

Officers Report

Planning Application No: 140545

PROPOSAL: Application for approval of reserved matters for the erection of 1 no. dwelling and detached garage with annex accommodation, considering appearance, landscaping, layout and scale- following outline permission 139520 granted 16 January 2020.

LOCATION: Plot 9 Land south of Eastgate Scotton Lincolnshire DN21 3QR

WARD: Scotter and Blyton

WARD MEMBER(S): Cllr Mrs M Snee, Cllr Mrs L A Rollings and Cllr Mrs L Clews

APPLICANT NAME: Mr & Mrs Allison

TARGET DECISION DATE: 26/03/2020 (Extension of time agreed until 19th June 2020)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Approve reserved matters of scale, appearance, layout and landscaping, with conditions

Description:

The application has been referred to the Planning Committee following the request of the Ward Member and following third party representations in relation to the impact on residential amenity, and perceived conflict with the draft Scotton Neighbourhood Plan.

The site already benefits from planning permission, following outline permission 139520 granted 16th January 2020, with access arrangements considered and approved at that time. Only matters of layout, appearance, scale and landscaping were reserved for subsequent approval ("reserved matters").

The application seeks reserved matters approval only - for the outstanding matters of appearance, landscaping, layout and scale, relating to 1 dwelling (plot 9).

The application site is a plot of agricultural land and is located in the south west corner of the 9 dwelling self-build site given outline planning permission in planning application 139520. The site currently has open fields to the north east and south boundaries, the garden area of 32 Eastgate is adjacent to the west boundary.

There are two Listed Buildings to the west of the site. These are:

- Church of St Genwys – Grade I Listed
- Acacia Cottage – Grade II Listed

The site is also within a Sand and Gravels Minerals Safeguarding Area.

Amended plans were received on 16th April 2020 following negotiations with the applicants after the Case Officer raised concerns with the originally submitted plans, the changes are listed below;

- Reduction in the scale of the detached garage;
- Privacy screen on first floor balcony to the rear.

A full re consultation was carried out with all neighbours and statutory consultees on the 29th April 2020 for 21 days.

Relevant history:

135056- Outline planning application for proposed development for 9no. dwellings with access to be considered and not reserved for subsequent applications – 12/01/17 - Granted time limit and other conditions (Planning Committee)

139520- Outline planning application to erect 9no. dwellings with access to be considered and not reserved for subsequent applications - 16/01/20 - Granted with Legal Agreement (Planning Committee).

Representations:

Cllr L Rollings: 27th May 2020- The size of this property occupies most of the boundary of 32 East gate. It will have a huge impact on the neighbouring property. Scotton Neighbourhood plan has now been approved and was available for viewing at this time and states that no more large executive houses of this size are required and that smaller properties are what is needed.

Cllr L Clews: 28th May 2020- The application should be taken out of delegated powers and determined by the planning committee for the following reasons:

- The Scotton Neighbourhood Plan has now passed the examination stage;
- The amendments have been addressed;
- Under the latest guidance the Scotton Neighbourhood Plan should now carry 'significant weight' in the planning process;
- The application is contrary to the Scotton Neighbourhood Plan, the village voted for low cost dwellings and bungalows not large/luxury homes which this application is at almost 600sqm over two large buildings, 50% larger than the indicative size of the house shown on the original application for this site;
- Policy 6, design code a) the provision of safe and accessible access from the site onto Eastgate, no evidence of this has been achieved;
- Criteria g states that the proposal does not cause any unacceptable detrimental harm to the private amenity of adjacent properties along Eastgate, the impact on amenity and outlook do not comply with this policy;
- H. Where possible, the development should avoid the blocking of any significant views across the landscape from Eastgate.

- This planning application alters and blocks the view from within and through the site. Through consultation with West Lindsey District Council Plot 9 was agreed to be re orientated to allow the plan for 9 dwellings to be approved. So as to minimise any impact on the residents of No 30 & 32 Eastgate. This has not been done. Loss of: Amenity Outlook Overshadowing

Cllr M Snee: 20th March 2020- I have received concerns from constituents of Scotton regarding this development. The particular concerns around this application is with regard to its size, height and proximity to neighbouring properties. On the indicative plan the house and garage was positioned at an angle and a good distance from the neighbour's boundaries, this plan now appears to show the boundary parallel. I quote "Plot 9 a dwelling and its garage will need to enable the enjoyment of the garden space of 32 Eastgate is not harmed to an unacceptable level".

Constituents have also expressed concerns of the size of the garage and if it is an intention to use it on a commercial basis.

Finally there is concerns from the neighbourhood around privacy, outlook, light levels and disturbance and we request that the application respects the NPPF guidelines when a decision is made.

Can we request this application is reconsidered and when ready for approval be considered by the planning committee following a site visit.

Scotton Parish Council:

On amended plans- 8th May 2020-

Scotton Parish Council wish to reiterate the comments made in response to planning application 140545, in response to the amended application. It is felt the comments have not been fully addressed.

24th February 2020- Scotton Parish Council objects to the above application and wishes to make the following comments: -

Drainage

- Scotton village is served by Severn Trent Water. The Parish Council contacted Severn Trent for an explanation of the sewerage system in the village. Severn Trent have advised that the sewage network in the village only captures foul water. Water run-off and surface water need to be dealt with by soakaways. The existing sewage infrastructure was not designed to cope with surface water and run-off, increased volumes of water or connection of storm drains to the foul water drains would increase the risk of flooding both in the village and to the neighbouring village of Scotter. Flooding of foul water could be a source of contamination, as it would not be directed to the sewage treatment works.
- This planning application has not shown evidence that control of water and sewerage have been considered or that Severn Trent have been approached for advice.

Scale of Garage

- The height of the garage is greater than would be expected and it would be located 1.5m away from the neighbouring boundary. Natural light and privacy are considerations.

Workshop and Annex

- The details of the workshop bear closer consideration. If this is a business, has the land been designated as such?
- Health and safety and noise are reasonable considerations given that this development is located in a purely residential part of the village. If a business is to be created has provision been made for additional parking and sound proofing.

Character

- Scotton Neighbourhood plan has been presented to WLDC and while it has not been formally adopted, we would point out that residents in the village identified a need for smaller, affordable housing, with a preference towards bungalows.
- Outline planning permission in this application granted permission for medium sized bungalows. This application has increased the footprint of the house from 540m to 600m.
- The Parish Council considered the possibility that the large garage and workshop/annexe could be converted into a domicile residence. Infilling on the site would increase the number of houses on that plot and place more strain on the existing sewage network.

Access Roads

- The Parish Council would like to request that consideration is given to access and congestion during any building works. Highways have stipulated that work to the Highways must be completed before building begins.
- The Parish Council would like to ask that a condition be placed that roads into the development are completed before building starts. This is to ensure health and safety/access and congestion issues are properly considered.

CIL

- Lastly, as this development is a self-build it prevents the Parish Council from benefiting from CIL payments, which would normally be used to improve and provide for development of infrastructure in the village due to growth. Therefore, any self-build applications in the village should show that they are environmentally sustainable and would not impact negatively on the village.

Local residents:

On amended plans; Objections received from 5A, 9, 32, Bramley Lodge, Eastgate and 11 High Street, Scotton:

In summary:

Neighbourhood Plan and Amenity:

- The Scotton Neighbourhood Plan has now passed the Examination Stage and should therefore assume substantial weight as if it had gone to referendum in any planning application decisions.
- The Scotton Neighbourhood Plan is very much relevant to this application and should therefore be fully taken into account as per the forward above in the decision making process, it should not be ignored or parts of it 'cherry-picked' as it has already been used in granting planning permission on plots 5 + 7.
- There is no need for large luxury homes, the village needs affordable homes;
- The scale and size of the dwelling and garage is too large and will cause overshadowing, overlooking and an overbearing impact;
- Local Views are not protected;
- Concerns with noise and disturbance from the workshop;
- The garage building will be turned into a dwelling;
- As plot 9 is also adjacent to the boundary of 32 Eastgate this also should be a smaller single storey dwelling.
- No Evidence why the orientation of plot 9 does not comply with the drawing and design that was passed in Application 139520 this was so that the amenity and living conditions of residents would not be effected.

Trees

- The trees on 32 Eastgates land will be damaged;
- The applicant has stated that no trees will be removed but has not submitted a tree survey.
- This would still affect two of the Silver Birch trees and to a lesser extent the Tree of Heaven;
- There should be no changes to the ground levels;
- The RPA measurements are inaccurate on the submitted amended site plan;

Drainage

- What impact will this house have on the out of date sewerage system, could a development of this size lead to flooding in the future.
- No drainage plans have been produced;

Highways

- No access to the plot has been granted or signed by the owner of the land for the development to go ahead;
- No evidence that any outline conditions have been addressed;

**Objections received from 5A, 9x2,32, Bramley Lodge, Eastgate.
Threeways and 11 High Street, Scotton**

**In summary:
Residential Amenity**

- Overshadowing and loss of light impacting on 32 Eastgate's garden area particularly from the garage;
- Noise from the detached garage/workshop and dogs;
- Concerns the garage will be used for commercial use;
- Blocking of views over fields;
- Light pollution;

Trees

- The trees on the west boundary would be affected by the proposal;
- The current proposed position of the workshop annex is 1.5m away from the trees, (which have a stated remaining contribution in excess of 40 years) which is less than half the stated root protection zone of 3.6m.
- The construction of the workshop annex will require a change in ground levels contrary to something previously described as being a sacrosanct restriction.

Character:

- Overdevelopment of the site;
- The scale of the buildings is inappropriate and too large;
- There should be a range of houses including bungalows;
- Important views of the village and church identified in the plan would be impacted;
- There is no need to ruin the charm and character of this historic and beautiful village unnecessarily.

Neighbourhood Plan:

- It is to be noted that this site was only included in the neighbourhood plan allocations as it was already the subject of a previous outline planning granted for access in app No 135056 in 2017;
- The site had to be altercated in the Scotton Neighbourhood plan as the plan was initiated after this date. When put to a public vote this site registered - 59 coming out the least favoured site for development in the village.
- Scotton Neighbourhood plan identified a need for smaller, affordable housing, with a preference towards bungalows.

LCC Highways/Lead Local Flood Authority: No objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Archaeology: No representations received to date.

Historic England: On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

WLDC Conservation Officer: No representations received to date.

WLDC Tree and Landscape Officer:

29th May 2020-

- If the building was moved 0.5m further forward and avoid running underground utilities across the back of the building which then it would be acceptable in terms of impact to the trees.
- Tree protection measures should be required, details to be provided for prior approval, which should be put in place prior to any works commencing, including site prep work, and setting out. Due to needing a working space around the building, and space for scaffolding, tree protection measures around the outbuilding should include ground protection in accordance with BS5837:2012 so scaffolding can be erected above it.

14th May- In Summary

- The tree survey information was provided for a previous outline application for the whole site, and the trees at No 32 which are close to the property boundary are described as a group of silver birch and hazel, are in good condition, and would require a Root Protection Area (RPA) of 3.6m radius as measured from their stem centres. The RPA given in that survey for the group of trees would just be set at the largest RPA of an individual tree rather than each tree measured for its own RPA. For the larger tree just to the NW of the workshop/annex outbuilding, the tree survey also gives the RPA for the Tree of Heaven as being 5.4m radius, with an easterly crown spread of 5m towards the building.
- Tree of Heaven- An RPA of 5.4 metres for this tree off the NW corner of the plot would slightly overlap into the corner of Plot 9 by just under 0.5m, and the workshop/annex would be approx. 1.5m outside its RPA with adequate clearance for underground utilities around the outside of the building. I have no objections to the proposed development in relation to this tree.
- Birch off south corner of outbuilding- It is not clear if the note on the site plan for the 3m RPA also applies to this tree. Regardless of this, the maximum RPA of any trees along this group of birch was given as 3.6m in a previous application arboricultural assessment of the trees. According to the tree report these birch are of good physiological and structural condition, and so they should be able to tolerate some minor encroachment into their RPA. Assuming this RPA is 3m, there would be some very minor encroachment by the corner of the building and edge of block paving. I have no objections to the proposals shown on the site plan in terms of impact to this tree, but it should be clarified where the underground drainage is intended to run around the building to see if it would cause additional encroachment and by how much.

- Birch to the rear of the outbuilding- The building would encroach into its RPA by 1m, one third of the RPA radius. Some minor encroachment could be tolerated by healthy trees in a good growing environment, and if roots are correctly pruned to give a clean cut rather than just severed by a spade or other excavation machinery. British Standard recommendations BS5837:2012 advises that the default position should be that structures are located outside the RPA of any trees to be retained. Only if there is an overriding justification for construction within an RPA should it be considered if there are technical solutions to prevent damage to a tree. Intrusion into soil other than for piling within the RPA is generally not acceptable. However, limited manual excavation within the RPA might be acceptable, subject to justification. Such excavations should be undertaken carefully, using hand-held tools or by compressed air soil displacement. Exposed roots should then be gently teased to the side and protected from desiccation until recovered with soil. Moving the building further from the tree by at least 0.5m would reduce the amount of encroachment and impact on this tree to a tolerable amount.
- Birch are naturally shallow rooting trees, therefore, existing ground levels should not be altered within RPA's. Ground protection measures in accordance with BS5837:2012 across the rear of the building should be required and put in place prior to the commencement of any works on this plot, to prevent ground compaction and contamination by development activities, both of which would be detrimental to the shallow roots and future of the birch trees.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

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

- ***Lincolnshire Minerals and Waste Local Plan (LMWLP)***

The site is in a Sand and Gravels Minerals Safeguarding Area and policy M11 of the Core Strategy applies, however this was assessed during the outline planning application 139520 and no safeguarding objections were received from the Minerals and Waste Team at Lincolnshire County Council. This application considers only the approval of reserved matters, following the grant of planning permission.

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in February 2019. 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)."

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

Scotton Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In response to the coronavirus pandemic, Planning Practice Guidance for Neighbourhood Planning has been revised¹. Under Paragraph: 107 Reference ID: 41-107-20200513, it is explained that all neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are now postponed until 6th May 2021. Consequently, for decision-making, the revised guidance sets out:

Decision-making: *Where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.*

- ***Final submitted [Draft] Scotton Neighbourhood Plan (SNP)***

Following public consultation, the draft Scotton Neighbourhood Plan has now been subject to independent examination, with the Examiners Report published on 11th May 2020.

A decision statement was issued on the 22nd May 2020, confirming that, subject to the Examiners proposed modifications, the Neighbourhood Plan may now proceed to referendum.

Accordingly, Paragraph: 107 Reference ID: 41-107-20200513 of the revised Planning Practice Guidance is engaged and the draft Scotton Neighbourhood Plan (read in combination with the Examiners Report and recommendations) “*can be given significant weight in decision-making, so far as the plan is material to the application.*”

The most relevant draft policies are as follows;

Policy 5 – Allocation of Land South of Eastgate (Part of Site 15a)

Policy 12 – Safeguarding Important and Distinctive Landscape Features (View 1 on map 9 (pg66) and Green Lane on map 10 (pg67))

<https://www.west-lindsey.gov.uk/my-services/planning-andbuilding/neighbourhood-planning/all-neighbourhood-plans-in-westlindsey/scotton-neighbourhood-plan/>

Other

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<https://www.legislation.gov.uk/ukpga/1990/9/section/66>

Section 2A of the Self-build and Custom Housebuilding Act 2015 (as amended)² – Duty to grant planning permission etc.

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#coronavirus>

² Section 2A was inserted by the Housing and Planning Act 2016
<http://www.legislation.gov.uk/ukpga/2016/22/section/10/enacted>

Main issues

Planning permission was granted, in outline, in January 2020. This was granted, subject to a S106 planning agreement, that the plots would only be used for self-build and custom housebuilding.

The obligation was necessary in order for the Local Planning Authority to fulfil its statutory duty under section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended), to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. Government Guidance states³ that these duties “are concerned with increasing the availability of land for self-build and custom housebuilding.”

This application seeks only the approval of scale, appearance, layout and landscaping, that were reserved at the time planning permission was granted (“reserved matters”). It does not present the opportunity to reopen and reconsider the granting of planning permission. Accordingly, the only issues that are under consideration with this application are as follows:

- Scale and Appearance
- Layout
- Landscaping

Assessment:

Scale and Appearance

Condition 10 of planning permission states that:

10. The proposed dwelling to the front of the site and immediately adjacent the shared boundary with 32 Eastgate, Scotton must be a single storey dwelling.

Reason: To ensure the scale of the dwelling has an appropriate relationship with 32 Eastgate and protects the living conditions of the occupants to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 6 of the Draft Scotton Neighbourhood Plan.

It was only considered necessary to restrict the scale of the dwelling on plot 1 fronting the site at the time of granting permission therefore the submission of a two storey dwelling is in principle acceptable subject to assessment of scale and appearance.

For the purposes of planning scale & appearance are defined (see Planning Practice Guidance Paragraph: 006 Reference ID: 14-006-20140306) as:⁴

³ Paragraph: 023 Reference ID: 57-023-201760728 <https://www.gov.uk/guidance/self-build-and-custom-housebuilding#land-duties>

⁴ Paragraph 006 Reference ID: 14-006-20140306 <https://www.gov.uk/guidance/making-an-application>

- **“scale”** means the height, width and length of each building proposed within the development in relation to its surroundings;
- **“appearance”** means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

Local policy LP17 states that ‘*To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements*’.

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;

Criteria a) of policy 5 of the draft SNP states; *it should include some 2 and 3 bedroom dwellings.*

Plot 9 is the third reserved matters application to be approved, there are still 6 plots to be considered in the future, which may include some properties that are two or three bedroomed. Nonetheless, planning permission has already been granted without such a condition, and it cannot be retrospectively applied at the reserved matters stage.

Criteria b) and d) of policy 5 of the SNP provides direction on the scale and material finish of the development.

Since the submission of the application the status of the neighbourhood plan has changed (11th May), it now can be given significant weight in the determination of applications within the designated area, so far as the plan is material to the application (i.e. reserved matters under consideration). In the examiner’s report a recommendation was put forward to change criteria b of the policy the Parish Council agreed to this and it now forms part of the policy. Criteria b, as amended, now reads:

“b)The height of the building, or buildings should be no higher than the existing buildings ~~on the site~~ [in the immediate locality]”

It is acknowledged that the proposed dwelling could be considered as medium to large in scale. The dwellings in the locality are of a mixed scale but are predominantly two storey dwellings along Eastgate, approximately ranging from around 6-8 metres in height. The plot is of a size which can comfortably accommodate the proposed dwelling. There is no definition of the 'immediate locality' within policy 5.

The two storey detached 4 bedroom dwelling is proposed to be (all approximate from submitted plans):

- 8.3 metres in height;
- 16 metres in length (includes the first floor balcony);
- 20 metres in width (includes porch over door on west elevation)

The detached garage is proposed to be:

- 13.5 metres in length;
- 5.5 metres in height;
- 6.7 metres in width;
- 12 metres in width (which includes the offshoot to the front)

Criteria d) states that *“the materials used for the development should take inspiration from the local vernacular around the site as described in Table 12”*

Table 12 (page 76 Eastgate) provides no reference to a preferred material pallet. It is noted that reserved matters has been granted for plots 5 and 7 (140547 and 140918) however these have not been built.

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

Eastgate predominantly comprises red brick dwellings with red pantile and grey concrete roofs. One dwelling is cream rendered (28 Eastgate) and one has a grey/black slate effect roof (Blackthorns).

No details of materials have been provided as part of this application, however if approval is given this could be secured by a condition.

Policy 12 of the SSNP provides protection to identified green lanes (map 10 (pg67)) and important views (view 1 on map 9 (pg66)). The important view is additionally considered in SSNP policy 5 criteria h). A comment has been submitted regarding the impact of the development on views towards the village, the site and the listed buildings. The photos sent in as part of the objection from 5A Eastgate was taken from a position not considered as important in the SSNP. The important view at point 1 is identified on the photo below.



(View 1 Photo)



(Green Lane Map 10)

It is pertinent to clarify that the indicative site plan (PF/19/03 Rev E) submitted in outline planning application 139520 identified a red dash line which demonstrated a clear path to the listed building. The Authority's Conservation Officer (CO) welcomed the indicative layout as it would "open up and frame a view of the grade I listed church".

It is therefore considered that the scale and appearance of the dwelling is acceptable subject to further approval of materials and will not have a harmful visual impact on the site, the street scene or an important view and accords to local policy LP17 and LP26 of the CLLP, policy 5 and 12 of the draft SSNP and the provisions of the NPPF.

It is considered that policy LP17, LP26, policy 5 and policy 12 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Residential Amenity

Local Policy LP26 of the CLLP states; *The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.*

Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development:

The criteria that are considered to be relevant to this application are:

- m. Compatibility with neighbouring land uses;*
- n. Overlooking;*
- o. Overshadowing;*
- p. Loss of light;*

In the examiner's report for the SNP a recommendation was put forward to change criteria g of policy 5 of the SNP the Parish Council agreed to this and it now forms part of the policy. Criteria g now reads:

“g) it does not cause detrimental [unacceptable] harm to the private amenity of adjacent properties along Eastgate;”

A number of objections have been received from nearby occupiers including the occupiers of the neighbouring dwelling (32 Eastgate) in relation to the detached garage/workshop, many of these have been regarding the impact on the private amenity of no.32 Eastgate.

Also, comments from many neighbouring occupiers give reference to an indicative layout plan submitted at outline stage (139520). Application 135920 granted permission for residential use with access only to be considered was granted on 11th January 2020, layout was not considered at this stage, it is noted that within the officers report it states; *“A dwelling and its garaging will need to be appropriately orientated and positioned to enable the enjoyment of the garden space to 32 Eastgate is not harmed to an unacceptable level.”*

Originally submitted proposals showed a detached garage/workshop/annex which measured 26.5 metres in length by 6.6 metres in height. Concerns were raised and negotiations were carried out with the applicant in relation to the large scale of this building.

Amended plans were received on 28th April 2020, these now show the building measuring approximately 13.5 metres in length by 5.5 metres in height, the garage is located approximately 1.9 metres away from the west boundary which adjoins 32 Eastgate's rear garden.

No. 32 Eastgate benefits from a long rear garden area that measures approximately 80 metres in length. Given the orientation of the site it is noted that there will be some overshadowing occurring onto no.32's rear garden area particularly in the morning hours, however this level of overshadowing is not considered to be at an 'unduly harmful' level. The occupiers will still benefit from light throughout the afternoon hours and into the evening during the spring/summer months, it must also be noted that not all of the garden area will be overshadowed during the morning hours.

Concerns have also been received in relation to the detached garage and that it may be used as a commercial business. The garage is for private domestic only for the storage of a work van and tools, as detailed in the design and access statement submitted with the application which states *“The garage and workshop has been designed specifically for the family's needs and working arrangement. Security is a big issue and it is important that the work van can be parked inside and locked away along with work tools, equipment and materials.”*

It must also be noted that the outline permission was granted for residential use not commercial use, any deviation from this would require an application for planning permission in its own right. If permission were to be granted a condition will be placed

on the permission in relation to the annex accommodation so that it would not be able to be a separate dwelling in its own right.

Comments have been received in relation to the potential for noise arising from the proposed garage. The garage is domestic, with a workshop for personal use, it is not anticipated that there would be unacceptable levels of noise arising from this. If unacceptable noise levels were to occur then this is capable of being investigated under the provisions of the Environmental Protection Act 1990 in order to determine whether it constitutes a statutory nuisance.

It is acknowledged that the garage is of a larger scale than a typical domestic garage and that there will be some impact on the amenity of no. 32 however this is not considered to be to an 'unduly harmful' or 'unacceptable' level as stated in LP26 and criteria g) of policy 5 of the Scotton Neighbourhood Plan.

The proposed dwelling will have a potential future neighbour in 'Plot 8' and 'Plot 1' to the east and the north respectively. A 1.8 metre high obscurely glazed screen will be installed on the eastern side of the first floor balcony to the rear to protect the amenity of the future occupiers of 'Plot 8'. The balcony has a separation distance of approximately 18 metres with the west boundary adjacent to the properties on Eastgate, this is considered to be an acceptable distance. The detached garage located to the front of the site will be adjacent to the rear boundary of 'Plot 1', the garage is located approximately 0.8metres away from the boundary with a width of approximately 12 metres in width (including the offshoot to the front), it is considered that the garage will not cause harm on the amenity of the future occupiers.

The dwelling has openings on all elevations, there are ground floor doors and a first floor window that serves a bathroom on the west elevation, there is also a first floor window on the east elevation which also serves a bathroom, drawing's submitted with the application show these windows as obscurely glazed. The proposed dwelling is set away from the west boundary by approximately 7 metres, this relationship is considered to be acceptable subject to an appropriate boundary treatment which would mitigate any overlooking concerns that may arise from the ground floor entrances.

There are no overlooking concerns from the south elevation which faces onto the open fields. As previously stated the dwelling is well set back into the site, some overlooking may occur onto the garden area of no.32, however there is a large amount of space that would still benefit from no overlooking.

The proposal will therefore not have a significant overbearing impact, cause a significant loss of light or overshadowing impact on the privacy of the existing and future neighbouring dwellings due to the separation distance, the position of openings and the position of the proposed dwelling on the plot. The development will accord with local policy LP26 of the CLLP, policy 5 of the SNP and the provisions of the NPPF.

It is considered that policy LP26 and policy 5 are consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Layout

For the purposes of planning layout is defined (see Planning Practice Guidance Paragraph: 006 Reference ID: 14-006-20140306) as:⁵

- ***‘Layout’*** – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

Policy 5 criteria i) and j) of the SNP provide direction on the garden amenity and off street parking provision. The proposed dwelling will sit in a large plot measuring approximately 57 metres in length and approximately 30-34 metres in width. The site covers approximately 1620 square metres.

The dwelling would be located approximately 24 metres back from the front (north) boundary, leaving more than adequate rear garden space. Vehicular and pedestrian access is via a shared access with plots 6-9 inclusive. The layout provides sufficient driveway and space for turning to allow a vehicle to enter and leave the site in a forward gear. The Highways Authority at Lincolnshire County Council have no objections to the proposed off street parking provision and turning spaces.

The impact of the development on the living conditions of adjoining residents in relation to the dwelling and detached garage has already been addressed earlier in this report. The layout of the plot is considered to be acceptable and accords to local policy LP17 and LP26 of the CLLP, policy 5 of the SNP and the provisions of the NPPF.

It is considered that policy LP17, LP26 and policy 5 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Landscaping

For the purposes of planning layout is defined (see Planning Practice Guidance Paragraph: 006 Reference ID: 14-006-20140306) as:⁶

- ***‘Landscaping’*** – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares,

⁵ Paragraph 006 Reference ID:14-006-20140306 <https://www.gov.uk/guidance/making-an-application>

⁶ Paragraph 006 Reference ID:14-006-20140306 <https://www.gov.uk/guidance/making-an-application>

water features, sculpture or public art; and (e) the provision of other amenity features;

The rear external area of the plot will be laid to grass, there will also be a driveway and patio areas around the dwelling. The driveway and patios will be conditioned to be constructed from a permeable material and retained thereafter.

Criteria f of policy 5 of the SNP states:

A boundary treatment should be provided to the south eastern boundary of the site. It should reflect the relationship between the village and its surrounding countryside and incorporate soft landscaping that are reflective to those dominant ones along Eastgate;"

Further information particularly in relation to the proposed boundary treatments can be secured by conditions on the permission, where the information will need to be provided prior to any development taking place. It is advised that the applicant takes particular note of criteria f) of policy 5 of the SNP when putting forward details of proposed boundary treatments for approval.

The landscaping of the site is therefore acceptable subject to further information being provided for approval in relation to the boundary treatments and accords to local policy LP17 and LP26 of the CLLP, policy 5 and 12 of the SSNP and the provisions of the NPPF.

It is considered that policy LP17, LP26, policy 5 and policy 12 are consistent with the landscaping guidance of the NPPF and can be attached full weight.

Other Considerations:

Heritage

The proposal has the potential to have an impact on the setting of Church of St Genwys (Grade I Listed) and Acacia Cottage (Grade II Listed). The impact of the development on the view of St Genwys as you enter the village from the west is additionally a consideration. Objections have been received on heritage grounds.

Local policy LP25 of the CLLP states that *'Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire'* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that *'Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building'*.

Policy 5 criteria h) of the SSNP places importance on the *"need for the development to be set back and be able to frame the important view (View 1 on Map 9) of Grade I Listed church as approach village centre from Eastgate"*

Paragraph 193 states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the*

asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

The impact of a development on the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

The plot is to the rear south west corner of the site and will be located behind the plots located to the front of the site. The siting of the proposed dwelling set back from Eastgate and set well back within the site respects the building line required to retain a framed view of the Grade I Listed Church as you approach the village from Eastgate.

The siting and design of the proposed dwelling will at least preserve the setting of the Listed Buildings whilst retaining the framed view of St Genwys Church and accord to local policy LP25 of the CLLP, policy 5 of the SSNP, the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.

It is considered that policy LP25 and Policy 5 are consistent with the heritage guidance of the NPPF and can be attached full weight.

Access

Some comments have been raised by third parties relating to access to the site. However, access arrangements have already been granted permission, and are not under consideration with this application only for the approval of reserved matters.

Drainage

Third party representations have been received in regards to drainage arrangements. However, drainage arrangements are not under consideration with this application for reserved matters only. It is a condition of the planning permission that:

7. No construction works above ground level must take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation must occur until the approved scheme has been carried out.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy

LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy 6 of the Draft Scotton Neighbourhood Plan.

Trees

There are existing trees which adjoin the west boundary of the site with 32 Eastgate, these consist of a Tree of Heaven and Birch trees. Through consultation with WLDC's tree and landscape officer, concerns were raised particularly in relation to the birch tree located directly behind the outbuilding.

The Local Planning Authority has a duty under section 197⁷ of the Town and Country Planning Act 1990 to;

(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and

(b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

In a further consultation with the tree and landscape officer it was confirmed that the Root Protection Area of this tree could tolerate some encroachment, this would be at an acceptable level as to not cause harm to the tree if the outbuilding was moved 0.5 metres to the east.

It has not been possible to contact the applicant to seek amendments in relation to this, however the final position of the garage could be secured via a condition on the permission if the application were to be granted.

Concerns have also been raised in relation to the cutting back of branches which may be overhanging into the site and any damage that may be caused to the trees through the development, this is a common law matter, to be agreed between both parties privately.

Conclusions and reasons for decision:

The decision has been considered against local policies: LP1 A Presumption in Favour of Sustainable Development, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036, policy 5 and 12 of the Final Draft Scotton Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of the assessment the scale, appearance, landscaping and

⁷ <http://www.legislation.gov.uk/ukpga/1990/8/section/197>

layout of the development are found to be acceptable. The development would not have a harmful visual impact on the site or the street scene and will preserve the setting of the nearby listed buildings. It would not be expected to have an unduly harmful impact on the living conditions of neighbouring dwellings.

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:

Refer to outline planning permission ref 139520.

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

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

Reason: To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact and to accord with the National Planning Policy Framework and local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 5 of the draft Scotton Neighbourhood Plan.

2. No development must take place until a final landscaping scheme has been submitted including details of the height, materials and species of planting to be used for the boundary treatments have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development site is appropriately landscape in its setting to the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 5 of the draft Scotton Neighbourhood Plan.

3.No development must take place until, details of the form and position of the protection measures to protect the trees adjacent to the west boundary have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures must be installed prior to commencement and retained in place until the development is completed.

Reason: To safeguard the existing trees on the site during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

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 must be carried out in accordance with the following proposed drawings:

- ALLISON-A-04B received 28th April 2020;
- ALLISON-A-02B received 16th April 2020;
- ALLISON-A-05D received 16th April 2020;
- ALLISON-A-03D received 16th April 2020.

The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 5 and 12 of the draft Scotton Neighbourhood Plan.

5. No occupation of the dwelling must occur until the proposed driveway and turning space identified on site plan ALLISON-A-03D received 16 April 2020 has been constructed. All hardstanding identified on site plan ALLISON-A-03D received 16 April 2020 must be constructed from a permeable material and retained thereafter.

Reason: To ensure off street parking provision is provide prior to occupation and to reduce the risk of surface water flooding on the site and the highway to accord with the National Planning Policy Framework, local policy LP14 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 5 of the Scotton Neighbourhood Plan

6. Notwithstanding drawing no. ALLISON-A-03D received 16 April 2020, no works on the construction of the outbuilding shall commence until a plan showing the final position of the outbuilding has been submitted to and agreed in writing by the Local Planning Authority. Once agreed, the works must be carried out in accordance with the details shown on the approved plan.

Reason: In the interests of protecting the adjacent trees on the west boundary with no.32 Eastgate, in accordance with Section 197 of the Town and Country Planning Act 1990.

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

7.The first floor annex accommodation in the detached garage building shall not be occupied at any other time other than for the purposes ancillary to the residential use of the main dwelling on 'Plot 9, Eastgate'.

Reason: The application has been assessed and found to be acceptable as an annex ancillary to the use of the main dwelling on 'Plot 9' in accordance with the NPPF and policies LP17 and LP26 of the Central Lincolnshire Local Plan and Policy 5 of the Scotton Neighbourhood Plan.

Notes to the Applicant

Compliance with Outline Permission

There is a need to comply with the conditions of outline planning permission 139520 and the Legal Unilateral Undertaking received 16th January 2020.

CIL

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.