

[09] Full Planning Permission

S/215/01507/ 23 **APPLICANT:** Mr. & Mrs. Boddy,

VALID: 31/07/2023 **AGENT:** Ryland Design,

PROPOSAL: Planning Permission - Erection of a bungalow and carport and erection of a new boundary wall.

LOCATION: ABBEY LODGE, TATTERSHALL ROAD, KIRKSTEAD

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application has been called into Planning Committee by Councillor Leyland as Ward member. The reason for this request is to enable Members to consider fully the material considerations presented in the application, which includes in summary;

- The proposed bungalow is in the location of the former village hall;
- The design and materials of the bungalow have sought to reflect the former village hall structure;
- The building does not harm the setting of the listed Abbey Lodge and is designed as a subservient structure;
- Existing and future growth of housing development along Tattershall Road takes built development closer to the site and therefore within the realms of being acceptable under Policy SP3 (i.e. is only a minor departure);
- Woodhall Spa Parish Council are supportive of the application;
- Heritage Lincolnshire are supportive. They recognise that it has always been two distinct curtilages;
- Lincolnshire County Council highways have no objection;
- The site is connected by footpath to the village;
- This proposal supports a rural business. Given the challenges rural pubs face, ELDC should consider such a proposal positively as it secures the future of a successful business that has been run by the same family for nearly 40 years. This application enhances the sustainability of a rural business.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site is located to the south of Woodhall Spa and relates to the curtilage of Abbey Lodge, a Grade II Listed early 19th Century Public House formed of colour washed brick in English garden wall bond with a hipped pantile roof.

2.2 On the curtilage of the site is a tarmacadam carpark and grass area. The grass area previously housed a village hall formed of horizontal timber cladding and metal sheet roofing; this was demolished in 2015 due to being structurally unsound.

2.3 The site lies on the west side of the B1192 Tattershall Road and

takes a frontage onto this road. The northern boundary of the site comprises a native hedge. The west (rear) and south (side) boundaries are open. A single tree and hedging form the east (front) boundary. The site benefits from an existing access onto Tattershall Road. A footpath runs along Tattershall Road from the site into Woodhall Spa to the north.

2.4 To the west and north of the site lies open fields. To the north east of the site, on the opposite side of Tattershall Road, lies linear development which leads to Woodhall Spa. Two large developments have recently gained approval for residential dwellings. These are S/215/00230/20 and S/215/01657/20.

2.5 The site lies within Flood Zone 1 on the Environment Agency Maps.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 Planning Permission is sought for the erection of a bungalow and carport together with the erection of a new boundary wall.

3.2 In the supporting Design and Access and Heritage Statement (Section 3) the applicant states that they have owned Abbey Lodge since December 1986 and are now looking to take more of a back seat and their son will manage the business going forward, with the applicant overseeing and assisting their son. The applicants currently live in the apartment above the business and have done so since they took over. The proposal and succession plan for the business is for their son to have the apartment and for the applicants to construct a new property on the former village hall site to reside. This would allow them to be close to the business they have owned for 37 years, to be able to oversea and be on hand to cover annual leave and other eventualities.

3.3 The development would take design inspiration from the former Kirkstead village hall and is sited in a similar location. It would have the appearance of a bungalow, incorporating living space within the roof. The dwelling would have an 'L' shaped plan. Windows would be placed within the front, rear and side elevations. The dwelling would benefit from a small area of amenity space to the rear.

3.4 Proposed external materials (Drawing ref: RDS 11720/05 Rev C) include Horizontal larch walls under a natural clay pantile roof with grey powder coated aluminium windows.

3.5 A single carport is proposed at the front of the site which would lie parallel to Tattershall Road. Car parking would be provided to the front of the site. The existing access would be retained and used for the proposed bungalow. A new boundary wall would also be erected along the southern boundary with a pedestrian opening provided allowing access into the Abbey Lodge car park.

- 3.6 The existing tree at the front of the site would be removed and the existing frontage hedge would have its gaps infilled to match the existing hedge. A post and rail fence would be erected along the west (rear) boundary.
- 3.7 An electric vehicle charging point is proposed at the carport. Air Source Heating is also proposed.

4.0 CONSULTATION

- 4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised, and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Publicity

- 4.2 The application has been advertised by means of a (press notice and) site notice and neighbours have been notified in writing.
- 4.3 No third party representations have been received.

Consultees

- 4.4 WOODHALL SPA PARISH COUNCIL (15th August 2023) - No objections to the development.
- 4.5 LCC HIGHWAYS OFFICER (9th August 2023) - No objections to the development as existing access arrangements would be unchanged and footpath serves Woodhall Spa.
- 4.6 ENVIRONMENTAL HEALTH (11th August 2023) - No objection subject to conditions.
- 4.7 HERITAGE LINCOLNSHIRE (15th August 2023) - No objection subject to proposed materials/details reflecting the Listed Building. Key comments include, in summary:

As a rule, the subdivision of listed building curtilage by new development is not ordinarily supported. However, there is clear evidence provided via photographs and historical maps of there previously being a village hall situated on the proposed site, therefore the erection of the new bungalow is acceptable in principle, subject to conditions.

The proposal is deemed to be justifiable in principle both due to the previous use of the site, and the effort made by the applicant to resemble the once existing village hall building. However, to ensure this is done without jeopardizing the significance of the listed building and its curtilage, further information will be needed prior to determination or secured via condition as outlined in comments above (in relation to use of materials and detailed design considerations).

4.8 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

5.1 There is no planning history directly relevant to the application site.

5.2 The following applications have been determined in recent years for dwellings off Tattershall Road:

- S/215/01657/20 - Detailed Particulars relating to the erection of 6no. detached bungalows, 5no. pairs of semi-detached bungalows, 33no. detached houses (49no. dwellings in total) and associated garages (Outline Planning Permission ref no. S/215/01969/16 for erection of up to 49no. dwellings, granted 9th July 2019). - LAND OFF, TATTERSHALL ROAD, WOODHALL SPA, LN10 6TP
- S/215/00230/20 - Planning Permission - Erection of 41no. bungalows and 8no. dormer bungalows, erection of a residents pavilion, erection of walls and fences, provision of parking, construction of a balancing pond, construction of vehicular/pedestrian access and internal access roads. - LAND TO THE EAST OF TATTERSHALL ROAD, WOODHALL SPA, LINCOLNSHIRE

6.0 PLANNING POLICY & BACKGROUND DOCUMENTS

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

SP1 - A Sustainable Pattern of Places - confirms Woodhall Spa as a Large Village in the settlement hierarchy

SP2 - Sustainable Development - mirrors the NPPF position presuming in favour of sustainable development

SP3 - Housing Growth and the Local of Inland Growth - amongst other things, confirms a policy approach for consideration of windfall housing developments in the Towns and Large villages

SP10 - Design - seeks to ensure good design outcomes

SP11 - Historic Environment - seeks to ensure that heritage assets are appropriately considered

SP16 - Inland Flood Risk - seeks to ensure that flood risk and drainage matters are appropriately considered

SP22 - Transport and Accessibility - supports accessibility and seek to reduce isolation

SP23 - Landscape - amongst other things seeks to protect and enhance landscape character

SP24 - Biodiversity and Geodiversity - amongst other things seeks to protect and enhance the biodiversity and geodiversity value of land and buildings

National Planning Policy Framework (NPPF)

National Planning Policy Guidance

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

7.1 Having reviewed the submitted information and the relevant planning policies, the key material planning considerations relevant to this application are:

- Principle of development
- Design and Landscape
- Heritage
- Biodiversity
- Impact on Highway Safety
- Drainage
- Contaminated Land
- Planning Balance

Principle of the development

7.2 As stated above, Section 38(6) is the starting point for the assessment of this application which requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

7.3 Policy SP1 of the East Lindsey Local Plan Core Strategy 'Supporting Economic Growth for the Future' (Core Strategy), adopted July 2018, states that the settlement pattern shall guide the distribution, scale and nature of future development. Policy SP1 sets a hierarchal settlement pattern, comprising 'Towns', 'Large Villages', 'Medium Villages' and 'Small Villages'. Woodhall Spa is identified as a Large Village.

7.4 Policy SP3 of the Core Strategy outlines proposed housing growth across East Lindsey and directs windfall housing development toward towns and large villages.

7.5 Section 4 of Policy SP3 of the Core Strategy identifies circumstances where housing on windfall sites would be acceptable within settlements or outside, but immediately adjacent to the developed footprint. Developed footprint of a settlement is defined as the continuous built form of the settlement and excludes:

- *individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement;*
- *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;*
- *outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.*

7.6 The site is located outside of Woodhall Spa and while being in close proximity to the built-up settlement, it is not adjacent. There are large intervening fields between the Abbey Lodge and the built-up part of Woodhall Spa and the site has a characteristic of open countryside.

7.7 It is acknowledged that two large developments, referenced above, have been approved, bringing the built form of the village closer to the application site at the east side of Tattershall Road. The site also benefits from a footpath that runs directly from the site into Woodhall Spa and the speed limit of Tattershall Road at the application site is 60mph, reducing to 40mph at the Village.

7.8 However, having regard to the site's context and Policy SP3 criteria, it is assessed that the application site is located in the open countryside, being detached from the developed footprint of Woodhall Spa by fields. As such, the application site does not meet the criteria for an appropriately located windfall site as it is not within the settlement or immediately adjacent to the developed footprint.

7.9 For the above reasons, the principle of development is not considered to be supported by adopted policy.

Character and appearance of the area

7.10 SP23 of the Local Plan requires the District's landscape to be protected, enhanced, used and managed to provide an attractive and healthy working and living environment, requiring development to be guided by the District's Landscape Character Assessment.

7.12 Section 12 of the NPPF sets out the national approach to achieving well-designed and beautiful places through the planning system and states at paragraph 131 that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

7.13 ELLP Policy SP10 relating to design furthers this and sets out how the Council seek to support well-designed sustainable

development which maintains and enhances the character of the District's towns, villages and countryside by layout, scale, massing, height and density which reflects the character of the surrounding area.

- 7.14 The proposed dwelling would be sited on the footprint of the site of the former village hall, thereby matching the historic development pattern of the immediate area. It would have a relatively small footprint, and when seen within the context of the site, would be subservient to the Public House to the south. It has been designed to take inspiration from the former village hall and would assimilate well with the surrounding area. When viewed from the public realm, it is considered that the scheme would not create an incongruous feature within the site or the wider area.
- 7.15 Due to the limited scale, proposed design and siting of the development, the proposal is not considered to have a detrimental impact on the character and appearance of the area.
- 7.16 The proposal is therefore considered to be compliant with the requirements of paragraph 135 of the NPPF and Policy SP10 of the Local Plan.

Impact on Grade II Listed Building

- 7.17 The application seeks full planning permission for the construction a bungalow and car port within the curtilage of the Grade II listed Abbey Lodge Public House.
- 7.18 In accordance with the statutory duties set out in sections 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to the desirability of preserving listed buildings and their settings, or any features of special architectural or historic interest which they may possess. The NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset that great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.19 NPPF Section 15 states special regard must be paid to the desirability of preserving listed buildings and their settings, or any features of special architectural or historic interest which they may possess. The NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset that great weight should be given to the asset's conservation.
- 7.20 Policy SP11 of the ELLP sets out how the local planning authority aims to secure the continued protection and enhancement of heritages assets, supporting proposals that preserve and enhance

heritage assets and their setting and the special character, appearance and setting of conservation areas.

- 7.21 The proposed development would take place at the northernmost area of the curtilage, on a grassed area that was formally occupied by a village hall formed of formed of horizontal timber cladding and metal sheet roofing, this was demolished in 2015 due to being structurally unsound. Heritage Lincolnshire have been consulted on the application and have concluded that 'The proposal is deemed to be justifiable in principle both due to the previous use of the site, and the effort made by the applicant to resemble the once existing village hall building. However, to ensure this is done without jeopardizing the significance of the listed building and its curtilage, further information will be needed prior to determination or secured via condition'.
- 7.22 It is therefore considered that given the history of the site, the proposed layout, and the quality of the design which reflects an historic building, the scheme would not have a detrimental impact on the character or setting of the Listed Building to the south.
- 7.23 It is therefore considered that the proposed development would be acceptable in terms of potential impact on the setting of the heritage asset set out above, having regard to the requirements of policy SP11 (Heritage Assets) of the East Lindsey Local Plan, the NPPF and the statutory duty of the Council as set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential amenity

- 7.24 Criteria 5 of Policy 10 of the Local Plan states development will not be supported where it causes harm to residential amenity.
- 7.25 The site is of sufficient size to enable a dwelling to be located on site without having a detrimental impact on occupiers of any neighbouring properties. The closest properties are located a significant distance away. No third-party representations have been received.
- 7.26 The site lies adjacent to and is within the curtilage of the Abbey Lodge public house. The car park serving the public house would like adjacent to the proposed dwelling and the boundary treatment between the two sites is a low level brick wall. As set out above, it is the applicants' intention to live in the bungalow and provide support to the operation of the public house. Consideration has therefore been given as to whether a condition would be necessary and reasonable to require the dwelling to be tied to the Public House. The concern being that, if permitted and the dwelling were to be occupied independent of the public house, the operation of the public house or use of the car park could lead to disturbance to the dwelling. This could either result in a reduction in the amenity

of future occupiers or an impact on the business by having to manage the site around avoiding disturbance to the occupiers of the property.

- 7.27 However, having regard to the proximity of the public house and the nature of background noise from the adjoining road, it is considered any impact could be appropriately managed and that on balance, acceptable levels of amenity could be safeguarded.
- 7.28 The proposal is therefore considered compliant with criteria f of paragraph 135 of the NPPF and criteria 5 of Policy SP10 of the ELLP with respect to amenities of existing and future occupiers.

Highway Safety

- 7.29 Criteria 5 of Policy SP10 also states that development will be supported if it does not unacceptably harm or reduce the safety of highways, cycleways and footways. Paragraph 115 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
- 7.30 Officer opinion is that one additional dwelling would not lead to a significant intensification of the use of the road. The proposed dwelling would be served by an access with good visibility in both directions and therefore ingress and egress can be undertaken safely. Sufficient car parking to serve the size of the property would also be provided on site.
- 7.31 The proposals have been assessed by LCC Highways Department who has confirmed that the proposals would not have an unacceptable impact on Public Safety or severe impact upon the road network.
- 7.32 Paragraph 116(e) of the NPPF states that development should 'be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations. The development includes the provision of an electrical vehicle charging points and therefore the NPPF requirement is satisfied.
- 7.33 The scheme is therefore considered to accord with Criteria 5 of Policy SP10 and paragraph 111 of the NPPF.

Biodiversity

- 7.34 In England and Wales, the Natural Environment and Rural Communities (NERC) Act 2006, imposes a duty on all public bodies (including Local Authorities and statutory bodies) to conserve biodiversity – including restoring and enhancing a population or habitat. In addition, government planning policy guidance throughout the UK, provided in the latest National Planning Policy

Framework (July 2021), states that '...local planning authorities should apply the following principles'; 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.

- 7.35 Strategic Policy 24 (SP24) - Biodiversity and Geodiversity states that 'Development proposals should seek to protect and enhance the biodiversity and geodiversity value of land and buildings and minimise fragmentation and maximise opportunities for connection between natural habitats.'
- 7.36 Paragraph 175 of the NPPF requires development proposals minimise harm to biodiversity and provides opportunities for biodiversity enhancement.
- 7.37 The site is laid to grass and there is no evidence submitted in the application that would indicate any protected species are present. The proposed development includes proposals for native hedge planting along the front (east) boundary to infill existing gaps. An existing tree would be removed at the front boundary. A post and rail fence is proposed along the west boundary, no supplementary hedging or other landscaping is proposed along this boundary. There is therefore some loss and some gain to ecology.
- 7.38 Subject to a condition requiring a detailed landscape scheme for the front (east) and rear (west) boundaries of the site together with the provision of bird and bat boxes within the site and/or on the proposed bungalow or carport, it is considered overall that the loss of the existing tree could be justified and an enhancement to ecology provided.

Contaminated land

- 7.39 The Council's Environmental Health Department have been consulted as part of the application process. They have advised that the proposed residential development is a sensitive end-use and the development is required to assess and address any potential contamination risks. The applicant has provided supporting information in the form of a Ground Contamination Investigation and Assessment, Phase 1 Desk Study which demonstrates that though remediation measures at Section 5, any potential risks can be reduced to an acceptable level.
- 7.40 For this reason, and to ensure the protection of any future residents, if planning permission were to be granted, conditions to require remediation as set out in the Phase 1 desk top study are recommended.

Drainage

- 7.41 The supporting Design and Access and Heritage Statement (para 7.12) states that foul drainage will be connected to the on-site Anglian water system, storm water drainage will be taken to soakaways, sized in accordance with the BRE digest 365.
- 7.42 The preliminary details for both surface and foul water disposal are considered to be acceptable. It is recommended that a condition is placed on any permission to ensure that all details of surface water and foul water removal are implemented in accordance with the specified details. This will ensure that all surface water and foul water is disposed of in the correct manner with appropriate management.

Planning Balance

- 7.43 Policies SP1 to SP4 of the East Lindsey Local Plan set out the Councils adopted housing strategy and guides the distribution and scale of future development across the district. Policy SP3 specifically relates to large villages including Woodhall Spa and outlines circumstances where new housing may be acceptable. In this case, the proposed application site would not be within or adjacent to the developed footprint of Woodhall Spa.
- 7.44 The key issues is whether the site is an appropriate location for the proposed development having regard to the development strategy for the area and if there are any material considerations individually or cumulatively that would outweigh compliance with Policy SP3.
- 7.45 The applicant has presented a number of material considerations which are summarised and discussed below:
- **Trajectory of housing growth and settlement pattern:** - The sites location and the siting of the proposed bungalow would retain the overall core shape of the settlement; - the surrounding area has seen a number of large scale housing developments. This development is just a continuation of that pattern of development. It would not significantly encroach into the countryside and would be still feel attached to the settlement. **Officer Comment:** It is acknowledged there has been large scale housing growth at the east side of Tattershall Road. However, the context of the site at the west side is still very much open with intervening fields between the site and the village. This is therefore given little weight in the weighing up of the proposals.
 - **Not significantly harm the settlement's character and appearance or setting of the Grade II listed building:** - The proposed development reflects the design and siting of an historic village hall its subservient design and materials would

not have an adverse impact on the character of the area or setting of the Grade II listed Abbey Lodge. **Officer Comment:** The former Village Hall has been demolished and in the 8 years since this was undertaken, the grassed area has taken on an undeveloped character. However, having regard to the consultation response from Heritage Lincolnshire, existing and proposed landscaping and the historic maps of this site, the development has overall been assessed as being acceptable in terms of heritage and character impacts.

- **Footpath and sustainable location:** -The site is served by a footpath which runs to the built-up village area which would ensure that any future residents would not have to rely on private car use to access the wide range of shops and services within Woodhall Spa. It is therefore considered that the site is located within a relatively sustainable location with easy access to shops and services. **Officer Comment:** The presence of the footpath and the ability for future occupiers to walk into the village to access services and amenities is noted and given weight.
- **Not a departure as a whole:** The proposal is not a departure of the plan as a whole, as the development is in line with the strategic aims of the Local Plan, including the need to locate housing growth in sustainable locations and there are also good pedestrian and vehicle connections to the main built-up area of the village. **Officer Comment:** The sustainable context of Woodhall Spa as a settlement is acknowledged; however, the proposal does not accord with the compliance criteria of the relevant policy as it is not within or adjacent to the settlement.
- **Compliance with other general plan policies:** The proposal has also been shown to comply with policies relating to ecology, landscape, the historic environment, highway safety, drainage and residential amenity. There are no objections from third parties or consultees who have made comment on the application. **Officer comment:** The low harm in respect of the planning matters listed above is a benefit to the proposals, however, not considered sufficient to outweigh non-compliance with the locational criteria of Policy SP3.
- **Support the Public House:** The proposal is for the applicants' who are the current proprietor of Abbey Lodge to live in the proposed development while their son takes on the lead for the business and they provide support. The dwelling is therefore presented as a benefit to the business. **Officer comment:** There is no personal condition recommended by the applicant to ensure the site remains as one planning unit. Without this condition, the property could be sold and occupied independent of the business. If Members consider this matter to be of greater weight, in terms of direct benefit to the operation of the Abbey Lodge as a community facility, a condition is recommended as

appropriate to require occupiers of the proposed dwelling to be employed/associated with the Public House.

- 7.46 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the material considerations presented in the application, it is considered in the planning balance, that the benefits of the development do not outweigh the harms and would not justify a departure from the housing policies within the Local Plan.

8.0 CONCLUSION

The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Furthermore, it is considered that the proposal, if permitted, could set a precedent for further housing development in an inappropriate location, contrary to the requirements and objectives of the East Lindsey Local Plan

10.0 OFFICER RECOMMENDATION: Refuse for the following reason:

RECOMMENDATION: Refuse

for the following reasons:

Policies SP1 to SP4 of the East Lindsey Local Plan set out the Councils adopted housing strategy and guides the distribution and scale of future development across the district. Policy SP3 specifically relates to large villages including Woodhall Spa and outlines circumstances where new housing may be acceptable. In this case, the proposed application site would not be within or adjacent to the developed footprint of Woodhall Spa. The material considerations presented in the application are not sufficient to outweigh the spatial strategy which sets out the approach to sustainable development across the District. The proposal therefore does not accord with the requirements of Local Plan Policies SP1, SP2 and SP3 which aim to deliver sustainable development.