

# Development Management Delegated Decision Report

B/21/0066



## SUMMARY OF APPLICATION

Application Reference	B/21/0066		
Application Type	Outline Planning Permission		
Proposal	Outline Application including access with all other Matters Reserved for residential development of the site (up to 5 dwellings)		
Location	U Haul, The Old Vicarage, Main Road, Wigtoft, Boston, PE20 2NJ		
Applicant	Mr G Scrupps		
Agent	Mr Martin Stuart, Sensus Architecture Ltd		
Received Date:	15-Feb-2021	Consultation Expiry Date:	23-Mar-2021
Valid Date:	15-Feb-2021	Statutory Expiry Date:	12-Apr-2021
Date of Site Visit:	02-Mar-2021	Extension of Time Date:	---
Objections received?	Yes		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Cllr A Spencer	25/03/21	No response received – 06/04/21	Ok
Cllr M Cooper	25/03/21	No response received – 06/04/21	Ok
Recommendation	REFUSE		
Report by:	Grant Fixter		
Date:	06/04/2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site comprises land within the curtilage of the Grade II Listed Building 'The Old Vicarage' and as per the South East Lincolnshire Local Plan, the site is within Wigtoft's Settlement Boundary and Conservation Area. The site comprises an area of grassland and an access which currently serves 'The Old Vicarage'. It is also important to note there are trees within and adjacent to the site that are protected by a Tree Preservation Order (Wigtoft No.3).

The site is bound by hedging and a wall to the north and east, with land associated with 'The Old Vicarage' bounding the site to the south and west.

The surrounding development predominantly comprises residential development of varying designs and ages, with the Grade I Listed St Peter and St Paul's Church' to the north. There is also allocated green infrastructure to the north.



## **DETAILS OF PROPOSAL:**

This proposal seeks outline planning permission including access with all other matters reserved for the erection of up to 5 residential dwellings.

Whilst layout is a matter reserved for later approval, a number of indicative layouts were submitted in the Design and Access Statement which showed how the site could be developed for up to 5 dwellings.

Access is not a matter reserved for later approval and it is proposed to make use of the existing means which currently serves The Old Vicarage. A large number of trees would also need felling which is a material consideration for this proposal.

There has been discussions between the officer and agent throughout the submission. The officer raised their concerns and highlighted they were going to be writing the report with a recommendation of refusal. Subsequent discussions then took place on the historic environment aspects and how the agent/ applicant may wish to proceed. Upon conclusion of these discussions, the agent informed the officer they were not going to withdraw the application and would wait to receive the formal decision.

Full details of the proposal are outlined on the following plans and documents:

- 19049-001-01 Rev A – Location Plan;
- 19049-001-03 Rev A – Existing Site Plan;
- 19049-001-02 Rev B – Proposed Site Plan;
- Design and Access Statement;
- Heritage Statement.

## **RELEVANT HISTORY:**

- B/20/0123 - Outline Application including access with all other Matters Reserved for residential development of the site (up to 5 dwellings) – Refused on 18/09/2020.

## **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

### **South East Lincolnshire Local Plan (2011-2036)**

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 5: Meeting Physical Infrastructure and Service Needs;
- Policy 10: Meeting Assessed Housing Requirements;
- Policy 11: Distribution of New Housing;
- Policy 17: Providing a Mix of Housing;
- Policy 28: The Natural Environment;
- Policy 29: The Historic Environment;

- Policy 30: Pollution;
- Policy 31: Climate Change and Renewable and Low Carbon Energy;
- Policy 36: Vehicle and Cycle Parking.

## **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

### **National Planning Policy Framework (2019)**

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving sustainable development;
- Section 4: Decision-making;
- Section 5: Delivering a sufficient supply of homes;
- Section 11: Making effective use of land;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change;
- Section 15: Conserving and enhancing the natural environment;
- Section 16: Conserving and enhancing the historic environment.

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66(1) states:

*“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72(1) states:

*“In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

## **CONSULTATION RESPONSES:**

### **Welland and Deepings IDB**

Did not respond.

### **Environmental Health**

Have no objection in principle and made the following comments:

*“Environmental Health have no objections in principle to the provision of housing at this site. I would however make the following observations which I believe the applicant will need to address beyond the current outline application.”*

*The full history of the site and adjacent sites is unknown and therefore we need to be assured that the site is suitable in terms of land quality for the proposed residential use. I would therefore request that a contaminated land assessment is submitted with any full application/conditioned as part of the outline application.*

*The applicant states they have considered the issue of air quality and there are no mitigations required. It is a key theme of the NPPF that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) re-charging, should be provided. Boston Borough Council has developed specific guidance for developers on air quality and mitigation measures which is to be embedded within the new local plan. This includes provision of electrical vehicle recharging points. The provision of electric charging points also helps meet environmental objectives of the 4th Lincolnshire Transport Plan (April 2013) and Boston Transport Strategy (2016 – 2036). I would therefore request electric vehicle recharging point are provided at the properties as part of the development’.*

#### Wigtoft Parish Council

Do not support the application as they do not see any changes to the plans to address the reasons for refusal last time round, in particular that the development is within the conservation area.

#### Lincolnshire County Council

Have no objections and made the following comments:

*“I understand that this is an Outline Planning Application for residential development of up to five dwellings with all matters reserved for later approval with the exception of means of access to be considered at this stage, which is currently shown on the site layout drawing number: 19049-001-02B, dated January 2020, albeit indicative only.*

*In principle, the existing access as it stands would be suitable to serve the proposed development. Main Road is the former A17 which is very wide and carries low numbers of vehicles within a speed restriction of 40mph. The access gates are set back a good way from the edge of the carriageway which provides suitable visibility so that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.*

*In order to support a further application of reserved matters, we would ask the applicant to make consideration of sufficient parking provision where 2 parking spaces for dwellings with three bedrooms or less and 3 parking spaces for dwellings with four or more bedrooms are proposed and adequate turning facility within the site to allow vehicles to enter and leave in a forward gear.*

NO OBS

*Therefore, 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.”*

Lincolnshire Wildlife Trust

Did not respond.

Historic Conservation Advisor

Made the following comments on 03/02/2021:

*The property in question is located within the Wigtoft Conservation Area and adjacent to a Grade II Listed Building. As such any proposals need to preserve or enhance the character of the conservation area and not adversely affect the special interest of the listed building.*

*Whilst the proposals are Outline, there are a number of aspects that would fail to preserve the character of the area;*

- The proposals subdivide the garden of a listed building, and whilst this space has limited contribution to the setting of the listed building it development should be sympathetic to wider context of the conservation area.*
- The proposals have the potential to remove a brick curtilage listed boundary wall and tree cover which contributes to the character of the conservation area. This loss would further erode the setting off the listed building and result in a shared drive of a suburban character.*
- The outline area since directly in front a historic stable block. There has been a secondary access to the site, directly addressing the stable block, since the late 19th century at least, showing that this building was designed to be appreciated from the main road. By placing development directly in front of the curtilage listed element of the site this appreciation and view will be totally eroded. This will adversely affect the setting of the listed building, negatively impacting its special interest.*

*This will adversely affect the setting of the listed building, negatively impacting its special interest. The above concerns were outlined at previous application stage and do not appear to have been addressed by this submission. In summary I feel that the proposals will erode the setting of the listed building and will fail to preserve the character of the conservation area. Whilst I think there may be development potential on the site the proposed scheme needs further consideration to ensure it does not adversely impact the historic environment.”*

In reply to the above, the agent made the following comments on 09/03/2021:

*“The wall will not be removed. This is shown in the DAS and also can be seen from a site inspection. An area of hedge would be removed. All of the existing frontage wall would be retained and we would accept a condition to this effect if it provides your Conservation Officer with assurances in this matter.*

*We have included a number of indicative layouts within the DAS, these show layouts where there would be no built development in front of the curtilage building. We*

*designed the development to leave a small courtyard of parking here so it would not be developed by any built form.*

*We believe we have considered the comments and we sought to include a number of indicative layouts within the DAS to demonstrate there are a number of ways the site can be achieved with the quantum we have applied for.*

*Can you please advise whether the Conservation Officer has considered these?*

*I appreciate this just appears to be a re-submission and therefore an obvious refusal, however, we have genuinely considered the previous reasons for refusal and sought to address thorough the provisions of a number of indicative layouts and also clarification on wall removal.”*

As requested, the officer presented these comments to the Historic Conservation Advisor who then stated the following on 10/03/2021:

*“I have had a look at the comments and note the following;*

- The wall – The fact that it is now to remain in its entirety has been noted.*
- Layout – Whilst I did note the indicative layout I paid them little attention as they are indicative, making it difficult to comment. However the original access and its relationship to the curtilage LB will still be eroded. The site will almost certainly become separated through boundary treatments/landscaping,*

*In summary whilst I agree there have been further considerations, less detail has meant that it is still not clear what is proposed, and the site will form a distinct separation of this part of the site from the listed building, affecting its setting and special interest. I’m not sure how these issues may be overcome.”*

#### Planning Archaeologist

*“Archaeological background:*

*The site for the proposed development lies in an area of archaeological interest within the historic core of the village and in the Conservation Area. The church of St Peter and St Paul lies to the northeast of the proposal (on the opposite side of Main Road). The church is a Grade I listed structure dating from the 12th century.*

*A late 18th century Grade II listed building (Stanhope Cottage) lies to the west of the proposal. The Old Vicarage, adjacent to the proposed development area, is a Grade II Listed Building dating from the early 19th century.*

*Medieval and post-medieval remains have been recorded during archaeological investigations along Main Road to the east of the site and a short distance to the west of the Old Vicarage.*

*Recommendation:*

*It is considered that the site offers a potential for archaeological remains to be encountered during development. Therefore, it is recommended that the developer should be required to commission a Scheme of Archaeological Works, according to a written scheme of investigation to be agreed with, submitted to and approved by the local*

*authority. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.*

*'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.' National Planning Policy Framework (2019) Section 16, para 199."*

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

As a result of the publicity, 3 third party representations have been received from the occupiers of the following properties:

- Church House, Main Road, Wigtoft;
- Churchview, Main Road, Wigtoft;
- Old Post Office, Main Road, Wigtoft.

The objections are summarised below:

#### Community and village

- Application may have changed but is still of no benefit to the community in the village;
- Not add anything to village life;
- No social or economic benefits to the community;
- Why wasn't all who opposed the original planning application for this development notified that it had gone to appeal and had an opportunity to make representations at that stage;
- New development should enhance the village and bring in opportunities, keeping the history and character intact;
- Reference to development in Thorney near Peterborough;
- Ignored residents objections from the last proposal;

#### Character of the area and amenity

- Don't want to look out of the window to see new builds that don't look appropriate in the village;
- Loss of light and will invade privacy;
- Houses will create an urban feel next to their home;
- Noise and pollution from cars;
- Overlooked this land for years and change will impact mental health and wellbeing;
- Opening and closing of doors near habitable rooms/ windows;
- Trees will be impacted;
- Access to their back garden which they use to bring the bins out and bigger items they cannot bring through the house;
- Lack of specifics and detail;
- Potential for structural damage from heavy machinery;
- Do not have deep foundations;

- Houses are not in keeping with the area and concerned of a gateway to future development;
- Ruin appearance of the village square;
- Will form cramped development;
- Will be 45 dwellings per hectare whereas the village is 18 per hectare;
- Second development within 100m of each other;
- Loss of privacy exacerbated if they face west

#### Parking and highways

- If everyone has a car, where are they going to park;
- More cars will park on the roadside and village square;
- Access is on a slight bend meaning accidents will occur;
- Public footpath which runs through the site;
- Not enough parking provision as two spaces per dwelling is not enough;
- Vehicles speed through the village;

#### Public open space

- There is a park opposite the site;
- Who is going to maintain this and incur the costs;

#### Water and sewage

- Village already suffers from low water pressure;
- Water wells within a few metres of where houses are proposed;
- Pollutants could go into wells

Where constituting material planning considerations, the above are considered in the evaluation section of this report. Comments regarding the applicant and what people deem their personal plans may be for themselves and the land are not relevant and are not material planning considerations for this application.

### **EVALUATION:**

The key considerations in respect of this proposal are:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Flood risk;
- Impact on the natural environment;
- Impact on the historic environment;
- Highway safety and parking.

#### Principle of development



Policy 1 of the SELLP sets out the settlement hierarchy, stating development will be permitted within the settlement boundaries of the respective settlements providing the proposal supports the designated role of the settlement in which it is to be executed.

Policy 10 of the SELLP outlines the provisions made for new dwellings in the Borough over the plan period.

As shown on 'Inset Map 28 – Wigtoft' of the SELLP, the site is within the settlement boundary of Wigtoft which is deemed a Minor Service Centre. Development in Minor Service Centres will be permitted where it supports their role as a service centre for the settlement itself, helps sustain existing facilities and will usually be limited to allocated, committed and infill sites.

Whilst the site is not allocated, it is sited between residential development and would comprise an infill plot. The provision of 5 residential dwellings would make a limited, but positive contribution to housing supply.

Subject to all other matters being acceptable, the principle of residential development on this site is acceptable.

#### Impact on the character and appearance of the area

Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation.

Policy 3 of the SELLP states all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

A number of indicative plans were submitted with the Design and Access Statement to show how the site could be developed for up to 5 dwellings.

When the officer highlighted to the agent the application was going to be refused, one of the reasons was similar to that of the recent refusal in that the quantum of development was too much. This was queried by the agent who highlighted the description of proposal is worded in a way which says "up to" 5 dwellings, indicating the quantum of development could be reduced if needed in any reserved matters application.

In response, the officer highlighted the description of proposal for the recent refusal and this submission are identical, so was not happy to accept that motion. Furthermore, the officer stated they were of the view if they approved this proposal, in principle, they are saying 5 dwellings on the land would be acceptable and would be bound to allow that number of units to be developed.

A similar view was reached by an inspector at appeal in 2019 (APP/Z2505/W/18/3217623 – Pode Lane, Old Leake), who concluded it would not be possible to leave the number of homes to the reserved matters as the principle would have already been determined.

Alternative views were had by inspectors for other appeals who deemed the number of dwellings would be agreed at a reserved matters stage (APP/Z2505/W/19/3232329 and APP/Z2505/W/18/3217623).

From review of the appeals, it is clear it is entirely dependent on the proposed development and the context of the site.

With this application, the site falls within the grounds of a Grade II Listed Building, is opposite a Grade I Listed Church and is within the Wigtoft Conservation Area. The scale and quantum of units would lead to a form of development not in keeping with the surrounding area and would harm both the Listed Buildings and Conservation Area, this is discussed in detail in the next section of this report. Given the context of the site, proposed development and level of information provided, there are far too many considerations and impacts to allow the principle of 5 residential dwellings to be approved. The position is, therefore, maintained that by virtue of approving this permission, we would be saying the principle of 5 units on site is acceptable and this is something we do not deem to be appropriate.

When looking at the indicative plans, the context of the site and surrounding development, this proposal would constitute a high density scheme and would comprise over-development. The proposal would not follow the existing pattern of development in the area. Furthermore, from the plans, 5 residential dwellings would lead to a cramped form of development and would detract from the character and appearance of the area.

Any proposal would also require the felling of a large number of trees which will impact the character and appearance of the area. It is important to note the trees are also protected by a TPO.

For the above reasons, the development of 5 dwellings on this small parcel of land would be out of keeping with the character of the area and, therefore, fails to comply with Policies 2 and 3 of the SELLP.

#### Impact on the historic environment

Policy 29 of the SELLP relates to the historic environment. Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

Any proposals affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

- “1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;*
- 2. Retain architectural details that contribute to the character and appearance of the area;*
- 3. Where relevant and practical, remove features which are incompatible with the Conservation Area;*
- 4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;*
- 5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;*
- 6. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.”*

Policy 30 of the SELLP will not be permitted where proposals will have adverse impacts upon aspects such as the amenities of the area and the historic environment.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires development which affects a listed building or its setting to be appropriately assessed by the LPA and ensure its historic interests and setting are preserved. It is considered that there is sufficient distance between the site and relevant listed buildings/structures that there would be no harm arising and thus this matter is given no further consideration.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires attention to be paid to the desirability of preserving or enhancing the character and appearance of the area.

The application site falls within the grounds of a Grade II Listed Building and is also within the Wigtoft Conservation Area.

The NPPF defines heritage assets as:

*“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”*

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.”*

Paragraphs 193-196 consider harm on heritage assets and state in part:

*“193. 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.*

*194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

*195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Paragraph: 020 Reference ID: 18a-020-20190723 of the PPG outlines what is meant by the term public benefits:

*“The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.*

*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.*

*Examples of heritage benefits may include:*

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation.”*

The above paragraphs from the NPPF and PPG outline the relevant tests associated with the degree of harm to a heritage asset and the objectives of policy 29 of the SELLP echoes the heritage objectives of the NPPF.

The application is outline in form with access to be considered and all other matters reserved for later approval.

The submitted Heritage Statement assesses the impact of the proposal on the host Grade II Listed Building, the Grade I Listed Church north of the site and the Wigtoft Conservation Area. The submitted assessment deems the proposal will have no harm on the host listed building, the historic significance of the Church is largely experienced within the churchyard and a scheme could be designed which would ensure no harm is caused to the Wigtoft Conservation Area.

The Heritage Statement also states the proposal will provide the following wider public benefits:

- “Facilitate the regeneration and reuse of a vacant area of land within the Wigtoft Village which presently does not contribute to the setting of The Old Vicarage*

- *Provide housing additional housing to meet the village requirements*
- *Provide a high quality and well-designed new buildings to reinforce the quality of place and local vernacular.*
- *Provide an active and attractive frontage.*
- *Enhance the character and appearance of both the Village and also the Conservation Area.”*

The Conservation Advisor confirmed that when comparing this submission to the recent refusal, it appears the original concerns have not been addressed, as the proposal would erode the setting of the host Listed Building and would fail to preserve the character of the conservation area.

The officer would essentially echo what was said at the previous refusal. By virtue of the application being in outline form, it is extremely difficult to fully assess the proposal against the quoted tests and confirm whether the proposal would lead to no harm, less than substantial or substantial harm in accordance with paragraphs 193-196 of the NPPF. The tests contained within both sections 66 and 72 of the Act identified above and the NPPF are important tests.

Should the application have taken advice within the previous refusal on board and been submitted as a full application, this would have enabled a more robust assessment to be undertaken as there would have been certainty regarding the end development.

As with the previous refusal, the applicant considers there will be no harm to the Grade II Listed Building, whilst the proposal will preserve the Grade I Listed Church and Wigtoft Conservation Area. The officer is in agreement with the views of the officer of the previous refusal in that they do not agree with this statement.

Given the proposal seeks permission for up to 5 residential dwellings within the curtilage of a Grade II Listed Building, it is extremely likely harm will be caused to the setting of this heritage asset. Any development in front of the protected outbuildings as shown on the indicative plans will obscure views of said buildings from the street, in turn, leading to a negative visual impact on the setting of the buildings.

As highlighted by the Conservation Advisor, it is important to consider the felling of trees. These have long been established features within both the Conservation Area and the Listed Building. The removal of these trees will significantly impact the character and setting of the Listed Building and Conservation Area, in addition to leading to a more suburban character which would not respect the setting or character of the Listed Building and Conservation Area.

Given the extent of development proposed, as outlined in the character of the area section above, this would lead to an out of keeping, cramped development which would detract from the character of the area.

The application, therefore, would fail to preserve the historic environment and would be contrary to Policy 29 of the SELLP and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact on residential amenity

SELLP Policy 2 and 3 seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

Policy 30 of the SELLP states development will not be permitted where there would be unacceptable impacts on the amenities of the area, health and safety of the public and the natural, historic and built environment.

A number of concerns have been raised on amenity grounds and reference is made to some of the plans within the Design and Access Statement. At this point, it is important to note that these plans are indicative only and have been submitted to show how 5 dwellings could be accommodated on site. Furthermore, this application is in outline with access to be considered and all other matters reserved, therefore, should permission be granted, more detailed matters of layout and scale, appearance and landscaping would be dealt with at the reserved matters stage.

It is noted that the adjacent property has a large window on the elevation which overlooks the application site, in addition to a footpath which runs alongside the same elevation and appears to serve the highlighted property.

Whilst concerns are understandable, the officer is of the view a housing scheme could be accommodated on site which respects the living conditions of neighbouring residents and does not undermine their privacy/ amenity.

#### Flood risk

Policy 4 of the SELLP state a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, the proposed works are essential infrastructure, and appropriate flood mitigation measures have been put in place. Development within all flood zones (and development larger than 1 hectare in Flood Zone 1) will need to demonstrate that surface water from the development can be managed whilst not increasing the risk of flooding to third parties.

The site is within Flood Zone 1, so no flood risk assessment is necessary. As with the previous application, no details regarding surface and foul water drainage have been submitted as part of this submission and such details would be provided at the next stage.

It is deemed the proposal would not increase the flood risk in the area and subject to a suitable surface and foul water strategy, would not have an adverse effect on surface water.

#### Impact on the natural environment

Policy 28 of the SELLP requires development proposals to protect, enhance or manage natural assets. All proposals are required to provide an overall net gain in biodiversity.

There are groups and individual trees within and immediately adjacent to the site that are protected by a Tree Preservation Order (Wigtoft No.3). There are also trees that whilst not part of the TPO, are protected by S211 of the Act as the site is within a conservation area.

The Authority's consent is not required for the removal of a tree subject to an order should full planning permission have been granted and the removal of said tree was necessary to implement the permission. Consent is required, however, for consents that are outline in nature, meaning any outline permission, would not allow for the removal of protected trees or those within a conservation area.

An authority may treat a planning application for development in a conservation area that includes specified tree work as a section 211 notice if the applicant has clearly stated that it should be considered as such. From review of the submission this is not the case.

Any outline approval, therefore, would not authorise the felling or such works to trees that are either subject to the Tree Preservation Order or are protected by s211 of the Act.

No Tree Survey or Ecology Survey has been submitted as part of this application. The trees within and adjacent to the site are of great importance to the setting of the Listed Building and Conservation Area, therefore, the removal of said trees would have negative impacts on the street scene, character of the area and historic environment.

By virtue of no survey being submitted, it is not abundantly clear what the extent of trees to be removed will be. From the indicative plans, however, it is clear that whatever the layout, a large extent of the protected trees will have to be removed to facilitate the access and parking for the site. So whilst it is not completely clear, it is apparent a large number of trees will need to be felled.

The officer has major concerns on this front and the potential impacts on the natural environment, historic environment and character and appearance of the area.

#### Highway safety and parking

Policy 36: Appendix 6 of the SELLP relates to parking standards. It requires 2 spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4 or more bedrooms. It also requires 1 cycle space within each residential plot.

Albeit the plans within the Design and Access Statement are indicative only, they show how parking can be demonstrated on site. The plans show the dwellings will be no more than 3 bedrooms, meaning 2 parking spaces will be needed per dwelling to comply with the parking requirements outlined in Policy 36: Appendix 6. The indicative plans show how two spaces per dwelling can be accommodated on site.

It is also shown on the plans how turning can be accommodated within the site to ensure vehicles can both enter and leave the site in a forward gear.

Access will make use of that existing which serves The Old Vicarage. The Local Highway Authority confirm the existing access would be suitable as Main Road is a wide carriageway and there is good visibility in both directions, something the officer agrees with.

So whilst representations were received regarding parking and access, neither the officer nor Highway Authority share these concerns. As outlined above, it is viewed a policy compliant parking provision can be accommodated on site meaning no vehicles would need to park on the road and the access is both existing and suitable.

The proposal, therefore, is acceptable on parking and highway safety grounds.

#### Planning balance

As always, it is important to consider the planning balance.

The application site falls within the settlement boundary for Wigtoft, with the settlement being classed as a Minor Service Centre. As per Policy 1, development will be permitted in such settlements where it is within the settlement boundary, helps fulfil its role as a service centre and is normally limited to allocated, committed or infill sites. As the site constitutes infill, the principle of housing on the site is not disputed and is deemed acceptable.

The site is in Flood Zone 1 and the Local Highway Authority have no objections, deeming the access to be acceptable and that the proposal will not have a negative impact on highway safety.

The site, however, falls within the curtilage of a Grade II Listed Building and the Wigtoft Conservation Area, both of which are designated heritage assets. The proposal would lead to the subdivision of the curtilage of the listed building and will lead to development in front of outbuildings which form part of the listing and its setting.

The NPPF states great weight should be given to the asset's conservation when considering potential impacts of proposed development and that this is irrespective of whether the harm equates to less than substantial, substantial harm or total loss.

By virtue of the application being in outline form, as was the case with the previous refusal, insufficient information has been submitted to conclude that no harm will be caused to the heritage assets. No evidence has been submitted which advocates no harm will be caused to the Grade II Listed Building and the significance of the Grade I Church is mainly appreciated within the churchyard. Furthermore, there is no evidence that a scheme for 5 units could be provided which respects and preserves the Conservation Area. The proposed development will likely lead to harm to the host Listed Building through subdivision of the plot and development in front of the outbuildings, meaning negative visual impacts will arise. The reasons outlined hold great weight against the proposal.

Furthermore, no Tree Survey was submitted with this submission and from the indicative plans, it is abundantly clear that whatever the layout a large number of trees protected by TPOs or S211 as they are in a conservation area will be fell. This will, in turn, detract from the street scene and the setting of the conservation area, character of the area and Listed Building. This also weighs against the proposal.

Finally, the development of 5 dwellings on a small parcel of land will lead to a cramped form of development which will be out of keeping with the surrounding development and character of the area. In turn, this proposal will detract from the character of the area. The indicative plans provided, whilst only showing how the site could be developed for 5 units, exacerbate this and show the site is not suitable to be developed for 5 units.

## **CONCLUSION:**

For reasons given throughout the report, the proposal will lead to an unacceptable impact on the character and appearance of the area and, therefore, does not accord with Policies 2 and 3 of the SELLP.

The proposal also fails to demonstrate that there will be no harm to the host Listed Building and Conservation Area. The officer is in agreement with the Conservation Advisor and the proposal will erode the setting of the listed and protected buildings and fails to preserve the character



and appearance of the Wigtoft Conservation Area. The proposal, therefore, fails to comply with Policy 29 of the SELLP, the objectives of the NPPF and the requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **RECOMMENDATION:**

REFUSE

<b>CONDITIONS / REASONS</b>	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	By virtue of the number of dwellings proposed, the size and context of the site and the character of the surrounding area and development, the proposed development of up to five residential dwellings will lead to an over-development of the site. In turn, this will lead to a cramped and awkward build which will be out of keeping with the surrounding environment and form an incongruous and alien form of development. All of which will detract from the character and appearance of the area, meaning the proposal is, therefore, contrary to the objectives of policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).
2	Insufficient evidence has been submitted which demonstrates that this development will preserve the setting of the Grade II Listed Building 'The Old Vicarage' with its associated outbuildings and its curtilage in accordance with the requirements of Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal also fails to meet the objectives of Policy 29 of the South East Lincolnshire Local Plan (2011-2036) or the objectives of Section 16: Conserving and Enhancing the Historic Environment of the National Planning Policy Framework (2019).
3	Insufficient evidence has been submitted which demonstrates that this development will preserve the character and appearance of the Wigtoft Conservation Area in accordance with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal also fails to meet the objectives of Policy 29 of the South East Lincolnshire Local Plan (2011-2036) or the objectives of Section 16: Conserving and Enhancing the Historic Environment of the National Planning Policy Framework (2019).

<b>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</b>
<p><b><u>STATEMENT OF PROACTIVE WORKING:</u></b></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>