

## **Officers Report**

### **Planning Application No: 137326**

**PROPOSAL:** Planning application to erect single cottage, together with part conversion and extension of an existing garage block to form ancillary annexe with access and landscaping - resubmission of 136100

**LOCATION:** Land East of Hillside Cottages Main Street Burton Lincoln LN1 2RD

**WARD:** Saxilby

**WARD MEMBERS:** Cllr Mrs J Brockway; Rev Cllr D J Cotton

**APPLICANT NAME:** Mr S Myers

**TARGET DECISION DATE:** 26/03/2018

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Ian Elliott

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

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#### **Description:**

The application seeks permission to erect a single cottage, together with part conversion and extension of an existing garage block to form ancillary annexe with access and landscaping.

The application has been referred to the Planning Committee at the request of the Ward Member. Members of the Planning Committee visited the site on 16<sup>th</sup> April 2018 prior to the Planning Committee on 2<sup>nd</sup> May 2018.

The application site is a good sized plot of land in the settlement of Burton. The plot has an unusual shape with a wide front section (approximately 21 metres (m) x 25m) with a narrower middle section (approximately 12m width) which widens out gradually the closer you get to the rear boundary (approximately 30m width). In total the site is approximately 55 metres in length. The site is set in a prominent location just off Main Street which slopes steeply upwards from south west to north east. The site itself is primarily flat to the front section with an overgrown area to the south west side and an existing stone and pantile 3 bay garage sat in the north east corner. The middle and rear overgrown sections (largely inaccessible) appeared to be more sloped than the front section but not as steep as the highway. The rear section includes a modest pig sty building.

The front of the site is screened by high trees to the north-east and north-west boundary with a low stone wall to the south-east and south-west boundaries. The middle and rear section of the site are screened by high trees to the north-east and north-west boundaries. The south-west boundary is open with some screening provided by the neighbour's outbuildings. Neighbouring dwellings are adjacent or opposite the north-east, south-east and south-west boundaries with an open field to the north-west.

The application site is located within the Burton Conservation Area and within the setting of a number of Listed Buildings and Conservation Area Important Buildings. These are:

- Church of St Vincent to the south – Grade II\* Listed
- 1-8 Monson Almshouses to the north east – Grade II Listed
- Stone Cottage to the north east – Grade II Listed
- Post Office to the north east – Grade II Listed
- Debonaire Cottage to the north east – Grade II Listed
- Coach House at Old Rectory to the south – Grade II Listed
- The Old Rectory to the south – Grade II Listed
- Essex House to the south west - Grade II Listed
- Garage at Essex House to the south west - Grade II Listed
- Old School to the south west - Grade II Listed
- Gate Piers and Gate to Old School to the south west - Grade II Listed
- Wall of Old School to the south west - Grade II Listed
- 1-5 Hillside Cottages to the south west – Conservation Area Important Buildings.

The group of trees adjacent the north east boundary of the middle/rear section of the site are protected by Tree Preservation Order 1962 (Wood 4). In addition all trees on or adjacent the site are protected by their position within the Burton Conservation Area.

**Relevant history:**

132100 - Outline planning application to erect one dwelling with all matters reserved – 10/03/15 - Withdrawn by Applicant

**Representations**

**Cllr J Brockway:** Objection

A version of this very contentious planning application has been turned down before and this new application is just an attempt to build on one of the most unsuitable plots I've been asked to look at. I fully support the objections of the parish council and the neighbours and must ask for it to go to Planning Committee on the planning grounds put forward by both the PC and the neighbours.

It's not remotely in keeping with the street scene and the idea of building on the existing foundations is a nonsense. This will be a new house in an unsuitable and dangerous position in a conservation area.

**Burton Parish Council:** Objections

Burton Village is a small village as defined by the new Central Lincolnshire Local Plan.

Although there is a presumption in favour of sustainable development as set out in LP1 any development does have to accord with the other planning policies.

Policy LP2: The Spatial Strategy and Settlement Hierarchy will support development in appropriate locations. The Parish Council submit this is not an appropriate location as it would if developed;-

*“...significantly harm the settlement’s character and appearance; and ...significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement”*

The reason for this is that the site in question is in the Conservation Area of Burton Village.

The Conservation Plan refers to the importance and significance of the following:-

*The trees which are in the village*

*Hillside Cottages which are given a special mention*

*The building lines to the fronts are important to the character of the area and any new development should accord with existing building lines.*

*Materials used should be in “harmony” with the traditional buildings.*

- The new development is not in line with existing buildings.
- The style of the buildings is not in line with the neighbouring properties and concerns on a separate annex away from main proposed building.
- The annex building is far too near the boundary wall to Main Street and will overpower the scenery in a Conservation area
- The building materials are not in keeping with the style of the Conservation area.
- There will be damage to existing trees.
- The street scene will be totally changed and will have a detrimental effect to the Hillside Cottages which are referred to within Burton Conservation plan as significance importance.

In LP2 the “*developed footprint*” excludes “*and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*”

Although not on the edge of a settlement this is arguable undeveloped land as it is land that has always been used as either garden, allotments or garages not housing and further development would destroy the views of Main Street in the village of Burton which have been present for generations. They have indeed only changed a little since 1891 as a painting done at this time depicts a very similar scene. The development would also block the view over Hillside Cottage and into the valley beyond.

Policy LP4: Growth in Villages

As within settlement hierarchy 6, development in Burton needs to comply with LP4

This is not in the submission of the Parish Council development on;-

*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\*\**

It is not a brown field site as it has never been developed for housing and any foundations for the garages would be totally insufficient for housing.

It is not *“an appropriate location”*. See comments above in relation to LP2.

In order to comply with LP2 and LP4 there needs to be evidence of

*“demonstration of clear local community support’ means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise .If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council.”*

#### Policy LP17: Landscape Townscape and Views

The Parish Council would draw attention to the comments listed in LP2 above and reference to the Burton Village Conservation Plan and for that reason would submit that this application is not in accordance with LP17.

#### Policy LP25: The Historic Environment

This policy states that *“development Proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire”* Further and in relation to a Conservation Area it *“should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area’s character, appearance and setting”*

This proposed development is in a key point of the Conservation Area and the view of the Parish Council is that this development due to its position, mass and size will block the views of Hillside Cottages. It will be the most prominent feature in the landscape and ruin the current views and historic setting of Hillside Cottages so is contrary to LP25.

#### Policy LP26: Design and Amenity

This policy states *“All development proposals must take into consideration the character and local distinctiveness of the place”* It should also *“respect topography landscape character and identity”*

The Parish Council are of the view that due to the proposed prominent location the raised height of the building in relation to its neighbouring existing property, means that this new development would breach LP26 as it would have a significant adverse effect on the site and on this sensitive conservation village setting.

There is no evidence of a consultation exercise with the community. All responses to date object to this application and previous applications which have been made by the applicant for this site.

There is no support from the Parish Council.

Therefore, in the submission of the Parish Council it fails the tests required in LP2 and LP4 and the Conservation Area Plan for the village of Burton.

Further, there is concern regarding the disturbance of archaeological artefacts and their preservation.

The Parish Council would also draw to the attention of the Planning Authority the inspector's comments on APP/N2535/W/15/3136940 The Waterhouse Main Street

Burton. Although the Inspector used the previous saved policies which are no longer relevant and have been replaced by the new Local Plan see above, he did comment and reflect on the conservation area. The importance of preserving the area was fully considered and the Parish Council believe the same comments apply to this application.

**Local residents:** Representations received from (All Burton):

- 1 and 5 Hillside Cottages, Main Street
- Applegate House, Main Street
- Lime Trees, Main Street
- The Old Rectory, Main Street
- 4 Hall Yard
- Debonaire Cottage, Middle Street

Objections (Summarised):

#### Visual Impact

- Impact on an Area of Great Landscape Value.
- Drastically adversely impact on the street scene.
- Blocks view over Hillside Cottages and into the valley.
- The siting and scale of the buildings is poor.
- The annex is too close to Main Street, outside the building line and out of character changing the scenic value of the hillside cottages. It is dominating and intrusive and will obscure some views of the village.
- Proposed buildings are not within the character of the existing buildings.
- The proposal will totally change the character and appearance of this part of the hillside.
- The proposed house is cramped into the width of the site (unlike other detached village properties).

#### Heritage

- Totally change the character and appearance of this part of the hillside.
- The old traditional pigsties are unique and of historical interest with their built-in feeding troughs.
- It will mar the very beautiful hillside as it stands with the church and field opposite.
- An archaeology survey should be conducted.

#### Residential Amenity

- Dwelling will overshadow 1 Hillside Cottage depriving of privacy and light.
- Dwellings ground floor and first floor windows of 1 Hillside Cottage will be exposed from windows, front door and driveway.
- Noise from up to 6 vehicles coming and going.
- Annex affords a constant view into 1 Hillside Cottage.

### Trees

- The roots of trees will be damaged.

### Highway Safety

- Increased traffic through the village

### Other

- This is a proposal for two houses.
- The annex is likely to be rented.
- Driveway along shared wall could lead to car crashing through wall.
- The stone wall would be jeopardized during and after the construction of this driveway.
- Lead to looking up at a car park above from 1 Hillside Cottages.
- This fertile land has been used for allotments
- Appeal decision from The Waterhouse has issues which apply (paragraph 6, 7, 11, 12, 13, 15, 25, 26, 27, 28 and 29).

### **Conservation Officer:** Comments

Representation received 19<sup>th</sup> March 2018:

1. The design of the new dwelling is of a size, scale, mass, design and materials to comfortably fit into the Burton Conservation Area, subject to details.
2. The extension to the annex is domestic in appearance and top heavy in comparison to the existing garage range. It is advised that the ridge height needs to be reduced by just above halfway between the existing garage and the eaves line currently proposed, and that the chimney, an overtly domestic detail should be omitted. This will give a better balance between the new and the old.
3. Hard and soft landscaping will be an important factor as the site is readily seen from the street. It is advised against the use of tegula and other block paving.
4. Is the existing wall to be retained in situ, and will there be any gates? (if not, then Gates, walls, fences, and other means of enclosure should be removed as PD).

**LCC Highways/Lead Local Flood Authority:** No objections with advisory. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.

### **Archaeology:** No objection subject to a condition

Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority.

**Natural England:** No objections with comments

**Tree and Landscape Officer:** No objections subject to conditions

Comments summarised:

- The trees to the rear and their roots are on higher ground or an acceptable distance away from the development.
- The large TPO beech tree has a large root protection area overlapping the driveway/parking area in front of the existing garage. Beech trees have shallow root plates which can easily be damaged by shallow excavations, or ground compaction. There should be no excavations within this tree's RPA (radius as specified in the tree report).
- Any driveway/parking area within the beech root protection area should be constructed above existing ground levels using a cellular confinement system of appropriate depth for any vehicles likely to use it. A cellular confinement system for the purpose of root protection and load spreading to avoid ground compaction should not be set into the ground otherwise it defeats the point of using such a system.
- A replacement tree for the semi-mature oak to the east of the garage annex should be required as part of a landscape scheme. The proposed layout plan shows a replacement oak to the west side of the site entrance – this would be suitable, or any other large species tree characteristic to the village e.g. lime, walnut, beech.

**IDOX checked:** 22<sup>nd</sup> March 2018

### **Relevant Planning Policies:**

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

Following adoption at Full Council the CLLP forms part of the statutory development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies considered relevant are as follows:

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

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/>

### Burton Neighbourhood Plan (BNP)

Burton has to date not declared any interest in starting the process of creating a neighbourhood plan.

### National Guidance

National Planning Policy Framework

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

National Planning Practice Guidance

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

### Other

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

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<http://www.legislation.gov.uk/ukpga/1990/9/section/72>

Burton Conservation Area (BCA) dated July 1990

### **Main issues:**

- Principle of the Development  
*Central Lincolnshire Local Plan 2012-2036*  
*National Planning Policy Framework*  
*Burton Neighbourhood Plan*  
*Sustainability*  
*Concluding Assessment*
- Listed Buildings and Character of Conservation Area
- Visual Impact
- Residential Amenity
- Archaeology
- Impact on Trees
- Highway Safety
- Ecology
- Foul and Surface Water Drainage

### **Assessment:**

#### Principle of the 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 housing growth. This policy identifies Burton as a small village and '*unless otherwise promoted via a neighbourhood plan or through the*



*demonstration of clear local community support, the following applies in these settlements:*

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

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'.*

Local policy LP4 goes on to say that Burton has a growth level of 15% due to its proximity to Lincoln (see paragraph 3.4.4 of LP4). An updated table<sup>1</sup> (dated 16<sup>th</sup> March 2018) of remaining growth for housing in medium and small villages has not been completed. This states that Burton has 79 dwellings which equates to a remaining growth, at 15%, of 12 dwellings. It is understood that since the publication of this growth level there are 5 dwellings with extant permission since 1<sup>st</sup> April 2015. Therefore the remaining level of growth in Burton is 7 dwellings.

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'.*

Paragraph 5.19 (ii) of the submitted Planning, Design and Access Statement (PDAS) dated January 2018 states that *'the site is brownfield and an infill site within the developed footprint of the village and, as such, falls within the highest priority of land for release defined in policy LP4 of the CLLP'.* It is

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<sup>1</sup> See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

agreed that the site is an infill plot within the settlement of Burton which is primarily a greenfield site with areas which have been previously developed such as the garage building and pig sty building. Therefore the site is at the top of the sequential test for housing development.

*National Planning Policy Framework:*

The Central Lincolnshire Local Plan was formally adopted on 24<sup>th</sup> April 2017 following an examination in public. This established a deliverable five year supply of housing land. The latest review published January 2018 identified a housing supply of 6.19 years.

One of the core principles set out in paragraph 17 of the NPPF states that planning should '*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*'.

*Sustainability:*

Burton is a small village with extremely limited facilities and services which are a church and the Burton Estate Club (<http://www.burton-by-lincoln.info/page6.html>). The village is served by a reasonably regular bus service (PC Coaches 777) between Saxilby and Lincoln. This service has 7 stops (7.35, 9.16, 10.12, 13.45, 15.10, 17.10 and 18.05) on a Monday to Saturday. There is also a bus service (Stagecoach 354) between Lincoln and Queen Elizabeth's High School, Gainsborough but only operates on school days. The bus stops are on Middle Street which is a short walk from the site and accessible by footpath although the bus stop to the north east of Middle Street requires crossing the highway (50mph) close to the traffic lights without a pedestrian crossing. The village does not have a village shop, post office, primary school, public house or any employment opportunities. The future residents will highly likely be reliable on a vehicle to travel. Burton therefore has extremely limited sustainable credentials.

Policies LP2 and LP4 recognise this, limiting village growth to 15%, and on sites of up to 4 dwellings. The proposal falls within these parameters.

*Concluding Assessment:*

The site is an infill plot within the settlement of Burton with some areas of the site previously developed therefore the site meets the highest priority for housing as set out in the sequential test of local policy LP4. It is therefore considered that the site is an appropriate location for housing providing the proposal is appropriately and sensitively positioned, designed and scaled. The proposal will provide a single dwelling towards the allocated growth for Burton in local policy LP4 of the CLLP. It is therefore considered that the principle of housing development on the site is acceptable subject to meeting all other material considerations.

Impact on Listed Buildings and Conservation Area

The site is located within the Burton Conservation Area, in the setting of Listed Buildings and Conservation Area Important Buildings. Therefore the

site is very sensitively located and the impact of the proposal on its surrounding area carries significant weight.

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'*.

In the Conservation Area section of LP25 it states that *'Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting'*. Criteria j-o provides a base to assess the impact on the Conservation Area.

Guidance contained within Paragraph 128 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'*.

Paragraph 132 states that *'great weight should be given to the asset's conservation'* and that *'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*.

Paragraph 133 provides guidance that *'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent'*.

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 an asset in its setting is also influenced by other environmental factors'*.

Paragraph 34 of the BCA describes the importance of Main Street and the prominence of building including Hillside Cottages which sit adjacent to the south west. Paragraph 54 of the BCA states that *'the building lines to which the frontages of existing buildings are constructed may be important to the character of the area and any new development or modification to existing development may be required to accord with the existing building lines, unless there is a good and clear aesthetic justification for not doing so'*.

The application has included the submission of a Heritage Assets and Appropriate Location (HA) section (Paragraph 5.5-5.22 (Pg11-19)) within the PDAS dated January 2018 produced by JHWalter. This has identified the heritage assets and provided an assessment of the impact with a conclusion on page 21 paragraph 6.3 stating that the *'The character and appearance of the conservation area will be preserved as will be the setting of listed buildings within the vicinity, specifically St. Vincent's Church, the Old Rectory and the Coach House'*.

The Local Authority's Conservation Area Officer (CAO) has overall accepted the design of the new dwelling and the annex building subject to further details to be accepted through conditions. The CAO has recommended that the two storey aspect of the annex building is reduced in height and the overtly domestic chimney is removed to give a better balance between the new and the old. These alterations have been accepted by the agent and reflected on amended plans.

From the site visit it was observed that Hillside Cottages (Conservation Area Important Buildings) are initially not in view when turning onto Main Street from Middle Street due to high vegetation adjacent the highway. However as you travel down Main Street the position of Hillside Cottages and the role they play in the character and appearance of the Conservation Area is revealed more significantly. The proposed annex building will be set approximately 2.5 metres in from the front north east boundary wall therefore will only be in view from immediately adjacent the site given the existing screening. However an oak tree is to be removed from the east corner of the plot which provides part of this screening and its removal will to a greater extent reveal the proposed annex building in the street scene. Given the crown spread of the existing oak tree the point at which Hillside Cottages is first revealed when travelling down Main Street will be no worse than if the proposed annex building is in place. The single difference is the softer appearance of the tree and its crown spread. Therefore the gradual subtle reveal of Hillside Cottages will be retained. When travelling north west up Main Street the position of the proposed annex with a side extension will be noticeable and in a prominent location but would not appear as over-dominant or intrusive in the street scene.

The proposed dwelling to the rear of the plot will not be prominently in view from Main Street. Hillside Cottages are a run of terraced dwellings with Essox House set back to the north west of 5 Hillside Cottages. The proposed dwelling albeit closer will mirror this relationship but to the north of 1 Hillside Cottages.

The site visit included taking in the setting of a number of Listed Buildings including the grade 2 star listed Church of St. Vincent. Most of the listed buildings are fully or partly screened from the site by high vegetation and/or trees. However as previously stated it is not just about views but about the experience of the setting and whether the proposal will preserve this setting. The position of the trees around the site particularly the attractive copper beech tree which stands out due to its spread and contrasting colour against the other normal green leafed trees do have a purpose in the character and appearance of the conservation area. The position of the dwelling and the annex will not impact on the visual presence of the copper beech tree when viewed from outside the site and will remain in view when travelling up Main Street.

The proposal due to the siting, scale, massing and design of the dwelling and the annex will preserve the setting of nearby Listed Buildings and the character and appearance of the Burton Conservation Area therefore will be in accordance with local policy LP25 of the CLLP, the statutory duty set out in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

#### Visual Impact

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

*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;*

The development is proposed to be constructed from (taken from paragraph 3.1 of the PDAS):

#### *Converted Garage:*

- will retain its coursed limestone masonry walls and natural single roll clay pantile gabled roof

#### *Annex New Build:*

- Cavity walls with a blockwork inner leaf and a coursed limestone masonry outer leaf.
- Brick and stonework pointed in 1:3 lime mortar.
- Windows would be painted soft wood framed
- External doors would be solid timber and painted.
- Single roll clay pantile roof
- Rainwater goods to be black round and half-round mounted on rise and fall brackets.
- The chimney stack would be in contrasting red brick e.g Witton Multi Selected Brick.

### *New Dwelling:*

- The new dwelling would be faced with the same materials, albeit the limestone would not be coursed.

As previously discussed (*see impact on Listed Buildings and Conservation Area*) the position of the dwelling to the rear and the annex in a more prominent location to the front of the site will not visually dominate the area and the important views along Main Street. The existing dwellings to the north west of Main Street are set back from the highway with front garden spaces of varying sizes. The development is proposed to be constructed of traditional materials and the siting, scale, massing and design of the dwelling and the annex is considered as appropriate and sensitive to the character of the area.

The proposal will therefore not have a significant adverse visual impact on the site, the street scene and the sensitive village of Burton therefore accords to local policy LP17, LP25 and LP26 of the CLLP, the statutory duty set out in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

### Residential Amenity

The site has neighbouring dwellings to the north east, south east and south west. To the north east is The Waterhouse with a number of dwellings further away which front Middle Street. To the south east is Burton Hill House with 1 Hillside Cottages and Essox House adjacent the site to the south west. Objections have been received from the residents (including 1 Hillside Cottages) in relation to overshadowing, privacy and light on 1 Hillside Cottages (All measurements are taken from the submitted plans).

To the north east:

The rear garden boundaries of dwellings to the north east which front Middle Street are approximately 43 metres from the north east elevation of the proposed annex and approximately 53 metres from the north east elevation of the proposed dwelling.

The Waterhouse sits in a large plot with the dwelling located in the northern section of the site. The north east boundary of the application site follows the line of the driveway to The Waterhouse. The site is extensively screened to the north east boundary with the proposed position of the dwelling and annex a considerable distance from the main dwelling and private amenity space of The Waterhouse.

The development will therefore not have a significant impact on the living conditions of neighbouring dwellings to the north east.

To the south east:

Burton Hill House sits on the other side of the highway. The proposed south east elevation of the annex has a first floor bedroom window and will sit approximately 13 metres from the front boundary and approximately 28 metres from the nearest elevation of Burton Hill House. The front boundary to

Burton Hill House is screened by very high trees/hedging and their main private amenity space is to the rear of the property.

The development will therefore not have a significant impact on the living conditions of neighbouring dwellings to the south east.

To the south west:

The land is generally in an untidy and overgrown condition particularly to the rear and south west side to the front. Residents have commented that this has previously had an allotment use. If the site was cleared and re-used for a use not requiring planning permission such as an allotment then overlooking from that use would already be present on 1 Hillside Cottages.

1 Hillside Cottages is part of a run of terraced dwellings which are located on lower ground than the application site. The site visit included experiencing the differing ground levels from the front and rear gardens of 1 Hillside Cottages. It is approximated that the drop in levels is around 2.5 metres.

The front elevation of the proposed annex will be approximately 18-20 metres from the shared boundary with 1 Hillside Cottages and is proposed to only have ground floor windows on this elevation. The proposed annex will therefore not have a significant impact on the living conditions of 1 Hillside Cottages.

The development of the site will include excavation (see plan L-LEV-016-LS dated 18<sup>th</sup> December 2017) of between a metre and 2.9 metres of earth to the rear portion of the site to flatten the area and allow the dwelling to be set lower than if built on the existing slope. The south corner of the proposed dwelling will be approximately 10 metres from the rear elevation of 1 Hillside Cottages and approximately 10 metres from the centre of 1 Hillside Cottages rear garden. The position of the existing outbuildings will provide some screening to areas of the rear garden to 1 Hillside Cottages. The front south east elevation and south west side elevation has no first floor windows with the dwelling having the appearance of a bungalow when viewed from the front. It additionally has to be considered that even though the site is in a conservation area the site can be screened along the rear south east and south west side boundaries with 2 metre boundary treatments (fence panels, wall(brick/stone) or other means of enclosure) without requiring planning permission<sup>2</sup>.

It is therefore considered that the proposal will not cause any further significant overlooking on 1 Hillside Cottages due to the restriction of ground floor windows only to the proposed south east and south west elevations of the dwelling.

The roof ridge of the proposed dwelling will be approximately 1.5 metres above the level of the roof ridge to 1 Hillside Cottages. The proposed south east roof plane will fall away from 1 Hillside Cottages with the proposed

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<sup>2</sup> [http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi\\_20150596\\_en.pdf](http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi_20150596_en.pdf)

principal elevation approximately 1 metre above the outbuilding in the garden of 1 Hillside Cottages. The proposed south west gable end of the dwelling sits in line with the outbuilding set in the rear of the garden to 1 Hillside Cottages. It is acknowledged that the position of the proposed dwelling and its relationship to 1 Hillside Cottages will have some overbearing impact on 1 Hillside Cottages. However after careful consideration bearing in mind the heights of boundary treatments which could be installed without planning permission the proposed dwelling will have some but not a significant overbearing impact on 1 Hillside Cottages.

The proposed dwelling will not cause a significant loss of light due to the direction of the sun.

Objections have additionally been raised in relation to the noise and disruption caused by the volume of traffic generated by the site. The proposed driveway run along the shared rear boundary with 1 Hillside Cottages. Parts of the driveway within the root protection area of trees will need to be constructed using an above ground cellular confinement system. The site will have a two bedroom dwelling and a one bedroom annex. It is estimated that the development would generate use of up to four vehicles (three for the dwelling and one for the annex) not considering visitors, deliveries etc. It is considered that at least one of the four vehicles would make use of the proposed annex garaging or the external parking area in front of the proposed annex garaging. The vehicles using the driveway will do so at low speeds and this is further encouraged by the bend in the driveway. It is not considered that the development will generate an amount of traffic journeys which will have a significant disruptive impact on 1 Hillside Cottages through noise and headlight glare.

Due to the close proximity of 1 Hillside Cottage a condition will be attached to the permission restricting conversion work times to:

- 8am and 6pm Monday to Friday
- 9am to 1pm on a Saturday
- not on a Sunday or Bank Holiday

Overall it is therefore considered that the proposed dwelling and annex will not have a significant impact on the living conditions of neighbouring dwellings therefore is in accordance with LP26 of the CLLP and guidance contained with the NPPF.

#### Archaeology

It has been highlighted by the Historic Environment Officer at Lincolnshire County Council Archaeology that the proposed development lies '*in an area of archaeological sensitivity, in the core of the medieval settlement and within the conservation area. Records show that significant Roman remains have been found nearby, possibly a villa site. Any development here could disturb previously undisturbed archaeological remains*'.



Consequently it has been recommended that prior to any ground works the developer should be required to commission a scheme of Archaeological Works which should be secured by appropriate conditions to enable heritage assets within the site to be recorded prior to their destruction. Initially this would involve monitoring of all groundworks. Therefore a suitable pre-commencement condition will be attached to the planning permission.

#### Impact on Trees

The site is adjacent a group of protected trees which includes a particularly prominent large copper beech tree which has visual merit in the Conservation Area and the street scene. Additionally the Burton Conservation Area also protects any trees with a stem diameter greater than 7.5cm when measured at 1.5m above ground level. The position of the dwelling and annex has been influenced to by the presence of the protected trees.

The Tree and Landscape Officer (TLO) has no objections to the proposal subject to a number of comments including the use of an above ground cellular confinement system to construct the areas of driveway within the root protection area of the Copper Beech Tree.

Therefore suitable pre-commencement conditions will be attached to the planning permission regarding:

- Tree protection measures to be implemented prior to commencement of construction and retained until completion.
- Details and position of the above ground cellular confinement system

#### Highway Safety

Objections have been received in relation to highway safety concerns. The proposal will utilise the existing vehicular access to the front onto a 30mph highway. The visibility in both directions as observed during a site visit appeared acceptable. The Highways Authority at Lincolnshire County Council have not objected to the proposed access. The proposal would therefore not have an adverse impact on highway safety and accords to local policy LP13 of the CLLP and guidance contained within the NPPF.

#### Ecology

A Phase-1 Habitat Survey & Protected Species Assessment (HSPSA) compiled by ESL (Ecological Services) Ltd dated February 2017 has been submitted with the application. In summary section 7 (Protective measures and Biodiversity Gain) of the HSPSA states:

- The mature trees and shrubs on the boundaries of the site should be retained (paragraph 7.1.1)
- Installation of one bat box into fabric of building (paragraph 7.2.2)
- All demolitions and vegetation clearance activities must be undertaken between 1 September and 1 March. Outside this period, an ecologist must make a search for active nests in advance of work starting. Any nests found with eggs or young will be identified and protected until the young have fledged (paragraph 7.3.1).

- Installation of four quality timber bird nest-boxes (paragraph 7.3.2).

It is additionally important to note that paragraph 8.1.1 states that *'Ecological surveys are just a 'snapshot' in time and the survey must be repeated if planning consent has not been granted by 1 June 2017'*.

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 118 of the NPPF encourages *'opportunities to incorporate biodiversity in and around developments should be encouraged'*. The incorporation of bat and bird boxes to the site will provide a biodiversity benefit to the area. The proposal will not have an adverse impact on ecology therefore conforms to local policy LP21 of the CLLP and guidance contained within the NPPF.

Suitable ecology conditions will be attached to the permission in relation to:

- An up to date ecology survey including identifying suitable locations for the bat box and four bird boxes.
- The proposed development shall be completed in accordance with paragraph 7.1.1, paragraph 7.3.1 and any other recommendation stated in the later ecology survey

#### Foul and Surface Water Drainage

The application form states that foul drainage will be disposed of to the mains sewer. Surface water is proposed to be dealt with through soakaway which is a method of sustainable urban drainage system and is encouraged, however the suitability of the site for soakaways has not been justified through appropriate testing. Therefore it is considered that foul and surface water is capable of being addressed by the use of a condition.

#### **Other Considerations:**

##### Annex Use

The proposed annex contains all the required elements to be a self-contained one bedroom dwelling. The annex will provide accommodation for the occupant who will use the facilities in the main dwelling as well as the annex. Therefore the annex is ancillary to the main dwelling but the use of the annex needs restricting through a condition on the permission to ensure it cannot be sold or rented as a separate residential unit.

It is considered reasonable and necessary to condition the annexes garaging to be retained as garaging in perpetuity to resist any intentions to convert them to further living accommodation such as an additional bedroom.

### Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding therefore meets the NPPF sequential test.

### Permitted Development

It is considered relevant and necessary to remove certain permitted development rights. This is due to the sensitive location of the site and the proximity of the proposed dwelling and the overall site to protected trees. The permitted development rights to be removed would be Class A-H of Part 1 and Class A of Part 2 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).

### Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22<sup>nd</sup> January 2018. The site is within charging zone 1, where the charge would be £25 per square metre for houses.

On measuring the floor space of the dwelling and the new build element of the annex it is estimated that the floor space created will be approximately 200m<sup>2</sup> (Dwelling 145m<sup>2</sup> and annex 55m<sup>2</sup>). Therefore using this approximate figure the development, which is located in the Lincoln Strategy Area will be liable to a CIL payment required prior to commencement of the development of approximately £5,000. An advisory note will be attached to the permission.

### **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, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036 in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

In light of this it is considered that the principle of the development is acceptable including the contributing an additional dwelling on an appropriate site towards the allocated growth of Burton and housing supply in Central Lincolnshire. The proposal will preserve the character and appearance of the Conservation Area and the setting of nearby Listed and Conservation Area Important Buildings. It will not have a significant adverse visual impact on the site, the surrounding area or the street scene and will not have a significant harmful impact on the living conditions of neighbouring dwellings, trees, highway safety, archaeology, drainage or ecology. This is subject to pre-commencement 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

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

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

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

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

2. No development or works shall take place until details of the schedule of works including specification and methodology where appropriate have been submitted to and approved in writing by the Local Planning Authority in relation to the following:
  - Sample panel of stonework and bond to be used for the external surfaces, shall be made available on site.
  - Sample panel of brickwork and bond to be used for the external surfaces of the buildings, shall be made available on site.
  - Sample panel of brickwork and bond to be used for the retaining wall, shall be made available on site.
  - Details on the construction method of the retaining wall.
  - Sample of roof tile to be inspected on site.
  - All joinery details to include drawings, sections at 1:5 scale and details of colour finish, method of opening, cill and headers.
  - Rainwater goods including material, profile, method of fixing and colour finish.
  - Rooflight details including colour finish.

The development shall be completed in accordance with the approved details and retained thereafter. The sample panels of brickwork and stone work shall remain on site until the respective stone and brickwork has been completed.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding area including the Conservation Area and the setting of Listed

Buildings to accord with the National Planning Policy Framework and local policies LP17, LP25, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036.

3. No development shall take place until, details of the form and position of the protection measures to protect the trees adjacent the sites boundaries and details of the above ground level cellular confinement system to construct sections of the driveway including a plan clearly identifying the covered areas have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be installed prior to commencement and retained in place until the development is completed. The cellular confinement system shall be installed in accordance with the approved details.

Reason: To safeguard the existing boundary trees during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policies LP17, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. No development shall take place until details of a scheme for the disposal of foul sewage and surface water from the site (including the results of any necessary soakaway/percolation tests and connectivity plan) have been submitted to and approved in writing by the Local Planning Authority. No occupation shall occur until the approved scheme has been installed.

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.

5. No development shall take place until an up to date ecology survey including appropriate locations for a bat box and four bird boxes has been submitted and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the recommendations in the ecology report and the bat and bird boxes shall be retained thereafter.

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

6. No development shall take place until a landscaping scheme has been submitted including details of the height and materials used for the boundary treatments and the surface material of the parking spaces have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site to accord

with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following
  1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. A methodology and timetable of site investigation and recording.
  3. Provision for site analysis.
  4. Provision for publication and dissemination of analysis and records.
  5. Provision for archive deposition.
  6. Nomination of a competent person/organisation to undertake the work.
  7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

8. 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 7 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 in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036).

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

9. 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:
  - L-LEV-016-BPP Rev H dated 22<sup>nd</sup> March 2018 – Proposed Block Plan
  - L-LEV-016-EP Rev J dated 11<sup>th</sup> April 2018 – Proposed Dwelling Elevations
  - L-LEV-016-EP Rev J1 dated 11<sup>th</sup> April 2018 – Proposed Dwelling Elevations
  - L-LEV-016-FPP Rev I dated 18<sup>th</sup> December 2017 – Proposed Floor Plans
  - L-LEV-016-GAP Rev A dated 20<sup>th</sup> March 2018 – Proposed Annex Elevations, Floor Plans and Section Drawing.
  - L-LEV-016-LS Revision C dated 11<sup>th</sup> April 2018 – Proposed Long Sections

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

10. Before the dwelling is occupied, the access, drives and turning spaces shall be completed in accordance with the approved plan drawing number L-LEV-016-BPP Rev H dated 22<sup>nd</sup> March 2018 and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

11. Construction work shall only be undertaken between the hours of 8am and 6pm Monday to Friday and 9am to 1pm on a Saturday and not on a Sunday or Bank Holiday

Reason: To preserve residential amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

12. The proposed driveway and turning spaces shown on plan L-LEV-016-BPP Rev H dated 22<sup>nd</sup> March 2018 shall be constructed from a permeable material and retained thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036

13. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 7.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036.

14. Following the archaeological site work referred to in condition 13 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 in accordance with the National Planning Policy Framework and local policy LP25 of the Central Lincolnshire Local Plan 2012-2036).

15. The report referred to in condition 14 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 in accordance with the National Planning Policy Framework and local policy LP25 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:**

16. Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H of Schedule 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 hereby permitted shall not be extended or altered and no buildings or structures shall be erected within the curtilage of the site 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 the visual impact on the sensitive location to accord with the National Planning Policy Framework and local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

17. Notwithstanding the provisions of Classes A of Schedule Part 2 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) no boundary treatments shall be installed or erected within the curtilage of the site 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 visual impact on the sensitive location to accord with the National Planning Policy Framework and local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

18. The annex building identified on plan L-LEV-016-BPP Rev H dated 22<sup>nd</sup> March 2018 and L-LEV-016-GAP Rev A dated 20<sup>th</sup> March 2018 shall only be used and occupied in conjunction with the existing dwelling and shall not be used as a separate unit of living accommodation.



Reason: The creation of an independent dwelling in this location would be contrary to the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

19. The proposed annex garages shown on plan L-LEV-016-GAP Rev A dated 20<sup>th</sup> March 2018 shall only be used solely for that purpose and shall not be converted for any other use.

Reason: To retain the adequate parking on the site and to resist the extension of living accommodation to the proposed annex to accord with the National Planning Policy Framework and local policies LP13, LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.