

## **Planning Application No: 147233**

**PROPOSAL:** Planning application to erect 2no. dwellings with garages including installation of a private driveway.

**LOCATION:** Land to rear of 3a 3b and 5b Church Street Hemswell

**WARD:** Hemswell

**WARD MEMBER(S):** Cllr P Howitt Cowan

**APPLICANT NAME:** Prospect Place Ltd

**TARGET DECISION DATE:** Extension of time to 1<sup>st</sup> March 2024

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** George Backovic

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

---

This application was deferred for a site visit at the last planning committee.

This application has been referred to the Planning Committee because of objections from 3<sup>rd</sup> parties, including the Parish Council, who consider the development would not be an appropriate location within the developed footprint of the village and would be contrary to the Development Plan. These are considered to be balanced planning matters, requiring a planning judgement.

### **Description:**

The site comprises rear garden land principally associated with 5a Church Street at the western end of the small village of Hemswell, although the application submission states the land also forms part of the garden areas of 3a and 3b Church Street. The private drive serving 3a and 3b would be extended to provide access to the site. The site adjoins the Hemswell Conservation Area with a narrow strip along the south falling within the defined conservation area. 5 Church Street is a Grade II listed building. The site falls within an Area of Great Landscape Value.

Two dwellings are proposed:

Plot 1: A one and a half storey 3 bed detached pitched roof dwelling with dormer windows. The footprint is approximately 10.60m x 7.4m, with a single storey rear projection of 4m. Eaves height is 4.5 m rising to a 7.4m ridge. "Reclaimed effect" facing brickwork and a "reclaimed effect" pantile is shown on the plans. Solar panels are proposed on the roof slope of the south facing (front) elevation shown below.



Two linked garages at right angles are proposed each with a drive that can accommodate 2 cars. One of these will serve plot 1 and the other will serve 3a Church Street. A “reclaimed effect” pantile is shown on the submitted plans. The garages will have an eaves height of 2.44m rising to a ridge height of 3.9m.

Plot 2: A one and a half storey 4 bed detached pitched roof dwelling with dormer windows. The footprint is 12.7m x 8m, with a one and a half storey rear (west) projection of approximately 3m. Eaves height is 4.5m rising to a maximum ridge height of 7.9m. The ridge of the rear projection is lower at 6.7m. “Reclaimed effect” facing brickwork and a “reclaimed effect” pantile is shown on the plans. Solar panels are proposed on the roof slope of the south facing elevation. The north (front) elevation is shown below.



North Elevation (1:100)

A new driveway leads to a detached pitched roof double garage at a right angle to the dwelling. This has a footprint of 6.6m x 6.6m with an eaves height of 2.44m rising to a ridge of 5.1m. “Reclaimed effect” facing brickwork and a “reclaimed effect” pantile is shown on the plans.

**Relevant history:**

W47/ 225/90 – Outline application for residential development. Granted 23/04/1991.

Pre - development advice was initially sought for 5 dwellings on a larger site. It was the view of officers that the northern section of the site related to the countryside rather than the built form of the village. The advice proffered was that the “replacement of the substantial garage/store with a new dwelling” was not supported. This was not pursued in amended proposals which removed the northern section of the site from proposed development.

Land to the west

M00/P/0267 – Planning application to convert existing barn to a dwelling and erect detached double garage. GC 22.05.00 conditions  
 132376 Planning application to remove condition 6 (occupancy) of planning permission M00-P-0267. GC 10.06.16

**A summary of the representations received is set out below with full details available on the website including submitted photographs.**

**Representations:**

**Chairman/Ward member(s):** No comments received

**Harpwell Parish Council:** Strongly **object** to this application as it fails to meet the guidance criteria for new developments in small villages as defined in the following applicable planning guidance documents and statutory regulations, as further detailed below.

National Planning Policy Framework (NPPF) (2023) Sections 71, 124 d, 199, 200. Central Lincolnshire Local Plan (CLLP) (2023) S4, S57c, S62 Planning (Listed Buildings and Conservations Areas) Act 1990 66 (1), 72 (1). Harpswell & Harpswell Neighbourhood Plan (H&HNP) (2022) Policy 3, Policy 6: 1a, 1b, 1d, 1f, 1h, 2c, 2d. Policy 7 (2)

**Objection Summary**

Approving this application would exceed the expected growth target set for Harpswell as defined in S4 of the CLLP and unnecessarily burden the limited local infrastructure and amenities.

Criteria defined in Policy S4 of the CLLP, identify that the proposed site for development is not in an appropriate location nor in the developed footprint of the village and therefore 'should not generally be supported unless there are clear material planning considerations that indicate otherwise'. Harpswell Parish Council is not aware of any material considerations to indicate the need for this development but is aware of significant opposition from the local community and several considerations, outlined in this objection letter, that would oppose this application.

As the development is on an unallocated site immediately adjacent to the developed footprint of Harpswell and is neither a First home exception site nor exclusively for a rural affordable exception site, in line with CLLP 4 (3), the development should not be supported.

**Local Residents: Objections** have been received from

2 Church Street,  
5 Church Street  
Antares, Church Street  
Pear Tree House.  
Primrose Cottage, 12-14 Maypole Street  
16 Maypole Street  
22 Maypole Street  
7 St Helens Way  
15 Dawnhill Lane

Grounds of objection:

- Contrary to recently made Neighbourhood Plan

- No community support which is a requirement
- Site previously discounted in Call for Sites
- Harmful impact on Listed Buildings in particular 5 Church Street
- Harmful Impact on Conservation Area
- Harmful impacts on non-designated heritage assets
- Applicants own Heritage Statement states the new road could have a negative impact on the conservation area and listed buildings
- Not in an appropriate location for development
- Lack of Infrastructure in village
- Highway Safety
- Loss of privacy and overlooking
- Harmful impacts on the character and appearance of the village
- Detrimental impact on wildlife
- Loss of views of the countryside
- Will exceed housing allocation for Hemswell.
- Our cottage has no foundations and sits on soil. Due to the topography of the immediate area, we are concerned the addition of a new road so close to the cottage and its curtilage will adversely affect the immediate drainage and undermine our property.
- adversely affect existing residents through noise and disturbance and overlooking leading to a loss of privacy

**LCC Highways:** The proposal is for 2 dwellings served from a private drive and it does not have an unacceptable impact on the Public Highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application, and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

**Tree and Landscape Officer:**

09.02.2024 Having looked at the recently submitted tree survey information, the survey information has answered the queries I raised in my previous comments on the application, and I have no objections, concerns or further queries to the development proposals providing tree protection measures given in the tree survey information are stipulated as to be adhered to.

17.10.23

The proposed development is not near the TPO trees. There is sufficient distance between TPO trees and development footprints for the roads and building to have no impact on the TPO trees or their growing environment. Although our TPO records show two green circles representing two TPO trees along the proposed road between plots 1 and 2, these two TPO trees (T7 & T8) do not exist. Various individual TPO trees do appear to have disappeared over time (T2, T3, T4, T7 and T8), as we only have records for the removal of T5 and T6. It is known that their removal occurred many years ago and are not related to the current development proposals. The site is outside the

Hemswell conservation area, with the exception of the site entrance driveway and the east and south boundaries of plot 2.

Plot 1 - There are no trees within the land to the rear of No.3a where Plot 1 and the two garages are proposed. There is a tall beech hedge within the neighbouring garden running alongside the westerly site boundary. The proposed building positions appear to be an adequate distance from the hedge, but protection measured should be required to avoid damage to the hedge and ground compaction over its roots.

Plot 2 - Any trees along plot 2 east and south boundaries or are within neighbouring gardens to the east and south of plot 2 which are near to or overhang the site, are within the conservation area and so are protected trees. I am aware of some large trees to the east in the neighbouring gardens, but without knowing their positions and RPAs we do not know if the proposals of plot 2 would affect them or not. The dwelling appears to be a reasonable distance from the trees to the south but with no tree data we cannot be sure where tree RPAs extend to.

The road curves around the northerly side of the existing dwelling at No.5a and would require the removal of an apple tree and a few shrubs. These are of poor form/shape and are insignificant to the surrounding areas amenity.

Recent tree removals - Tree application ref: 041703 was submitted in August 2020 and consent was given for the removal of two trees from the group G1 across the northerly side of the site. The removed trees were one TPO silver birch due to disease and decay, and one TPO sycamore due to it being diseased with Ganoderma and had decay and a large cavity caused by the fungal infection. Both trees were away from the proposed development. There have been no other tree applications in recent years so no other trees should have been removed.

#### **Conservation Officer:**

09:02:2024 As per previous communication we have now found that the proposal meets Policy S57. The stone wall details have been moved away from the curtilage listed section of the wall to allow for protection of this. Although the stone wall is deemed a positive heritage setting. There is no planning protection to this outside of the CA (Conservation Area). Through this planning application we have enabled its protection through permission and conditions. The access has been confirmed to have no alterations to it so this would preserve the CA. The stone wall and brick wall will not be affected. The modern fence and driveway have no heritage significance and opening up the views to the historic stone wall behind with new residential properties in a traditional design will be more in keeping with the character of the CA and would offer a more positive approach than the current view.

The parish council raised some points to protect views to and from the listed building and CA. These have been considered and upon review of the information given by the parish council it has been found to be inaccurate.

- The pathway of Beck Lane is not an official Public Right of Way and so this does not hold weight in the planning process.
- The green space allocation is not correct, the allocation on the plan shows a light green section designated to protected tree clusters, not green space. Green space is allocated in a dark green.

This viewpoint is therefore not an applicable planning consideration as they are views taken from private land and cannot be considered in regard to protecting the heritage assets.

Views of from the listed building towards the north, facing the grade II listed Manor House grounds were also considered as these would be historically connected. In photo 4 of the parish councils comment you can see the window of the neighbouring property, 3b Church Street. The grade II listed 5 Church Street has no windows in the north elevation and views from the garden are restricted within the landscape. There are no viewpoints that were identified to be protected and photo 2 of the parish council's comment provide evidence of this. Consideration of the development of Plot 1 was taken to determine whether a property would negatively impact upon the setting of the listed buildings. The Manor House views the setting of the settlement and built form to the east with large treelines obscuring views. The addition of these houses would not detrimentally alter the setting. 5 Church Street would have more impact upon its setting with a new property being built on plot 1. However, the setting is within the garden if developed with enclosed landscaping. The properties of 5a, 3b, and 3a are all close and visible from the listed property. The addition of plot 1 would alter the setting, but this would not negatively impact upon what is a residential setting in the immediate vicinity with closed off views. Plot 2 is in a more discrete location that would have less impact upon the listed buildings and CA within a boundary of mature trees.

Views from within the CA to the north towards the grounds of the grade II Manor House were also considered. Views from the footpath north are restricted to the modern bungalow development close to the roadside.

The significance of the 5 Church Street is within its architectural interest. The conservation area appraisal highlights the features this building contains to be a strong character detail within the CA. The significant views and setting of this building are found to the south off Church Street.

Due to the points above, it is considered that the development will not negatively impact upon the views and setting of the CA or the listed buildings. It would alter the setting with the addition of residential properties, but this is already within a residential setting with modern development in the area.

When considering the proposal, the impact of the development does not negatively impact upon the significance of the listed buildings, or the CA but is considered to alter this. The proposal would conserve and protect the heritage assets under Policy S57.

**LCC Historic Services:** I would not be recommending further pre-determination or pre-commencement works. However, if permission is granted, I would recommend a condition for an archaeological scheme of works consisting of archaeological monitoring and recording of all groundworks. There is potential for medieval below-ground archaeological

remains as the site appears to have been within the medieval settlement. Archaeological monitoring and recording of groundworks would ensure that any potential archaeological remains are recorded prior to their destruction.

### **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 2023); the Hemswell and Harpswell Neighbourhood Plan (made March 2023); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

- ***Central Lincolnshire Local Plan adopted April 2023 (CLLP)***

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S4: Housing Development in or Adjacent to Villages

Policy S5: Development in the Countryside

Policy S6: Design Principles for Efficient Buildings

Policy S7: Reducing Energy Consumption – Residential Development

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S23: Meeting Accommodation Needs

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S57: The Historic Environment

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- ***Hemswell and Harpswell Neighbourhood Plan (NP)***

Relevant policies of the NP include:

**Policy 3:** Windfall Development (in Hemswell Only)

**Policy 5:** Protecting the Wider Landscape Character and Setting of the Neighbourhood Plan Area

**Policy 6:** Design Principles

**Policy 7:** Protecting Non-Designated Heritage Assets

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/hemswell-harpswell-neighbourhood-plan>

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

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

<https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

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 December 2023.

**National Planning Practice Guidance**

**National Design Guide (2019)**

**National Design Code (2021)**

**National Model Design Code (2021)**

**Main Issues:**

- Principle
- Impact on Listed Buildings and Hemswell Conservation Area
- Archaeology
- Impacts on character and appearance of the site and wider area and the Area of Great Landscape Value
- Highway Safety and car parking provision
- Flood risk and drainage
- Impacts on existing housing through increased noise and disturbance and overlooking leading to a loss of privacy
- Energy Efficiency
- Landscaping and Biodiversity
- Minerals Safeguarding

**Principle**

Hemswell is defined as a small village by policy S1 of the CLLP. Policy S1 states "*Beyond site allocations made in this plan or any applicable neighbourhood plan, development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages*". The site is not allocated in the development plan and policy S4 is engaged. S4 sets out:

*“Large, Medium and Small Villages, as defined in the Settlement Hierarchy in Policy S1, will experience limited growth to support their role and function through allocated sites of 10 or more dwellings in the Local Plan, sites allocated in neighbourhood plans, or on unallocated sites in appropriate locations\* within the developed footprint\*\* of the village that are typically.:*

- *up to 10 dwellings in Large Villages and Medium Villages; and*
- *up to 5 dwellings in Small Villages.*

*Proposals on unallocated sites not meeting these criteria will not generally be supported unless there are clear material planning considerations that indicate otherwise.*

The number of dwellings proposed on the site is within the 5 dwelling limit for small villages set out above.

The definition of “appropriate locations” in the glossary to the CLLP is:

*“the site if developed would.*

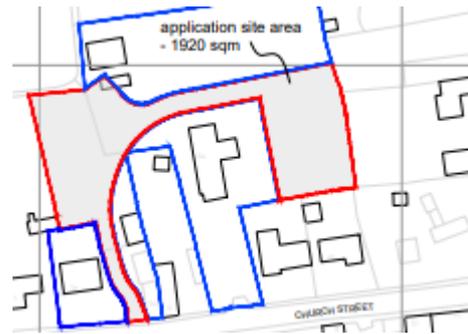
- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement’s character and appearance; and*
- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement”*

**Developed footprint:**

Developed footprint of a settlement is defined as

<p><b>Developed Footprint</b></p>	<p>Developed footprint of a settlement is defined as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none"> <li>• individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;</li> <li>• gardens, paddocks 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;</li> <li>• agricultural buildings and associated land on the edge of the settlement; and</li> <li>• outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.</li> </ul>
-----------------------------------	---

Following the pre-application response described at the start of the report the application was submitted with the northern section adjacent woodland not forming part of the application site (shaded grey).



It can be noted that the Hemswell Parish Council consider the site is neither an appropriate location or within the developed footprint, as defined in the CLLP. They state “*it is a greenfield garden on the edge of the settlement, more relating to the open countryside, outside the developed footprint of the village. If developed this application would change the core shape of the village and damage the character of the conservation area and area of great landscape value along with the setting and views of heritage assets within the conservation area from amenity green spaces (PROWs) and the highway.*”

Whilst these comments are noted – having visited the site, I do not agree with this conclusion. The site comprises residential gardens which have a strong landscape boundary with mature hedges, which clearly delineates from the open field to the west / north-west.



(Extract from Google Maps)

This clear and distinguishing separation means that these domestic gardens relate more, in my view, to the built up area of the village than they do to the countryside. Consequently, whilst noting the views of the Parish Council, I consider that the site does fall within the developed footprint of the village.

Subject to a consideration of detailed impacts, including whether it can be deemed to be an “appropriate location” for the purposes of policy S4, the

principle and scale of development is considered to comply with the strategic policies of the Central Lincolnshire Local Plan.

Policy 3 of the Neighbourhood Plan (NP) Windfall Development (in Hemswell Only) prioritizes the development of the allocated housing sites identified within the NP. Any schemes proposing additional residential development outside of these allocated sites or propose a net increase in dwellings that exceed the specified capacity for the allocated sites will be judged primarily against CLLP policies LP2 and LP4: they will need to be in appropriate locations (LP2) and a preference will be given to brownfield sites inside the developed footprint of the settlement (LP4); and b. demonstrate that they have gained demonstrable support from the local community within Hemswell parish.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. Paragraph 30 of the National Planning Policy Framework sets out that

*“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently” (officer underlining)*

However, policies S1 and S4 are strategic policies within the CLLP, and were adopted after the Neighbourhood Plan.

Policies LP2 and LP4 referred to no longer exist and have been superseded by policies contained in the most recent development plan which is the CLLP adopted in April 2023. The proposal has been assessed against this and the principle is considered acceptable.

### **Impacts on Listed Buildings and Hemswell Conservation Area**

Policy S57 of the CLLP requires that development proposals do not have an unacceptable impact on various heritage assets ranging from non-designated heritage assets to designated heritage assets which are primarily Listed Buildings and Conservation Areas. Any development proposal should aim to preserve or enhance the setting and/or the architectural significance of Listed Buildings and preserve and/or enhance the character and appearance of designated conservation areas. Any harm to such heritage assets should have a clear justification and where such a harm cannot be justified or outweighed by the public benefits, planning permission should be refused. These requirements are also contained within national legislation and guidance.

Section 66 of the Planning (Listed Buildings and Conservations Act) 1990 places a statutory duty on the Local Planning Authority to have special regard

to the desirability of preserving a Listed Building, its setting, and any features of special architectural or historic interest. Section 72 of the same Act requires the Local Planning Authority to have regard for to the desirability of preserving or enhancing the character or appearance of the land and buildings within Conservation Areas.

The boundary of the conservation area is marked by the thick black line (below). This shows that the only part of the application proposal that falls within the conservation area is the existing drive which is to be extended. On this basis there will be a limited direct impact on Hemswell Conservation Area or its setting.



The impact of the development on Listed Buildings and non-designated heritage assets is considered in the detailed comments of the conservation officer above. There is no reason to depart from his conclusion that the development would preserve (i.e. to do “no harm to”) heritage assets in accordance with policy S57 of the Central Lincolnshire Local Plan. It would also be in accordance with policies 5 and 7 of the Neighbourhood Plan and the requirements set out by Section 66 and 72 of the Planning (Listed Buildings and Conservations Act) 1990. This would be subject to the conditions agreed by the conservation officer.

### **Archaeology**

Due to potential for archaeological remains on the site conditions will be imposed as recommended by LCC Historic Services. Subject to this it would be in accordance with policy S57.

### **Impacts on character and appearance of the site and wider area and the Area of Great Landscape Value**

Details of the design and scale of the plots are found at the beginning of this report. West of plot 1 are two adjoining rear gardens with the boundary marked by a fence with trees and vegetation beyond. This serves to limit views from the west. Views from the south will be available as the ridge height is approximately 1.4m higher than 5 Church Street and 3b Church Street. The impact however is diffused by a distance of approximately 47 metres to Church Street and is considered acceptable.

Views of Plot 2 from publicly accessible areas will be limited to non-existent.

It is enclosed by substantial trees and other vegetation to its northern and eastern boundaries. Views will be available from the rear gardens of dwellings facing Maypole Street. Plot 2 is set back 6.5m within its plot from this boundary. There is approximately 48m from the rear elevation of 24 Maypole Street to the boundary of the site. There is a distance of approximately 43m from the rear elevation of 20 Maypole Street and approximately 25m from the rear elevation of 24 Maypole Street. Views will also be available from the rear garden of dwellings facing Church Street to the south. 5c Church Street has a rear garden of approximately 12.85m whilst Antares ranges from approximately 7.8m to 11.95m.

The Hemswell Character Assessment includes Church Street “*This positioning of buildings close to the roadside, coupled with the presence of (1) several terraced properties with long, unbroken façades, (2) extensive and often tall boundary walling, and (3) stretches of mature trees planting that rise and project out over the central route all combine to give much of Church Street a particularly enclosed, often sheltered, character. Fig 127 and 128 provide a snapshot of the consistency of character seen along Church Street both in terms of materials, textures and colours, and also the generally enclosed character and narrow profile of the street.*”

This sheltered and enclosed character will remain following development. Recommendations made include “*New development proposals should seek to draw inspiration from local vernacular architecture.*” The dwellings, are reflective of local character, in brick and pantile with gable end chimneys, brick corbelled eaves and stonework similar to that seen elsewhere in the conservation area.

NP 6 Design Principles sets out a number of criteria including that development should recognise and seek to reinforce distinct local character; draw inspiration from local vernacular architecture and seek to retain and enhance identified key views. No impacts will arise to key views.

No harm is considered to arise to the character and appearance of the site and wider area from the proposed dwellings and by extension the Area of Great Landscape Value.

It would be in accordance with policy S53 and S62. It will be necessary to remove permitted development rights for any extensions or alterations that could potentially have a harmful impact.

### **Highway Safety and car parking provision**

Two off street spaces (excluding garages) are proposed for plot 1 which has 3 bedrooms whilst three are provided for plot 2 which has 4 bedrooms. This is in accordance with the parking standards set out in the Central Lincolnshire Local Plan which require 2 off street spaces for 3 bed properties and 3 off street spaces for 4 bed dwellings. No objections on highway safety grounds are raised by Highways.

There is no reason to withhold consent on the grounds of highway safety including lack of car parking. It would be in accordance with policies S47 and S49.

### **Flood risk and drainage**

Policy S21 of the CLLP requires that development proposals do not have an unacceptable impact on flood risk and implement appropriate mitigation (such as the use of SuDS) wherever possible. Paragraphs 159 and 167 of the NPPF respectively require that development should be diverted away from areas at the highest risk of flooding and that all development proposals should not increase the risk of flooding elsewhere.

The site is in flood zone 1 (Low Probability Land having a less than 1 in 1,000 annual probability of river or sea flooding) therefore the main considerations are the means of foul and surface water drainage. The site is not identified as being at risk of Surface water Flooding on the Environment Agency Flood Map for Planning.

Surface water is to be disposed of by means of a soakaway with foul directed to the mains sewer in accordance with the preferred hierarchy for disposal. A condition will be imposed requiring further details of drainage to be submitted to and approved in writing by the local planning authority, with subsequent implementation in accordance with the approved details. Subject to this it would be in accordance with S21.

### **Impacts on existing housing through increased noise and disturbance and overlooking leading to a loss of privacy**

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things. Furthermore, paragraph 130 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users. Noise and disturbance from dwellings in proximity to other dwellings is not normally considered a reason to withhold consent. A Construction Management Plan will be conditioned to help mitigate disturbance during the construction phase.

There are no windows on the gable end that faces west on plot 1 towards the adjoining rear gardens and there is a distance of approximately 18 m towards the rear garden boundary of the bungalow to the south with views interrupted by the proposed garaging. No significant loss of privacy or overlooking will arise from plot 1.

At its closest to the rear garden boundary of Antares to the south there will be a minimum distance of approximately 12.5 m from the bedroom window at first floor to plot 2 which increases to approximately 15m. This boundary consists of a low stone wall with trees and vegetation which are to be retained. The objection refers to the loss of foliage during winter increasing

opportunities for overlooking. This is noted however, given the distance separation and the fact that the views are not from primary living accommodation such as a living room and are instead from a bedroom window this is not considered to be unacceptable. It would be in accordance with policy S53 of the Central Lincolnshire Local Plan. It will be necessary to remove permitted development rights for any new window openings or alterations and extensions to the dwellings including the roof that could potentially lead to a loss of privacy or other injurious impacts.

### **Energy Efficiency**

Policies S6 and S7 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. Local policy LP7 states that: "Unless covered by an exceptional basis clause below, all new residential development proposals must include an Energy Statement which confirms in addition to the requirements of Policy S6".

Local policy S7 provides guidance and criteria on the generation of renewable electricity and the limit on the total energy demand for each single dwelling. The target is to achieve a site average space heating demand of around 15-20kWh/m<sup>2</sup>/yr and a site average total energy demand of 35 kWh/m<sup>2</sup>/yr.

An Energy Statement has been submitted which demonstrates that the site average space heating demand is 10.01 kwh/m<sup>2</sup> /yr and site average total energy demand of 34.46 kwh/m<sup>2</sup> /yr. These are in accordance with policy requirements. The total energy demand will be met by use of 20 solar PV panels, 10 on the roof slope of each dwelling. This will ensure that they will generate sufficient renewable electricity on site to match demand over the course of a year. It would be in accordance with policies S6 and S7 of the Central Lincolnshire Local Plan

### **Landscaping and Biodiversity.**

The site given its use as a large private garden does not appear to contain any features which are likely to support habitat for protected species. The proposals have been amended to safeguard existing trees on the site following submission of a tree constraints report and a tree management and arboricultural assessment. This results in the retention of the vast majority of trees on the site. Tree protection measures will be conditioned. Lost trees can be compensated for by replacement planting which will also serve to increase biodiversity value as well

No soft landscaping is proposed. Policy S60 seeks to protect and enhance biodiversity. Policy S61 of the CLLP requires "all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management. Policy S61 goes on to state that "All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric".

The mandatory requirement comes into place on February 12<sup>th</sup> 2024 for all but exemptions and “small sites”. Small sites are defined as:

(i) For residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.

The Government’s 2023 response to the 2022 BNG consultation sets out exemptions from mandatory BNG, which will be implemented via secondary legislation. This includes small scale self-build which is what is proposed. On this basis there would not be a requirement to deliver 10%. Nevertheless, this does not prevent biodiversity enhancement being provided on such schemes. This is capable of being delivered by utilising landscaping incorporating native species. On this basis a condition will be imposed requiring biodiversity enhancement details to be submitted to and approved in writing and subsequently implemented in accordance with the approved details. On this basis it would accord with S60.

### **Minerals Safeguarding**

Policy M11 requires applications for non-minerals development in a mineral safeguarding area to be accompanied by a Minerals Assessment. This is located within the Planning Statement. It is considered that there is no likelihood of the application site being deemed suitable for limestone minerals works or extraction. The full site area is clearly within an historically sensitive residential area, with existing residential properties in close proximity on three sides. The scale of development is of a minor nature, and the site area represents a tiny proportion of the total land area that falls within this mineral safeguarding area. Not only is the extraction of limestone in this location wholly impractical, it cannot reasonably be considered to be necessary either given the extent of the alternative (and much more suitable) opportunities for mineral extraction elsewhere. On this basis there is no reason to withhold consent on mineral safeguarding grounds.

### **Conclusion including planning balance:**

Set out here – whilst comments are noted, you are satisfied it is an appropriate location within the developed footprint.

The proposal has been considered against policies S1: The Spatial Strategy, S2; Growth Levels and Distribution, Policy S4: Housing Development in or Adjacent to Villages, Policy S6: Design Principles for Efficient Buildings, Policy S7: Reducing Energy Consumption – Residential Development, Policy S21: Flood Risk and Water Resources, S23: Meeting accommodation Needs, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, S57: The Historic Environment, Policy S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains, Policy S62: Area of Outstanding

Natural Beauty and Areas of Great Landscape Value of the Central Lincolnshire Local Plan and Policy 3: Windfall Development (in Hemswell Only); Policy 5: Protecting the Wider Landscape Character and Setting of the Neighbourhood Plan Area; Policy 6: Design Principles; Policy 7: Protecting Non-Designated Heritage Assets of the Neighbourhood Plan in the first instance as well as against all other material considerations including the National Planning Policy Framework and National Planning Practice Guidance.

Whist the objections are noted, the site is considered to be an appropriate location for development within the developed footprint of Hemswell. Subject to the imposition of conditions no adverse impacts will result to Listed Buildings or Hemswell Conservation Area and their character would be preserved. The impacts on the character and appearance of the site and wider area are not expected to result in harm, and the Area of Great landscape Value (AGLV) will not be harmed by the development. The amenities of existing dwellings will not be significantly affected through loss of privacy, dominance or loss of light. Highway Safety will not be compromised. Energy Efficiency will be delivered as will biodiversity enhancement.

**Recommendation:** Grant approval subject to the conditions below.

Recommended Conditions:

**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 shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. Construction shall be carried out in accordance with the approved CMP at all times. The CMP shall include the following matters:

- a) Details of construction access.
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials
- d) Programme of works. No works on the site, including works of preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or Public Holidays

- e) Details of proposed means of dust suppression and noise mitigation.
- f) Details of measures to prevent mud from vehicles leaving the site during construction.
- g) Monitoring and review mechanisms.

**Reason:** in order to reduce noise and disturbance to existing housing in accordance with policy S53 of the Central Lincolnshire Local Plan.

**3.** No development shall take place until a written scheme of archaeological works consisting of archaeological monitoring and recording of all groundworks 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.

The scheme is to be in accordance with the Lincolnshire Archaeological Handbook.

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, development may have an impact on medieval archaeology.

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

**4.** 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 3 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 policy S57 of the Central Lincolnshire Local Plan. Specifically, the development does have the potential to disturb medieval archaeology.

**5.** 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 drawings:

Proposed Site Layout Drawing No. A1-02 Rev A

Site Layout (showing tree protection measures) Drawing No. A1-02 Rev B

Plot 1 Proposals (including floor plans and elevations) Drawing No. A1-03  
Plot 2 Proposals (including floor plans and elevations) Drawing No. A1-04  
Energy Statement dated August 2023

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:** In the interests of proper planning.

**6.** The driveways of the dwellings shall be constructed of porous materials and retained as such thereafter.

**Reason:** In the interests of appropriate surface water disposal in accordance with policy S12 of the Central Lincolnshire Local Plan.

**7.** No works above ground level must take place until details of a scheme for the disposal of surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure adequate drainage facilities are provided to serve the dwellings, to reduce the risk of flooding and to accord with the National Planning Policy Framework and policy S21 of the Central Lincolnshire Local Plan.

**8.** No work above existing ground level must take place until details of all external facing materials for the approved buildings and materials to be used for the access drive have been submitted to and approved in writing by the local planning authority. Work shall subsequently be carried out in accordance with the approved details.

**Reason:** In the interests of securing a satisfactory visual appearance in proximity to Heritage Assets in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan.

**9.** No work above existing ground level shall take place until a until a one metre squared sample panel of the proposed brickwork and bond has been erected on site and approved in writing by the local planning authority. Once approved, it must remain on site for the duration of the development.

**Reason:** In the interests of securing a satisfactory visual appearance in proximity to Heritage Assets in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan

**10.** Prior to installation, drawings to a scale of 1:20 fully detailing the new windows, doors, surrounds, headers, and sills shall be approved in writing by the Local Planning Authority and installed completely in accordance with the approval.

**Reason:** In the interests of securing a satisfactory visual appearance in proximity to Heritage Assets in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan

**11.** No construction works above ground level must take place until details of a soft landscape scheme to enhance the biodiversity value of the site have been submitted to and approved in writing by the local planning authority.

**Reason:** To enhance the biodiversity value of the site in accordance with policy S60 of the Central Lincolnshire Local Plan.

**12.** The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 3

**Reason:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, the development does have the potential to disturb medieval archaeology.

**13.** Following the archaeological site work referred to in condition 12 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:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, the development does have the potential to disturb medieval archaeology.

**14.** The report referred to in condition 13 and any artefactual evidence recovered from the site shall be deposited within 3 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:** In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with policy S57 of the Central Lincolnshire Local Plan. Specifically, the development does have the potential to disturb medieval archaeology.

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

**15.** All planting, comprised in the approved details of landscaping referred to in condition 11 shall be carried out in the first planting and seeding season following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure there is appropriate landscaping in place and to provide bio diversity enhancement in accordance with policies S53 and S60 of the Central Lincolnshire Local Plan.

**16.** Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected or gates, walls or fences unless planning permission has first been granted by the Local Planning Authority.

**Reason:** To enable any such proposals to be assessed in terms of their impact on the character and appearance of the buildings and their surroundings in proximity to heritage assets and to avoid adverse impacts on existing neighbours in accordance with policies S53 and S57 of the Central Lincolnshire Local Plan.

**17.** The hereby approved dwellings shall not be occupied until the approved surface water drainage scheme referred to in condition 7 for the development have been completed in full and maintained thereafter.

**Reason:** To ensure adequate drainage facilities are provided to serve the dwellings, to reduce the risk of flooding and to accord with the National Planning Policy Framework and policy S21 of the Central Lincolnshire Local Plan.

**18.** Prior to occupation of the approved dwellings evidence must be submitted to the local planning authority that a rainwater harvesting butt of a minimum 100 litres has been installed.

**Reason:** In the interests of sustainable water management in accordance with policy S12 of the Central Lincolnshire Local Plan.

**19.** Prior to occupation of the approved dwellings a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement dated August 2023 and approved in writing by the planning authority.

**Reason:** To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of policies S6 and S7 of the Central Lincolnshire Local Plan (2023).

**20.** Notwithstanding the provisions 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 domestic

oil tanks or domestic gas tanks shall be placed within the curtilage of the dwelling hereby approved.

**Reason:** In the interests of energy efficiency to accord with policies S6 and S7 of the Central Lincolnshire Local Plan (Adopted 2023).

**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

**Prepared by:** George Backovic

**Date:** 13 February 2024

Signed



**Authorising Officer**  
13/02/2024

**Date:**

**Decision Level**

Committee