

Officers Report

Planning Application No: 145360

PROPOSAL: Planning application to erect 7no. dwellings and associated infrastructure

LOCATION: Land to the rear of Marquis Of Granby High Street
Waddingham Gainsborough DN21 4SW

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr Jeff Summers

APPLICANT NAME: Mr Daniel Williams

TARGET DECISION DATE: 30/09/2022 (Extension agreed until 6th January 2023)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

This application has been referred to the Planning Committee following objections from Waddingham Parish Council, the Ward Member and other 3rd parties.

The planning committee at its meeting on 30th November 2022 resolved to defer this planning application for a member site visit to take place. The planning committee site visit took place on 19th December 2022 commencing at 1 pm.

Description:

The application is an area of land (0.36 hectares) to the rear of the former Marquis of Granby Public House (converted to residential). The application site is set back from the highway and slopes downwards from south west to north east. Vehicular access to the site is off High Street to the west of the Marquis of Granby and has been partly laid to tarmac. Some ground clearance works have been completed with mounds of earth in the south east/south west corner. The north east and south west boundary to the site is screened by high fencing and hedging. The south east boundary is screened by high fencing. The north west boundary is screened by high fencing and a brick wall.

The site is within a Limestone Minerals Safeguarding Area and in the setting of the following Listed Buildings and Non-Designated Heritage Asset:

- Grade 2 Listed Old School House, Redbourne Road, Waddingham approximately 38 metres from the vehicular access of the site and 73 metres from the centre of site.

- Grade 2 Listed Cottages (6 in total), The Green, Waddingham approximately 60 metres from the north east boundary of the site.
- Non-Designated Heritage Asset adjacent the north east boundary.

The 6 Listed Cottages are Wagtail Cottage, Skylark Cottage, ChiffChaff Cottage, Kestrel Cottage, Lapwing Cottage and Nightingdale Cottage.

The application seeks permission to erect 7 dwellings and associated infrastructure.

The application has been amended through the application process to:

- Reduce the scale of plot 1 from a 6 bedroom to a 4 bedroom dwelling and re-positioned 2 metres away from the shared boundary with Marquis House.
- Reduce the scale and change the appearance of plot 5 from a 6 bedroom to a 4 bedroom dwelling.
- Set back plot 7 around 4 metres further back into the plot.

Due to these amendments a 14 day re-consultation was instructed on 8th November 2022 and will end on the 22nd November 2022.

Relevant history:

The site has a substantial planning history, the most relevant of which is detailed below:

138660 - Outline planning application for the erection of 7no. dwellings with all matters reserved – 21/03/19 - Granted time limit and other conditions

143218 - Planning application for change of use of public house into 1no. dwelling including removal and replacement of existing extension, update front and rear windows, and install patio doors (resubmission of 142444) - 12/08/21 - Granted time limit and other conditions

143052 - Application for approval of reserved matters for the erection of 7no. dwellings, considering access, appearance, landscaping, layout and scale following outline permission 138660 granted 21 March 2019 – 30/09/21 - Refused

Reason:

“The access and landscaping matters are considered acceptable. However, the scale, appearance and layout reserved matters do not have due regard to the site context and the character of the village resulting in inappropriate design with rectangular building forms, little articulation or variation in roof form or elevational treatment and a lack of appropriate detailing. The scale and massing of the dwellings and layout are not in keeping with the surroundings and would actively harm the street scene in a manner that is inappropriate as the backdrop to a historic village centre. The setting of The Old School, a non-designated heritage asset on the HER, would be harmed to an unacceptable degree. This harm significantly outweighs the acceptable access and landscaping matters. The design is not high quality and would

harm the street scene. The proposal is contrary to Policies LP17, LP25 and LP26 the Central Lincolnshire Local Plan, Section 12 and paragraph 203 of the National Planning Policy Framework, the National Design Guide and Policy 8 of the draft Waddingham and Brandy Wharf Neighbourhood Plan”.

144071 - Pre-application enquiry to erect 7no. dwellings – 02//02/22

Conclusion:

It is therefore considered that the submitted layout, scale and appearance of the development is unlikely to overcome the reason for refusal set out in refusal decision notice 143052. The development would be considered:

- Unlikely to have not had due regard to the site context and the character of the village resulting in inappropriate design with rectangular building forms, little articulation or variation in roof form or elevational treatment and a lack of appropriate detailing.
- Unlikely to be in keeping with the surroundings.
- Likely to actively harm the street scene in a manner that is inappropriate as the backdrop to a historic village centre.
- Likely to unacceptably harm the setting of The Old School, a non-designated heritage asset on the HER.
- Likely that the design is not high quality and would harm the street scene.

Therefore, the development is likely to be contrary to Policies LP17, LP25 and LP26 the Central Lincolnshire Local Plan, Section 12 and paragraph 203 of the National Planning Policy Framework, the National Design Guide and Policy 8 of the draft Waddingham and Brandy Wharf Neighbourhood Plan”.

Representations

Cllr J Summers: Objections

- Increased flooding
- Density and size of dwellings including overwhelming ridge heights
- Lack of services
- Lack of permeable surfaces
- Overload of original sewage system and man hole covers blowing off during heavy rainfall
- Insufficient parking on site

Policies LP1, LP4. LP10, LP17 and LP26.

The main issue is the desperate attempt to make as much capital as possible out of this site. (ie) height and density - creating an inappropriate intrusion into the village scene, overloading drainage and service systems in a village which has a history of severe flooding (one property i have been in at the junction is below street level).

LP1; At the heart of the strategy for Central Lincolnshire is a desire to deliver sustainable growth; growth that is not for its own sake, but brings benefits for all sectors of the community for existing residents as much as for new ones.

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

LP4; In settlement categories 5-6 of the settlement hierarchy, a settlement sequential test will be applied with priority given as follows.

1. Brown field land or infill sites, in appropriate locations. These must not create increased harm to existing property. (ie) flooding.
LP10; MEETING ACCOMMODATION NEEDS. Latest housing market assessment, meeting community needs. In medium villages the proposal must deliver housing which meets the higher access standards of part M Building Regulations by delivering 30% of dwelling to M4(2) of the building regulations. LP17; CHARACTER OF SETTING. To protect the intrinsic value of a setting at the centre of a medium village. CUMULATIVE impacts must be considered. LP26; DESIGN AND AMENITY. In relation to siting, height, scale and massing. Overlooking, overshadowing

Cllr S Bunney: Objects

Waddingham is in the Market Rasen Division of Lincolnshire County Council - for which I am the sitting member.

I support the Parish Council in their objection to this planning proposal.

This development, if it goes ahead, greatly increases the amount of hard surfaces and water run off. This increases the risk of flooding in the area of the village at the crossroads of Stainton Avenue, Redbourne Road, Kirton Road and B1205. The Geological report for a previous application on this site, which was rejected, states "Use of soakaways for disposal of surface water from the site will not be feasible. In addition a comparatively high water table was evidenced potentially indicating that natural ground drainage was poor." This adds to the general flooding concern.

Local knowledge indicates that the current sewage infrastructure is already insufficient for the village, often backflowing in times of heavy rainfall as surplus run off enters the system. These extra houses certainly will not help the situation. I believe that the size of the properties [in particular the 2 six bedroom three storey houses] are not in keeping with the site or the scale of the village. The house are crammed in with insufficient car parking and bin storage for a modern household.

I also believe that the landscaping proposals do not adequately compensate for the loss of the trees in the old orchard.

Waddingham Parish Council: Objects

- The Geological report states "Use of soakaways for disposal of surface water from the site will not be feasible. In addition a comparatively high

water table was evidenced potentially indicating that natural ground drainage was poor.” This alongside all of the hard surfaces on the plan will certainly cause flooding in the village as the surface water will run down the High Street to the low point at the junction where there has been flooding in the past.

- The two 6 bedroom, three storey houses are really not suitable for this site nor needed in this small village. As for the previous application “the scale, appearance and layout ...do not have due regard to the site context and the character of the village”
- There is not enough parking space within the development for the number of bedrooms suggested. Even though the aerial view shows the numbers that are required there is not actually enough space and the excess cars will end up parking on the narrow roads within the village, adding to problems that already exist.
- The developers are failing to show any care of the old orchard. The plans show Plot 7 overtaking some of the trees. Already the developers have removed some of the trees which were supposed to be kept and have undercut the roots of some of the trees in the name of “landscaping” which is jeopardising them.
- The comments on the previous application advise that the size of the dwellings on the site should be reduced. They have not done that, just shuffled the existing buildings around leading to the overtaking of the old orchard by plot 7.
- There is also no indication where any bins will be sited. Refuse collections will be difficult as the lorries will have to reverse to exit onto the High Street.
- The same goes for delivery vehicles.
- The village’s sewage system is already at breaking point, as far as we are aware.

Local residents: Objections (summarised) received from:

Rose Cottage, Silver Street, Waddingham
Archway, Joshua Way, Waddingham
Field View Cottage, Joshua Way, Waddingham
Rosemund Cottage, Joshua Way, Waddingham
The Old School, The Green, Waddingham
The Laurels, The Green, Waddingham
Summer Beck, The Green, Waddingham
Wesley House, The Green, Waddingham
Summer Beck, The Green, Waddingham
Stonecroft, Stainton Avenue, Waddingham
1 Redbourne Road, Waddingham
Wee Holme, Redbourne Road, Waddingham
Wingar, Kirton Road, Waddingham
The Old Cottage, High Street, Waddingham
The Payhouse, High Street, Waddingham
The Elms, High Street, Waddingham

Visual Impact/Character

- Creates an urban estate in the countryside.
- Out of character with village.
- No character to dwellings, bland and architecturally poor.
- The look and feel of the old village will be unrepairably harmed.
- Appearance of all dwellings not in keeping with surrounding dwellings more resembling a modern urban environment not a rural village one.
- Density not capable of successfully blending in with surroundings.
- Properties are too large.
- Size of houses is completely out of keeping with surrounding area.
- Proposed properties will dwarf long standing buildings and ground level is higher.
- Overdevelopment.
- No need for 5 bed dwellings
- The sample materials still do not seem to include any coursed rubble work which is the way that stone work in the village is historically completed.

Drainage

- Existing drainage is not sufficient/adequate.
- The junction floods in adverse weather.
- Where is extra rainwater run-off supposed to go?
- Main drain frequently overflows.
- Foul sewer system cannot cope now.

Flooding

- Soakaway test failed.
- Heavy rain the surface water from High Street, Common Road and Redbourne Road accumulates in Stainton Avenue resulting in water bubbling out from manholes and running down the road.
- Makes flash flooding a certainty.
- Hardstanding on site will make risk of flooding worse.
- Two flash floods in last two months as drains unable to contain fast flowing water.
- More water from the roofs would cause more flooding.

Highway Safety

- Entrance is near a busy junction.
- Increase of vehicles (10+) onto High Street plus delivery vehicles would be unwise as Redbourne Road is becoming a dangerous part of the village.
- Additional traffic would cause concern for safety of other vehicles, pedestrians and school children at drop off and pick up times.
- Insufficient parking allocation.

Residential Amenity

- Additional height of land would overlook on surrounding properties.

Heritage

- Too near Listed Buildings and out of proportion with surroundings.

Sustainability

- No amenities in the area – No pub, post office and village shop closing soon.

Ecology

- Site off ecological value e.g. newts, hedgehogs and birds.
- Impact on wildlife.

Other

- All comments on 144071 are still relevant.
- Thought the orchard was protected.
- Will destroy old apple trees.
- Impact on power lines.

LCC Highways/Lead Local Flood Authority: No objection subject to conditions and advice

Representation received 15th September 2022

Footpath condition:

The development hereby permitted shall not be occupied before a 1.8 metre wide footway to the East of the access, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Public Right of Way:

No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of improving the headland section of Waddingham Public Footpath 72 to a stone specification and providing a connection to the footway from within the site) have been certified complete by the Local Planning Authority.

Representation received 6th September 2022:

- Please request the applicant confirm if the site is proposed for adoption by LCC.
- If the site is proposed for adoption a turning head will be required to enable a white goods vehicle to manoeuvre on site.
- A drainage strategy will also need to be provided detailing plans of how the site will drain

WLDC Conservation Officer: No objection

Representation received 7th November 2022:

The proposal is within the historic core of Waddingham for 7no. dwelling located behind the previous public house known as the Marquis of Granby. The site is to the south of the Grade II listed Old School House and south-west of the Grade II listed 1-5 and Attached Shop, The Green.

The amended plans have reduced plot 5 from a 2.5 storey house to a 2-storey house. The design and layout of the property is now altered to be different from the remainder of the development site.

Within the Waddingham Neighbourhood Plan, the historic core is characterised as “generally two-storeys and detached”. The height of Plot 5 now fits this character which would be viewable within the setting of the listed buildings and the design retains the traditional vernacular of the historic core. This design is now considered to preserve the historic core of Waddingham, support by LP25.

Under paragraph 202 of the NPPF, there will still be some harm to the setting of the listed buildings which is mitigated by design and this will be mitigated further through the approval of high-quality materials, outweighing the harm against the public benefit.

For that reason, I wish to condition the following;

- 1) Before work begins, all external facing materials including roof, walls, all joinery, rainwater goods, or any addition external features are submitted for approval to the LPA.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the setting under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) Prior to the installation, drawings to a scale of 1:20, fully detailing the following new windows, doors, sills and headers (or any other surrounds) shall be approved in writing by the Local Planning Authority and installed completely in accordance with the approval.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the setting under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 3) Prior to any above ground works, sample panels of all new facing brickwork and stonework shall be provided for approval on site showing the proposed -
 - i. Brick and stone types, sizes, colour, texture face-bond; (and)
 - ii. pointing mortar mix, joint thickness and finish profile.

These samples will remain on site throughout the development.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the setting under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Representation received 31st October 2022:

I have regarded the whole site and the amendments to the designs to plot 1 is acceptable by reducing the height to fit with the historic core. However, I still have issue with plot 5 retaining the additional height. Within the site plot 5 is proposed to be 2.5 storeys. This would be out of character within the historic core and have an impact upon the setting of the listed buildings. This impact would be exacerbated by the property being built on already raised ground making the property stand out in the historic core and upon the views from the listed buildings.

The deviation of the character of the historic core being so visible within the setting of the listed buildings would cause harm to the setting of the two listed buildings. This would not be support by LP25 of the Central Lincolnshire Local Plan (2017) which would only support the preservation or enhancement of the setting.

Representation received 22nd September 2022:

The design still needs some alteration before I can be happy with the proposal.

The historic character of Waddingham and the common design is of two storey vernacular buildings. This is also noted in the Draft Neighbourhood Plan. Plot 1 & 5 have a second floor in the loft space making them visually taller than the rest of the site and likely the surrounding area. This would stand out in the setting of the listed building “1- 5 and attached shop, the green” while looking from the property. These two plots should be reduced in height to retain the historic character of the settlement which allows for the modern development to balance with the important heritage assets.

LCC Archaeology: No objections subject to a condition

The written scheme of archaeological investigation (WSI) submitted with this application meets the requirements we have previously recommended regarding earlier proposals for this site.

If permission is forthcoming this WSI could form part of the approved plans to avoid the need for a pre-commencement condition. We would, however, still recommend that conditions are applied to require notification of the intention to commence the archaeological work, and the submission of the final report, and deposition on the paper and material archive at a suitable museum.

WLDC Building Control: Comment

The Applicant has procured an Engineer design to meet the needs of the site for the FW & SW, this appears acceptable.

Ramblers Association: No representations received to date

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)**

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

LP25 The Historic Environment

LP26 Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

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

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

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

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)."

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

- **National Planning Practice Guidance**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Guide (2019)**

<https://www.gov.uk/government/publications/national-design-guide>

- **National Design Model Code (2021)**

<https://www.gov.uk/government/publications/national-model-design-code>

Draft Local Plan/Neighbourhood Plan (Material Consideration)

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

- 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).*

- **Submitted Central Lincolnshire Local Plan Review (SCLLPR)**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and has now been subject to a further round of public consultation which expired on 9th May 2022.

On the 8th July 2022 The Draft Local Plan Review was submitted to the planning inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown. Relevant Policies:

- S1 The Spatial Strategy and Settlement Hierarchy
- S2 Growth Levels and Distribution
- S4 Housing Development in or Adjacent to Villages
- S6 Design Principles for Efficient Buildings
- S7 Reducing Energy Consumption –Residential Development
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S23 Meeting Accommodation Needs
- S47 Accessibility and Transport

S49 Parking Provision
S53 Design and Amenity
S57 The Historic Environment
S65 Important Open Space

The plan review submitted for examination is at an advanced stage but is still open to alterations so at this stage may be attached **some weight** in the consideration of this application.

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan-review/>

Draft Waddingham and Brandy Wharf Neighbourhood Plan:

The draft version (Regulation 14) of the Waddingham and Brandy Wharf Neighbourhood Plan was published for consultation purposes between 31 March 2019 and 31 May 2019.

The Plan has now reached Regulation 16 stage. This involves the final version of the Plan being produced for submission to the District Council for examination purposes. However, at the time of writing, the Reg16 Submission Version of the Neighbourhood Plan is yet to be published.

The relevant policies are:

Policy 3 Additional Residential Development
Policy 8 General Design and Development Principles
Policy 9 Parking Standards

Character Area CA1 – Waddingham Historic Village Core

The Draft Waddingham and Brandy Wharf Neighbourhood Plan therefore carries some, limited weight in the decision making process.

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/waddingham-brandy-wharf-neighbourhood-plan>

Other:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<https://www.legislation.gov.uk/ukpga/1990/9/section/66>

Section 38 of the Planning and Compulsory Purchase Act 2004

<https://www.legislation.gov.uk/ukpga/2004/5/section/38>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan
Draft Waddingham and Brandy Wharf Neighbourhood Plan
Community Consultation Conflict
Concluding Statement

- Minerals Resource
- Heritage
- Important Open Space
- Visual Impact
- Flood Risk
- Residential Amenity
- Highways
- Archaeology
- Foul and Surface Water Drainage

Assessment:

Principle of Development

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:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Local policy LP2 identifies Waddingham as a medium village and development proposals would:

“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 a limited amount of development in order to support their function and/or sustainability.*
- *no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.*
- *typically, and only in appropriate locations, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.”*

Local policy LP2 states that ‘*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’.*

Submitted policy LP4 additionally requires a sequential approach to be applied to prioritise the most appropriate land for housing within small villages. LP4 states that:

'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'.

Glossary D (page 137) of the CLLP defines infill as *"Development of a site between existing buildings"*.

The principle of 7 dwellings on the site was previously accepted and established in approved outline planning application (all matters reserved) 138660 determined on 21st March 2019. Whilst this application has expired it is considered a material consideration as it considered 7 dwellings on the site to be principally acceptable in accordance with the Central Lincolnshire Local Plan 2012-2036.

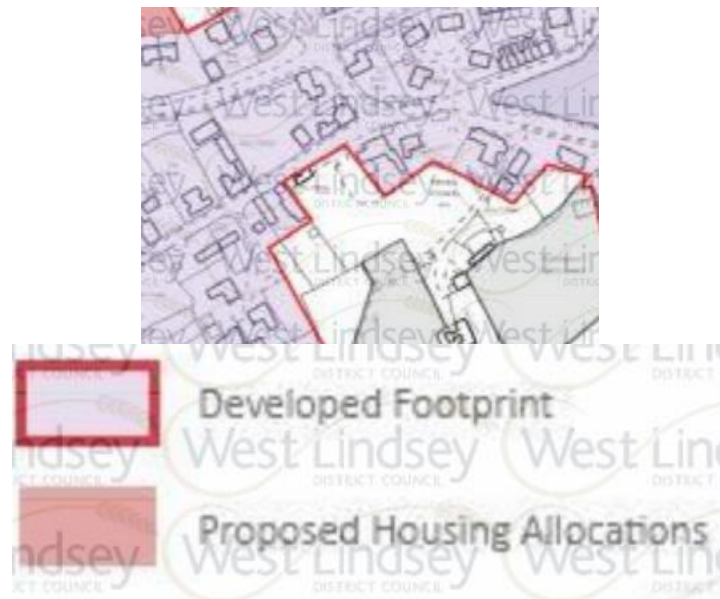
Local policy LP4 goes on to say that Waddingham has a growth level of 15%. An updated table of remaining growth for housing (dated 30th September 2022) in medium and small village's states that Waddingham has 293 dwellings with a remaining growth of 26 dwellings.

Draft Waddingham and Brandy Wharf Neighbourhood Plan (DWBWNP): Policy 3 sets out criteria for small scale and larger scale residential developments. Criteria 2 and 3 state in summary (larger schemes) that developments of more than one dwelling must complete a community consultation exercise and submit with the application. Any application which does not comply with part 2 to the satisfaction of the Parish Council and West Lindsey District Council will not be supported.

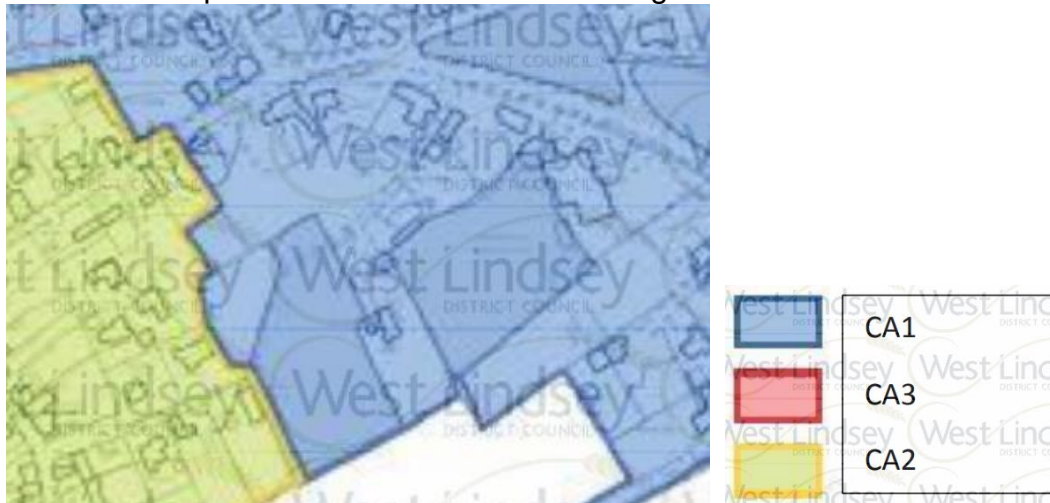
Policy 8 sets out criteria for the design and character of developments.

Policy 9 sets out parking standards for dwellings based on the numbers of bedrooms.

Extract from Map 5 (page 32): Waddingham Developed Footprint and proposed Housing Allocations



Extract from Map 9: Character Areas in Waddingham



Character Area 1 covers Waddingham's historic village core.

Community Consultation Conflict:

Policy 3 of the DWBWNP states that any housing developments of more than one dwelling would be required to complete a community consultation exercise for submission with an application. Local policy LP2 of the CLLP requires a community consultation exercise to be completed for submission with an application for small and medium villages when the settlement no longer has any remaining housing growth. This is a clear conflict between the DWBWNP and the CLLP.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states that *'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document'*.

The DWBWNP has only completed its regulation 14 stage, with initial consultation on its first draft. The published draft plan has yet to be updated

following its regulation 14 consultation, and submitted to WLDC for formal consultation to take place. It is at a relatively early stage and therefore only carries some limited weight as a draft document. It has not been subject to examination, public referendum, and is not currently part of the statutory development plan. The Central Lincolnshire Plan was adopted on 24th April 2017 therefore is part of the development plan and carries full weight. Therefore the most recent plan and last document is the Central Lincolnshire Local Plan. It is not therefore considered that a community consultation exercise is required on submission of the application due to the 26 dwellings remaining in Waddingham's housing growth.

Concluding Statement:

The development would be within the 9 dwelling limit of local policy LP2 and would be an infill development in accordance with the infill definition of the CLLP (between existing buildings). Map 5 of the DWBWNP identifies the site as being outside the developed footprint of Waddingham. Whilst some weight is given to Map 5 of the DWBWNP it is considered that the site is adjacent to the built form of Waddingham to a number of its boundary either fully or at some point.

As in expired outline planning permission 138660 the site is considered to be in an appropriate location for housing development and as an infill site has the highest priority for housing development in accordance with the land availability sequential test of local policy LP4. The development does not trigger the requirement for a community consultation exercise due to the CLLP being the most up to date plan/document.

Whilst the development would not accord with policy 3 of the DWBWNP the principle of the development is acceptable and accords to local policies LP1, LP2, LP3 and LP4 of the CLLP and the provisions of the NPPF.

It is considered that policy LP1, LP2, LP3 and LP4, are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies '*to support sustainable economic growth and our quality of life*'. Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

'Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:

- *the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or*
- *the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- *there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or*
- *the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or*
- *the development is, or forms part of, an allocation in the Development Plan.*

The application has included the submission of a Minerals Assessment. The Minerals and Waste team at Lincolnshire County Council have not commented on the development. The site has had outline planning permission for 7 houses where the principle of the development was accepted. This recently expired. Therefore the proposal would not be expected to unacceptably sterilise a minerals resources in West Lindsey. The development therefore would accord with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

It is considered that policy M11 is consistent with the minerals guidance of the NPPF and can be attached full weight.

Heritage

An objection has been received in relation to the impact of the development on heritage assets.

The site is within the setting of Listed Buildings and a non-designated heritage asset (NDHA). The the closest Listed Building being the Grade 2 Listed Old School House. The former School House is the NDHA and sits adjacent to the north east boundary of the site

Local policy LP25 of the CLLP states that *'Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire'* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that *'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'*.

Local policy LP25 protects non-designated heritage assets and their setting from harmful development.

Guidance contained within Paragraph 194 of the NPPF states that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected,*

including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

Paragraph 199 of the NPPF states that *'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 203 of the NPPF states *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that *'Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage' and 'although views of or from an asset will play an important part, the way in which we experience.*

Criteria a) of Policy 8 of the DWBNP states that:

"development should respect existing plot boundaries, ratios, orientation and the historic buildings or traditional forms and grain of development"

The Local Authority's Conservation Officer (CO) had not objected to the development in principle but made some recommended amendments in relation to the scale of plot 1 and plot 5. The CO recommended:

"Plot 1 & 5 have a second floor in the loft space making them visually taller than the rest of the site and likely the surrounding area. These two plots should be reduced in height to retain the historic character of the settlement"

which allows for the modern development to balance with the important heritage assets.”



Plot 1

Plot 5

In response to this the dwelling on plot 1 and 5 have been reduced in scale from a 6 bedroom to a 4 bedroom dwelling. The amended dwelling on plot 1 would match plot 4 and 6 and amended dwelling on plot 5 would be a new design. The comments of the Conservation Officer have therefore been acknowledged by the agent and the amendments have removed the objection subject to external material conditions.

The reduction in the scale of both plots would remove the original dominant appearance of plot 1 and 5 on the nearby Listed Buildings.

The proposed development would be considered to preserve the setting of the nearby heritage assets (Listed Buildings and Non-Designated Heritage Asset) and accord to Local Policy LP25 of the CLLP, the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, draft policy 8 of the DWBWNP and the provisions of the NPPF.

It is considered that policy LP25 is consistent with the heritage guidance of the NPPF and can be attached full weight.

Visual Impact

Objections have been received in relation to the visual impact of the development on the site and the surrounding character of the area.

Local policy LP17 states that *‘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, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements’.

Developments should also *‘be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas’*

Local policy LP26(c) states *‘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:*

(c) Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;’

Draft policy 8 of the DWBWNP sets out criteria for the design of new development including sub-criteria a-f of criteria 1.

The site is not within an area identified for its special landscape and scenic quality.

The development would introduce the following dwellings on the site (All measurements are approximated from the submitted plans):

Plot	Storey	Beds	Parking	Garage	Dimensions (metres)			
					Height	Eaves	Width	Length
1	2	4	3	No	8.2	5.3	9.5	10.6
2	1	4	3	No	5.4	2.6	14	9.8
3	1	2	2	No	4.8	2.5	10.9	8.3
4	2	4	3	No	8.2	5.3	9.5	10.6
5	2	4	3	No	8.2	5.3	11.4	7.0
6	2	4	3	No	8.2	5.3	9.5	10.6
7	2	4	3	No	8.3	5.3	10.2	6.8

Each dwelling would be constructed from:

Plot	Materials
1, 4 and 6	Brick with red double pantile
2 and 3	Stone with brick detailing with red double pantile
5 and 7	Stone front with brick sides and rear with red double pantile

The application form proposes cream UPVC heritage style windows.

Character area 1 of the DWBWNP covers the historic village core of Waddingham. On walking around the historic village core it is clear that the area comprises a mix of material finishes to the dwellings. These include

stone, brick (various colours), stone with brick detailing and render (cream and off white).

The proposed use of brick and stone would therefore appear acceptable but would need to be approved through a condition due to the sensitive nature of the site within the draft historic village core character area.

As confirmed in the draft character assessment the dwellings within the historic village core are generally two storeys in height and detached but there are some bungalows as well. The proposed development would introduce 5 two storey dwellings with two bungalows.

The principle elevation of plot 7 would face the developments access private road and its north west elevation would from a set-back position face High Street. Plot 7 has been designed with this in mind by including a number of openings on its north west side elevation. The inclusion of these openings would create a more attractive entrance into the site and contribute towards the well-designed street scene on High Street.

To the south west of the site is The Paddocks which includes two storey dwellings which are higher than the other dwellings on The Paddocks due to having rooflights which are presumed to serve living accommodation. Whilst The Paddocks is not within the draft Historic Village Core character area its dwellings particularly 4 The Paddocks (with rooflights) is in view from the village green looking back towards the site.

In terms of density, the application site would measure 19.5 dwellings per hectare (dph) based on 7 dwellings on a site measuring 0.36 hectares (1/0.36 hectares x 7 dwellings). The surrounding area is mixed in terms of plot and garden sizes. Some dwellings have larger gardens and some have smaller gardens. It is considered that the density of this development would be low at 19.5 dph and would reflect the density of the village.

It is considered that the development overall would not have an unacceptable harmful visual impact on the site and the surrounding area and accords to local policies LP17 and LP26 of the CLLP, draft policy 8 of the DWBWNP and the provisions of the NPPF subject to a comprehensive materials condition.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance of the NPPF and can be attached full weight.

Flood Risk

An objection has been received in relation to flood risk but primarily from drainage which is discussed later in the report.

The application site sits within flood zone 1 therefore is sequentially preferable for housing development in accordance with LP14 of the CLLP and the provisions of the NPPF.

As a non-major development to be located in flood zone 1 (low probability), the application does not require to be supported by a site-specific flood risk assessment (FRA), under NPPF paragraph 167.

It is considered that policy LP14 is consistent with the flood risk guidance of the NPPF and can be attached full weight.

It is a policy requirement that when determining any planning application, the local planning authority should ensure that flood risk is not increased elsewhere (NPPF paragraph 167). This is addressed separately under drainage.

Residential Amenity

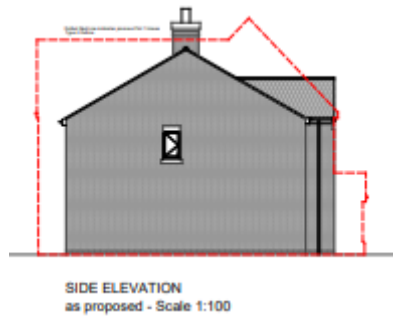
Objections have been received from neighbouring residents in relation to overlooking from the scale of the dwellings.

The application site has neighbouring dwellings adjacent or opposite to most boundaries of the site (all measurements are taken from the submitted plans). These are:

- Marquis House, High Street (converted Marquis of Granby) adjacent to the north east and south east boundaries
- Halton House, High Street adjacent to the north east and south east boundaries
- The Old School House, The Green adjacent to the north east boundary.
- Rose Cottage, The Green opposite to the south east boundary.
- The Laurels, The Green opposite to the south east boundary.
- Archway, Joshua Way adjacent to the south east and south west boundary.
- The Elms, High Street adjacent the south west boundary
- The Payhouse, High Street adjacent the south west and north west boundaries.
- Corner Cottage and Piano Cottage, High Street opposite to the north west boundary.

Marquis House:

Proposed plot 1 would share its north west boundary with Marquis House and would sit 2 metre from the shared boundary and 21 metres from the rear elevation of Marquis House. Plot 1 would have one first floor window serving an ensuite so can be conditioned to be obscurely glazed. The proposed dwelling on plot 1 has been significantly reduced in height and overall scale (see plan below) and set slightly further back from the shared boundary with the Marquis House.



(Originally submitted dwelling outlined in red)

The position of plot 1 would have a modest impact on light received to the end of the garden to Marquis House. The reduction in the scale of the dwelling has sufficiently reduced the massing impact of the plot 1 on Marquis House.

Plot 6 would be a two storey dwelling with first floor front elevation bedroom windows facing towards the rear garden of Marquis House. The front elevation of plot 6 would be 13.8 metres from the south west boundary of Marquis House which is an acceptable separation distance.

Plot 7 would be a two storey dwelling with first floor front elevation bedroom windows facing towards the rear garden of Marquis House. The front elevation of plot 6 would be 12 metres from the south west boundary of Marquis House. This separation distance would be sufficient and would not unacceptably overlook rear garden of the Marquis House.

Halton House:

Proposed plot 1 would share its north west boundary with Halton House and would sit 5 metres from the shared boundary and 13.1 metres from the rear elevation of Halton House. Plot 1 would have first floor window bedroom windows on the rear elevations but the angle and separation distance would limit any potential overlooking.

The Old School House:

Proposed plot 1 and 2 would share its north east boundary with The Old School House. Plot 1 would sit 19 metres from the shared boundary and plot 2 would sit 7.5 metres from the shared boundary with The Old School House. Plot 2 would be a bungalow. Plot 1 and 2 would be sufficiently separated from the boundary of The Old School House.

Rose Cottage:

The south west boundary of proposed plot 2 (bungalow) would be opposite the north west boundary of Rose Cottage. Plot 2 and Rose Cottage would be separated by public rights of way Wdgm/72/1. The proposed dwelling would be sufficiently separated from Rose Cottage.

The Laurels:

The south west boundary of proposed plot 3 (bungalow) and plot 4 would be opposite the north west boundary of The Laurels. Plot 3/4 and The Laurels would be separated by public rights of way Wdgm/72/1. The rear elevation of

Plot 4 is orientated to the south west therefore facing away from The Laurels. The proposed dwellings would be sufficiently separated from The Laurels.

Archway:

Proposed plot 4 would share its south west boundary and proposed plot 5 would share its south east and south west boundary with Archway. Plot 4 would be 11.5 metres from the shared boundary and the rear elevation would not directly face the rear garden of Archway.

Plot 5 would have first floor bedroom windows. The rear elevation of plot 5 would be 6 to 13 metres from the shared boundary and over 90 metres from the nearest elevation to Archway. Whilst the bedroom windows would overlook the end of the rear garden to Archway the scale of the garden to Archway and the separation distance would mean sufficient privacy would be retained for the residents of Archway.

The Elms:

Proposed plot 5, 6 and 7 would share their south west boundary with The Elms. The varied built form of The Elms sits adjacent this shared boundary. All or most of The Elms is single storey adjacent the boundary. The rear elevation of The Elms only has one first floor window but this is much nearer to High Street.

The rear elevation of plot 5, 6 and 7 would be between 10-17.6 metres from the shared boundary with the Elms. The separation distance and position of the built form at The Elms would mean the privacy of the Elms would be retained.

The Payhouse:

None of the plots would share a boundary with The Payhouse. Plot 7 would be the nearest plot and would be 9.4 metres from the rear elevation of The Payhouse and 15 metres from its private external amenity space which sits to the south west side of The Payhouse.

Corner Cottage and Piano Cottage:

Both of these dwellings sit the other side of High Street therefore are significantly separated from any of the proposed plots.

It is additionally important to assess the impact of the proposed dwellings on each other although there would be a certain amount of 'buyer beware'. It is considered that the position of the dwellings and their openings will not harm the living conditions of the site's future residents. Each dwelling is considered to have sufficient private external garden space.

Therefore the development would not be expected to have an unacceptable harmful impact on the living conditions of neighbouring dwellings or future residents and accords to local policies LP26 of the CLLP, draft policy 8 of the DWBWNP and the provisions of the NPPF.

It is considered that policy LP26 is consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Highway Safety

Objections have been received in relation to highway safety grounds.

Each proposed dwelling would be accessed from the vehicular access off High Street (30mph). Draft policy 9 of the DWBWNP sets out minimum parking standards for dwellings based on the amount of bedrooms. The draft policy proposes:

1. Off-street car parking for new residential developments should be provided to the following minimum standards:

1 bedroom	1 parking space (per dwelling)
2 bedrooms	2 parking spaces (per dwelling)
3+ bedrooms	3 parking spaces (per dwelling)

The proposed development proposes the following amount of parking spaces:

Plot	Bedrooms	Parking Spaces
1	4	At Least 3
2	4	At Least 3
3	2	2
4	4	3
5	4	3
6	4	3
7	4	3

Each dwelling would have sufficient off street parking to serve the occupants and would not lead to street parking.

The Highways Authority at Lincolnshire County Council have no objections to the proposed development on highway safety grounds but have recommended a condition to introduce a footpath to the east of the vehicular access to connect the development to the existing pedestrian footpath network. This would include appropriate arrangements for the management of surface water run-off from the highway.

The submitted site plan indicates the introduction of a footpath to meet this recommendation.

The Highways Authority have additionally recommended improvements works to the public right of way and access to the public right of way directly from the site. Whilst direct access to the public right of way from the site would be of modest benefit to the potential future occupants it is not considered as

fundamental or necessary to the acceptability of the development. The proposed footpath to the east of the vehicular access would provide a short and safe walk to the north east entrance to the public right of way.

It is also considered that the recommended improvements to the public right of way are not relevant, necessary or reasonable to the acceptability of the development.

The development would therefore not have an unacceptable harmful impact on highway safety therefore accords to local policies LP13 of the CLLP, draft policy 8 of the DWBWNP and the provisions of the NPPF.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 111) of the NPPF and can be attached full weight.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the development or the submitted Specification for a Scheme of Archaeological Monitoring and Recording dated May 2021 by PCAS Archaeology. This is subject to a condition to ensure the development is completed in accordance with the submitted specification and to require notification of the intention to commence the archaeological work, the submission of the final report, and deposition on the paper and material archive at a suitable museum.

The development would not be expected to have an unacceptable harmful impact on archaeology therefore accords to local policies LP25 of the CLLP and the provisions of the NPPF.

It is considered that policy LP25 is consistent with the historic environment guidance of the NPPF and can be attached full weight.

Foul and Surface Water Drainage

Objections have been received from a number of third parties based on foul and surface water drainage.

The application has included a preliminary drainage plan 20451-3000 Rev P01 dated 29th June 2022, drainage details, CCTV investigations and drainage calculations. The Authority's Building Control department has assessed the plans and considered them as acceptable. Given the amendments to the scheme the drainage plan is however, now out of date.

Foul Water:

Paragraph: 020 (Reference ID: 34-020-20140306) of the water supply, wastewater and water quality section of the NPPG states:

“When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided

and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.”

The application form states that foul drainage will be disposed of to the mains sewer which is the preferred option. The developer will be responsible for getting consent from the relevant authority prior to connecting to the existing mains sewer. This will include acceptance from the relevant authority that the existing mains sewer has the capability of dealing with the additional intake.

Surface Water:

Paragraph 80 (Reference ID: 7-080-20150323) of the Flood risk and coastal change section of the NPPG states that *“Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.”*

Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate.”

The application form states that surface water is proposed to be disposed of to the mains sewer. This method is the lowest on the hierarchy listed above. The application has included drainage investigations, calculations and percolation tests including an Intrusive Site Investigation Report by GEO Investigate dated April 2021. Section 3.3 (infiltration Testing Borehole – BH5 and BH6) of the Intrusive Site Investigation Report sets out the results of percolation tests taken on the site. The results of the percolation tests identified a negligible drop of 35mm in a 60 minute period in borehole BH5 with similar results at borehole BH6. Section 3.3 concludes that:

“Given these results, and as expected from the general ground conditions encountered at the site, the clay soils at the site are essentially impermeable and the use of soakaways for disposal of surface water from the site will not be feasible. In addition, a comparatively high water table was evidenced by way of standing water at depths of circa 1.20m, potentially indicating that natural ground drainage was poor.”

These results demonstrates that the use of an infiltration method such as soakaways would not be feasible on the site. There are also no surface water bodies to connect to near to the site.

The application has included a proposed general arrangement drainage plan 20451-3000 Rev P01 dated 29th June 2022 by Woodside Consulting Engineers Ltd. This identifies all drainage connections and the position of the attenuation tank, surface water pumping station and the ACO channel. The

attenuation tank would discharge surface water at 2 litres per second into the mains sewer via a surface package pumping station. Surface water would additionally be pumped and drained into an ACO drain along the front of the vehicular access.

The application has therefore demonstrated through borehole testing on the site that infiltration is not feasible and there is no surface water body which can be utilised. Given the evidence it is accepted that the site is not suitable for a sustainable urban drainage system and surface water would have to be disposed of to the mains sewer in a controlled manner as described previously.

The indicative attenuation tank would have a volume of be 92.34m³. The drainage plan states that *“the attenuation tank has been designed to store all storms up to and including the 1 in 100 year + 40% climate change events.”* The design of the attenuation tank has been created from the drainage calculations received 5th August 2022 by Woodside Consulting Engineering Ltd and includes results for a 100 year +40% Climate Change Critical Storm Duration.

The submitted drainage plan is currently out of date as the scheme has been amended to alter the position and scale of dwellings on plot 1, 5 and 7. It is therefore considered that drainage can be fully addressed through a condition.

Therefore subject to a condition the development would be expected to accord to local policy LP14 of the CLLP and the provisions of the NPPF.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

Contamination

The application has included an Intrusive Site Investigation Report by Geo Investigate dated April 2021. The report concludes that *“soils at the site are generally uncontaminated and fit for purpose in the proposed residential end use of the site. No remedial works are considered necessary at the site prior to redevelopment”*.

Given the results of the intrusive site report it is considered that the site would not be expected to have an unacceptable harmful contamination impact. It is considered relevant and necessary that a precautionary contamination is attach to a permission to ensure that any contamination found during the construction phase is remediate before works continue in the interests of human health.

Therefore subject to a condition the development would be expected to accord to local policy LP16 of the CLLP and the provisions of the NPPF.

It is considered that policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight.

Biodiversity

Objections have been received in relation to protected species and wildlife on the site.

Local Policy LP21 of the CLLP states that '*All development should:*

- *protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity.*

Guidance contained within paragraph 174 and 179 of the NPPF encourages the protection and enhancement of protected species (fauna and flora) and providing net biodiversity gains.

Protected Species:

The application has included a Preliminary Ecological Appraisal (PEA) Report by Crow Ecology dated 20th September 2022. Section 7 of the PEA sets out the ecologist recommendations for the site. These are:

Birds

- The clearing of the orchard, dense and scattered scrubs should take place outside the bird breeding season (1st September to 28th February).
- Any works during the bird breeding season requires an ecologist to check the site first.

Birds and Bats

- The orchard, newly planted trees and shrubs should not be illuminated by artificial light.
- Any external lighting should follow the lighting specifications and details on page 25-27.

Mammals and Amphibians

- The precautionary working method statement listed on page 27-28 should be followed.

Trees:

Objections have been received in relation to the orchard and its potential loss.

The application has not included a tree survey but the PEA recommends tree protection measures are installed to protect the Orchard trees to the front of the site during construction.

There are no protected trees on or adjacent the site. The trees to the front of the site close to the Payhouse appear to be retained on the site plan and are part of the street scene along the High Street. As discussed later in the report details of retained, removed and new trees can be conditioned on a permission.

Biodiversity Enhancements:

Section 8 of the PEA provides biodiversity enhancement recommendations including:

- Fruit Tree Planting
- Hedgerow Planting and maintenance
- Understory Hedgerow Sowing
- Wildflower and Grass Sowing
- Shrub Planting
- Integrated Bat Boxes and Locations
- Integrated Bird Boxes and Locations
- Hedgehog highways and commuting

The proposal would not be expected have a harmful impact on biodiversity and the recommendations have the potential to overall provide a modest positive biodiversity net gain. Therefore subject to conditions the development accords to local policy LP21 of the CLLP and guidance contained within the NPPF.

It is considered that policy LP21 and EN1 are consistent with the biodiversity guidance of the NPPF and can be attached full weight.

Other considerations:

Landscaping

The submitted site plan provides an indication of landscaping details but not in sufficient enough detail. The plan lacks the detail including:

- Boundary treatments type and height (retained and new)
- Hardstanding and access road material finish
- Retained and removed trees and hedging
- New hedgerow and tree position and species, planting height and planting formation

Therefore it is considered that details of landscaping can be approved through a condition attached to the permission.

Public Rights of Way

The proposed development would not block off the use or unacceptably harm the enjoyment of using public rights of way Wdgm/72/1.

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The development would be located in the Non Lincoln Strategy Area (£15/m²) will be liable to a CIL payment required prior to commencement of the development. An advisory note will be attached to the permission.

Permitted Development

It would be considered relevant and necessary to remove certain permitted development rights from plot 7 to retain adequate private garden space and remove Class AA for all plots to retain the character of the area and mix of dwelling types on the site. The permitted development rights to be removed would be Class A and E of Part 1 (for plot 7) and Class AA of Part 1 (for all plots) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

Pre-commencement condition

The agent has agreed in writing to the proposed pre-commencement conditions.

Conclusion and reasons for decision:

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, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, S21 Biodiversity and Geodiversity, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036 in the first instance. Consideration is additionally given to policy S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S7 Reducing Energy Consumption – Residential Development, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S23 Meeting Accommodation Needs, S47 Accessibility and Transport, S49 Parking Provision, S53 Design and Amenity, S56 Development on Land Affected by Contamination, S57 The Historic Environment, S60 Protecting Biodiversity and Geodiversity, S65 Important Open Space and S66 Trees, Woodland and Hedgerows of the Submitted Central Lincolnshire Local Plan Review and draft policy 3 Additional Residential Development, policy 8 General Design and Development Principles and policy 9 Parking Standards of the Draft Waddingham and Brandy Wharf Neighbourhood Plan. Furthermore consideration is given to the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Model Code.

In light of this assessment and expired outline permission 138660 it is considered that the site is in an appropriate location for housing development and the principle for seven dwellings is acceptable. The proposal would not have an unacceptable harmful visual impact on the site or the surrounding area and would preserve the setting of the nearby Listed Buildings. It would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings, highway safety, archaeology, contamination, a minerals resource and drainage. The development is therefore acceptable subject to conditions.

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

Representors to be notified -

(highlight requirements):

Standard Letter

Special Letter

Draft enclosed

Prepared by: Ian Elliott

Date: 1st December 2022

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

1. The development hereby permitted must 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 must take place until full details to protect the existing trees and their root protection areas to the north west of the site adjacent to plot 7 and The Payhouse, High Street have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures must be installed prior to the commencement of development and retained in place until the development has been fully completed.

Reason: To safeguard the existing trees on or adjacent 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.

3. No development must take place until details of the type and position of two integrated bat boxes and two integrated bird boxes, as per the recommendations of the Preliminary Ecological Appraisal (PEA) Report by Crow Ecology dated 20th September 2022 has been submitted to and approved by the Local Planning Authority. The approved boxes must be

installed prior to occupation of the dwelling the box is attached to and must be retained as such thereafter.

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.

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:

- 9_101 Rev 05 dated 8th November 2022 – Site Plan
- 9_004 Rev 02 dated 20th October 2022 – Plot 1, 4 and 6 Elevation and Floor Plans
- 9-005 Rev 03 dated 3rd November 2022 – Plot 5 Elevation and Floor Plans
- 9_006 Rev 00 dated 8th June 2022 – Plot 3 Elevation and Floor Plans
- 9_003 Rev 01 dated 8th November 2022 – Plot 7 Elevation and Floor Plans
- 9_002 Rev 00 dated 8th June 2022 – Plot 2 Elevation and Floor Plans

The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 and 9 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. No development above ground level must take place until the following external materials for the proposed dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority:

- Sample panel of stonework and mortar with mortar finish and specification.
- Sample panel of brickwork and mortar with mortar finish and specification.
- Roof material sample and colour finish.
- Windows and doors including colour finish.
- All rainwater goods including the colour finish.

The development must be completed in strict accordance with the approved details and retained as such thereafter.

Reason: To ensure the use of appropriate materials in the interests of visual amenity, the character and appearance of the site and the area including preserving the setting of the nearby listed buildings to accord with the National Planning Policy Framework and local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The development hereby approved must be completed in strict accordance with the Specification for a Scheme of Archaeological Monitoring and Recording dated May 2021 by PCAS Archaeology.

Reason: To ensure implementation of an appropriate scheme of archaeological mitigation to accord with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan.

7. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 5 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan.

8. No development above ground level must take place until full details of a scheme for the disposal of foul and surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. The Drainage Strategy will need to identify how run-off from the completed development will be prevented from causing an impact elsewhere. No occupation of each individual dwelling must take place until its individual foul and surface water drainage connection has been fully installed in strict accordance with the approved details. The approved drainage scheme must be retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

9. No development above ground level must take place until full details and specification for the installation of a 1.8 metre wide footway to the east of the vehicular access, to connect the development to the existing footway

network, has been submitted to and approved in writing by the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway. No occupation of the development must take place until the approved footway has been fully completed in strict accordance with the approved scheme.

To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

10. No occupation of the development must take place until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Type, height and position of all retained and new boundary treatments.
- Material finish of all hardstanding (driveways, patios and paths).
- Species, planting height, formation and position of new trees and hedging.
- Retained and removed trees and hedging.

The development must be completed in strict accordance with the approved details.

Reason: To ensure that appropriate landscaping is introduced and would not unacceptably harm the character and appearance of the site and preserve the setting of the nearby listed buildings to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. No occupation of each individual dwelling must take place until the vehicular access, private access road and its individual parking spaces have been fully completed in strict accordance with site plan 9_101 Rev 05 dated 8th November 2022 and retained for that use thereafter.

Reason: To ensure safe access to the site and available adequate off street parking to accord with the National Planning Policy Framework, local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Policy 8 and 9 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan

12. Apart from the bat, bird and owl boxes described in condition 3 of this permission the development hereby approved must only be carried out in accordance with the recommendations set out in section 7 and 8 of the Preliminary Ecological Appraisal (PEA) Report by Crow Ecology dated 20th September 2022.

Reason: To respond to the enhancement recommendations of the Preliminary Ecological Appraisal (PEA) Report by Crow Ecology dated 20th September 2022 to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

13. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) must be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination must then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and local policy LP16 of the Central Lincolnshire Local Plan 2012-2036.

14. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 6.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan.

15. Following the archaeological site work referred to in condition 14 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan.

16. The report referred to in condition 15 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds to accord with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan.

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

17. All planting or turfing comprised in the approved details of landscaping (see condition 10 above) 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: To ensure that all planting is provided within a timely manner and has the best opportunity to establish to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

18. Notwithstanding the provisions of Classes A and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling (plot 7) hereby permitted must not be extended, altered 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 external private amenity space of the occupiers in accordance with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

19. Notwithstanding the provisions of Classes AA of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwellings (plot 1-7) hereby permitted must not be extended by an additional floor for the bungalows or up to two floors for the two storey dwellings 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 character and appearance of the site and surrounding area and the setting of nearby Listed Buildings in accordance with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.