



## Officers Report

### Planning Application No: 134115

**PROPOSAL:** Planning application to vary condition 4 of planning permission 133055 granted 30 July 2015-amendments to appearance, size and scale and repositioning of garages of plots 1 and 2 only.

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

**WARD:** Torksey

**WARD MEMBER:** Councillor S F Kinch

**APPLICANT NAME:** Mr S Kinch

**TARGET DECISION DATE:** 29/04/2016 (Extension of Time: 30/06/2016)

**DEVELOPMENT TYPE:** Minor - all others

**RECOMMENDED DECISION:** Grant with conditions.

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#### **Description:**

This application has been referred to the Planning Committee as the applicant is an elected Member of the Council.

The site is at 40 Lincoln Road, Fenton. It is on the southern side of the road, on the eastern edge of the village. In January 2015, planning permission was granted to redevelop the site for four dwellings (application 131784). In July 2015 the scheme was amended to accommodate an improved drainage scheme (application 133055).

The application seeks not to comply with condition 4 (approved drawings) of planning application 133055.

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*

*TD169 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.*

The application seeks that a new permission is issued with condition 4 varied to read 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;~~
- **tma/1122/05 Plot 2 Dwelling Plans and Elevations;**
- **tma/1122/07 Plot 2 Garage Plans and Elevations;**
- ~~2624-106 Revision B Block Plan;~~
- **tma/1122/08 Proposed Block Plan;**
- 2624-107 Revision A House Type 1 Plans;
- 2624-108 House Type 2 Plans;
- ~~2624-109 House Type 3 Plans – now superseded;~~
- **tma/1122/04 Plot 1 Dwelling Plans and Elevations**
- **tma/1122/06 Plot 1 Garage Plans and Elevations ;** 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.*

The effect of the amendments would be to change the house type proposed for plots 1 and 2 on the western half of the site.

Plot 1 - House type 3 (drawing 2624-109) was previously proposed. It was for a two storey 4-bedroom detached dwelling with a footprint measuring 14.76m x 7.88m and approximately 8.60m to the roof ridge. Now the revised house type (drawing TMA/1122/04) proposes a 15.64m x 9.64m dwelling with a second storey within the roof space – creating six bedrooms in total. A single storey sun lounge is proposed along the eastern elevation. The double garage would be re-orientated to the west side of the dwelling, bounding the site entrance.

Plot 2 – House Type 4 (drawing 2624-105 rev A) was proposed, a four bedroom detached property with 8.10m x 17.75m footprint and 8.80m high roof ridge. Now (drawing TMA/1122/05) a 13.72m x 13.75m footprint house is proposed with six bedrooms (including a second storey) and 9.41m roof ridge. The detached garage would be relocated from the eastern side of the house to the western side.

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

The development proposed would not fall within either schedule 1 or schedule 2 and is not 'EIA Development' for the purpose of the regulations.

### **Relevant history:**

**131784** - Planning application for change of use from B1 business and B8 storage to housing with the erection of four new houses. **Approved 22/01/2015.**

**133055** - Planning application to vary condition 4 of planning permission 131784 granted 22 January 2015-revised surface water drainage details. **Approved 30/07/2015.**

**134112** - Application for a non-material amendment to planning permission 131784 granted 22 January 2015-changes to plot 3 appearance/fenestration. **Approved 21/03/2016.**

### **Representations:**

Archaeology: No objections / comments.

### **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>

RES1: Housing Layout and Design

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm#res1>

### **Assessment:**

S73(2) of the 1990 Act states that for any applications made in order not to comply with a condition, the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. In other words, it should consider only the changes being sought, and not revisit the principle of the development.

The effect of the amendment, would be to substitute the house types on plots 1 and 2. The proposed houses will be larger than that previously approved

and would introduce second storeys to the dwellings. Nonetheless, for each, the second storey would be retained within the roof and served by skylights.

The new buildings would not be dramatically different in scale or style to that previously approved. The changes would not be expected to introduce an adverse impact to the character and appearance of the development or result in harm to the neighbouring dwelling (38 Lincoln Road) to the west.

It is concluded that the development would still be compliant with the provisions of the West Lindsey Local Plan First Review, particularly policies STRAT1 and RES1.

As a s73 application forms a new planning permission, it is relevant to repeat the previous conditions attached to planning permission 133055. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

### **Recommendation**

To grant planning permission, with condition 4 varied to include the amended plans.

### **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;
- tma/1122/05 Plot 2 Dwelling Plans and Elevations;
- tma/1122/07 Plot 2 Garage Plans and Elevations;
- tma/1122/08 Proposed Block Plan;
- 2624-107 Revision A House Type 1 Plans;
- 2624-108 House Type 2 Plans;
- tma/1122/04 Plot 1 Dwelling Plans and Elevations
- tma/1122/06 Plot 1 Garage Plans and Elevations ; 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 tma/1122/08 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 tma/1122/08.

**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).

**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