

Officers Report

Planning Application No: 142645

PROPOSAL: Application for approval of reserved matters to erect 1no. dwelling, considering access, appearance, landscaping, layout and scale, following outline planning permission 138417 granted 26 November 2018 - resubmission of 141752

LOCATION: Land at Old Chapel Court Waddingham Lincolnshire
Gainsborough DN21 4SD

WARD: Waddingham and Spital

WARD MEMBER(S):

APPLICANT NAME: Mr J Dawes and Mrs L Johnson

TARGET DECISION DATE: 07/05/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Description:

The application seeks reserved matters approval for access, appearance, landscaping, layout and scale for a single dwelling following outline planning permission 138417 granted 26th November 2018.

The application site is a plot of unused grassland (430m²) within the developed footprint of Waddingham. The site is well maintained and sits adjacent and above the level of Old Chapel Court. The site currently includes a stepped pedestrian access along the east boundary and a vehicular access in the south east corner. The site is part of a modest cul-de-sac arrangement. The north boundary is screened by high fence panels and the south elevation of a neighbouring dwellings outbuilding. A low brick wall screens the east and part of the south boundary. The other section of the south boundary is screened by a brick wall and pillars with fence panels. The west boundary is screened by a medium height breeze block/brick wall. Neighbouring dwellings of mixed scale and appearance are adjacent or opposite each boundary. The site is within the setting of a grade II listed building namely Waddingham Mill. It is in a Limestone Minerals Safeguarding Area with Public Rights of Way Wdgm/71/1 sat approximately 75 metres to the west.

The dwelling is proposed to be a 3 bedroom two storey dwelling with an attached single garage. The attached garage to the south of the site provides a U-Shaped built form. The proposed dwelling would measure (all approximate from submitted plans):

- 5.6 metres high (2.6 to 3.6 metre eaves)
- 17.4 metres wide including the garage
- 14 metres wide without the garage

- 14.6 metres long

The proposed garage on its own would measure (all approximate from submitted plans):

- 2.8 metres high (2.7 metre eaves)
- 3.5 metres wide
- 9.3 metres long

Relevant history:

99/P/0717 – Planning application to erect 10 dwellings and construct roads, paths and sewers – 19/09/00 - Granted time limit and other conditions

129780 – Outline planning application for 1no dwelling house, all matters reserved – 28/05/13 - Withdrawn by Applicant

130356 - Outline planning application for 1no. dwelling house, all matters reserved – 20/11/13 - Granted time limit and other conditions

137523 – Application to Discharge Section 106 Agreement dated 18 September 2000 - 22/02/18 - Granted without conditions

This Section 106 was for a single affordable house and to protect an area of open space from development. The need for the affordable house was not established within the 10 year limit so fell away. This application discharged the remaining open space reserved in the Section 106 therefore all the obligations in the original section 106 legal agreement no longer exist.

138417 - Outline planning application to erect 1no. dwelling with all matters reserved – 26/11/18 - Granted time limit and other conditions

141752 - Application for approval of reserved matters to erect 1no. dwelling, considering access, appearance, landscaping, layout and scale, following outline planning permission 138417 granted 26 November 2018 - 16/12/2020 – Withdrawn by Applicant

Representations:

Chairman/Ward member(s): No representations received to date

Parish/Town Council/Meeting: No representations received to date

Local residents: Objections (summarised) received to date:

Mill Lodge, 6 Mill Court, Waddingham
Holmlea, High Street, Waddingham
Kirkmans, High Street, Waddingham

Layout

- The complete redesign and the revised footprint of the design exceeds the original parameter by at least 4 linear meters eastwards as detailed and

set out within the original design statement and original outline planning permission documentation under application ref 138417 in 2018.

Scale

- The new proposals currently completely shadow the whole South elevation of 6 Mill Court.
- The proposed North elevation will definitely block sunlight to the south facing garden of 6 Mill Court.
- All the other new designed elevations will impact other adjacent properties due to the increased build size footprint and heights of roof ridges and the window positions overlooking neighbouring properties and their privacy.
- Will block views of the mill from adjoining properties
- Make the area within the Old Chapel Court and views of the old mill feel compressed and claustrophobic.
- Introduce an oversized property.
- Further box in Holmlea.
- Even with the proposed removal of soil a two storey property would block the views from Kirkmans of the windmill and the surrounding agricultural land.
- The proposal is too large and it looks like this property would end up being the largest house on the Chapel Court, making it look out of place. Again this will likely devalue our property.

Appearance

- The modern industrial design is not in keeping with the surrounding properties.

Residential Amenity

- The introduction of an upstairs turret window/door and a kitchen external door on the North face will clearly overlook the private garden and property of 6 Mill Court.
- There are now windows facing onto Holmlea.
- The parking would reduce access to our garden from the rear garden gate.
- Single garage with pitched roof will restrict the open feel and the light levels within the garden and the ground floor rooms of Kirkmans.
- Proposed large patio style windows on the south-face on both the lower and second floor will look directly into the property of Kirkmans.

Other

- Block views from 6 Mill Court.
- A bungalow would be more suitable.
- Devalue property
- Concerns over impact on boundary wall particularly with lowering of land.
- Loss of affordable housing and common land
- Lead to loss of tenants to Kirkmans

WLDC Conservation Officer: Support subject to conditions

I am pleased to note that a good solution has been found for this difficult site. The modern industrial design works very well, and subject to quality of materials and finishes, will frame the grade II listed mill tower very well. I am happy to offer support for this application subject to the following conditions:

1. Approval of all external materials.

I note brick is used for parts of the building. Advisory note: This should not be a recycled brick (or a new of reclaimed appearance) but instead, a red/brown brick with its character derived from firing and not from a blended package of bricks.

2. Colour and finish of window and door treatments.

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

LCC Archaeology: No representations received to date

LCC Minerals and Waste: No representations received to date

IDOX Checked: 1st June 2021

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

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

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

The site is in a Limestone Minerals Safeguarding Area and policy M11 of the Core Strategy applies, however this was assessed during the outline planning application 138417 and no safeguarding objections were received from the Minerals and Waste Team at Lincolnshire County Council

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 February 2019.

Paragraph 213 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

Neighbourhood Plan (Material Consideration)

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

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Draft Waddingham Neighbourhood Plan (DWNP)**

Waddingham Parish Council have consulted on their draft Waddingham and Brandy Wharf Neighbourhood Plan under Regulation 14. The consultation ran for a two month period and started on the 31 March 2019 and closed on the 31 May 2019. The DWNP can be given some weight in the planning decision-making, subject to the NPPF paragraph 48 test. The relevant policies are:

Policy 3 Additional Residential Development
Policy 8 General Design and Development Principles
Policy 9 Car Parking for New Residential Developments
Character Area 3 (pg52)

Other

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

Main issue:

Planning permission has already been granted. This application considers only whether to approve the reserved matters of access, scale, appearance, layout and landscaping.

In planning law¹, these are defined as:

- Access

‘Access’ - in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

- Scale and Appearance

‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.

- Layout

‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- Landscaping

‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

¹ Article 2, The Town & Country Planning (Development Procedure) (England) Order 2015 (as amended)

Assessment:

Access

The application site will be accessed via an existing vehicular access off Chapel Court which has a 30mph speed limit. Chapel Court is a cul-de-sac which serves only 3 dwellings. The Highways Authority at Lincolnshire County Council have no objections to the position of the vehicular access. Therefore the proposal will not have a harmful impact on highway safety and accords to local policy LP13 of the CLLP, policy 8 of the DWNP and the provisions of the NPPF.

It is considered that policy LP13 and policy 8 are consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Scale and Appearance

Objections have been received in relation to the design, scale and appearance of the dwelling by local residents

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'*.

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;

Criteria d) of policy 8 of the DWNP provides direction on the scale, design and material finish of development.

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

Additionally outline planning permission 138417 advises informally that the scale, appearance, layout and landscaping of the proposed dwelling should accord to the design brief in the design statement by Brown & Co received 8th November 2018. In summary this statement advised:

- a single storey dwelling would be an appropriate scale for this site. Rooms in the roof-space could be considered.
- area of green space that should be retained as domestic garden and not developed.
- A simple linear narrow form could accommodate a relatively steep roof pitch and create a more traditional form.
- Walls should be of red/brown brickwork with a natural red clay pantiled roof covering.
- Opening sizes and proportions should be traditional, possibly agricultural style.
- Windows and external doors should be timber with simple flush casements and detailing appropriate to a traditional agrarian outbuilding.
- Traditional clipped, bedded verges to any gables would be appropriate as would simple brickwork corbelled/dentil course eaves with drive-in rise and fall gutter brackets.
- Opening sizes and proportions should be traditional, possibly in the style of an agricultural outbuilding.
- Low indigenous planting or timber open post and rail landscaping, not close-boarded, fencing.

The dwelling is proposed to be a 3 bedroom two storey dwelling with an attached single garage. The attached garage to the south of the site provides a U-Shaped built form. The proposed dwelling would measure (all approximate from submitted plans):

- 5.6 metres high (2.6 to 3.6 metre eaves)
- 17.4 metres wide including the garage
- 14 metres wide without the garage
- 14.6 metres long

The proposed garage on its own would measure (all approximate from submitted plans):

- 2.8 metres high (2.7 metre eaves)
- 3.5 metres wide
- 9.3 metres long

The land as stated in section 8 of the HDAS *“is currently raised, by landfill and so sits approximately 600mm higher than the ‘natural’ adjacent ground (the road edge). It is proposed that the majority of this made ground will be removed. A resultant finished ground floor level around 300mm above the existing road level, is proposed”*. The ground floor level will therefore sit lower than the existing site.

The dwelling and integral garage are proposed to be constructed from (see Heritage/Design and Access Statement (HDAS)):

- grey or grey-brown brickwork facings
- hardwood boarding

- composite windows,
- pan or plain clay tiles to the primary pitched roofs
- single-ply lead grey roofing elsewhere.

The HDAS states that *“The proposal will take its primary cue, for materials from the tarred-brickwork of the mill and the clay roofs that predominate locally”*. The HDAS goes on to state that *“. The HDAS states that “it is linear in form addressing the Mill forecourt, can be viewed in terms of scale and form to be redolent, or authentically resemble a structure of a minor industrial typology. The design is promoted as a high-quality contemporary solution to an intractable problem, of a literally left-over site. It marries the idea and forms of a modest industrial / agricultural range of buildings, cartshed/hayloft/ granary disposed axially to the listed Mill.”*

Old Chapel Court and Mill Court comprises a mix of red brick, yellow/buff brick and stone two storey dwellings with red pantile roofs. The Mill is has a black finish with white domed shape roof and white openings. The design statement submitted with outline application 138417 is an advisory document which does not restrict the scale of the dwelling to a single storey dwelling or the material finish. Applications for two storey dwellings can be considered and are dominant in the immediate area.

The Authority’s Conservation Officer has stated that *“a good solution has been found for this difficult site. The modern industrial design works very well”*.

The proposed dwelling would be different to all the dwellings in the immediate area but this does not necessarily mean it is unacceptable. The concept of the build is not a standard dwelling and is proposed with the Mill in mind by providing an industrial style dwelling which has some reference to outbuildings which would have been around the Mill. The proposed design is not intended to match the surrounding residential built form.

Whilst the concerns of the neighbouring residents are acknowledged it is considered that the scale and appearance of the proposal has been demonstrated and evidence as acceptable in this location, particularly its reference the Listed Mill.

It is therefore considered that subject to a materials condition the scale and appearance of the proposed dwelling would not have a harmful visual impact on the site or the street scene and accords to local policy LP17 and LP26 of the CLLP, policy 8 of the DWNP and the provisions of the NPPF. The impact of scale on the residential amenity of neighbours is assessed later in the report.

It is considered that policy LP17, LP26 and policy 8 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Layout

Objections have been received in relation to the layout by local residents

Criteria (c) of local policy LP26 of the CLLP states that “proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:

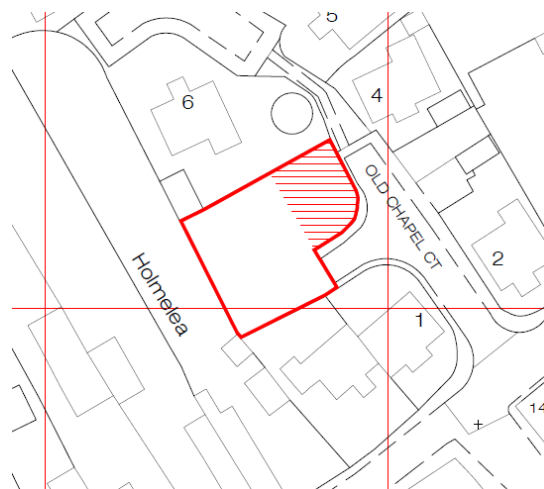
- c) *Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths”*

Criteria a) of Policy 8 of the DWNP states that “development should respect existing plot boundaries, ratios, orientation and the historic buildings or traditional forms and grain of development”.

Policy 9 of the DWNP requires 3 parking spaces for 3 bedroom dwellings.

The proposed dwelling would sit in a plot measuring approximately 429m², however the developable area of the site is reduced by condition number 7 of the outline planning permission 142907. This condition states that:

“The area highlighted red on location plan AR289(S3) 120 Revision P1 dated 22nd April 2021 must remain as grassed space.”



The area highlighted red reduces the developable area to approximately 310m².

Due to the restrictions of the site the front of the dwelling would be located adjacent the west edge of the protected area and at various points between:

- 0.9-1.3 metres from the north boundary
- 0.5-6.4 metres from the south boundary
- 1 metre and 9 metres from the west boundary

This would leave plenty of garden space to the front and private garden space to the rear. Three off street parking spaces have been provided including one garage space. The layout provides sufficient driveway but no turning space,

however given the volume of traffic using Chapel Court the use of Chapel Court for turning would be considered to be acceptable. The Highways Authority at Lincolnshire County Council have no objections to the proposed off street parking provision and lack of turning provision within the site.

The layout has received objections in terms of it restricting access to a garden gate to the rear of Kirkmans. The rear garden gate to Kirkmans appears to be along the south boundary of the site and opens onto an area of car parking which is within the application red line therefore onto private land. There would therefore no right of access to the garden gate. Although this position is not ideal any future issues if permission is granted with using the gate would need to be dealt with between the neighbours as a civil matter.

The impact of the development on the living conditions of adjoining and future residents will be discussed later in this report. The layout of the plot is therefore deemed to be acceptable and accords to local policy LP17 and LP26 of the CLLP, policy 8 and 9 of the DWNP and the provisions of the NPPF.

It is considered that policy LP17, LP26, policy 8 and 9 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Landscaping

Criteria (g) and (h) of local policy LP26 of the CLLP states that *“proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

- g) Incorporate appropriate landscape treatment to ensure that the development can be satisfactorily assimilated into the surrounding area;*
- h) Provide well designed boundary treatments, and hard and soft landscaping that reflect the function and character of the development and its surroundings”*

Policy 8 criteria f) of the DWNP states that:

- f) development should take inspiration from the existing predominant boundary treatments appropriate to the immediate buildings and wider character of that part of the village”*

The application provides no detail on the landscaping of the site. Site plan AR289(S3) 126 provides some illustrative indicative detail but does not provide the following:

- Boundary treatment (retained or new)
- Hardstanding materials (permeable or impermeable)
- Planting and turfing details

The site plan will be conditioned on the permission but it will be made clear that the landscaping is indicative. A landscaping condition will be conditioned on the permission to be approved and installed prior to occupation.

It is therefore considered subject to specific details of landscaping submitted at a later date that landscaping of the site is expected to be acceptable and accord to local policy LP17 and LP26 of the CLLP, policy 8 of the DWNP and the provisions of the NPPF.

It is considered that policy LP17, LP26 and policy 8 are consistent with the landscaping guidance of the NPPF and can be attached full weight.

Other Considerations:

Heritage

The proposal has the potential to have an impact on the setting of Waddingham Mill which is a grade II listed building. Objections have been received on heritage grounds.

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'*.

Paragraph 193 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'*.

The impact of a development on 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'.

The Authority's Conservation Officer has stated that *"I am pleased to note that a good solution has been found for this difficult site. The modern industrial design works very well, and subject to quality of materials and finishes, will frame the grade II listed mill tower very well. I am happy to offer support for this application"*. The support of the Conservation Officer is subject to material conditions.

Having considered the advice of the Conservation Officer, and noting that residential dwellings are already placed within the setting of the Mill, it is considered that the proposed dwelling would not harm, and would otherwise preserve the setting of the Listed Building.

Therefore subject to conditions the siting, design and material finish of the proposed dwelling will preserve the setting of the Listed Building and accord to local policy LP25 of the CLLP, policy 8 of the DWNP, the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.

It is considered that policy LP25 and policy 8 are consistent with the heritage guidance of the NPPF and can be attached full weight.

Residential Amenity

Local policy LP26 of the CLLP protects the living conditions of neighbouring dwellings from unacceptable harm.

Policy 3 criteria 1(e) of the DWNP states that *“Residential developments (outside of the proposed allocated sites) that are either infilling an existing gap within the street scene or converting an existing building, will only be supported if it:*

- e) does not have an unreasonable negative impact on the private amenity of any adjoining properties*

Objections have been received from neighbouring dwellings in relation to residential amenity.

The proposed dwelling will have a neighbouring dwellings adjacent to the south (1 Old Chapel Court and Kirkmans, High Street), to the south west (Holmlea, High Street), and to the north (6 Mill Court). All measurements (approximate) are taken from the submitted scaled drawings:

1 Old Chapel Court (OCC):

The rear elevation of OCC is approximately 11.5 to 13.5 metres from the proposed south side elements of the proposed dwelling. The only window on the first floor south elevation serves a bathroom therefore would be conditioned to be obscurely glazed alongside the window on the east elevation. The dormer windows on the principle elevation would not overlook the rear garden of OCC due to the acute angle.

The proposed dwelling would not harm the living conditions of 1 Old Chapel Court due to the separation distance, position of openings and conditions on the permission.

Kirkmans, High Street (K):

The south side elevation of the main dwelling would be 4.6 metres from the shared boundary with K and 11 metres from the rear elevation of K. As stated above the first floor bathroom window would be conditioned to be obscurely

glazed. The south side elevation of the garage would be 2.8 metres high (2.7 metre eaves) and 0.6 to 0.9 metres from the shared boundary with K. The shallow lean to style roof of the garage falls away from the boundary. The south elevation of the proposed garage would be 7.5 metres from the rear elevation of Kirkmans.

The residents of Kirkmans have objected in relation to overshadowing and loss of light. In terms of direct sunlight the sun rises from the east then moves round to the south before falling to the west. The windows on the north side elevation of K therefore would be unlikely to benefit from direct sunlight at any time of the day. The application has included a shadow plan (AR2899S3)-131) identifying shaded areas on 21st April, 21st June and 21st August. The shadow plan demonstrates limited impact of shadowing on K with most of the shadowing impact coming from the rear elevation of K.

The proposed dwelling would not harm the living conditions of Kirkmans due to the separation distance, the scale of the closest structure, the position of openings and conditions on the permission.

Holmlea, High Street (H):

The main rear south west elevation of the proposed dwelling would be 8.9 metres from the shared boundary with H. The rear projection would be 2.5 metres and the garage rear elevation 0.8 metres from the shared boundary with H. The rear garden of H is 56 metres in length and 9 metres in width. The shared boundary is along the immediate garden space of H close to the rear elevation where most people would sit out.

The proposed dwelling would have rear first floor windows to the north, east and south elevations. The north window serves a bathroom therefore would be conditioned to be obscurely glazed as would the ensuite window on the south elevation. The south elevation additionally includes a first floor bedroom window. This window on a 45 degree angle would be 8.2 metres from the shared boundary and at least 18 metres from the rear elevation of H. The first floor windows on the west elevation serve a corridor which is not considered as primary living accommodation. Outbuildings belonging to H along the shared boundary provide additional screening.

The proposed dwelling would cause some overlooking and limited shadowing on the living conditions of Holmlea but not to a degree which would warrant refusal.

6 Mill Court (MC):

The north side elevation of the proposed dwelling would be 0.8 to 1.3 metres from the shared boundary with MC and would measure 5.6 metres in height. The rear elevation of MC would be 7 to 10 metres from the proposed south side element of the proposed dwelling. The rear garden of MC includes a garage outbuilding adjacent the shared boundary which would be adjacent some of the proposed dwellings north elevation.

The north elevation of the proposed dwelling only has a single first floor window which serves the staircase which is not primary living accommodation, In any case this window faces to the north east and not directly into the rear garden of MC.

The dormer windows on the principle elevation would not overlook the rear garden of MC due to the acute angle.

The shadowing plan (AR2899S3)-131) identifies some impact from overshadowing but not to a significant degree and sufficient sunlight would be received to the rear garden area.

Future residents:

It is additionally important to consider the amenity of the potential occupiers of the proposed dwelling. The amended and most up to date site plan identifies an acceptable amount of private amenity space to the rear garden area.

The proposed dwelling would therefore not be expected to significantly harm the living conditions of neighbouring dwellings and accord with local policy LP26 of the CLLP, policy 3 of the DWNP and the provisions of the NPPF.

It is considered that policy LP26 and policy 3 are consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Drainage

Planning permission has been granted and this application considers only those matters that were reserved at the time of approval.

A drainage condition (number 6) is attached to outline planning permission 142907 for provision of drainage facilities to service the site. The application provides no drainage details. The outline application suggested that surface water would be connected to the mains. Whilst connecting the surface water to the mains is acceptable National Planning Practice Guidance² states that a hierarchy to discharging surface water run-off should be followed:-

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.

² [Paragraph: 080 Reference ID: 7-080-20150323](#) Flood Risk & Coastal Change

Therefore connecting surface water to the mains must be justified through evidence that a sustainable urban drainage method is not feasible. It is not considered that sufficient information has been submitted to deal with condition 6 of 142907.

Excavation

The proposal includes lowering the site to the level of the highway by excavating soil to leave a ground flood level of 300mm. No detail has been submitted in relation to the removal and disposal of the soil from the site.

Concerns have been raised regarding the impact of excavation on the boundary walls and fencing. Any future impact to the boundary treatments would be the responsibility of the land owner and would be a civil matter.

Permitted Development

It is considered relevant and necessary to remove certain permitted development rights. This is due to the sensitive nature of the site and the amenity of neighbouring dwellings and future residents. The permitted development rights to be removed would be:

- Class A (Extensions), AA (Additional Storey), B (Roof Additions), C (Other Roof Alterations), D (Porch), E (Outbuildings), F (Hard Surfaces), G (Chimneys, Flues) and H (Microwave Antenna) of 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).
- Class A (Gates, Fences, Walls) 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).

Conclusion and reasons for decision:

The decision has been considered against local policies: LP1 A Presumption in Favour of Sustainable Development, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036, Policy 3 Additional Residential Development, Policy 8 General Design and Development Principles and Policy 9 Car Parking for New Residential Developments of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide. In light of this assessment access, scale, appearance, layout and landscaping are considered acceptable. The development would provide an acceptable three bedroom dwelling on the site and would not have a harmful visual impact on the site or the street scene and would preserve the setting of the nearby listed Mill. It would not have a harmful impact on the living conditions of neighbouring dwellings or highway safety.

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:

NONE (See Outlined Permission 138417)

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

1. No development must take place until details of the method of removal of excavated earth from the site has been submitted to and approved in writing by the Local Planning Authority. This must include details of the use of the earth or where it will be deposited. The development must be completed in accordance with the approved details.

Reason: To ensure the excavated earth is dealt with and removed from the site in an appropriate manner to accord with to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and Policy 8 of the Draft Waddingham Neighbourhood Plan.

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

2. 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 (dated 12th March 2021 unless stated):

- AR289(S3)-126 – Site Plan (Excluding indicative landscaping)
- AR289(S3)-124 – North and South Elevation Plans
- AR289(S3)-125 – East and West Elevation Plans
- AR289(S3)-123 – 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 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 3, 8 and 9 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. No development above ground level must take place until details of the external materials listed below have been submitted or inspected on site and agreed in writing by the Local Planning Authority.

- Sample panel of at least 1 metre square for brickwork are to be constructed on site before materials are brought to site. The panel will demonstrate the colour and texture of the brick, the mortar colour and style, and the gauge of mortar (see advisory note)
- timber cladding and colour finish
- roof materials
- rainwater goods and downpipes including the colour
- all window and domestic doors including colour and finish

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the setting of the Listed Building 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 Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. No occupation must take place until a 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 or new boundary treatments.
- Material finish of all hardstanding (access road, driveways, patios and paths).
- Species, planting height, formation and position of new trees and hedging.
- Turfing

Reason: To ensure that appropriate landscaping is introduced in the interests of visual amenity and the setting of the Listed Building 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 Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. All first floor bathroom and ensuite windows must be obscure glazed and retained as such thereafter.

Reason: To protect the neighbour's private garden area from undue loss of privacy from overlooking to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and Policy 3 of the Draft Waddingham Neighbourhood Plan.

6. No occupation of the dwelling must take place until the access and off street parking space identified on site plan AR289(S3)-126 dated 12th March 2021 has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and the dwelling in the interests of residential amenity, convenience and highway safety to accord with the National Planning Policy Framework, local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and Policy 3 and 8 of the Draft Waddingham Neighbourhood Plan.

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

7. Notwithstanding the provisions of Classes A, AA, 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 must not be extended and no buildings or structures must be erected within the curtilage of the 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 setting of the listed buildings and the amenity of neighbours and the future residents to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 3 and 8 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Notwithstanding the provisions of Class A of Schedule 2 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 gates, fences, walls or other means of enclosure must be erected within or on the boundary 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 setting of the listed buildings accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036, Policy 3 and 8 of the Draft Waddingham Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.