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CLIENT + JOHN KINCH GROUP
PROJECT + GRIGES YARD

DRAWING + LOCATION PLAN

JOB NUMBER + 25-24

DRAWING NUMBER + 2624-L

SCALE + 1:1250@A4

REVISION +

DEREK MORRIS ARCHITECTS LIMITED
THE STUDIO + MALT KILN ROAD + FENTON + LINCOLN + LN1 2EW
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Officers Report

Planning Application No: 134599

PROPOSAL: Planning application to vary condition 4 of planning permission 133055 granted 30 July 2015-revised plans with amended appearance, size, scale and position of plot 4

LOCATION: 40 Lincoln Road Fenton Lincoln LN1 2EP
WARD: Torksey
WARD MEMBER: Councillor S F Kinch
APPLICANT NAME: Mr S Kinch

TARGET DECISION DATE: 16/08/2016
DEVELOPMENT TYPE: Minor - Dwellings

RECOMMENDED DECISION: Grant with conditions.

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 Committee will recall at its last meeting (29th June 2016), it resolved to grant permission to 'vary' condition 4 – with the purpose of substituting the house types proposed at plot's 1 and 2 (application 134115).

This latest application now seeks to further vary the condition in order to amend plot 4 of the development.

Condition 4 would be further varied 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;
- tma/1122/05 Plot 2 Dwelling Plans and Elevations;
- tma/1122/07 Plot 2 Garage Plans and Elevations;
- tma/1122/08 **Revision A** Proposed Block Plan;
- ~~2624-107 Revision A House Type 1 Plans;~~
- **TMA/1122/12 Ground and First Floor Plans – Plot 4;**
- **TMA/1122/13 Second Floor Plan and elevations;**
- **TMA/1122/14 Garage Plans and elevations Plot 4;**

- 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.

The effect of the change would be to alter the house-type and layout proposed for plot 4 in the south-eastern corner of the site.

Under original application 131784, plot 4 (titled 'house type 1') measure 19.25m wide and 19.25m long (including single storey annexes) with a roof ridge set at 9.2m high. It was for a five bedroom detached property with two bedrooms at second floor (within the roof space).

A 21.5m wide x 20.75m long detached house with 10m high roof ridge is now proposed. The new dwelling would be similar in scale and appearance to the originally approved scheme, although it would feature greater detailing (stone quoins, revised stone portico porch, additional 'dummy' chimney stack). It would feature a greater number of windows and the single storey side 'annex' would switch from the east to the west side of the building. The detached garage would relocate from the south-west of the house, to its north.

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.**

134115 - 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. **Approved 30/06/2016.**

Representations:

Environment Agency: We have no objection to the proposal as submitted, as the development will still be required to comply with the mitigation measures detailed in the original Flood Risk Assessment. In particular, finished floor levels should be set no lower than 7.5mAOD.

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.

Plot 4 sits to the rear of the site, 'behind' plot 3. The new house type is of a similar form to the originally approved house type but features greater detailing.

In view of the layout and minor changes proposed, the alterations would not be expected to materially affect the overall character and appearance of the development or wider area, or adversely affect the amenities enjoyed on any neighbouring land.

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 an 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 Revision A Proposed Block Plan;

- TMA/1122/12 Ground and First Floor Plans – Plot 4;
- TMA/1122/13 Second Floor Plan and elevations;
- TMA/1122/14 Garage Plans and elevations Plot 4;
- 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.

**WEST LINDSEY DISTRICT COUNCIL PLANNING APPLICATION
OBSERVATIONS OF LCC ARCHAEOLOGY SECTION**

WL Case Officer: Russell Clarkson

Date: 29 June 2016

Application Ref **134599**

No. :

Location : 40 Lincoln Road Fenton Lincoln LN1 2EP

Proposal : Planning application to vary condition 4 of planning permission 133055 granted 30 July 2015-revised plans with amended appearance, size, scale and position of plot 4

Grid ref: 484979 / 376527

Parish: Fenton

Application forms and plans available to view at www.west-lindsey.gov.uk/planning.

No objections/comments to the proposalX.....

Please forward a copy of site location plan for identification purposes

Comments:

Signed Louise Jennings Historic Environment Officer.....

Date...15/7/2016.....

Please return form within 21 days of the above date to Mark Sturgess,
Chief Operating Officer, West Lindsey District Council, Guildhall, Marshall's Yard,
Gainsborough, Lincs, DN21 2NA.