



PL.02 15/16
<b>Planning Committee</b>
<b>29 July 2015</b>

**Subject: Planning applications for determination**

Report by:

Chief Operating Officer

Contact Officer:

Derek Lawrence  
Interim Development Manager  
01427 676640

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

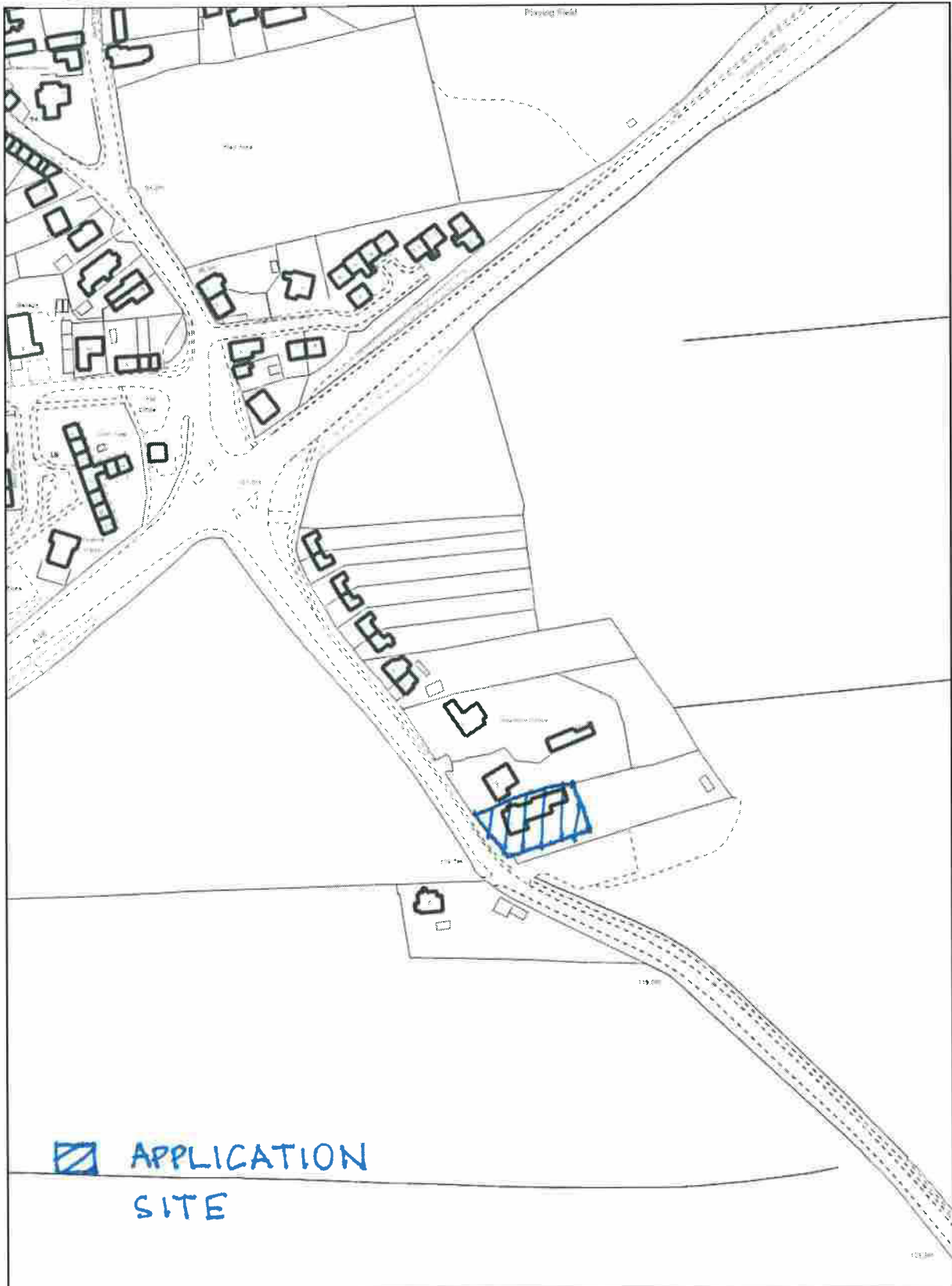
**Yes**

**No**

132698



1:2500



## **Officers Report**

### **Planning Application No: 132698**

**PROPOSAL:** Planning application for alterations and extensions to existing dwelling to create 3no. dwellings

**LOCATION:** 14 Whitegate Hill Caistor Market Rasen LN7 6SW

**WARD:** Caistor

**WARD MEMBER(S):** Councillors Mrs A Lawrence and O Bierley

**APPLICANT NAME:**

**TARGET DECISION DATE:** 29/04/2015

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** Grant Planning Permission

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#### **Introduction:**

This application is presented to the committee as the applicant is related to the Ward Councillor for Caistor.

**Site:** This is located to the south east of Caistor at the end of a ribbon of housing enclosed by open countryside on three sides. 14 Whitegate Hill is a large detached two storey dwelling which extends rearwards in a number of stepped wings, including a garage with utility room with a bedroom in the roof space and a former stable building at its eastern end. There are a number of attractive trees to the north east, east and south. To the east is a portable wooden classroom building which is used as a kindergarten. To the west of the site, across Whitegate Hill is a detached dwelling and open fields. To the south are agricultural fields which rise up to beyond the site boundary. To the immediate north is 13A Whitegate Hill, a detached house, which sits at a much lower level approximately 5 metres below that of 14 Whitegate Hill. It is set back a minimum distance of 1.6 metres from its southern boundary with the application site rising to a distance of 6 metres.

**Proposal:** Internal and external alterations to the existing dwelling together with the demolition of the existing garage and former stable block and its replacement with a new building attached to the main dwelling to create 3 three bed houses. Some trees will be removed to facilitate the new build and the application is supported by an arboricultural report

#### **Relevant history:**

131713: Detached house and garage to the east of the application site.

Approved at planning committee 12<sup>th</sup> November 2014.

128427: Change of use of agricultural field car park and play area and formation of new field access. Approved June 2012

Condition 9 attached to this permission indicated that this land should only be used in conjunction with the kindergarten to improve highway safety and would otherwise be unacceptable.

W18/418/84: Change of use of one room to nursery classroom. Approved 20 Jun 1984

W18/402/75 Use dwellinghouse as restaurant. Refused 29 July 1975

### **Representations:**

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

**Clerk to Caistor Town Council:** Comments made in relation to steepness and curvature of road. Request to flag up to Highways increased vehicular movement and safety for pedestrians.

**Local Residents:** Two **objections** including a photograph and drawing have been received from **13A Whitegate Hill:**

Initial objection: I wish to object to part of this planning application. Whitegate House is an imposing building which overshadows our house on the southern boundary. Its foundation level is approximately 1 metre below the soffit level of our roofline. This means that our rear (eastern) garden receives no sunlight between the autumnal and vernal equinoxes. For the remainder of the year the garden receives varying amount of sunlight, but never constant coverage because of the sheer height and length of Whitegate House. The garden on Whitegate Houses side of the boundary is approximately 2 metres wide and grassed. The downpipes apparently go into a soak away, but it seems unable to cope with either extended or increasingly heavy rainfalls. This results in large quantities of water flowing/seeping into our garden making it very wet and unstable, being chalk based. The combination of the above two factors means that the garden is constantly damp with limited opportunity to dry out, as signified by copious quantities of moss and damp loving algae. The proposed development wishes to raise the current roofline to the rear of Whitegate House to the level of the main part of the building. This will have 2 effects: first, it will further restrict the amount of sunlight on both a daily and seasonal basis. (I estimate that the garden will receive little sunlight for an extra 4-6 weeks a year.); Secondly, a more imposing structure will mean lower light levels than currently enjoyed to the rooms at the rear of our house, particularly during the winter months. It appears that work is to be undertaken to level the aforementioned garden between the properties in 3 steps so that each new property is level at the rear. There is no mention in the planning application about the materials to be used, but I am concerned that this work could affect both the stability of the ground and increase the flow of excess water into our garden, compounding the wet/damp problems we already experience. Objection: I wish to object to the plans relating to raising the roof level of property 3 on the grounds of further restricting natural light to our living accommodation and sunlight to our rear garden. Furthermore, I have concerns about the proposed levelling off the ground between our properties without provision being made to ensure adequate removal of rainwater away from our garden.

Supplementary objection in response to an email from the agent:

I would like to correct a false, not relevant, statement in the email dated 18 May - the large mature beech tree is in fact in the garden of 13 Whitegate Hill and does not impact on my garden at all. Ms Kelly in her email of 3 June also states that the windows to the rear of our property face north east (i.e. 045 degrees). In fact they face 060 degrees, a not insignificant difference, and, being large, generally collect a significant amount of sunlight until the sun has traversed across to an azimuth of approximately 140 degrees, which corresponds to the existing difference in height of the current roofline of No 13. The bathroom window also directly faces No 13 on a bearing of 150 degrees, and this is the first room to be used in the morning. While Ms Kelly in her email of 3 June states that the proposals will have an insignificant impact on our property, I would like to demonstrate that we will be significantly disadvantaged in terms of light and heating expenditure.

I apologise that I am not a trained draughtsman, nor have a CAD programme or the equipment to make accurate measurements. However, I was a navigator in the RAF and as such am well used to interpreting data from the Air Almanac, which is the source of my data. I have therefore used one drawing produced by Ms Kelly to demonstrate my explanation. (I had to use only one drawing as there were slight discrepancies in scale on reproduction between the 2 drawings provided).

Sunrise is defined as the time when the whole of the sun's orb is above the horizon. Using 21 March as representative example, sunrise is at 0601 at 54 degrees north (approx. Caistor's latitude). On that date the sun's maximum declination (height above the horizon) is 36 degrees at 12 o'clock (all times local). This means that the sun increases its declination at approximately 6 degrees per hour. As you will be aware, if you place an object between you and the sun, that object will cause a shadow. The larger and closer the object is to you, then the longer and deeper the shadow will be. If the object is land/buildings, then the effective horizon is somewhat higher, thus delaying the time of sunrise. My calculations on the attached drawing at 3 representative windows on the property show that the effective horizon would rise by approx. 2 degrees with the new roofline. While 2 degrees may seem insignificant in the overall scheme of things, it actually equates to an effective 20 min delay in sunrise for each and every day that the sun rises above this roofline. The effect will be the same at each window or point on the ground, but will just occur at different times depending on the distance from No 13.

This in turn will mean that lighting and heating will be on for that little bit longer every day, and the fabric of the house will also take longer to absorb any latent heat from the sun's rays. This effect will occur for approximately 6-8 weeks per annum, which in turn will result in an ongoing significant extra cost in electricity and gas bills for the duration of the house's life. Given the World is facing an energy crisis, it would appear reckless to grant this planning application which will cause an increase in my energy consumption and will financially disadvantage me for the remainder of my tenure.

A representation has also been received from **15 Whitegate Hill:**

"If the scheme is supported the land in the ownership of the applicants mother currently in use as a car park serving the current nursery use should

be required to be returned to an appropriate use i.e. formally landscaped area to serve as an appropriate buffer to this proposed development and the consented scheme to the rear. Such a condition should require the land to be landscaped prior to development commencing.”

**LCC (Highways):** No objections subject to the imposition of the following condition:

1. The arrangements shown on the approved plan 132.07 dated Feb 2015 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of Whitegate Hill and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

**Public Protection:** Records indicate that this property is a Kindergarten or has very recently been a kindergarten and not a dwelling. There is potential for contamination arising out of general quarrying bounding the property. Accordingly if there are to be ground works then an appropriate condition ought to be applied to any planning permission. A drainage strategy is required as the indication is that this will likely drain to the road.

**Relevant Planning Policies:**  
**The Development Plan**

West Lindsey Local Plan First Review 2006 (saved policies - 2009). This plan remains the development plan for the district. However, paragraph 215 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The following policies are considered relevant.

**West Lindsey Local Plan First Review 2006**

STRAT1: Development requiring planning permission  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

MT1: Market Towns  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt5.htm>

RES 1: Housing layout and design.  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>

CORE10: Open space and landscaping in developments  
<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE10: Protection of landscape character and areas of landscape value

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

NBE20 Development on the edge of settlements

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

## **National guidance**

### **National Planning Policy Framework 2012 (NPPF)**

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

### **Planning Practice Guidance 2014**

<http://planningguidance.planningportal.gov.uk/>

## **Main issues**

- Principle of development in this location
- Residential amenity
- Design and impact on the character of the area
- Loss of trees
- Drainage

## **Assessment:**

- *Principle of development in this location*

The principle of Development has been previously accepted by the granting of planning permission in 2014 for a new dwelling in this location. The context to that was and remains the fact that Central Lincolnshire does not currently have a 5 year supply of readily available housing land. This shortfall is significant and remains a material consideration in the determination of residential planning applications. Without a 5 year supply of housing land the provisions of the NPPF take precedence over the saved Local Plan policies. As such there is a presumption in favour of sustainable residential development. Approval of the proposals would result in a net increase of 2 dwellings which must be afforded weight as a material consideration in favour of approval.

- *Residential amenity*

It is important to note that the difference in ground levels between 13A Whitegate Hill and the application site is a function of existing and not proposed topography. The footprint of what is now 14 Whitegate Hill can be seen on old ordnance survey plans covering the period from 1888 to 1913.



The land to the immediate north had no houses and is annotated as “Old Quarry”. This explains the difference in levels. It also demonstrates that the siting of 13A Whitegate Hill was established and considered acceptable within the context of 14 Whitegate Hill. This is important as it is accepted that there will be an impact on 13A, however, it is considered that refusal could only be substantiated if the impacts are judged to be significantly adverse in their own right.

There will be no loss of light arising out of the conversion of the existing house as there will be no increase in height resulting from these works. In terms of overlooking the existing windows at ground floor level serve a dining room and kitchen. The windows will be retained and will provide illumination to a study and a snug/ living area. This is considered acceptable and it should be noted that an internal rearrangement of the existing house if it was to remain as a single dwelling would not require approval. The existing landing first floor window will be retained and continue to serve as landing room window. The only new window is a small opaque one serving an ensuite room.

The principal impacts arising from this development relate to the “new build” element which comprises single storey, one and a half storey and two storey accommodation. The total length of the new extension is 15 metres which is the length of the buildings to be demolished. Of this 15 metres, the two metre section accounts for 3.8 metres. The ridge height matches that of the existing house as this will accommodate the eastern end of “house 2”. In comparison with the existing building the ridge height is 0.5 m higher although the new building will also be set further back into the site than the existing by a minimum of 0.6 metres rising to one metre. This is considered sufficient to compensate for the increase in ridge height.

The remainder of the new build is then aligned at a slight angle away from the two storey section. The new ridge height of the one and a half storey build matches that of the existing building for a length of 2.4 metres with the remaining length of 8.8 metres having a ridge height 1.5 metres higher than existing. The rear walls of the one and a half storey build are set back an additional minimum of 0.65 metres from the boundary with 13A. The new ridge line is 1.5 metres behind the line of the existing one, taking it further away from the boundary with 13A. In terms of the single storey element this is simply a small projection from the rear covered by an extension of the roof slope. This extends beyond the existing building line by 0.2 metres. As can be seen from the comments of the neighbour in response to submissions comparing existing and proposed sun paths there is a difference of opinion as to the extent of impact on light loss. This is a finely balanced issue and the case officer accepts there will be an impact in terms of loss of light compared to the existing situation although not sufficiently adverse to warrant refusal.

In terms of potential overlooking from the new build this is not considered to be an issue as the only new windows at first floor level are a small opaque glazed window to an ensuite, with small rooflights to a bathroom, landing area and another ensuite in house “3”. At ground floor level there will be two back doors to utility rooms and two small opaque windows to toilet/cloakroom

areas. It is considered necessary to remove permitted development rights for any new windows or openings and alterations and to the roof to ensure that this does not become an issue in future.

*Design and impact on the character of the area (STRAT1, RES3, NBE10 and NBE20)*

The alterations and extensions do not impinge or harm the established setting of the site and wider area primarily as they are self-contained and do not project above the height established by the ridge of the main house. The new build is designed as a subordinate element to the existing building with a lower roof form. The overall design includes vertical windows, flat roofed dormer windows, a glazed balcony and solar shading over living and dining areas. These elements mesh well together and are considered to represent a successful design response in a contemporary manner appropriate to its setting.

- *Health of trees and landscaping*

The proposal and site have been subjected to a full arboricultural survey including the provision of a method statement. The report indicates that the majority trees on site are of limited value individually and that most of them fall within category C which are trees of low quality with an estimated life expectancy of 10 years or young trees with a stem diameter below 150 mm. Three individual trees are to be removed T2, T3 and T5. T2 is a horse chestnut which is not in a structurally good condition and there is an extensive infestation of Horse chestnut leaf miner causing damage to the leaves. It is also suffering from bark death and splitting caused by bleeding canker of horse chestnut and recovery is unlikely. T3 and T5 are unremarkable trees of limited value and low quality and would not satisfy the requirements for a higher grading. G1 is a group of trees on the northern boundary close to existing timber structure used for nursery purposes. It is only the trees collective value that affords them significance and individually they are unremarkable of limited merit. Three of these will need to be removed to facilitate the development. The majority of the trees are to be retained. A landscaping condition will also be imposed requiring the submission to and approval in writing of a landscape scheme by the local planning authority and subsequent implementation in accordance with agreed details.

- *Drainage*

All surface water along the north side of the existing and proposed dwellings is to be routed either below or around the houses, to a new sustainable system located to the south away from 13A Whitegate Hill. Building control officers have confirmed that there a number of ways of achieving this. This would represent an improvement over the existing situation and is capable of being secured by use of appropriate conditions.

- *Structural Integrity*

This has been raised by the objector. This is not considered to be a planning matter and would be considered under building regulations legislation.

- *Landscaping of current nursery car park once it is no longer in use.*

This has been raised by a representation. This is outside the scope of the current planning application although it should be noted that this was conditioned as part of the previous approval for a dwelling.

- *Highway Safety*

There are no objections from Highways subject to the imposition of conditions.

- *Comments from Public Protection*

The applicant's agents states that the house has not been in use as a Kindergarten for many years since erection of the timber buildings, to the east which have been used for this purpose. The agent has confirmed that the strategy is for all surface water along the north side of the existing and proposed dwellings will be routed either below or around the houses, dependent on the location of the downpipes, to a sustainable system located to the south of the site boundary within the area of shared access and ownership. This mitigates the suggested need for a drainage strategy to be conditioned and can be delivered by imposition a standard drainage condition as referred to in the drainage section above. An informative will be added to the decision notice in respect of potential contamination.

## **Conclusion**

The proposal has been considered against the provisions of the Development Plan in the first instance specifically policies STRAT 1 – Development Requiring Planning Permission, RES 1 Housing Layout and Design, and CORE 10 Open Space and Landscaping of the West Lindsey Local Plan First Review 2006 (Saved Policies) as well as against all other material considerations. These other considerations include the National Planning Policy Framework (NPPF) 2012 and the National Planning Practice Guidance 2014. The development was therefore assessed against the advice detailed in the NPPF as well as the policies relating to design, highway safety and amenity from the Local Plan Review such as STRAT 1 and RES1. This is a finely balanced application particularly in relation to potential loss of light to neighbours. Having assessed the application in the round including the contribution to the undersupply of housing, the potential drainage betterment and the historical context of the site it is considered on balance acceptable, subject to the imposition of the conditions above.

**Recommendation: Approval subject to conditions.**

**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

2. No development shall commence until a scheme detailing the disposal of surface water drainage from the site 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 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, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling 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, NBE10 and NBE20.

4. No development shall take place until details of all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out 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 in accordance with West Lindsey Local Plan First Review Policies STRAT 1, NBE10 and NBE20.

6. Prior to the commencement of development, including any demolition or the scraping of the site, the tree protection measures outlined within the Arboricultural Report by Cofely GDF Suez shall be completed in strict accordance with the timetable within that report and maintained on site for the duration of the construction phase.

Reason: To protect the character of the area and trees of value in accordance with Saved Policy STRAT1 and NBE20.

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

7. 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:

132.07, 132.08, 132.09, 132.10 and 132.11A.

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, RES3, NBE10, NBE20 and CORE 10 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:**

8. The arrangements shown on the approved plan 132.07 dated Feb 2015 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of Whitegate Hill and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

9 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 dwelling or the completion of the development, whichever is the sooner; and any trees or plants within the whole site 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 West Lindsey Local Plan First Review 2006 Policies STRAT 1, RES3, NBE10, NBE20 and CORE 10.

10. Notwithstanding the provisions of Classes A, B, C and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, there shall be no external alterations to the dwelling including the insertion of new windows or dormer windows, extensions or outbuildings, other than as authorised by this permission.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of adjoining dwellings/ and to safeguard the

character and appearance of the building and its surroundings and in accordance with West Lindsey Local Plan First Review Policies STRAT1, RES3, NBE10, NBE20 and CORE10.

11. The occupation of the dwellings hereby approved shall not occur until the drainage scheme approved under condition 2 has been fully implemented and ready to use.

Reason: To ensure proper drainage of the site in accordance with saved Policies STRAT1 of the West Lindsey Local Plan First Review.

**Note to the Applicant**

The site is within 250m of land use of a potentially contaminative nature namely: Former quarry.



1:1500



0 10 20 30 40 metres



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## Officers Report Planning Application No: 133055

**PROPOSAL:** Planning application to vary condition 4 of planning permission 131784 granted 22 January 2015-revised surface water drainage details

**LOCATION:** 40 Lincoln Road Fenton Lincoln LN1 2EP

**WARD:** Torksey

**WARD MEMBER:** Cllr S F Kinch

**APPLICANT NAME:** Mr S Kinch

**TARGET DECISION DATE:** 22/07/2015

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Russell Clarkson

**RECOMMENDED DECISION:** Approve with condition

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This application is being brought before the Planning Committee for determination as the applicant is a Member of the Council.

### **Description:**

The application seeks to develop land without compliance to condition 4 of planning application 131784.

Planning permission 131784 was granted 22 January 2015, for a "Planning application for change of use from B1 business B8 to housing the erection of four new houses".

Condition 4 reads as follows:

*"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:*

*2624-L Location Plan;*

*2624-105 Revision A House Type 4 Plans;*

*2624-106 Revision B Block Plan;*

*2624-107 Revision A House Type 1 Plans;*

*2624-108 House Type 2 Plans;*

*2624-109 House Type 3 Plans; and*

*4982/100 Rev P2 General Arrangement and Details: Surface Water Drainage.*

*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 West Lindsey Local Plan First Review 2006 Policy STRAT1."*



The applicant seeks to vary the approved foul and surface water arrangements. Approved drawing 4982/100 Rev P2 would be substituted by new drawing TDi169 001 (drawn by TD Infrastructure Ltd). The main change is that a below ground cellular attenuation system had been proposed to collect surface water before discharging off site. Instead the revised drainage scheme proposes to discharge into a new 600mm deep swale to be established within the landscape margin proposed on the eastern boundary. The swale would be designed with capacity to infiltrate and attenuate water up to a 100 year event with an allowance for climate change of 30%.

Foul water would be drained by gravity into the Anglian Water sewer within the A156 Lincoln Road.

### **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:**

**131784** - Planning application for change of use from B1 business B8 to housing the erection of four new houses. **Approved 22 January 2015.**

### **Representations:**

Fenton Parish Council: Note there is no explanation for the revised details as required by the application.

Local residents: No comments received.

LCC Lead Local Flood Authority: Does not wish to restrict grant of planning permission. Having given due regard to the appropriate local and national planning policy guidance, conclude that the proposed development is acceptable.

Environment Agency: Does not wish to make any comments.

Archaeology: Has no objections / comments.

Trent Valley Internal Drainage Board: Has no objection. The suitability of new soakaways as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the approving authority. Maintenance of the swale and drainage system must be agreed.

### **Relevant Planning Policies:**

#### National guidance

National Planning Policy Framework (NPPF)

<http://planningguidance.planningportal.gov.uk/blog/policy/>

National Planning Practice Guidance (NPPG)

<http://planningguidance.planningportal.gov.uk/blog/guidance/>

West Lindsey Local Plan First Review 2006

STRAT1: Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

NBE14: Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe15>

## **Main issues**

Section 73 of the Town & Country Planning Act 1990 allows an applicant to apply in order not to comply with a planning condition – more commonly known as applying to remove or vary a condition. The local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. The Council may only therefore consider the alternative drainage scheme now being put forward – not the principle of development.

It should be noted that the original planning permission 131784 will continue to exist whatever the outcome of the application.

National policy (NPPF paragraph 103) gives priority to the use of sustainable drainage systems. The applicant has provided infiltration test results and proposes a sustainable urban drainage system (SUDS) approach. Lincolnshire County Council, as the lead local flood authority have confirmed they consider the proposal is acceptable.

The proposed drainage system would accord with planning policy and is therefore recommended that planning permission is granted subject to a revised condition 4 which substitutes drawing 4982/100 Rev P2 with drawing TDi169 001.

Details of ongoing maintenance and management of the swale have not been supplied with the application. It is therefore considered necessary and reasonable to apply an additional condition to secure such details.

## **Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

## **Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before 22 January 2018.  
**REASON:** To conform with section 73(5) and 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 all external and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.  
**REASON:** To safeguard the character and appearance of the buildings and surroundings and ensure the proposal uses materials and components that have a low environmental impact in accordance with West Lindsey Local Plan First Review Policy STRAT 1.
3. No development shall take place until, a final scheme of landscaping including details of the size, species and position or density of all trees and hedgerows 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. The scheme shall include details of management and maintenance arrangements for the proposed swale.  
**REASON:** To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review Policy STRAT 1, CORE 10 and RES1.

**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:  
2624-L Location Plan;  
2624-105 Revision A House Type 4 Plans;  
2624-106 Revision B Block Plan;  
2624-107 Revision A House Type 1 Plans;  
2624-108 House Type 2 Plans;  
2624-109 House Type 3 Plans; and  
TDi169 001 Foul and Surface Water Drainage  
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 West Lindsey Local Plan First Review 2006 Policy STRAT1.

5. The development shall be carried out in accordance with the approved Supplement to Flood Risk Assessment Report by George Shuttleworth Ltd, dated October 2014. Finished floor levels shall be set no lower than 7.5m above Ordnance Datum.

**REASON:** To reduce the risk of flooding to the proposed development and future occupants in accordance with West Lindsey Local Plan First Review 2006 Policy STRAT1 and the National Planning Policy Framework.

6. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 2624-106 Revision B and retained for that use thereafter.

**REASON:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

7. Prior to any of the dwellings being occupied the private drive shall be completed in accordance with the details shown on drawing number 2624-106 Revision B.

**REASON:** In the interests of safety of the users of the public highway and the safety of the users of the site.

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

8. All planting, seeding or turfing comprised in the approved details of landscaping required by condition 3 shall be carried out in the first planting and seeding season following the occupation of the buildings 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 occupiers of adjacent buildings – where appropriate) and in accordance with West Lindsey Local Plan First Review Policies STRAT 1, CORE 10 and RES1).