are in accordance with the submitted plans.

Health and Safety at Work Act (HSWA) – Concerns have been raised that the developer is not adhering to the HSWA Compliance with The Health and Safety at Work Act 1974 is a separate piece of legislation and not a planning matter.

Conclusion

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP10: Meeting Accommodation Needs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity and LP25: The Historic Environment, LP26: Design and Amenity of the Central Lincolnshire Local Plan and Policy 3: Design and Character of Development of the Glentworth Neighbourhood Development Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

In light of the assessment it is considered that the gabion boxes are acceptable in design and amenity terms, highways safety terms and will not increase the risk of flooding.

Recommendation: Grant planning permission subject to the conditions below:

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

1. - Void

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

2. - Void

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: ZD/G/21 and ZD/G/P2 received 1st September 2020 and ZD/G/21P1 Rev b dated 1/11/21. Works shall be carried out in accordance with the details shown on the approved plans.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with policies LP17 and LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

4. The facing materials specified in the Materials Sample Board document received 29/1/21, and approved under application 142367, shall be used in the construction of the dwelling.

Reason: To ensure the use of appropriate materials to accord with policy LP17 and LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

5. The scheme for the disposal of foul and surface waters shall be carried out in accordance with the approved details under application 142367, and with the relevant consents from the water board.

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

6. - Void

7. All planting or turfing shown on plan ZD/G/21P1 Rev b dated 1/11/21 must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must 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. The landscaping should be retained thereafter.

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

8. The development hereby approved must only be carried out in accordance with the recommendations set out in section 5 (pages 21-22) of the preliminary ecological appraisal survey completed in August 2020 by Whitcher Ecological Consultants Ltd.

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

9. The development must be completed in accordance with the tree protection measures identified within the arboricultural method statement by AWA Tree Consultants dated May 2020. The approved protection measures must be installed prior to commencement and retained in place until the development is completed.

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

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

10. Notwithstanding the provisions of Schedule 2 Part 1 (including Classes A, B, C, D, and E) of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, 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 resulting amount of space around the dwelling and to safeguard the character and appearance of the building and its surroundings.

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.