

Officers Report

Planning Application No: 141637

PROPOSAL: Outline planning application to erect 1 no. bungalow with access and layout to be considered and not reserved for subsequent applications - resubmission of 140488

LOCATION: Land off Middle Street Scotton Gainsborough DN21 3RA
WARD: Scotter and Blyton

WARD MEMBER(S): Cllr Rollings, Cllr Clews and Cllr M Snee
APPLICANT NAME: Ms J Smith

TARGET DECISION DATE: 04/11/2020
DEVELOPMENT TYPE: Minor - Dwellings
CASE OFFICER: Vicky Maplethorpe

RECOMMENDED DECISION: Refuse permission

This application has been referred to the Planning Committee, following third party comments both in support and opposition, and claims that it would comply with the Neighbourhood Plan.

Description: The application site comprises a detached cottage located within Scotton. The site is surrounded by other residential dwellings.

The application is a resubmission of a previously refused application for outline permission for 1 bungalow with access and layout to be considered. The application varies slightly from that previously refused. The changes are; the moving of the access to the east side of the site and the location of the detached garage and driveway for the new dwelling to the north east of the application site.

Matters to be considered with this application are access and layout, with matters of appearance, landscaping and scale reserved for subsequent approval ('reserved matters').

Relevant history: 140488 - Outline planning application to erect 1 no. bungalow with access and layout to be considered and not reserved for subsequent applications, Refused 6/3/20. Refusal reason:

'The depth of development on Middle Street is predominately one dwelling on the road frontage. The proposal would introduce a detached dwelling on land behind No 11. This would be in stark contrast to the linear character of this part of the settlement. As a result the proposed siting of a new dwelling would introduce a pattern of built development that would be discordant to, and have an adverse effect on, both the immediate surroundings and the wider landscape character contrary to policy LP26 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.'

Representations:

Chairman/Ward member(s): Cllr Rollings 'I have visited the proposed site at the request of the applicant and I must say that I really did feel that a bungalow would fit very well into this location and not in any way be out of keeping with the environment. The maps attached are slightly misleading as they do not give a realistic impression of the scale of the building that sits in the garden next to the proposed plot. This building is a large, tall building that could easily become a dwelling. A building positioned next to this building would not be out of place. Added to this, Scotton is a village that has lots of roads that cross over each other with houses of varying sizes. A bungalow such as the one proposed would not be out of place here. The garden is very big and the bottom section, which does very much feel like a building plot is unused and already separated from the rest of the garden nearest the house by an established hedge. The plot can easily be accessed by the creation of a driveway from Middle St. I can think of many other larger developments in the ward, that are accessed by narrower entrance driveways. In respect of the access, most of the properties on Middle St do not have space to turn and require drivers to drive in and reverse off. In this case there is no reason why turning space could not be created next to the proposed property. Middle St is a very small narrow road. I don't believe that vehicles moving in and out of this property would cause any problem.

The Scotton Neighbourhood plan has identified that the village needs more smaller houses and bungalows suitable for older people wishing to downsize whilst remaining in the village. I believe that this property would meet this need. Due to the national housing shortage, I would ask that if officers are minded to recommend refusal on this application that the application is referred to the planning committee.'

Scotton Parish Council: 'The Parish Council raised concerns about application number 140488 and objected due to the reasons given below. The resubmission application 141637 does not appear to have addressed these concerns. The Parish Council wishes to stand by previous comments made on the original application and asks for these concerns to be considered when re-examining resubmission 141637.

1. Sewerage

The new build would need to apply to Severn Trent for connection to the sewerage system. Any new build should demonstrate how additional surface runoff would be channelled and that existing provision would not overwhelm the existing sewage system. Flooding of the main sewer could result in contamination of water sources with wastewater (dark water).

2. Privacy & light

There are concerns with the proximity to the adjoining property, risks of being overlooked and reasonable access to light.

3. The Parish Council concurs with the decision made by Lincolnshire County Council previously and feels it is still relevant to the resubmission.

3. Vehicular access The development would not appear to allow cars to turn safely in the drive and would cause vehicles to reverse onto oncoming traffic.'

Local residents: 2 letters received from neighbouring properties. No 13, Middle Street 'We are the neighbours of 15 Middle Street and our border wall is the one which will be adjacent to the proposed drive. We have no objection to the development as outlined in the drawing assuming the following conditions are applied:

- The wall between should be repaired and stabilised, as well as raised to 1800mm to maintain privacy. We are concerned that a bungalow in the position planned would easily look into the back of our house and vice versa, as well as cars coming up and down the new drive would flash distracting lights into our living space. An improved wall will mitigate these issues.

- The height of the property should be proportionate to the space and be considerate of any impact on light to our garden. As such we would like a stipulation that the roof pitch angle should be no more than 35 degrees to ensure the height of the bungalow is kept to a minimum.'

No. 15 Middle Street: "The position of the entrance is to be where the existing electric post has a stay wire. A discussion with Northern Grid has already taken place and the 4 metre stay wire can be replaced with a 2 metre wooden outrigger stake on the opposite side to accommodate the new entrance." I have concerns about this as the stay wire/ guy wire is usually positioned to be equal and opposite the tension produced by the conductors so putting the wire the other side wouldn't give the desired tension to keep the post safe. Has a diversion request been made rather than a brief discussion with Northern Grid? If not it may be that the wire may not be able to be moved for it to be safe.'

LCC Highways: No objections, request condition and informatives.

Archaeology: 'The proposed development lies within the historic core of the medieval settlement of Scotton. The village is documented since the 11th century as a relatively large village and today preserves much of its complex medieval morphology developed from two manorial holdings. This site lies on one of the original medieval routes in the village in an area where medieval remains may survive below ground and that would be impacted by new development. Given this, the appropriate level of requirement is a scheme of archaeological monitoring and recording during groundworks.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction.

Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

"[Local planning authorities] require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible." National Planning Policy Framework, section 16, paragraph 199. A brief can be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.'

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**
- <https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

The site is in a Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**
- <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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)."

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

Draft Local Plan / 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).

- **Draft Scotton Neighbourhood Plan**

Scotton Neighbourhood Plan has reached referendum stage at a date to be confirmed. The Government has stated that no neighbourhood plan referendums should be held until May 2021 in response to the COVID-19 situation.

An examination of the plan was carried out by an independent examiner in April/May 2020 by written representations. Subject to a series of recommended modifications set out in their report (see below) the examiner concluded that the examination of the Scotton Neighbourhood Plan had been successful and the plan should proceed to referendum.

West Lindsey District Council has determined that the examiner's recommended modifications to the Scotton Neighbourhood Plan meet the 'basic conditions' as set out in Planning and Compulsory Purchase Act 2004. West Lindsey District Council has agreed with Scotton 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.

Given that neighbourhood plan referendums have been delayed, the Government has updated current planning guidance to set out that where a decision statement (see below) has been made detailing the intention to send a neighbourhood plan to referendum (such as for the Scotton Neighbourhood Plan) that plan can be given significant weight in planning decision-making, so far as the plan is material to the application.

Relevant policies:

Policy 6: Windfall Residential Development

Main issues

- Principle
- Impact on residential amenity
- Impact on character of the area
- Access
- Other matters

Assessment:

Principle

Policy LP2 designates Scotton as a 'Medium Village' within the settlement hierarchy in which unless otherwise supported via a neighbourhood plan or through the demonstration of clear local community support (neither of which apply here), it will accommodate development proposals on sites of up to 9 dwellings in appropriate locations. To qualify as an appropriate location, the site, if developed, would:

- Retain the core shape and form of the settlement
- Not significantly harm the settlements character and appearance; and
- Not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

However policy LP2 also states that throughout this policy the term 'developed footprint' in a settlement is defined as the continuous built up area of the settlement and excludes;

- a) individual buildings or group of dispersed building which are clearly detached from the continuous built up area of the settlement;
- b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built up area of the settlement
- c) agricultural buildings and associated land on the edge of the settlement; and
- d) outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.

The site is within the main body of the village and is located within the developed footprint.

Policy LP4 permits 10% growth for Scotton with the remaining growth (as of 13th October 2020) considered to be 13 dwellings. Therefore the proposal would not exceed the anticipated growth. LP4 sets a sequential test for site development as follows;

1. Brownfield land or infill sites, in appropriate locations**, within the developed footprint** of the settlement
2. Brownfield sites at the edge of a settlement, in appropriate locations**
3. Greenfield sites at the edge of a settlement, in appropriate locations**

In this case the proposed dwelling would not be infill development as the site is not situated between existing buildings and would not be situated in an otherwise continuous built up frontage within the settlement, the site is part of the rear garden to No.11 Middle Street and residential gardens are classed as greenfield land. As a green field site within the developed footprint, it does not automatically fit into the sequential test hierarchy, but consideration nonetheless needs to be given as to whether this would be an 'appropriate location' under policy LP2.

It is considered that the proposal would go against the established character of the area (residential dwellings with undeveloped rear gardens) by introducing an uncharacteristic form of back land development. The proposed dwelling would look incongruous in the rear garden of the host property in this location and would not retain the core shape and form of Scotton and would harm the settlements character and appearance contrary to policy LP2.

This development also has the potential to set a precedent for further development to the rear of properties in this part of Scotton.

Policy 5 of the draft neighbourhood plan states *'unless demonstrated otherwise, proposals for new residential development to meet the remaining housing requirement will only be supported if it is filling a gap within existing developed footprint of Scotton'* but *'g) where development is being proposed behind or within a gap that is surrounded by existing dwellings, it must not cause unacceptable harm to the occupants of nearby properties.'*

The development would not be 'filling a gap' but would be introducing new residential development within an established garden space area.

In conclusion, it is considered that the introduction of new development within this location, would not be an "appropriate location" under policies LP2 and LP4 of the Central Lincolnshire Local Plan, and would not "fill a gap" under policy 5 of the draft Neighbourhood Plan, which can be given significant weight.

Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance. The policy also applies to future occupants of development proposals under consideration.

Policy 5 of the draft neighbourhood plan states *'unless demonstrated otherwise, proposals for new residential development to meet the remaining housing requirement will only be supported if it is filling a gap within existing developed footprint of Scotton'* but *'g) where development is being proposed behind or within a gap that is surrounded by existing dwellings, it must not cause unacceptable harm to the occupants of nearby properties.'*

No.13 Middle Street have made comments on the application and have stated in order to maintain privacy and reduce noise and disturbance from vehicles using the new access a 1.8m high wall should be erected, and that the new dwelling should not have a pitch of more than 35 degrees to ensure the bungalow is not overbearing. As the application is for outline consent with only access and layout to be considered it contains limited details regarding the proposed dwellings in terms of scale and appearance. It is considered that the indicative site layout demonstrates the site is capable of accommodating a bungalow with sufficient space for parking, turning a vehicle and external amenity space and that a bungalow could be appropriately designed and positioned on the site to not have a harmful impact on the living conditions of neighbouring dwellings including each other and the host dwelling.

Therefore if it was minded to approve the application a successful reserved matters application could accord with local policy LP26 of the CLLP, policy 5(g) of the draft Neighbourhood Plan, and the provisions of the NPPF. A condition for a bungalow only would be necessary, considering its location and relationship with surrounding properties.

Impact on area

The site forms part of the rear garden of No 11 Middle Street. The north side of Middle Street is characterised by detached houses with large rear gardens. The consistent building line of these dwellings makes a positive contribution to the character and appearance of the area.

The proposal would result in a dwelling being situated behind the main building line. There are no other examples of dwellings set back further than the general building line of dwellings along this section of Middle Street. Such an arrangement would be an incongruous development that would be out of character with the prevailing pattern of development in the area and consequently the development would cause material harm to the character and appearance of the area.

Highways and access

Concerns have been raised by a neighbouring resident regarding highway safety. Access to the site is to be via a new access onto Middle Street. It will be a shared access with the host dwelling. The highways officer has viewed the plans and has no objections to the proposal but requests a condition and informative notes be added to any planning permission.

Other matters

No. 15 Middle Street has raised concerns about the electric pole at the entrance to the site. This is not a material planning consideration. The applicant would need to liaise with the appropriate body regarding any issues with its location.

Conclusion

It is recommended that planning permission is refused for the following reason:

The depth of development on Middle Street is predominately one dwelling on the road frontage. The proposal would introduce a detached dwelling on land behind No 11. This would be in stark contrast to the linear character of this part of the settlement. As a result the proposed siting of a new dwelling would introduce a pattern of built development that would be discordant to, and have an adverse effect on, both the immediate surroundings and the wider landscape character contrary to policy LP26 of the Central Lincolnshire Local Plan, policy 5 of the draft Neighbourhood Plan and the provisions of the National Planning Policy Framework.

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.