

Officers Report

Planning Application No: 140180

PROPOSAL: Planning application for demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping.

LOCATION: Rosemary Villa 30 Wragby Road Sudbrooke Lincoln LN2 2QU

WARD: Sudbrooke

WARD MEMBER(S): Cllr Waller

APPLICANT NAME: Mr Vaddaram

TARGET DECISION DATE: 19/12/2019

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve

This application for planning permission was considered by the Council's Planning Committee at the meeting held on the 11th December 2019.

The application has sought planning permission for a large House of Multiple Occupation (HMO). At the meeting, Members of the Committee were unclear as to the intended purpose of the building and have sought clarity as to the proposed use of the building. This includes whether this would be as a bed and breakfast, guest house, hotel, HMO or air b'n'b. Members also sought clarity as to the expected length of stay by occupants.

The Planning Committee therefore deferred from determining the application, to allow the applicant the opportunity to clarify these matters, and provide further information as to the intended use and purpose of the building.

The current application entails erection of a large house in multiple occupation (sui generis use class). Planning legislation in England uses the definition of an HMO as set out in section 254 of the Housing Act 2004.

Housing Act 2004 definition of HMO

Section 254 of the Act defines a "house in multiple occupation". A building or part of a building is an HMO if it satisfies 'the standard test' [relevant and quoted below], the 'self-contained flat test' or the 'converted building test', or if an 'HMO declaration' [relevant and quoted below] is in force under section 255 of the 2004 Act, or it is a 'converted block of flats to which section 257 applies.'

"254 Meaning of "house in multiple occupation"

(1) For the purposes of this Act a building or a part of a building is a “house in multiple occupation” if—

(a) it meets the conditions in subsection (2) (“the standard test”);

(b) it meets the conditions in subsection (3) (“the self-contained flat test”);

(c) it meets the conditions in subsection (4) (“the converted building test”);

(d) an HMO declaration is in force in respect of it under section 255; or

(e) it is a converted block of flats to which section 257 applies.

(2) A building or a part of a building meets the standard test if—

(a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;

(b) the living accommodation is occupied by persons who do not form a single household (see section 258);

(c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);

(d) their occupation of the living accommodation constitutes the only use of that accommodation;

(e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and

(f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.”

To meet the test the building, or part of the building, must consist of one or more units of living accommodation that is not a self-contained flat or flats. The living accommodation must be occupied by more than one household who share one or more of the basic amenities (toilet, washing facilities and cooking facilities) or the accommodation is lacking in one or more of these amenities. The occupiers must occupy the living accommodation as their only or main residence and their occupation must constitute the only use of that accommodation. At least one of the occupiers must pay rent or provide some other consideration in respect of their occupation.

The fluctuating nature of the population in certain properties means that a property can move in and out of the three tests. Where a building, or part of a building, is partly occupied by persons as their only or main residence, but is also partly occupied otherwise than as a residence (for example partial use for

holidaymakers), the authority may make an HMO Declaration if it is satisfied that the occupation of the building by persons as their only or main residence is a significant use of the building, or part of the building.

“255 HMO declarations

(1) If a local housing authority are satisfied that subsection (2) applies to a building or part of a building in their area, they may serve a notice under this section (an “HMO declaration”) declaring the building or part to be a house in multiple occupation.

(2) This subsection applies to a building or part of a building if the building or part meets any of the following tests (as it applies without the sole use condition)—

(a) the standard test (see section 254(2)),

(b) the self-contained flat test (see section 254(3)), or

(c) the converted building test (see section 254(4)),

and the occupation, by persons who do not form a single household, of the living accommodation or flat referred to in the test in question constitutes a significant use of that accommodation or flat.

(3) In subsection (2) “the sole use condition” means the condition contained in—

(a) section 254(2)(d) (as it applies for the purposes of the standard test or the self-contained flat test), or

(b) section 254(4)(e),

as the case may be.”

Additional powers over multiple occupation available to local authorities are mainly contained in the Housing Act 2004.

The Housing Act introduced a two-tier approach to the regulation of HMOs in the private rented sector: mandatory licensing for larger ‘high risk’ HMOs and discretionary licensing schemes for smaller HMOs. Mandatory licensing applies to HMOs of three storeys or more which are occupied by five or more persons (who form two or more households). Additional licensing applies to any other type of HMO where the local housing authority has identified a significant problem with the management of that type of HMO.

A register of existing multiply occupied houses may be maintained to ensure satisfactory conditions for residents in terms of their health and safety. Management Orders and Notices requiring repairs and/or amenity provision may be served. Overcrowding may be controlled under the same Act and if more people occupy any premises than the particular authority feels the facilities and size permit, a direction order may be served. The Housing Act also can be used to require fire escapes.

The applicant has confirmed that the intended use of the property does meet the statutory definition of a HMO and that the occupants can stay one day or one week or one month or one year or several years but if the proposed use class of the application stipulates to restrict any length of stay by an occupier, then the applicant will adhere to it.

It is opportune to include the verbal update from the last meeting as part of this report as well as including any further representations received.

Reepham Parish Council makes comments/objections: "The traffic and general disturbance associated with a HMO of this scale is totally inappropriate for this location. It would seriously damage the amenity value of the adjacent properties that are family homes."

40 Additional letters of support have been received from various addresses in India and 6 Shepherds Way, Sudbrooke; 17 St Lawrence Drive, Bardney; 72 Greetwell Close, Lincoln; 62 Worthington Road, Balderton; 32 Brooklans, Milton Keynes; and Deadmans Lane, Greenham summarised as follows:

- Will help boost economic development
- Support the proposal
- Would provide good accommodation
- I stayed there it is a good place
- Would provide a suitable place to stay for visitors including those to Lincoln.

Additional objections has been received from The Blacksmiths Yard, 21 Station Street, Timberland and 28 Wragby Road, Sudbrooke summarised as follows:

- Concerned about the sudden interest in proposal and disputes the validity of the comments because of lack of local connection. Hope the application is refused.
- Believe proposal contravenes rights under the Right to Light Act 1959 in relation to side windows. It states that an easement of light is a right

In considering the content of the letters of objection received the drawings do contain a misplaced 45 degree angle. This can be used as a rule of thumb by Council's to control the depth of rear extensions in order to prevent excessive daylight loss. However, this is not an adopted policy of the Council. The proposal would project beyond the 45 degree line and this would have some impact on the outlook and light from the rear bedroom window in question but this is not considered to be sufficient to warrant refusal of the application.

With regard to "Rights to Light" the courts have generally taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on loss of private rights to light could not be material considerations. Rights to light are therefore nothing to do with the planning system. The main statutory power is Section 3 of the Prescription Act of 1832 which provides that where access of light has been enjoyed for a period of more than 20 years without interruption, such a right is "absolute and indefeasible". In other cases so called "rights of light" are easements granted to adjacent property owners.

It is clear from the above that the right to light issue raised by the objector is not a material planning consideration. However, it is still relevant to consider the loss of sunlight and daylight that would be experienced by adjoining properties which the original report does and concludes is acceptable with additional consideration above.

These additional considerations do not change the original officer recommendation and the original report is repeated below.

Description:

This is an application for planning permission for demolition of the existing dwelling and erection of a large house of multiple occupation (sui generis use class) with associated access alterations, vehicle parking and landscaping.

The existing vacant two storey dwelling has three bedrooms and is fairly modest in scale with a traditional brick and tile construction. It is approximately 8m to ridge height and 4.5m in width.

The proposed house in multiple occupation (HMO) features ground floor living area, separate kitchen/diner and car underpass, with eight en-suite bedrooms on the two floors above. The roof is part pitched and part flat. It is approximately 8.3m to ridge height and 11.6m wide with a 0.75m gap to the common boundary with 28 Wragby Road along which it is proposed to erect a new masonry wall.

Proposed materials for walls are red facing brickwork and through coloured render. Proposed roofing materials are dark grey eternit thrutone artificial slates. Windows and door to be dark grey upvc/aluminium. A streetscene elevation is submitted showing the proposal in context with the two dwellings adjacent.

Eight car parking spaces are proposed with four to the front of the dwelling and four to the rear accessed via the underpass. The vehicular access from the A158 would be widened to 5.6m. Garden beyond the rear parking spaces would be retained as would the existing hedge to the eastern and southern boundaries.

It is proposed to drain surface and foul water to main sewer

It is proposed waste and recyclable waste is collected daily by the applicant and removed from site. The waste is taken to a central depot, sorted, segregated in to general and recyclable waste and disposed of accordingly.

Public right of way Sudb/129/1 is immediately to the north east of the site. The site forms part of a cluster of four dwellings on the southern side of Wragby Road which are surrounded by arable farmland to the south.

Relevant history:

None.

Representations:

Cllr Waller:

Requests the application is determined by committee and gives the same reasons as Sudbrooke Parish Council's comments, as quoted below.

Sudbrooke Parish Council:

“LP1 - The application is in direct conflict with LP1 as it does not provide sustainable development and is unlikely to be used by existing residents.

LP2 - Sudbrooke has far exceeded the housing stock in the Neighbourhood Plan.

LP3 – Does not apply because development targets met and exceeded by Sudbrooke Park Development.

LP7 – This is not high quality visitor facilities and conflicts with the majority of LP7. Sudbrooke Parish Council state this as to the complete uncertainty of the use of the building.

The applicant has stated that it is to be used as an air bnb and an 'overflow' for hospital consultants. This does not fit in with Sudbrooke Neighbourhood Plan.

LP10 has already been met by The Park development for the next 25 years; it conflicts with Neighbourhood Plan 4.5.1.

LP17 – The new building in relation to the townscape afforded by existing houses is in direct conflict with LP17.

LP 26 – In conflict with design principle LP26(B). The access on the main arterial route into Lincoln (A158) is a known accident blackspot.

LP2C – It will be completely out of character with other houses in the village.
Sudbrooke Neighbourhood Plan 5.22 – This application for a block of eight ‘flats’ as stated use of air bnb does not provide for existing and future residents to live in a home appropriate to their needs.

5.23 Section 13 – The proposed build of this application is completely out of character with a village mentioned in the doomsday book.

Sudbrooke Neighbourhood Plan does not identify a need for this type of accommodation.

Paragraph 5.23 does not respect the Neighbourhood Plan and Sudbrooke Village Character Assessment despite stating otherwise in the application.

6.2 - States that the proposed building is on a residential street within the village. However Sudbrooke Parish Council would like to point out that the A158 is the main arterial road from Skegness to Lincoln.

6.3 – The existing two storey property **is entirely** in keeping with the street scene and this development will be considerably larger and not in keeping with the street scene.

6.5 – Mr Martin Evans, the Planning Officer referred to is not, to the knowledge of Sudbrooke Parish Council, a Senior Planning Officer with West Lindsey District Council.

6.6 – Sudbrooke Character Assessment suggests that Sudbrooke is an attractive village to live and this proposal would not ‘raise the standard of design more generally in the area’.

6.7 – Sudbrooke Parish Council does not agree that this application confirms with the Policies stated.

6.9 – There has never been a call for this type of accommodation in the area. It will not fulfil a non-existent local need.

6.11 – Sudbrooke Parish Council disputes that this development meets the aspirations of National and Local Planning Policy and it should be rejected.

LP 10 – This does not support LP 10.

Material Planning Considerations

The over bearing nature of the proposal.

Access and Highway safety will be impaired by the arrival and departure of residents and service vehicles on the main A158 just metres from the junction of Scothern Lane.

Traffic Generation – The development will generate more traffic by its concept.

Noise and disturbance from the Scheme – Residents will be able to arrive any time - day or night -having paid their fees on-line.

The design and appearance is a Material Consideration in that it is out of keeping with the rest of the village.

Sudbrooke Parish Council has been approached by numerous residents concerned about the use of this building as a potential party house, brothel, and drugs county lines operation.”

Reepham Parish Council:

Requested a deadline extension to 5th December.

Local residents:

Residents of 24, 25, 26, 27, 28, 29, 31, 33 Wragby Road, 50 St Edwards Drive, 46 Windsor Close, 6 Manor Drive Sudbrooke; 12 Barlings Lane, Langworth; 21 Station Road, Timberland object to the proposal (summary):

- Residential amenity- reduced light to neighbours, loss of views, proximity of proposal to neighbour, rear projections beyond neighbour, overshadowing, impact of car park and wall, enjoyment of garden via noise and exhaust fumes, occupants could arrive at any time.
- No need for proposal- no community benefits from transient occupants.
- Proposed use as HMO- out of character with residential the area, noise, poor behaviour of occupants.
- Additional traffic and parking problems- with associated car noise at any time of day and headlights shining at properties. Insufficient parking. May park on road to front, endangering other road users, and restricting right of way access. Pedestrian safety. Lack of service vehicle parking.
- Lack of facilities in area.
- Not a sustainable development.
- Risk of crime from occupants.
- Title deed may prevent the proposal.
- Existing dwelling should be kept as this is a residential area as this better meets National, Local and Neighbourhood policies.
- Group of four properties very visible in both directions on road and should be considered in a group. Visual impact in all directions. Size, mass and scale of proposal is out of local context and does not reflect or compliment neighbours and too big for the plot.
- Removal of planting and ecological impact. Can hedge be protected?
- Could be used for parties if unstaffed/ may be disorderly.

- Waste has been burnt on site.
- Issues with another of the applicants sites.

Residents of Parklands West Drive, 3 Manor Drive, 20 Beresford Drive, 75 Wragby Road, 5 and 6 Shepherds Way, 3 Maple Drive, 66 Holme Drive, 18 Northfield Avenue Sudbrooke; 9 Greetwell Road, Lincoln; 17 Manor Rise, Beck House, 3 Beck Hill, Reepham; 38 Bobbin Lane, Lincoln; 6 Hawthorn Road, 131 Jubilee Close, Cherry Willingham; 17 The Alders, 7 Lime Tree Paddock, Scothern; 12 Harland Road, 29 Foster Street, Flat a 2A Ripon Street, 5 Ploughmans Court, 28 Smith Street, Lincoln; 16A Wragby Road East, North Greetwell; 3 Ravenwood, 4 Hillcroft, Washingborough, 45 Stane Drive, Bracebridge Heath, 52 Cranwell Street, 91 Uffington Avenue, Flat C 143 Newark Road, Lincoln; Old Post Office, West End, Swaton, Sleaford; 17 Grenville Court, Chorleywood; 230 Harborne Lane, Birmingham; Social Economy House, Victoria Street, West Bromwich; Kodathi, Varanasi, Kunigal, Bangalore in India support the proposal (summary):

- Visitors sometimes have to stay in Lincoln. Proposal provides local option that is safe, clean and modern.
- Extra accommodation for visitors with bigger rooms.
- Agree with the proposal.
- Could ease congestion elsewhere.
- It allows people to spend time closer to nature and relax
- Visitors may visit nearby attractions.
- Hotel, guest house in this location is a good idea. No hotels or guest houses in Sudbrooke.
- Offers variety and flexibility of accommodation for tourists.
- Good views for occupiers.
- Away from crowded city centre.
- Easy access and well located to Lincoln and coast.
- Peaceful, quiet and comfortable rural location for proposal.
- Good replacement building and accommodation will uplift the area.
- Location would suit business visitors in Lincoln.
- Most guest houses in Lincoln are old and full of damp.

Two letters had an incomplete address from Greetwell Road, Lincoln; Taurus Avenue, North Hykeham.

WLDC Environmental Protection Officer recommends demolition management plan, no burning on site, waste to be removed by licenced persons, asbestos assessment required prior to works. Construction management plan to be submitted. The proposed use should be clarified. Further details of waste collection are required.

LCC Highways and LLFA:

No objection subject to informatives regarding amended access and works within the highway.

LCC Public Rights of Way Team:

The Definitive Map and Statement shows Definitive Footpath (Sudbrooke) No.129 adjoining the site although this would not appear to affect the proposed development. Comments;

i/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.

ii/ The construction should not pose any dangers or inconvenience to the public using the right of way.

iii/ If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division

If there is any doubt that any of these conditions may be breached then a temporary diversion or closure may be needed. Under these circumstances, please advise the applicant to contact Mr Chris Marsh at this office at least 13 weeks prior to their proposed start date. Applicants should be aware that there is a cost in processing such Orders.

Relevant Planning Policies:

Development plan

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016).

Lincolnshire Minerals and Waste Local Plan

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/minerals-and-waste/88170.article>

- Core Strategy and Development Management Policies

- Site locations

No relevant policies.

Central Lincolnshire Local Plan

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP26: Design and Amenity

Other

<https://www.gov.uk/government/collections/planning-practice-guidance>

National Planning Policy Framework 2019 and Planning Practice Guidance Paragraph 213 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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)."

Sudbrooke Neighbourhood Plan (SNP)

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/sudbrooke-neighbourhood-plan/>

Sudbrooke Neighbourhood Plan has reached referendum stage. An examination of the plan was carried out by an independent examiner in September / October 2019 by written representations. Subject to a series of recommended modifications set out in their report the examiner concluded that the examination of the Sudbrooke Neighbourhood Plan was successful and the plan should proceed to referendum.

West Lindsey District Council has determined that the examiner's recommended modifications to the Sudbrooke Neighbourhood Plan meet the 'basic conditions' as set out in Planning and Compulsory Purchase Act 2004. West Lindsey District Council has agreed with Sudbrooke Parish Council that all of recommended modifications made by the independent examiner be included and revised in the original Neighbourhood Plan in order for it to proceed to public referendum with a date to be confirmed later. The revised referendum version of the plan is currently in preparation.

Relevant policies are:

Policy 7: Public Rights of Way

Policy 9: Local Design Principles

Sudbrooke Village Character Assessment- the site is within the 'Wragby Road' character area.

Main issues

- The principle of development
- Design and visual impact
- Impact on residential amenity
- Impact on highway safety
- Flooding and drainage

Assessment:

The principle of development

Policy LP2 designates Sudbrooke a medium village, stating:

“5. Medium Villages

*Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support****, the following applies in these settlements:*

- they will accommodate a limited amount of development in order to support their function and/or sustainability.*
- no sites are allocated in this plan for development, except for Hemswell Cliff and Lea. typically, and only in appropriate locations**, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances***** proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.”*

The proposal entails a replacement dwelling, albeit, in the form of a larger HMO. This accords with the requirement for a limited amount of development of up to 9 dwellings. Some representations refer to growth levels having already been exceeded but Policy LP4 does not apply to a replacement dwelling. Policy LP2 is consistent with the NPPF paragraph 78 requirement for policies to “identify opportunities for villages to grow and thrive” so is attributed full weight. The Sudbrooke Neighbourhood Plan does not have policies relevant to the principle of development.

The principle of development is acceptable.

Design and visual impact

Policy LP26 requires all development must achieve must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. It requires all development must take into consideration the character and local distinctiveness of the area and where applicable must demonstrate that they make effective and efficient use of land; maximise pedestrian permeability; respect existing topography, landscape character, relate well to the site and surroundings with regard to siting, height, scale, massing, form and plot widths; incorporate as far as possible existing natural features; incorporate appropriate landscape treatment to ensure assimilation into the surrounding area; provide well designed boundary treatments and hard and soft landscaping; reflect or improve on the original architectural style of the local surroundings or embrace opportunities for innovative design and new technology which sympathetically complement or contrast with the local architectural style; use appropriate high quality materials which reinforce local distinctiveness.

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 124 states “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve”. Paragraph 127 requires policies and decisions ensure developments function well and add to the overall quality of the area; are visually attractive as a result of good

architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. LP26 is consistent with section 12 of the NPPF in requiring well designed places. It is therefore attributed full weight.

Policy LP17 relates to landscape, townscape and views. It requires proposals have particular regard to maintaining and responding positively to natural and man-made features within landscape and townscape which positively contribute to the character of the area including hedgerows. It requires proposals take account of views in to, out of and within development areas. LP17 is consistent with NPPF paragraph 170 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside. It is therefore attributed full weight.

NPPF paragraph 48 allows Councils to give weight to relevant policies in emerging plans based on their stage of preparation; extent of unresolved objections to relevant policies; and their consistency with the NPPF. The SNP is at an advanced stage of preparation with the referendum the only remaining stage prior to being made, there is no known unresolved objection; and its policies are consistent with the NPPF. Therefore, Policies 7 and 9 are attributed substantial weight.

Please note all reference to the SNP takes into account the modifications required by the Examiners report dated 18th October 2019. Policy 9 states:

“In conjunction with the Sudbrooke Character Assessment (Appendix 5), development proposals will be supported where they have considered the following:

1. In relation to site context:

a) the proposal responds positively to the specific character area as identified within the Sudbrooke Character Assessment, the local distinctiveness and form of its surroundings;

[Note examining Inspector deleted criterion b from the policy]

c) key views of village, as identified within the Sudbrooke Character Assessment, and the important landscape views, as identified on figure 16, should be safeguarded. Development proposals should demonstrate that they will not have an unacceptable adverse impact on the views listed 1-11.

2. In relation to site design, layout and access: The arrangement of buildings, structures and spaces within the site, including density and

layout, and the alignment and orientation of buildings, relates positively to the character and form of the surroundings, achieves a high quality of design and meets all of the following criteria:

- a) integrates well with the existing street patterns and characteristics which define that specific character area*
- b) protects the amenity of neighbouring occupiers; and*
- c) creates well-connected and attractive outdoor areas*

3. In relation to the design of buildings and structures:

- a) proposals make a positive contribution to their surroundings through the quality of their design in terms of scale, height, form, massing, style, detailing, landscaping and use of materials and meet criteria (b) to (c) listed in part (2) above;*
- b) proposals for non-residential buildings consider flexibility in design to facilitate conversion to other uses in the future;*
- c) proposals for residential buildings consider the accessibility and adaptability of new homes to meet the long-term needs of residents; and*
- d) proposals are designed to take advantage of renewable and low carbon energy sources, including natural solar gain.”*

Relevant sections of the Sudbrooke Character Assessment state:

“5.65 The final key characteristic of Character Area 5 is derived from the influence of the southern side of Wragby Road. Specifically, it is the openness of this stretch of roadside and the views it affords out towards the village’s wider landscape setting (Fig 149 and 150) that are important to the overall character and feel of Wragby Road. This visual connection to the landscape south of Sudbrooke is complemented by a public right of way that grants pedestrian access into this countryside setting (Fig 151).”

“5.67 Two further residential clusters exist along southern edge of Wragby. The first is comprised of a row of inter-war properties with hipped tiles roofs, tall red brick chimney stacks, two-storey bay windows with front facing gables (Fig 155), and is set just slightly back from the road behind open, unenclosed front gardens. The other is located at the junction of North Lane and Wragby Road, and consists of three large detached dwellings, set back from the road within long, narrow plots, and partially screened by roadside planting to the front of the plots (Fig 156).”

The proposal responds well to site context as it does not harmfully affect the openness on the southern side of Wragby Road or visibility to the countryside beyond, nor does it impact on the public right of way itself, as confirmed by LCC public rights of way officer. The proposal has a part hipped roof. It does have a section of flat roof although this would not be obvious in the surrounding area and it does not feature a tall red brick chimney stack. The proposal does feature two storey bay windows with front facing gables and it is set slightly back from the road. The front garden would become a parking

area but would remain open in character with the front masonry wall height capable of being controlled by condition. It is noted the front of 24 Wragby Road is partly enclosed by a large fence. The proposal responds positively to the Wragby Road character area 5 of the Sudbrooke Character Assessment. The proposal is not within any key views identified in the SNP. Despite this, the site is in a conspicuous location as it is visible in both directions along Wragby Road and from the public right of way to the east and south. There is little landscaping on the site to soften these views. Whilst the proposal is larger than the existing dwelling its overall scale is not considered to be so large and incongruous as to be in conflict with relevant policies LP17 and LP26. The streetscene elevation and other drawings show the proposal is in keeping with the scale of development in this cluster of four dwellings with the resulting landscape and townscape impacts being acceptable.

The site design, layout and access proposed entails a building on broadly the same part of the site, albeit with a larger footprint. The front elevation remains in line with 28 Wragby Road and would continue to face the road. Residential amenity impacts are discussed below. Outdoor areas provide some remaining garden with retained hedgerow and tree but is mostly car parking. The proposal is larger than the existing dwelling but the overall scale, height, form, massing, style, detailing and use of materials (subject to condition) are considered appropriate to the area. The streetscene elevation shows the proposed building height and bulk reflects adjacent properties and the use of render is a feature of 24, 26 and 28 Wragby Road. Some landscaping would be retained as part of the proposal.

Policy 7 requires *“All new proposals should protect and, where possible, enhance the existing Public Rights of Way network as identified on Figure 13.”* The proposal would not impact the public right of way.

The proposal is considered to comply with the Sudbrooke Character Assessment, Policy 7, Policy 9, LP17 and LP26.

Impact on residential amenity

Policy LP26 requires proposal do not unduly harm residential amenity with consideration to compatibility with neighbouring land uses; overlooking; overshadowing; loss of light; increase in artificial light or glare; adverse noise and vibration; adverse impact upon air quality from odour, fumes, smoke, dust and other sources; adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste; and creation of safe environments. This is consistent with the requirements of NPPF Paragraph 127 that policies and decision should ensure that developments “f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users” and NPPF paragraph 170 in seeking to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and can be attached full weight.

The main impact of the proposal will be on the single immediate neighbouring dwelling at 28 Wragby Road. The proposal would not project to the front of this neighbouring property. The residents of this property confirm it has three windows on the ground floor side elevation facing the proposal, two of which serve a dining room. These are two small high level windows. The outlook and light to this room is already compromised by the existing building. The applicant could erect a 2m high fence on this boundary or a 2.5m high outbuilding without planning permission which would further compromise outlook and light. The proposal would leave a 0.75m gap to the boundary and there is an approximate 1.8m gap (stated by occupiers of this dwelling) between the side of number 28 and the boundary. There is not considered to be a harmful loss of light or sense of overbearing. The other side facing window serves a room with another rear facing window resulting in an acceptable impact.

The submitted drawings demonstrate that whilst the proposal projects to the rear of number 28 it would not extend beyond the 45 degree line drawn from the closest rear facing first floor bedroom window. The rear projection is not considered to be harmful.

The provision of car parking to the rear of the proposal and associated access through the building will be result in some level of noise, car fumes and headlight impact for residents of number 28 including use of their garden and would be a change compared to the previous arrangement with no rear parking area. However, the level of impact combined with the ability to condition a 2m high masonry boundary wall along the common boundary to reduce these impacts results in the impact being acceptable in accordance with LP26. The front car parking area would have similar impacts but must be considered in the context of the very busy Wragby Road which will already be resulting in a significant level of impact to number 28. It would not be appropriate to have a 2m masonry wall in this location due to the streetscene impact therefore it is necessary to condition this to be 1m in height. This would reduce to a small degree impacts experienced by the residents of number 28 from the front parking area. The impacts of the parking and access arrangements would not harm residential amenity in accordance with LP26.

The nature of the use as a HMO is more intense than a regular family dwelling but the impact of the nature of this use along with potentially more frequent vehicle movements and use of the rear garden and building itself is not considered to result in any conflict with LP26. There is not considered to be an increased risk of crime from the proposal. Impact on more distant properties is minimal and acceptable.

It is proposed that waste and recyclable waste is collected daily by the applicant and removed from site. The waste is taken to a central depot, sorted, segregated in to general and recyclable waste and disposed of accordingly. The Environmental Protection Officer considers a formal arrangement via licenced waste carrier is required therefore it is necessary to

condition details of waste storage and collection arrangements to comply with LP26.

The impact of the proposal on residential amenity is considered to be in accordance with LP26.

Impact on highway safety

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 108 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 109 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The policy is therefore attributed full weight.

The vehicular access to the site would be widened to 5.629m to allow two vehicles to pass on another. A total of eight car parking spaces are proposed with four to the front and four to the rear with the rear spaces being accessed through the building. Car parking is provided on the basis of one car parking space per bedroom. LCC Highways raises no objection to the proposal. Despite objections received, the proposal is considered to provide suitable access, parking and turning arrangements in a location that would not result in harm to highway safety and convenience. The impact on highway safety is acceptable in accordance with Policy LP13.

Flooding and drainage

Policy LP14 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical whereas NPPF Paragraph 165 requires this for only major developments. However, there is general consistency in requiring developments do not lead to increased risk of flooding therefore LP14 is given full weight.

The site is in flood zone 1 therefore the main consideration is the means of foul and surface water drainage. It is proposed to drain surface and foul water to main sewer. This is acceptable for foul but not for surface water because this has not been justified by exploration of soakaway use or local watercourse. This issue is not a fundamental concern and final details can be secured via condition in accordance with Policy LP14.

Conclusion and recommendation

Replacing the existing dwelling with a large HMO accords with Policy LP2 and is acceptable in principle. Whilst the design is larger than the existing dwelling it is considered to comply with the emerging Sudbrooke Neighbourhood Plan and character assessment as well as Central Lincolnshire Local Plan Policies LP17 and LP26 regarding design and landscape and townscape impacts. The proposal will result in an acceptable impact on the residential amenities of the

occupiers of adjoining residents in accordance with Policy LP26. The type and level of traffic generated and the access, turning and parking arrangements on site are considered not to harm highway safety and convenience and comply with Policy LP13. Final details of foul and surface water drainage, waste storage and collection and other technical matters can be secured via condition. The proposal is considered to comply with the development plan, NPPF and emerging policy. It is recommended that planning permission is granted.

Recommended conditions:

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).

2. No development above foundation level shall take place until details of the means of foul and surface water drainage (including percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before occupation of the HMO.

Reason: To secure appropriate foul and surface water drainage in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

3. Development shall proceed in accordance with the following approved drawings:

L-ADD-026-10

L-ADD-026-11

L-ADD-026-12

L-ADD-026-13

L-ADD-026-14

Reason: For the sake of clarity and in the interests of proper planning.

4. The vehicular access amendments, vehicular access through the building, parking and turning space shown on drawing L-ADD-026-10 shall be provided before occupation of the HMO and shall be retained for such use in perpetuity.

Reason: In the interests of highway safety and convenience and to ensure sufficient vehicle parking and turning in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

5. Notwithstanding the submitted details, prior to the occupation of the HMO details of waste storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to.

Reason: To ensure appropriate waste storage and collection arrangements in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

6. Prior to their use in the development, details of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To ensure an appropriate design to the proposal in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

7. The masonry wall to the western boundary, the location of which is shown on drawing number L-ADD-026-10, shall be 1m in height to the front of the front elevation of the building and shall be 2m in height the wall to the rear of the rear elevation.

Reason: To mitigate the impact of the parking arrangements on residential amenity of adjacent occupiers in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

Informatives

LCC Highways wishes to make the applicant aware of the following:

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

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