



PL.02 13/14
<b>Planning Committee</b>
<b>Date 26 June 2013</b>

**Subject: Planning applications for determination**

Report by:

Director of Regeneration and Planning

Contact Officer:

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Purpose / Summary:

The report contains details of planning applications that require determination by the committee together with appropriate appendices

**RECOMMENDATION(S): Each item has its own recommendation**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial :** None arising from this report.

**Staffing :** None arising from this report.

**Equality and Diversity including Human Rights :** The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

**Risk Assessment :** None arising from this report.

**Climate Related Risks and Opportunities :** None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

**1 - 129426 – Cherry Willingham**

Planning application for change of use of gamesroom to provide child care facilities at 64 Croft Lane, Cherry Willingham

**RECOMMENDED DECISION:** Grant Permission

**2 – 129581 - Burton**

Planning application for proposed residential development of 1no. pair of semi detached dwellings, 1no. detached dwelling and detached garages - resubmission of 128808 – on land R/O 30 Laughton Road, Blyton

**RECOMMENDED DECISION:** Grant with conditions subject to the signing of a unilateral undertaking securing a contribution towards affordable housing in the District

**3 - 129764 – Hemswell Cliff**

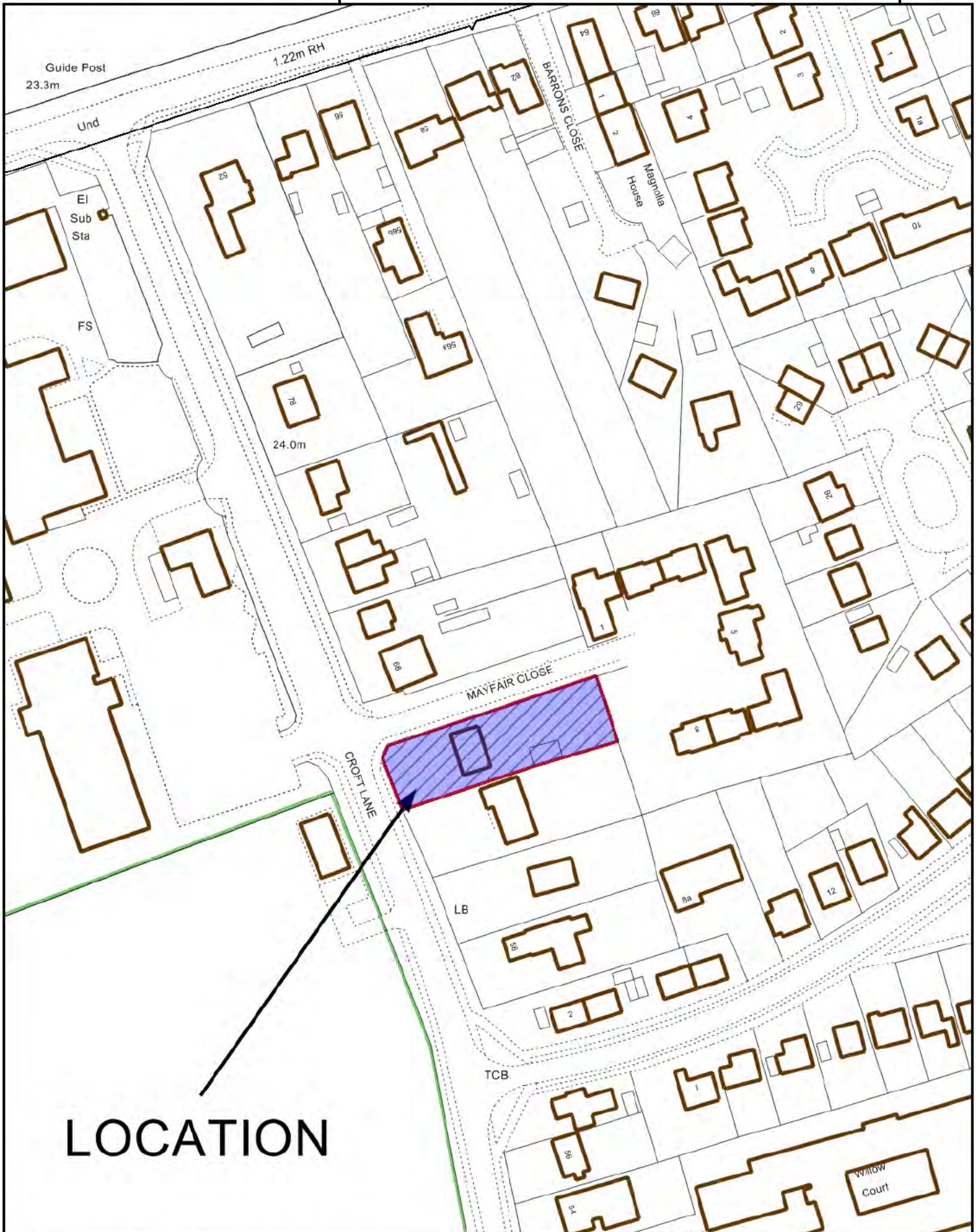
Planning application for new first floor extension to existing single storey antiques centre at Former Guardsroom Gibson Road Hemswell Cliff

**RECOMMENDED DECISION:** Refuse Planning Permission

**4 – 129973 - Scothern**

Planning application for change of use of land at rear from paddock land to garden land and erection of single storey annexe at 3 The Oaks, Scothern.

**RECOMMENDED DECISION:** Grant with Conditions



**LOCATION**

## **Officers Report**

### **Planning Application No: 129426**

**PROPOSAL:** Planning application for change of use of gamesroom to provide child care facilities.

**LOCATION:** 64 Croft Lane Cherry Willingham Lincoln LN3 4JP

**WARD:** Cherry Willingham

**WARD MEMBER(S):** Cllr Mrs I Parrott and Cllr A Welburn

**APPLICANT NAME:** Mr Taylor

**TARGET DECISION DATE:** 26/03/2013

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Grant Permission

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#### **Introduction**

This is a detached extended house with a long rear garden that sits on a corner plot at the junction of Croft Lane with Mayfair Close within Cherry Willingham. To the north across the access road are other dwellings served off Croft Lane. Mayfair Close serves a development of newly constructed houses in a courtyard layout that runs along the rear boundary of the application site and the adjacent dwelling, number 62. On the opposite side of the road to the west is the Cherry Willingham Community School which includes a Sports hall and car park. A layby runs from the entrance to the school to its exit. Bus stops are present on both sides of Croft Lane within walking distance of the application site.

Permission was granted in 2012 for extensions to the property including a two storey rear extension and a single storey side and rear extension extending along the full length of the southern (side) boundary with number 62. The single storey extensions were to provide a games room, gym and workshop (Ref: 128791). The extension intended to provide a games room has been built although the gym and workshop has not. It is now being used to provide child care facilities and operates as "Cherry Cherubs". This application seeks retrospective planning permission for the change of use. An additional turning area and three parking spaces (following comments received from LCC Highways) is also now proposed. A noise assessment was also submitted in support of the application.

#### **Existing operation**

There are four members of staff including the applicant and his wife who live at the house. Child care facilities are provided from 07.30 to 18.30 Monday to Friday. The maximum number of children is limited by OFSTED to 24.

#### **Representations:**

**Chairman/Ward member(s):** Councillor Anne Welburn: Whilst I fully agree these type of facilities are needed and this may be a good site I am concerned 30 parents arriving to pick up and drop off 30 children will be disruptive to the neighbour. I would question the availability of the parking as a mini bus for the play group operates from the site. I would request that this application is brought to committee for consideration if officers are minded to grant approval

**Cherry Willingham Parish/Town Council:** Agrees to the principle. It is happy with the design and considers it to be a positive move. It is concerned at the lack of information provided and feels clarity is required regarding the number of children involved since this information would determine the potential impact.

**Local residents:** 14 representations have been made.

Objections to the proposals which total **nine** have been received from: 62 Croft Lane, 68 Croft Lane, 2 Mayfair Close, 3 Mayfair Close, 6 Mayfair Close and 8 Mayfair Close. Representations received from 4, 5 and 9 Mayfair Close have been signed by MJB Properties who built the new houses.

Grounds of objection are:

- Noise and nuisance due to close proximity to kitchen door
- Insufficient car parking to serve clients, staff and visitor's
- Children playing in the garden will spoil our enjoyment of quiet area and our homes
- Very busy road already due to proximity of school and limited on street parking due to junctions, bus stops and access to existing houses
- Mayfair Close is a private road maintained by residents which cannot be used by anybody else
- Increased risk to road users and pedestrians
- Existing school has activities through the day and into the evening especially with the recently opened gym
- Possible deception in relation to intention behind original application
- No benefit to community
- Will change the character of this residential area

Support for the proposal which totals **five** have been received from: 7 Franklin Way, "Brambles" on Hawthorn Road, Flat 5 -The Parade, 18 Walter Hill and 2 Exley Square:

- Cherry Cherubs' provides the most professional and caring environment I have encountered
- All my children have benefitted from using this facility which they love
- Invaluable to me as a single parent to have such excellent child care providers
- After being unemployed for 10 months I now have an apprenticeship where I feel supported and able to develop personally and professionally. The environment is very rewarding and educational due to the high regard for children with disabilities and extra needs. I have been given training and support on a variety of issues. Very supportive and helpful towards me gaining my qualification

**LCC Highways:** No objections (following the submission of amended plans). Parking spaces should be a minimum of 2.4 metres in width and 6 metres in length.

**Public Protection:** Following submission of the noise assessment there is no objection to the proposal. Given the aging nature of the current wooden fence between 64 and immediate neighbour at 62 Croft Lane I would recommend that the applicant is advised to install an acoustic barrier, of suitable height and length to further reduce noise impact from the outside play area at the rear of the development upon the rear garden of the neighbouring property. Similarly I would recommend an acoustic barrier of suitable size is installed along the boundary at the front of the development to reduce any noise impact from activity at the entrance door on the neighbouring property. The above actions would result in a reduced likelihood of any future complaint regarding noise.

### **Relevant Planning Policies:** **Development Plan**

- **West Lindsey Local Plan First Review 2006 (saved policies)**

STRAT1 – Development requiring planning permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

### **Other relevant policy**

- **National Planning Policy Framework (2012)**

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

### **Main issues**

- The effect of the proposal on the living conditions of neighbours through noise and disturbance
- Highway Safety

### **Assessment:**

**Residential Amenity** - In terms of providing a context the child care building is located within a primarily residential area that has a 500 pupil school with associated facilities across the road. Closest to the application site is the sports hall with car parking to the front. Community sporting facilities are provided within the grounds of the school including the Keith Alexander Football Centre and there is also paid gym membership available which extends the “normal” hours of use of the school site. Croft Road is on a bus route with bus stops within close proximity to the application site on both sides of the carriageway. It is also pertinent to note that the site occupies a corner plot with only one direct neighbour to the south (number 62).

There are two main sources of noise and activity. The first is from the dropping off and the collection of children from the premises. The second is the noise from children playing in the garden. In the case of the first the level of noise and activity will depend on the numbers involved and the times that this occurs. Attendance lists have been provided by the applicants. Using the data for 15<sup>th</sup> April 2013 shows 19 children were dropped off and subsequently collected. Over a two hour period from 0730 to 0930 there were 11 drop offs of 12 children as two were siblings. The next "drop off" of two siblings was at 12.00. The remaining 5 children were dropped off in three trips one of which was the minibus collecting 3 students from schools, between 15.30 and 16.00.

Three children were collected at 0830 and taken by the minibus to school. The fourth child was collected at 12.20. There were three collections of 5 children (siblings) between 15.00 and 15.59. Three children were collected in 3 trips between 16.00 and 16.59 and seven children between 17.00 and 18.00. As can be seen this activity is staggered and is not constant throughout the day which helps to disperse impact. The front entrance door to the facility is close to the kitchen door on the side elevation of the neighbouring property which visitors will have to pass by although it is screened by a wooden fence along the boundary. The fence will prevent views into the neighbouring property but is not considered to be effective at reducing noise from activity at the entrance. It is considered in line with Public Protection comments above that an acoustic fence will be required along this section of the site in order to make the development acceptable. A condition requiring the details of an acoustic fence to be submitted for approval and subsequently implemented in accordance with those details within 28 days will be imposed. In addition conditions will be required limiting the operation to between 07.30 and 18.30 Monday to Friday only and limiting the number of children to 24.

The childcare building is constructed of brick and there are no openings on the wall that runs along the boundary with the rear garden of number 62. The doors and windows face inwards. The solid wall helps to reduce the transmission of noise from children in the garden although it does not extend the full length of the garden. The noise report addressed the issue of noise from the garden and showed that it fell within acceptable limits. In line with the comments from Public Protection it is still considered necessary in order to protect adjoining residential amenities to require the installation of an acoustic fence to the rear of the childcare building.

Subject to the imposition of the conditions above it is considered that the effect of the proposal in terms of noise and disturbance is within acceptable limits and does not constitute a reason to withhold consent.

**Highway Safety** – In terms of additional traffic movements it is not considered to represent any increase of any significance when assessed against existing levels of traffic. The initial concern from the LCC Highways related to ensuring sufficient car parking and the availability of a turning area to enable vehicles to leave the site in a forward gear. This is now proposed and will be required to be implemented within 28 days of the decision notice being issued. Accordingly there are no grounds to withhold consent on the grounds of harm.



### **Other matters**

In relation to objectors' comments about changing the residential character of the area this will still be the case as the house will still be in use as a family dwelling. It is not considered uncommon to find such uses within residential areas.

### **Reasons for granting permission**

The proposal has been considered against the provisions of the Development Plan in the first instance specifically policy STRAT 1 – Development Requiring Planning Permission of the West Lindsey Local Plan First Review 2006 (Saved Policies) as well as against all other material considerations. These include the National Planning Policy Framework 2012. Accordingly in light of this assessment, and, subject to the imposition of the conditions above, it is considered that the proposal will not result in unacceptable impacts on neighbours living conditions or on highway safety. It is considered to represent a sustainable form of development that also provides local employment opportunities and a grant of planning permission is considered to be the most appropriate response.

### **Recommendation: Grant planning permission subject to conditions**

1. The day nursery hereby permitted shall only operate between the hours of 07.30 and 18.30 on Mondays to Fridays: and at no time on Saturdays, Sundays and Bank Holidays

**Reason:** To protect the amenities of adjoining properties in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review (2006)

2. Always subject to Condition 1 on Saturdays, Sundays and Bank Holidays above, the maximum number of children cared for on-site at any one time shall not exceed 24.

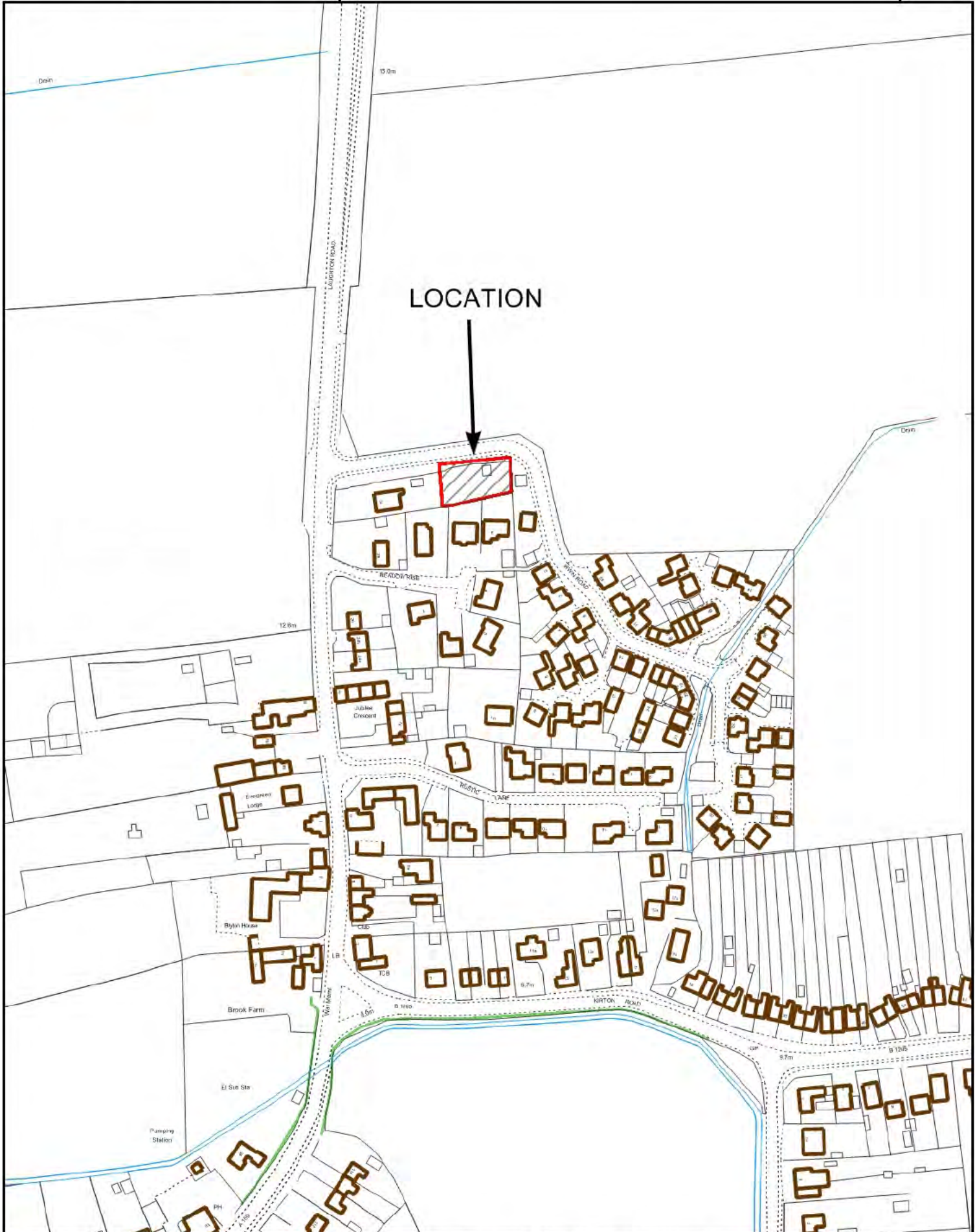
**Reason:** To protect the amenities of adjoining properties in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review (2006).

3. Within 28 days of the date of this decision details of acoustic fencing shall be submitted for the written approval of the local planning authority and the approved details shall be implemented in full along the boundary shaded yellow on the plan date stamped 26<sup>th</sup> June 2013. The approved details shall thereafter be retained.

**Reason:** To protect the amenities of adjoining properties in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review (2006)

4. Within 28 days of the date of this decision the additional car parking spaces and turning head shown on the plan received on 26<sup>th</sup> April 2013 shall be provided in full and retained thereafter. Each car parking space shall measure 6 metres in length and 2.4 metres in width.

**Reason:** In the interests of Highway safety in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review (2006)



## **Officers Report**

### **Planning Application No: 129581**

**PROPOSAL:** Planning application for proposed residential development of 1no. pair of semi detached dwellings, 1no. detached dwelling and detached garages - resubmission of 128808

**LOCATION:** Land R/O 30 Laughton Road Blyton Gainsborough,  
Lincolnshire DN21 3LG

**WARD:** Thonock

**WARD MEMBER(S):** Councillor Rollings

**APPLICANT NAME:** Mr R Leggott

**TARGET DECISION DATE:** 01/04/2013

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Zoe Raygen

**RECOMMENDED DECISION:** Grant with conditions subject to the signing of a unilateral undertaking securing a contribution towards affordable housing in the District

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**Description:** Application site is located to the rear of 30 Laughton Road in Blyton. The site forms an area of what was part of the garden of 30 Laughton Road but has been separated through the provision of a 1 metre high post and rail fence. To the east of the plot is 30 Laughton Road a bungalow with detached garage sited in the rear garden. To the west of the site is the garden curtilage of 1 Irwin Road which has a garage sited adjacent to the boundary. The boundary treatment here is 2 metre close boarded fencing. To the south of the site are the rear boundaries of two residential properties – 5 and 6 Meadow Rise and a commercial garage also on Meadow Rise. The boundary to the rear is varied formed by a 1.8 metre wall, a 2 metre laurel hedge and 2 metre close boarded fencing.

To the front of the plot is a mature native hedgerow, beyond that Irwin Road and then open fields. The site is within the development limit of Blyton and currently has an extant outline planning permission for 3 houses.

The application is for full planning permission for the erection of 1 pair of semi detached dwellings and one detached dwelling with access direct from Irwin Road. A drop kerb has already been implemented into the site which would not require planning permission.

#### **Relevant history:**

M04/P/1222 – Outline planning permission for a dwelling and a garage  
Granted conditionally 2004

M06/P/1064 – Outline planning permission for 3 dwellings and garage  
Granted Conditionally 2006

125143 - Outline planning application to erect 3 dwellings and a new garage (scale and access not reserved for subsequent approval)(replacement of planning permission M06/P/1064). Granted April 2010

128088 – Residential development of 1 detached dwelling 1 pair semi detached dwellings and 1 detached garage Withdrawn by applicant August 2012

**Representations:**

Chairman/Ward member(s): Requested that application is considered at Committee on the grounds that it will have a significant impact on the properties at no5 and 6 Meadow Rise.

Although, I understand that previous consent has been given, a lot of controversy surrounds development in this area. The properties in the Bovis homes development have completely overshadowed properties on Rustic Lane, making some of them un-sellable (as they have been devalued so much). There have also been problems with surface water running downhill into the pub in the centre of the village from this area.

The decision needs proper consideration.

Parish/Town Council/Meeting: The site is adjacent to the attractive and well maintained roadway entrance to the Irwin Road housing development site and land is currently well screened from view by a well maintained screen hedge. We still feel that observations on previous scheme still stand although this is a different scheme which looks better than the previous one separation at the rear of the pair of semis is less than ideal and the three storey house will be visually dominant at the edge of the development and out of character with the bungalow at No 30. Prefer to see single storey development here rather than visually dominant two and three storey development proposed. Several empty homes already, further homes surely not required. Believe flooding has already been an issue, further homes will add burden to the existing drains. Concerned about access problem.

Local residents: resident of 5 Meadow Rise objects to development:

Development is too high and not in line with previous permissions

How will land levels be dealt with

Overlooking from rear windows particularly in the semi detached dwellings

New access to Irwin Way, no current access

Concern over use of soakaway and impact on garden

Land has been tended as a garden during 2012

There is a hedge on site contrary to details of planning application

There may be bats in old shed on the site

Resident of 5 Irwin Road

Land is not council land but owned and maintained by Bovis Homes

Poor job of vehicular access  
 Development not in keeping with other housing in the area would look totally out of place on the edge of the village  
 Access close to bend and will increase accidents  
 Many existing properties for sale  
 How established is developer – do not want half finished houses  
 Overdevelopment of plot

LCC Highways: No objections subject to the application of standard highway conditions

Environment Agency: None received

Archaeology: No comments

Building Control: None received

WLDC Environmental Protection: Ownership and status of foul sewer to which the proposal is to connect should be confirmed, also confirm status of highway. Significant area of site developed for hard surfacing all of which will need to be dealt with on site. Statement indicating that surface water is to go to soakaway unlikely to be adequate.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework – Part 6 Delivering a wide choice of high quality homes, Part 7 – Requiring good design

#### West Lindsey Local Plan First Review 2006

STRAT 1 – Development requiring planning permission  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 3 – Settlement hierarchy  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 6 – Windfall and Infill housing Development in Primary Rural Settlements  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 9 – Phasing of housing land and release of land  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

RES 1 – Housing layout and design  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES 6 – Affordable housing  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

## NBE 20 – Development on the edge of Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

The above policies were saved in 2009 but the weight afforded to them must be considered in the context of their conformity with the National Planning Policy Framework 2012. The policies have been assessed and where it is considered that they or parts of the policy do not accord with the NPPF it will be noted in the report.

### **Main issues**

- Principle of use
- Impact on residential amenity
- Impact on visual amenity
- Highway safety
- Drainage
- Affordable housing

### **Assessment:**

#### *Principle of use*

Policy STRAT 3 defines Blyton as a primary rural settlement. Policy STRAT 6 therefore is a permissive policy allowing limited small scale and infill housing subject to various criteria and providing the development is on previously developed land.

The site forms garden land and therefore is classed in the NPPF as Greenfield land. Policy STRAT 9 also lists garden land as the lowest priority for the release of land for development. The site does though have the benefit of outline planning permission for three houses which is currently extant until April 2013. While this is a material consideration and has some weight, as the current application is for full planning permission it is open to the planning authority to take into account changing circumstances since the previous approval such as the alteration of the classification of garden land from brown field to green field and the current housing supply figures.

It is the Regional Plan rather than the older Local Plan Review that provides such targets for housing supply. The most recent snapshot provided within the West Lindsey Housing Land Supply Assessment 2011 states that there is currently a 6.6 year supply when measured against the 480 dwelling provision for the district (outside of the Lincoln Principal Urban Area) cited in the Regional Plan.

The NPPF requires the identification and maintenance of a rolling supply of deliverable sites sufficient to provide five years worth of housing. The supply should include an additional allowance of 5 per cent to ensure choice and competition and to identify a supply of specific development sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15

Work to up date this figure in 2013 would suggest that there is likely to be a reduced level of supply, this together with recent appeal decisions suggesting that the provision of a small number of dwellings would not have an unacceptable impact on the housing supply figures and the policy of the Council for growth would suggest that the provision of three houses could be accommodated here. In addition although the site is Greenfield it is on the edge of a new housing estate within the settlement limit of a primary rural settlement suggesting that the development would be in a sustainable location as required by the NPPF.

It is concluded therefore that in principle the application site presents a suitable location for the provision of new housing.

#### *Impact on residential amenity*

The principle properties that may be affected by this development are 30 Laughton Road, 1 Irwin Road and 5 and 6 Meadow Rise.

#### 30 Laughton Road

The property forms a bungalow sited on the junction of Laughton Road and Irwin Road. It has a detached garage to the rear and a rear garden of 42 metres. The application site was formerly part of the bungalows garden. The side elevation of the closest new house will be 23 metres from the rear elevation of the bungalow and the rear elevation of the new house is set in line with the side elevation of the bungalow. There are no windows in the side gable elevation of the new property. The new house here would be 9.4 metres to the top of the pitch of the roof, which would clearly higher than the bungalow. However it is considered that the distance between the properties and the orientation of the properties should ensure that there is no undue harm caused to the amenity of the residents of No 30 Laughton Road by virtue of overbearing or overlooking.

#### 1 Irwin Road

1 Irwin Road forms a detached two and a half storey house located 12 metres from the application site but sited at an angle so that its main outlook is away from the application site. The nearest new building will be 19 metres away but at an oblique angle so that there is no opportunity for overlooking or the creation of an overbearing presence which would be harmful to residential amenity. There are no windows in the side elevation of the new house and therefore no potential for overlooking into the garden of 1 Irwin Road

#### 5 Meadow Rise

5 Meadow Rise forms a two storey house with a rear elevation overlooking the application site. Objections have been received from the owner of No 5 regarding the potential for overlooking and the impact of the land levels. The boundary between the two is formed by a 1.8 metre high wall. The new semi



detached houses are sited in line with No 5 and will be sited 21 metres from the rear elevation of No 5. This is not an unusual relationship in new developments and within informal guidance regarding the distance between rear elevations of properties to avoid the potential for direct overlooking. While the two properties will be of a similar height ( the new house being 900 mm higher than the existing) it is considered prudent to add a condition to any permission requiring existing land levels and proposed floor levels to ensure that the height of the house is not unduly raised.

The windows in the rear elevation of the new houses at first floor will be to four bedrooms. It is considered that the distance between the properties is sufficient to ensure that there will not be harm caused by overlooking between the properties. Overlooking from ground floor windows will be mitigated by the boundary treatment.

Detached garages are proposed adjacent to the rear boundary but these are single storey at a height of 2.3 metres to the eaves and 4.5 metres to the top of the pitch of the roof which will slope away from the neighbouring properties. It is not considered therefore that these would be harmful to residential amenity.

#### 6 Meadow Rise

6 Meadow Rise forms a detached two storey house with a rear elevation overlooking the application site. The boundary here is formed from a 2 metres laurel hedge.

The new house would be sited slightly staggered to No 6 at a distance of 20.5 metres from the rear elevation of no 6. While this is 500mm below the informal guidance distance of 21 metres, it also needs to be borne in mind that when the previous outline consent was approved siting of the three properties was approved as part of that permission. Although the new adjacent housing was not built, the permission was in place and relationships were considered at that stage. The houses proposed in this location were so at a distance far closer to the rear boundary. While these houses were smaller the opportunity for overlooking would have been far in excess of that which may be apparent in the current proposals. The first floor of the house contains two windows, one to a landing and one to a bathroom. The one to the bathroom will be obscure glazed and the one to the landing will clearly not be to a habitable room. It is concluded therefore that the proposals will not be harmful to the amenity of No6 Meadow Rise by virtue of overlooking.

The new house is proposed at a height of 9.3 metres. This will be higher than the existing house by 1.4 metres but it is considered that the distance between the properties will ensure that there will not be harm caused by an overbearing presence.

Due to the close relationships it is also considered prudent to add a condition removing permitted development rights for the houses so that the local planning authority can continue to assess impacts on the surrounding houses.

### *Impact on visual amenity*

The site is located on the edge of the Blyton adjacent to open countryside. Policy NBE 20 requires that developments on the edge of settlements have design proposals which respect and maintain the existing character and appearance of the boundary of the settlement boundary and has an agreed scheme of landscape treatment. The existing character is demonstrated by the provision of a mixture of two and three storey buildings and a hedge to the edge of the development. Objections have been received regarding the impact of this development on the open countryside and that it is not in accordance with the parameters set on the outline planning permission. When the permission was granted in 2006 conditions were attached that stated that the semi detached footprint should be 6.5 x 6.5 metres (42.25 square metres) and the detached house 7 x 6.5 metres (45.5 square metres) with an overall height of 5.2 metres to the eaves and 7.5 metres to the top of the pitch of the roof. It was considered that this would ensure there is sufficient space between buildings and that it would take place at a scale which is appropriate for the location of the site on the edge of the village.

The application submitted is for full planning permission and therefore while conditions on the outline permission carry some weight, these are some what overly prescriptive and the new proposals need to be judged on their own merits. In any case the foot prints of the house are 9 x 6.1 metres (54.9 square metres) and that of the semi detached houses 5.2 x 7.8 metres (40.56 square metres). It is considered therefore that the size of the houses is acceptable and ensures that the site is not overdeveloped displaying a cramped appearance to the open countryside.

The height of the buildings is 5.4 metres to the ridge and 8.7 metres to the top of the pitch of the roof for the semi detached houses. The detached house is 5.7 metres to the ridge height and 9.4 metres to the top of the pitch. However given the existing new buildings and the similar scale of those to these proposed three new buildings it is not considered that the view into the settlement from the open countryside would be altered to such a level that would cause undue harm to the visual amenity of the area.

The hedge to the front of the site could be retained apart from the part needed to be removed for the access and this could be the subject of a condition. In addition a requirement for a landscaping scheme could be added as a condition to further soften the edge of the development.

The design of the houses is modern to reflect the surrounding houses and this will provide the opportunity to provide front elevations to the road and the surrounding area. A condition will need to be applied to ensure that the materials used on the development are appropriate for the location.

### *Highway safety*

The development proposes a new access into the site from Irwin Road. The previous permissions proposed access along the side of 30 Laughton Road. The installation of a drop kerb off Irwin Road does not require planning permission and has been started on site but does require completing to an acceptable standard. A condition requiring further details would secure such work. The installation of an access here enables the houses to be set further forward in the site to allow adequate distance to properties to the rear and reduces the impact of the proposals on No 30 Laughton Road.

The Highway Authority have confirmed that they have no objections to the proposal subject to the addition of standard conditions

### *Drainage*

Concerns have been raised by the neighbours, the Parish Council and the Environmental Protection Officer regarding the suitability of using soakaways on the site. In addition confirmation is required regarding the ability to connect into the existing foul sewerage system. It is considered therefore prudent to add a condition requiring details of both systems prior to work commencing on site.

### *Affordable housing*

Policy RES 6 requires the provision of affordable housing in settlements with a population less than 3000 in the region of a 25% contribution. A condition was applied to the outline planning permission requiring the submission of a scheme of affordable housing to be approved. The owners of the site appealed to the Planning Inspectorate against the addition of this condition. The appeal was dismissed. The owners did however provide a viability report for the development of the site which suggested that the site could not be developed at the proposed level and afford a £36,325.50 contribution.

However the proposal does now have some amendments in the form of a new access and slightly larger houses and therefore the applicants will need to again demonstrate the viability of the scheme taking account of the required contribution. The applicants have submitted a viability assessment as part of the site which demonstrates that that allowing for a profit margin of 10% there would only be a net residual land value of £7148. Following an assessment of that viability report I have queried some of the figures used as part of the assessment which could result in a larger residual value.

The applicant concurs and has agreed a contribution of £20,000 towards affordable housing.

### **Conclusion and reason for decision**

The application has been considered against the provisions of the development plan in the first instance, specifically policies STRAT 1 – Development requiring planning permission, STRAT 3 – Settlement hierarchy

, STRAT 6 – Windfall and Infill housing Development in Primary Rural Settlements, STRAT 9 – Phasing of housing land and release of land, RES 1 – Housing layout and design, RES 6 – Affordable housing and NBE 20 – Development on the edge of Settlements of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework and planning applications M04/P/1222, M06/P/1064 and 125143. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions and the receipt of a Unilateral Undertaking. With the conditions in place and agreement in place, then the development provides 3 new houses in a sustainable location, the visual intrusion would not be significant, residential amenity can be preserved and highway safety would not be endangered. Provision has also been made for the potential contribution towards affordable housing.

**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 details of a scheme for the disposal of foul/surface water from the site (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority

**Reason:** To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan First Review 2006.

3. No development shall take place until details (including the colour) of all external and roofing materials to be used have been submitted to and approved by the Local Planning Authority.

**Reason:** To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact and to accord with the National Planning Policy Framework and saved policy STRAT 1 – Development requiring Planning Permission of the West Lindsey Local Plan First Review June 2006.

4. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and

walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, CORE 10 and RES 1

5. No development shall take place until further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

6. No development shall take place until details of a hard landscaping scheme including details of the finishes and colour of all surface materials, including those to access driveways, forecourts and parking/turning areas have been submitted to and approved in writing by the Local Planning Authority

**Reason:** To ensure that, an appropriate level and type of hard landscaping is provided within the site to accord with the National Planning Policy Framework and saved policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006

7. No development shall take place until details of the boundary walls and fences have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to protect residential amenity and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

8. No development shall take place until details of the existing ground level and the proposed finished floor levels have been submitted and approved in writing by the Local Planning Authority.

**Reason:** In the interests of residential and visual amenity and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First review 2006.

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

9. The development shall be carried out only using the materials approved in condition 3 of this permission and shall be so retained.

**Reason:** In the interests of the visual amenity of the area and to accord

with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

10. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 01200 02A, dated 28 March 2013 and 01200 03, 01200 04A, 01200 05 dated 28 January 2013. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

11. Prior to the commencement of construction of any building(s) or commencement of the use, the vehicular access to Irwin Road shall be improved in accordance with drawing number 01200/02 A dated 28 march 2013

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

12. The details approved in Condition 5 of this permission shall be implemented on site before the development is first brought into use and thereafter retained at all times

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

13. The details of hard landscaping approved in Condition 6 shall be implemented on site prior to the occupation of the building(s) of the completion of the development whichever is the sooner and shall be so retained.

**Reason:** To ensure that, an appropriate level and type of hard landscaping is provided within the site to accord with the National Planning Policy Framework and saved policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006

14. The details of boundary walls and fences approved in Condition 7 of this permission shall be implemented on site prior to the completion of the development and retained thereafter.

**Reason:** In order to protect residential amenity and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006

15. The development shall be carried out only using the finished floor levels approved in condition 8 of this permission and shall be so retained.

**Reason:** In the interests of residential and visual amenity and to accord with the national Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First review 2006.

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

16. The development shall not be brought into use until the surface water drainage as approved under condition 2 of this permission has been provided. It shall thereafter be retained and maintained.

**Reason:** To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency and in accordance with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) 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 that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with the National Planning Policy Framework and saved policies STRAT 1, STRAT 12 and CORE 10 of the West Lindsey Local Plan First Review 2006

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages or extensions shall be erected [other than those expressly authorised by this permission]

**Reason:** To protect the amenity of neighbouring residents and to accord with the National Planning policy Framework and saved policies STRAT 1 and RES 1 of the West Lindsey Local Plan First Review 2006.

**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

**Representors to be notified -**  
(highlight requirements):

**Standard Letter**       **Special Letter**       **Draft enclosed**

**Prepared by :** Zoe Raygen      **Date :**

**Signed:** .....

**Authorising Office** .....      **Date:** .....

**Decision Level** (tick as appropriate)

Delegated

Delegated via Members

Committee

**Objector: 5 Meadow Rise**  
**Referrals:**

**REF 129581      Land R/o 30 Laughton Road Blyton**

Is it a planning matter? **Yes.** Issues raised relate to impacts relate to residential amenity and highway safety.

Is it relevant to the application? **Yes.**

Are the planning matters finely balanced? **Yes** – previous history on the site proposed houses but of a different design and smaller than those proposed here. However the houses have been designed as such to ensure that impact on amenity is kept to a minimum. The highway authority raise no objections to the new development

**Zoe Raygen**

**2013**



**Senior Area Development Officer****Area Team Manager****2013****Objector: Parish Council  
Referrals:****REF 129581      Land R/o 30 Laughton Road Blyton**

Is it a planning matter? **Yes.** Issues raised relate to impacts relate to residential amenity, visual amenity, drainage and highway safety.

Is it relevant to the application? **Yes.**

Are the planning matters finely balanced? **Yes** – previous history on the site proposed houses but of a different design and smaller than those proposed here. However the houses have been designed as such to ensure that impact on amenity is kept to a minimum. The highway authority raise no objections to the new development. Drainage can be dealt with by way of a condition

**Zoe Raygen  
Senior Area Development Officer****2013****Area Team Manager****2013****Objector: 5 Irwin Road  
Referrals:****REF 129581      Land R/o 30 Laughton Road Blyton**

Is it a planning matter? **Yes.** Issues raised relate to impacts relate to residential amenity, visual amenity and highway safety.

Is it relevant to the application? **Yes.**

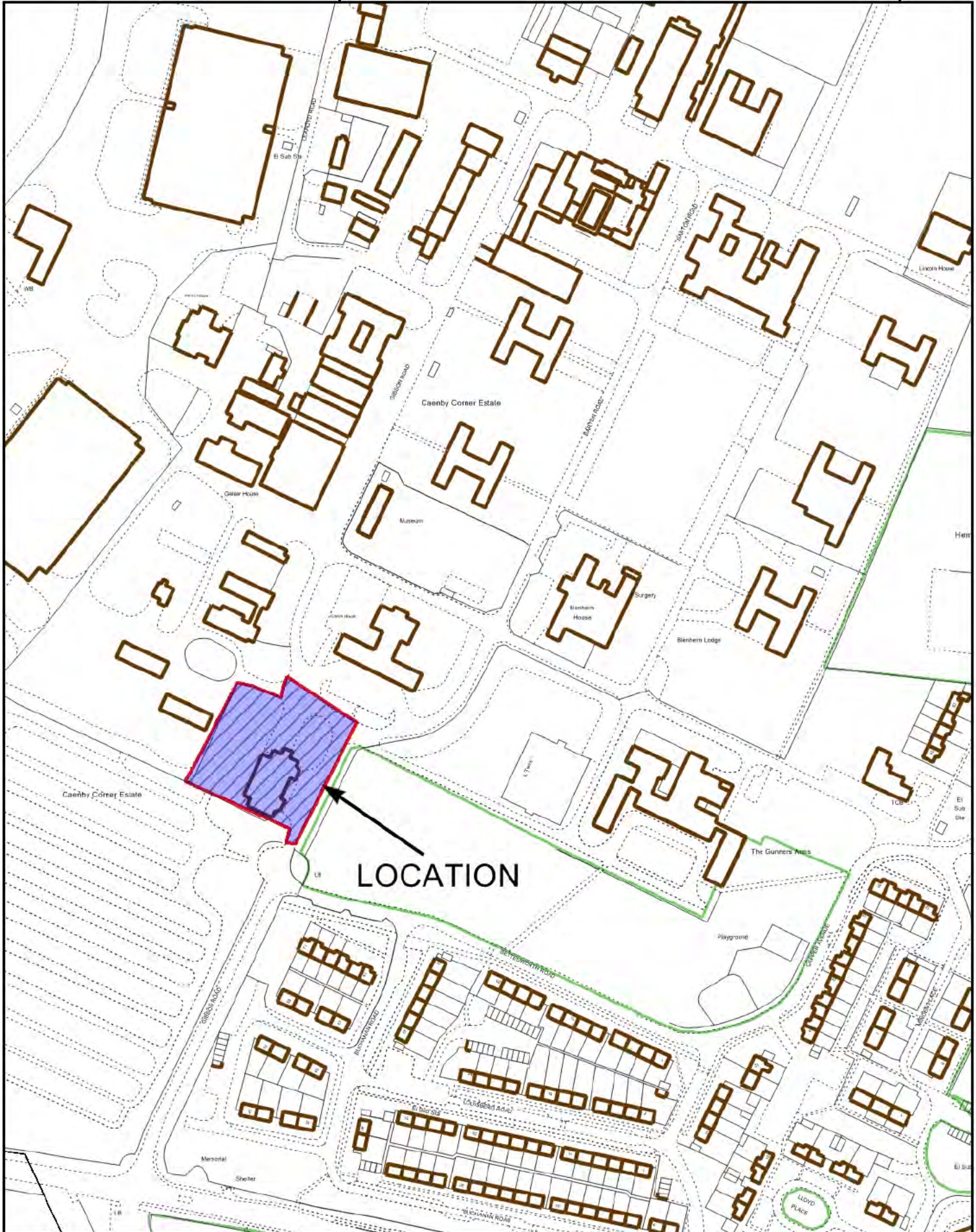
Are the planning matters finely balanced? **Yes** – previous history on the site proposed houses but of a different design and smaller than those proposed here. However the houses have been designed as such to ensure that impact on amenity is kept to a minimum. The highway authority raise no objections to the new development

**Zoe Raygen**  
**Senior Area Development Officer**

**2013**

**Area Team Manager**

**2013**



## **Officers Report**

### **Planning Application No: 129764**

**PROPOSAL:** Planning application for new first floor extension to existing single storey antiques centre.

**LOCATION:** Former Guardsroom Gibson Road Hemswell Cliff  
Gainsborough, DN21 5TL

**WARD:** Hemswell

**WARD MEMBER:** Councillor PDJ Howitt-Cowan

**APPLICANT NAME:** Hemswell Antiques Centre Limited

**TARGET DECISION DATE:** 07/05/2013

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Russell Clarkson

**RECOMMENDED DECISION:** Refuse Planning Permission

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#### **Description:**

The application seeks planning permission to extend and make alterations to the former guardroom building at the former RAF Station Hemswell at Hemswell Cliff.

The former RAF base is allocated for mixed uses within the Local Plan (allocation HC(M)1 – Old Technical Park).

It is a single storey building finished in buff brickwork with a red-tiled central hipped roof. A brick arcade is formed to the principal façade. To the rear is an area of levelled ground.

The building, located immediately behind the entrance gates to the former RAF camp, was originally designed for and subsequently used as the guardrooms serving the base. It is understood to have been since used as an antiques centre since although the building now stands vacant.

The proposals are to introduce a first floor to the building. This would be a steel framed structure, with buff facing brickwork to match the existing building. The first floor footprint would match that of the existing building in area. White UPVC windows would be introduced to each first floor elevation. Steel fire escape stairs would be installed both at the rear (north-west facing) and side (north-east facing) elevations. A shallow steel profile clad roof (pale grey) is proposed.

At ground floor, the colonnade in the front (south-east facing) elevation is proposed to be incorporated. Windows would be replaced with white UPVC frames. The steel roller shutter opening in the north-facing side elevation would be removed and filled in with matching brick work.

The existing gross internal floor space of the building is measured at 565 square metres (m<sup>2</sup>). The proposed development would create a net additional gross floor space of 550m<sup>2</sup>.

The application also seeks to erect a 2.4m high palisade fence (blue) to enclose the rear levelled land and form an associated car park.

The development is intended to bring the building back into use for the sale of antiques. The Design and Access Statement also makes reference to a “small coffee shop” for customers. The building would be sub-rented to a number of antiques dealers, in a similar arrangement to that found elsewhere on the wider site.

### **Town and Country Planning (Environmental Impact Assessment) Regulations 2011:**

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not ‘EIA development’.

### **Relevant history:**

W127/511/95 – Planning application to change the use of part of existing antique store to café. Approved 07/09/1995.

W47/377/90 – Change of use and alterations to building to form office and retail accommodation. Approved 16/05/1990.

### **Representations:**

Ward member Councillor Howitt-Cowan: Requests the application is referred to Planning Committee if Officers are unable to support the application.

Hemswell Cliff Parish Council: Do not have any objections.

Councillor Strange: Writes in full support of the application. In these austere times, believes it is in everybody’s interest to encourage economic development especially on this vibrant industrial estate.

Local residents: No comments received.

Environmental Health: No apparent concerns.

Conservation Officer: Lincolnshire has a strong traditional relationship with the RAF. RAF Station Hemswell was fundamentally redeveloped in the 1930’s ahead of the Second World War. These surviving camp buildings are a well

preserved example of a guardroom, the design of which is typical of this distinctive period of military architecture. Deliberately identifiable design as a single storey structure with arcaded detail. Building retains its intended spatial relationship with the attractive gates and Station Headquarters beyond. Part of the surviving historic hub of structures at Hemswell. An additional storey to the guardroom would have a fundamental adverse impact to the intended appearance of the guardroom and this is considered an avoidable loss of an important part of our local history. Considered that an extension to the rear could secure the commercial viability of the site.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework -March 2012 (NPPF)

([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf))

#### West Lindsey Local Plan First Review 2006

STRAT1: Development requiring planning permission

(<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>)

STRAT14: Mixed use allocations

(<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>)

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

### **Main issues**

- **Economic Growth**
- **Heritage Assets and Design**

### **Assessment:**

#### *(i) Economic Growth*

The application site lies within an area allocated as a mixed use allocation (HC(M)1 - Old Technical Park, Hemswell Cliff) in the Local Plan. Policy STRAT14 states that within this mixed use allocation the following uses will be permitted: A1 (shops); A2 (financial and professional services); A3 (restaurant and cafes); B1 (business); B2 (general industry) C2 (residential institutions) and D2 (Assembly and Leisure).

The application seeks to extend the building and use it as an Antiques Centre (use class A1) with ancillary café (use class A3). The proposed use is therefore considered to accord with the mixed use allocation in the Local Plan and policy STRAT14.

A core planning principle of the NPPF is to “proactively drive and support sustainable economic development.”

The application seeks to bring a vacant building back into employment use. The applicant has submitted evidence to show it currently has a zero business rating from the Valuation Office. The development would almost double the building's capacity, from a gross internal floorspace area of 565m<sup>2</sup> to a total of 1115m<sup>2</sup>. The applicant estimates this would create an additional 8 new staff employed by the applicant, and accommodate up to 10 new antiques dealers.

It is therefore considered that the proposed development would achieve this core planning aim, and accord with Local Plan policy STRAT14 which is compatible with this principle.

(ii) Heritage Assets and Design

The NPPF identifies three dimensions to sustainable development (paragraph 7) and expects planning to play an economic role, a social role and an environmental role. It makes clear that *“these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.”*

A social role includes *“achieving a high quality built environment”* and *“pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment”*.

The application site contains the original guardrooms pertaining to RAF Station Hemswell. RAF Hemswell was fundamentally redeveloped in the 1930's with the increasing threat of war in Europe, and many of the buildings within the camp date from this particular period.

The guardroom building, particularly its scale, form and massing, has been largely unaltered. The building design, as a single storey structure with arcaded detail to the front elevation, is typical of this distinctive period in military architecture and history.

It has a deliberately low-key and subservient relationship to Gibson House, the principal feature building when approaching the former base.

In view of Lincolnshire's long-associated relationship with military aviation history, it is considered that this original, well-preserved entrance building can be considered as a non-designated heritage asset.

By introducing the first floor element, the works would dramatically alter the scale and massing of this original building. This would significantly alter the appearance and the building's legibility – it would become “top-heavy” and would no longer appear as a low-key guardroom to the entrance. The proposed development would neither preserve the appearance of the building, nor enhance it.

The building sits immediately at the entrance to the former base, and is the first building approached by visitors to the site. Whilst a well designed and sensitive approach could enhance the visitor experience, an inappropriate design could have the opposite effect.

This would undermine the key NPPF sustainability criteria of requiring good design in order to fulfil the social role of planning.

The NPPF advises when determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

It is acknowledged that the former RAF Station Hemswell today has a functional role as a mixed use employment site, but the positive conservation of its buildings can contribute towards its economic viability and growth.

As a result, Officers have sought to encourage the applicant to pursue a sensitively designed single storey extension to the rear. This would enable the required expansion of the building, whilst preserving the original features and massing of the original building.

The applicant has declined this approach. They put forward that a rear extension would not be a viable option as it would increase costs by over £200,000. However, the confidential evidence submitted does indicate that a rear extension would be ultimately profitable and the developer could expect to see a return on their initial capital outlay at around ten years. The information indicates that a greater risk occurs due to the increased funding gap from the increased cost and securing a company bank loan to meet this. They also question whether the interest rate applied to that funding could prove prohibitive.

Nonetheless, whilst the information may suggest that a higher cost would increase risk, the documents have not given any clear evidence to show that a ground floor extension would not be a viable proposition.

It is considered that the application currently proposed fails to achieve good design or otherwise enhance or preserve this important building at the entrance to the site.

*Other matters:*

The applicant has submitted letters from the RAF Hemswell Association and its former Chairman indicating support for the proposals due to the need to bring the buildings back into economic use.



The application indicates that 2.4m high dark blue palisade fencing would be used to enclose the rear curtilage of the building. However, no fence details have been submitted. At 2.4m high, this in itself could be quite intrusive and it is considered that, if the application was otherwise acceptable, a planning condition to agree the boundary treatment would be necessary and appropriate.

**Conclusion:**

The proposed development would in effect double the internal gross floor capacity of this currently vacant building. It would create investment and employment and fully accord with the key NPPF aim of promoting economic growth. The proposed use of the building would accord with the mixed use allocation of the site and policy STRAT14.

However, the building would significantly alter the scale, massing and appearance of these otherwise well-preserved guardrooms that have clear associations with Lincolnshire's military aviation history.

The effect would be to imbalance the appearance of the building and undermine its purposefully subservient role. It would become an unduly prominent and otherwise discordant feature building at the immediate entrance to the former RAF Station.

It is concluded that this would be contrary to Local Plan policy STRAT1 in this regard, and would undermine the key NPPF criterion to seek good design. The NPPF makes clear that *“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”*

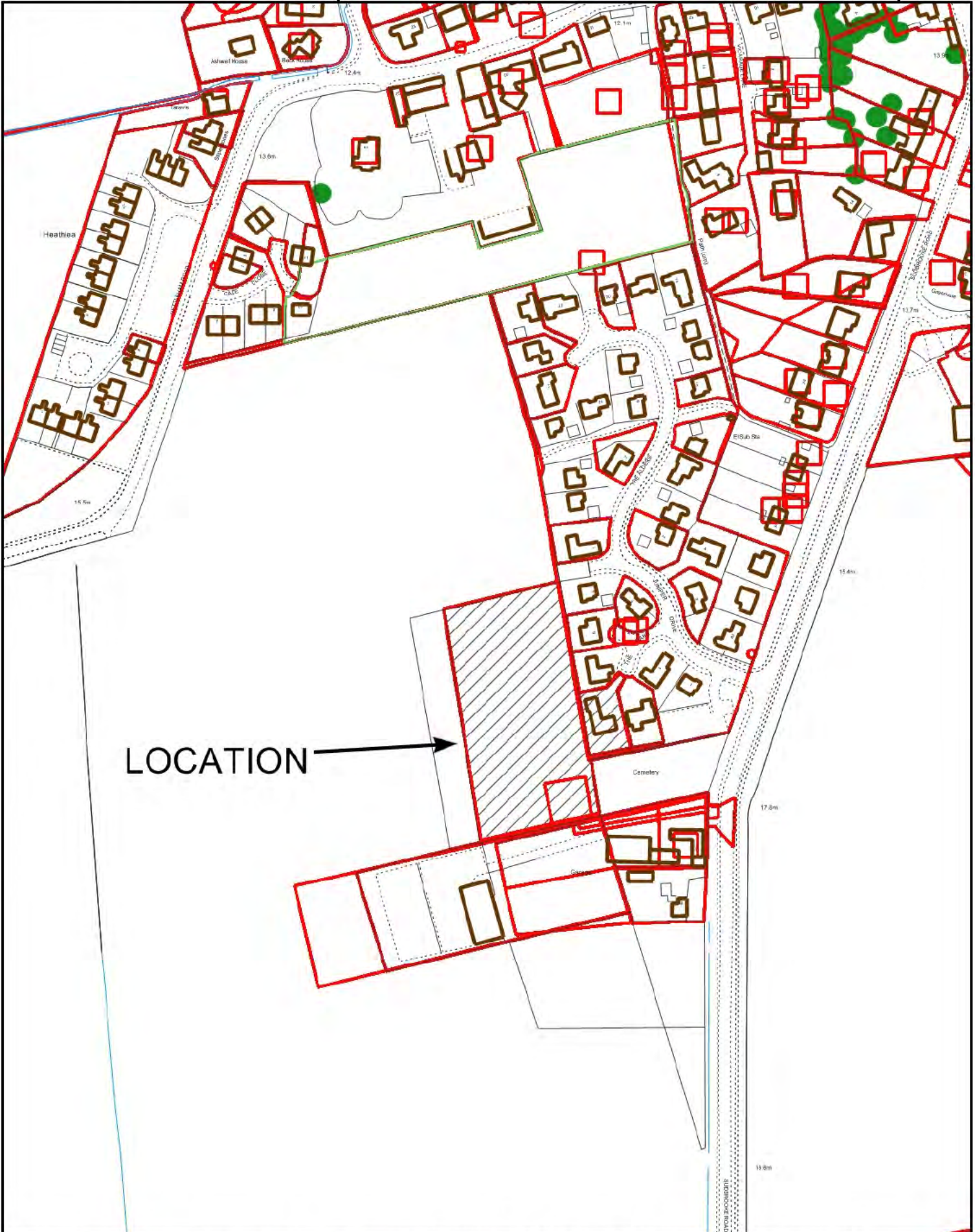
It is considered that there are viable alternatives for the developer to pursue that would enable the economic benefits that would arise from the development, without compromising the design and quality of this environment.

On balance, it is therefore recommended that planning permission is refused.

**Recommendation: Refuse planning permission for the following reason(s);**

1. The proposed development would fail to preserve or enhance, and would otherwise unbalance the appearance of this well-preserved building associated with the former military aviation use of the wider site. It would become an unduly prominent and otherwise discordant feature building at the immediate entrance to the former RAF Station, which would not achieve the key NPPF criterion for achieving high quality design and would be contrary to

saved policy STRAT1 of the West Lindsey Local Plan (First Review) June 2006.



## **Officers Report**

### **Planning Application No: 129973**

**PROPOSAL:** Planning application for change of use of land at rear from paddock land to garden land and erection of single storey annex.

**LOCATION:** 3 The Oaks Scothern Lincoln, Lincolnshire LN2 2WB

**WARD:** Sudbrooke

**WARD MEMBER(S):** Councillor S Curtis

**APPLICANT NAME:** Mr Mark Harris

**TARGET DECISION DATE:** 11/07/2013

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Zoe Raygen

**RECOMMENDED DECISION:** Grant with Conditions

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**Description:** Application site forms 3 The Oaks in Scothern. The property is a modern large detached house sited in the corner of a small cul de sac. The owner of the property owns a large area of land to the rear of his plot and has cultivated an area adjacent to the plot as garden land. This area also has permission for the erection of a stable and the change of use to paddock. This planning permission has been partially implemented through the installation of foundations to the stable building. To the south of the site is a commercial unit owned by the applicant and to the north and west open countryside.

The proposal is to erect an annexe to the property through the provision of a detached building which will provide living accommodation for a relative, garaging for the main house and storage facilities for the main house. The annexe is to be erected on the site of the approved stable building. The proposal also includes the retrospective change of use of the paddock to garden land.

#### **Relevant history:**

119457 – planning application for alterations and extensions to existing private dwelling Grant Conditionally 2007

121453 – Planning application for erection of new stables and change of use to paddock Grant Conditionally 2008

#### **Representations:**

Chairman/Ward member(s): Councillor Curtis: I wish the application to be determined by the Full Planning Committee. My main concerns are 1. There is no essential need as the applicants elderly mother already lives within a short walking distance from the applicants property. 2. The Annex would be too large to justify the needs of a single elderly person. 3. The Annex would not be incidental to 3 The Oaks but become a single private residential property.

4. Vehicular access would only be possible over the adjoining Commercial Premises resulting in congestion of Residential/Commercial/Trade/Emergency vehicles and possible breach of planning conditions previously imposed on the Commercial site.

Policy Res 3 (Backland and Tandem Development) It would adversely affect the general quality and character of the area by virtue of (a) increasing the density of development in that area to an unacceptable high level (b) result in the loss of features both natural and man-made to the detriment of the character of the locality.

Policy NBE 20 (Development on Edge of Settlements) Development would detract from the rural character of the settlement edge and the countryside beyond.

It does not meet the sequential release of land policy.

Parish/Town Council/Meeting: My Council has the following comments/objections to make on the proposal:

The Parish Council is sympathetic to the wishes of the applicant to provide accommodation for his relative in order to improve her quality of life but the Council has a number of concerns relating to this planning application and request that this matter be dealt with by Full Planning Committee which should also include a site visit to ensure that members are fully aware of the context of the application.

The Parish Council wishes to raise the following concerns in relation to this planning application (129973):

1. The Parish Council believes that development would not satisfy the requirements of Policy RES 13 - Family Annexes. The development site is not within the current curtilage of the host property at 3 The Oaks. Furthermore, it is neither integral to, nor incidental to, the host property and therefore it is our view that it should be considered as a separate development.
2. The development would be outside of the existing settlement boundary and may therefore conflict with Policy NBE 20 - development on the edge of settlements.
3. The development may conflict with Policy RES 3 - Backland and Tandem development as it would represent an increase in the density of residential development in the area.
4. The application makes reference to the extant planning permission for paddock land and the construction of a stables and Policy STRAT 11 - renewal of existing permissions, may therefore be considered relevant since the original permission was granted 5 years ago and the construction of the approved building is not yet complete.

However, since the application being considered here is for a completely different

type of building then the Parish Council consider that reference to any existing permission should be deemed irrelevant. Different sustainability criteria etc would apply to a residential property as opposed to a stable block. Furthermore, changes introduced as part of the NPPF may also need to be considered in respect of this application to create a new residential property, albeit one with a similar 'footprint' to the approved building.

In addition, from the plans submitted the Parish Council would question whether the scale of development is appropriate for the stated intend occupancy by a single, elderly resident given that the plan shows 4 garage/parking spaces, several "storage" areas and a large "room in roof" or attic area which may be inaccessible to the intended occupant.

Finally, the Parish Council feels that the area of land for which a change of use is requested is significantly larger than would be appropriate for a single storey dwelling of this size and scale.

5. The Parish Council are concerned that vehicular access to the development would be through the commercial site adjacent, via several physical barriers that could impede access for the emergency services and other service/utility providers particularly outside of normal business hours when the commercial site would be secured.

Access to a residential property may also contravene the existing access permissions for the commercial site itself.

Furthermore, the Council are concerned about continuing access to the development should the ownership of the commercial site change in the future.

6. Given the existing problems with surface water and sewage drainage within the village, the Parish Council are keen to ensure that any additional development takes the possible impact on these into account. It is not clear if an appropriate assessment has been completed in this instance.

7. A public footpath runs adjacent to the area of land for which a change of use to 'residential' is sought - it is not clear if this would represent an issue to be considered as part of this application.

Local residents: None received  
 LCC Highways: None received  
 Environment Agency: None received  
 Archaeology: No objections  
 Building Control: None received

#### **Relevant Planning Policies:**

##### National guidance

National Planning Policy Guidance

## West Lindsey Local Plan First Review 2006

STRAT 1 – Development requiring planning permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 12 – Development in the open countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

NBE 10 – Protection of Landscape Character in Development Proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 20 – Development on the edge of settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

RES 13 – Residential Annexes

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

The above policies were saved in 2009 but the weight afforded to them must be considered in the context of their conformity with the National Planning Policy Framework 2012. The policies have been assessed and are where they are not considered to be compliant with the National Planning Policy Framework it will be noted in the report

### **Main issues**

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Access

### **Assessment:**

#### *Principle of development*

Policy RES 13 regarding the provision of residential annexes states that planning permission will be granted for the creation of additional self contained living accommodation either by extending an existing dwelling or converting existing outbuildings which are incidental to the dwelling and within the curtilage of the original dwelling. While the policy states that the creation of a separate dwelling unit will not be permitted, it is considered that this statement is not in accordance with the contents of the national Planning Policy Framework which seeks to provide sustainable development without distinguishing whether new building is attached or not to host dwellings. This part of the policy is therefore given very limited weight.

Policy STRAT 12 states that planning permission will not be granted for development proposals outside the settlement limit unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use requiring a countryside location.

The retrospective proposal to change the use of the paddock to garden land would therefore be contrary to that policy, however the enclosure has been done in a sensitive manner retaining the open feel of the land and being

enclosed with a mixture of hedging and 1.8 metre fencing. This fencing was approved as part of the application for the change of use of the land to a paddock. The Public Right of Way No 149 runs to the west of the site and then along the north boundary of the site. However when viewed from a distance it would be very difficult to see the difference between the use of the land as a paddock and that of a garden given the open nature of the site with tree planting and large area of grass.

While the proposal for the annexe is also beyond the settlement limit of Scothern, it is on the edge of the settlement and within the garden land of the host property on the edge of the settlement. Planning permission has been granted via permission 124153 for the erection of stables, the foundations of which have already been implemented on the ground. This, structure therefore has to be a material consideration regarding the principle of siting a structure of a similar size here. The annexe will be in the same position as the proposed stable building in the south east corner of the site adjacent to the cemetery and the applicants adjacent business. It will be extended slightly, over and above the footprint of the approved stable building, to provide a covered walkway between a store and the annexe.

It is considered therefore given the location of the building on the site of a previously approved structure and the use of the building as an annexe to provide accommodation for a family member then the principal of the development is in principle acceptable. The applicant does not need to demonstrate an essential need for that family member as part of the policy requirement. It is considered necessary however to apply a condition requiring that the annexe is only used in association with and incidental to the host dwelling.

#### *Impact on visual amenity*

The building is sited on the south east corner of the site and is single storey. The location is well screened from view with the tree planting that has been established required by condition of the permission for the stable building. In any event it would be seen against the views of the adjacent commercial buildings which would minimise any visual impact. The design of the annexe is considered to respect the character and appearance of the development in this area on the edge of the settlement

The approved materials for the stables were timber cladding and a clay pantile roof. The applicant proposes red brick and pantile roof for the proposed annexe and these material are considered acceptable in this rural location on the edge of the settlement and when viewed in the context of the adjacent modern house at 3 The Oaks and the commercial buildings on the site to the south.

#### *Impact on residential amenity*

The nearest residential property is the host property 3 The Oaks and the annexe will sit adjacent to commercial properties to the south (owned by the



applicant) and a cemetery to the east. The location is unobtrusive and at least 35 metres from the nearest other residential property and therefore there will be no harmful impact on neighbouring residential amenity.

### *Access*

The annexe can only be accessed by foot from 3 The Oaks, and as an annexe incidental to the host dwelling it would not be expected to have its own vehicular access. This is reflected in the red line outlining the site on the planning application

### **Conclusion and reason for decision**

The application has been considered against the provisions of the development plan in the first instance, specifically saved policies STRAT 1 – Development Requiring Planning Permission, STRAT 12 – Development in the Open Countryside, NBE 10 – Protection of Landscape Character in Development Proposals, NBE 20 – Development on the edge of settlements RES 13 – Residential Annexes of the West Lindsey Local Plan First Review June 2006 as well as other material considerations. These other considerations include the guidance contained within the National Planning Policy Framework and planning permission reference 121453. In light of the above assessment, it is considered that the proposal is acceptable subject to certain conditions. With the conditions in place, it is considered that the proposal is acceptable, while the development is beyond the settlement limit the principle of a structure in this location is given through application 121453. The provision of an annexe here would be a sustainable addition to the property, the siting ensures that the visual intrusion would not be significant and residential amenity can be preserved.

### **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 commence until a scheme detailing the disposal of surface water drainage from the site (including the results of soakaway tests) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent pollution of the water environment in accordance with the National Planning Policy

Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

3. No development shall take place until details (including the colour) of all external and roofing materials to be used have been submitted to and approved by the Local Planning Authority. the development shall be carried out only using the agreed materials.

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact and to accord with the National Planning Policy Framework and saved policy STRAT 1 – Development requiring Planning Permission of the West Lindsey Local Plan First Review June 2006.

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: J1255 03, J125501, J1255 02 dated 16 May 2013. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the national Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

5. The development shall be carried out only using the materials approved in condition 3 of this permission and shall be so retained.

**Reason:** In the interests of the visual amenity of the area and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

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

6. The development shall not be brought into use until the surface water drainage as approved under condition 2 of this permission has been provided. It shall thereafter be retained and maintained.

Reason: To avoid flooding and prevent pollution of the water environment as recommended by the Environment Agency and in accordance with West Lindsey Local Plan First Review Policy STRAT1

7. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary and incidental to the residential use of the dwelling known as 3 The Oaks, Scothern

Reason: The annexe is sited in a location which would not be suitable for an independent dwelling due to its lack of access and location within the open countryside, therefore occupation is restricted to be incidental and ancillary to the host dwelling in accordance with the National Planning Policy Framework and saved policy 13: Residential annexes of the West Lindsey Local Plan First Review 2006.

### **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

### **Representors to be notified -** (highlight requirements):

**Standard Letter**       **Special Letter**       **Draft enclosed**

**Prepared by :** Zoe Raygen      **Date :**

**Signed:** .....

**Authorising Office** ..... **Date:** .....

### **Decision Level** (tick as appropriate)

Delegated

Delegated via Members

Committee