

Officers Report

Planning Application No: 142148

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 - resubmission of planning application 140180

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

WARD: Sudbrooke

WARD MEMBER(S): Cllr Waller

APPLICANT NAME: Mr Vaddaram

TARGET DECISION DATE: 08/02/2021

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve subject to conditions

This application is reported to Planning Committee as Senior Officers consider it appropriate to do so following the recent planning history of the site and following the request of Cllr Waller.

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.

The proposed block plan shows the existing vehicular access from the A158 widened to 5.6m and a driveway with parking spaces to the front of the proposed HMO. Eight car parking spaces are proposed with four to the front of the HMO and four to the rear accessed via an underpass through the building.

Garden beyond the rear parking spaces would be retained as would the existing hedge to the eastern and southern boundaries. The proposed site plan shows a new masonry wall (height not specified) along the common boundary with 28 Wragby Road. It is proposed to drain surface and foul water to main sewer.

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.

Under the Town & Country Planning Use Classes Order 1987 (as amended):

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a "house in multiple occupation".

Interpretation of Class C4:

For the purposes of Class C4 a "house in multiple occupation" does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.

As the proposal provides bedrooms and car parking spaces for eight persons, it is considered to be a large HMO, outside of a C4 class use, and is otherwise a *sui generis*, or unclassified, use that is being proposed.

Relevant history:

140180 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. Refused 9/1/2020 for the following reason:

"The proposal does not meet the requirement to deliver sustainable growth, growth that is not for its own sake, but growth that brings benefits for all sectors of the community- for existing residents as much as for new ones. The proposal would intensify the use of the site and is in an unsustainable location, physically separated away from the main settlement by the A158 (Wragby Road), leading to an overreliance on the private car and lack of public transport to access the proposal and for occupants to access services and facilities in Sudbrooke and beyond resulting in a failure to minimise the need to travel and, where travel is necessary, to maximise opportunities for sustainable modes of

travel. The proposal is not located where travel can be minimised and the use of sustainable transport modes maximised.

The proposal has unacceptable design principles as it would harm the coherent group of four dwellings and would discord with the character of the area. The proposal would not function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; would not be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; would not be sympathetic to local character and history, including the surrounding built environment and landscape setting, and would not amount to appropriate innovation or change; would not establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; and would not 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. Therefore, the proposal is not sustainable development and is contrary to Policies LP1, LP13a, LP18 and LP26 of the Central Lincolnshire Local Plan and Paragraph 127 a to d and f of the National Planning Policy Framework.”

An appeal was lodged against the refusal of the above (Appeal Ref: APP/N2535/W/20/3245962). The Sudbrooke Neighbourhood Plan was made before the appeal was determined. The appeal was dismissed on 15/6/2020. The Inspector identified the following main issues:

“Accordingly, the main issues in this case are:

- Whether this would be a suitable location for the proposed development having regard to the accessibility of local services and facilities including by sustainable modes of travel;*
- The effect of the proposed development on the character and appearance of the area; and*
- The effect on the living conditions of the occupiers of No 28 Wragby Road (No 28), having particular regard to light levels and noise and disturbance.”*

On the first issue, the Inspector concluded:

“9. The scale of development proposed would not undermine the aim of LP Policies LP13 and LP18 to minimise the need to travel and maximise the use of sustainable transport. The proposal would not conflict with LP Policy LP1 which seeks sustainable patterns of growth in the District nor with LP Policy LP2 which allows for a limited amount of development to support the function and sustainability of Sudbrooke. Overall, I conclude that this would be a suitable location for the proposed development having regard to the accessibility of local services and facilities by sustainable modes of travel.”

On the second issue, the Inspector concluded:

“13. The scale and appearance of the proposed development would be acceptable and it would not adversely affect the character and appearance of the surrounding area. The proposal would accord with LP Policy LP26 in so far as it requires new development to respect landscape character and relate well to the site and surroundings. It would also comply with NP Policy 9 in so far as it requires new development to respond to the distinctive character areas in Sudbrooke and make a positive contribution in terms of design quality including scale, height, form, massing, style, detailing, landscaping and use of materials.”

On the third issue, the Inspector concluded:

“14. The proposed new building would be approximately 0.75 metres from the common boundary with No 28. The proposed 2 metre boundary wall and flank wall of the new building would be positioned alongside the two high level windows in the side elevation of No 28 which serve a dining room. The high level position and limited size of these existing windows will already compromise levels of daylight and sunlight reaching that room to some degree and any further reduction in light levels would be likely to be marginal and would not cause material harm to the occupier’s living conditions. Another high level window in the side elevation of the ground floor extension to the rear of No 28 would also be affected, but as that room is also served by a large south facing patio window it would continue to receive adequate levels of daylight and sunlight.

15. In the rear first floor elevation of No 28, the closest window to the appeal property is a bay type window serving a bedroom. I note that the occupier has submitted plans confirming the correct position of this window and that the proposed building would breach the ‘45 degree’ guideline. Whilst there would be some loss of daylight and additional shadowing particularly during the morning period, due to the generous size of the window and its orientation facing south, the room would be likely to continue to receive adequate levels of daylight and sunlight.

16. The appeal proposal includes four parking spaces to the front of the building and four to the rear which would be accessed by a passageway through the building and alongside the common boundary with No 28. An outdoor patio to the rear of the property and rear garden area would also be provided.

17. Although the location of the property means that walking, cycling and use of public transport would be possible, it is reasonable to expect that some of the occupiers would use cars. The differing patterns of activity throughout the day associated with the individual lifestyles of eight occupiers would be likely to result in more frequent trips to and from the property including by car compared with occupation by a single household.

18. At my site visit, traffic noise from the A158 was audible from the rear garden of the appeal property. Notwithstanding this, the rear garden to No 28 is private and established and enjoyed in conjunction with the dwelling. The noise and disturbance from vehicles moving through the passageway and manoeuvring in the rear parking area would be in close proximity to the side windows and rear garden of No 28 and would be noticeable above the existing background noise levels. The proposed 2 metre high wall would not mitigate this impact, particularly when ambient noise levels are lower such as during the evening and night time. The patio and rear garden area would also be likely to be used more intensively compared with use by a single household.

19. Overall, whilst there would be no material harm to the living conditions of No 28's occupiers arising from the loss of daylight and sunlight, the noise and disturbance arising from the daily activities of eight people living in close proximity would be significantly different when compared to occupation of the appeal property by a single household and would cause material harm to the living conditions currently enjoyed by the occupiers of No 28. I have considered whether this could be mitigated by means of a planning condition, but since it would be likely to be necessary to restrict hours of use and occupancy levels such a condition would not be reasonable and would not meet the tests for conditions set out in the Framework and the Planning Practice Guidance.

20. The appeal proposal would conflict with LP Policy 26 which states that the amenities of existing and future occupants of neighbouring buildings may reasonably expect to enjoy must not be unduly harmed by development, including through adverse noise. There would also be conflict with NP Policy 9 which seeks to protect the amenity of neighbouring occupiers. Whilst I acknowledge that the appeal scheme has been amended to take account of the impact on the living conditions of the adjoining occupier and that I have reached a different conclusion from the Council on this issue, I have come to my conclusion based on the circumstances of the site, the proposed development and the evidence before me."

141550 Planning application for removal of existing dwelling and erection of 1no. dwellinghouse with associated access alterations, vehicle parking and landscaping. Refused 15/10/2020 for the following reason:

"1. It is considered that the proposed development would result in undue harm to the amenities enjoyed at neighbouring properties, in particular 28 Wragby Road, through noise and disturbance. This would be contrary to the development plan, in particular policy LP26 of the Central Lincolnshire Local Plan, and Policy 9 of the Sudbrooke Neighbourhood Plan."

Representations:

Councillor Waller:

"I understand that a further application has been submitted for 30 Wragby Road in Sudbrooke. Due to the history of the previous applications and the fact that this one does not appear to be too dissimilar I would like for it to be "called in" and discussed at a full planning meeting by the committee".

Sudbrooke Parish Council:

"Sudbrooke Parish Council has the following objections to make to the above application:-

In addition to reiterating those objections made to application 140180 the Council add the following and request that they are taken into consideration by the West Lindsey District Council Planning Committee.

The development will cause material harm to the occupants of 28 Wragby Road for the following reasons:-

- It will cause overshadowing of the property due to the overbearing nature of the size of the structure and proximity.
- It will generate significant traffic with attendant risk for access onto the A159.
- The occupancy of up to 16 persons and their vehicles will cause noise and disturbance from their arrival, departure and their enjoyment of the outside space afforded in the design.
- The relevant planning history of this site shows that the application has been rejected on the previous two occasions. It has been re-presented in almost identical form and should be rejected.

It is also brought to the Planning Committee's attention that the current application is an inaccurate representation of the state of the building in that it has been made habitable and no longer appears derelict as in the photographs included with the application. This should be inspected by the Planning Officer to confirm."

Local residents:

Residents of 24, 26, 27, 29 and 33 Wragby Road, Sudbrooke object (summary):

- Size not in keeping with neighbouring properties
- Loss of privacy, overlooking, overshadowing and overbearing appearance, occupants coming and going at all hours, vehicle movements and disturbance for immediate neighbour especially compared to use as a family home
- Fence will not mitigate noise and fumes
- Infrastructure in Sudbrooke is insufficient for 8 people and 8 cars. Additional traffic and highway safety. Car movements conflict with right of way users and neighbouring dwellings. Car ownership would be high

because of remote nature of services and facilities. Lack of public transport. Busy road and lack of parking

- Neighbourhood plan does not support the need for a HMO. Loss of modest family home
- No community support as required by the neighbourhood plan and it is contrary to it. No community benefit
- Antisocial behaviour and noisy activity- nobody on hand to deal with this
- Not in keeping with the area. no demand for a proposal of this nature
- Loss of peaceful family orientated area. Downgrades sought after area
- Public right of way would be disturbed by cars in the rear garden
- Loss of countryside views
- It should be refused like the appeal and previous applications
- Sets precedent for other HMO's
- Existing house is being renovated

WLDC Environmental Protection Officer:

“Waste Management: As per the previous application the applicant has advised that there will be no area to store waste and that waste from the proposed HMO will be collected daily by the applicant himself, transported to a central depot, sorted and disposed of. My concerns remain that the applicant has not justified why he is not utilising the Councils household waste and recycling services and why he has not provided details of how or where the waste is to be stored prior to this daily collection.

There is a requirement for any transfer of waste from one premises to another to be done so by a suitably registered carrier with proper waste transfer paperwork, for the waste to be transferred to a proper waste facility and disposed of by proper methods. As such the applicant ought to be required to provide relevant details.

Noise: the applicant has provided a noise assessment in response to the Planning Inspectorate's dismissal of the previous appeal against the refusal of planning permission. I have conducted a sample assessment of the background noise at the location using similar location points of reference to those used by NoiseAssess in their report. The results of my sample assessment are in line with those within the assessment supplied by the applicant and as such I have no reason to dispute or disregard its findings. The acoustic barrier as recommended within the conclusion of the report will have a positive benefit and should be conditioned.

Once built, should individual residents of the HMO cause excessive noise disturbance this can be dealt with under suitable existing legislation.

Demolition phase: prior to demolition of the existing building a full demolition management plan ought to be submitted to and approved by LPA. The management plan should detail how all forms of noise, dust and vibration will be dealt with during the demolition to protect neighbouring residents. No burning should take place on the site during demolition and all waste

materials should be removed from site by licensed persons and disposed of correctly. Given the age of the existing building on site a suitable asbestos assessment will also need to be undertaken prior to works.

Construction phase: prior to construction a suitable management plan ought to be submitted to and approved by LPA. The plan should include suitable methods for protecting neighbours from all forms of noise and dust, a suitable scheme for parking of contractor vehicles and managing deliveries. Working and delivery times should be subject to restrictions of between 07:30 to 18:00 Mon-Fri, 07:30 to 14:00 Saturday and at no time on a Sunday or Bank Holiday. No burning should occur onsite during construction.”

And:

“I would say that without the acoustic barrier the noise created by vehicles on the site (particularly at the rear) would be in the lowest observable adverse effect level, as vehicle movement and door closing etc. would likely be heard during quiet periods, with windows open, and with the perceived effect being more likely due to the controversial nature of the build. As such mitigation to reduce this to a minimum is required and the acoustic barrier is a suitable solution in my opinion, not only will this reduce the actual level but it is also likely to have a reduction in the perceived effect as a physical barrier.”

LCC Highways and LLFA:

No objection.

“The above proposal does not have an impact on the public highway in terms of safety and capacity. The dimensions of the proposed access are adequate to enable two cars to pass in opposing directions and the proposal would therefore not result in an unacceptable impact on highway safety. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to surface water risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water risk for this planning application. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.” Informatives regarding access works and works within the highway.

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); the Sudbrooke Neighbourhood Plan (made 2 March 2020); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Planning Practice Guidance states:

“What approach must be taken where development plan policies conflict with one another? Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. Conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework. Paragraph: 012 Reference ID: 21b-012-20140306. Revision date: 06 03 2014”

Development Plan

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

Relevant policies of the CLLP include:

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

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP4: Growth in Villages

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP26: Design and Amenity

• **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-made/>

Relevant policies of the NP include:

Policy 7: Public Rights of Way

Policy 9: Local Design Principles

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

Lincolnshire Minerals and Waste Local Plan

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

Core Strategy and Development Management Policies

- Site locations

No relevant policies.

National policy & guidance (Material Consideration)

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

- **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)."

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

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."*

Policy LP4 establishes the total level of % growth for each Medium Village, and further policy requirements in respect of identifying whether a site would be suitable for development.”

*“** throughout this policy, the term ‘appropriate locations’ means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an ‘appropriate location’, the site, if developed, would:*

- retain the core shape and form of the settlement;*
- not significantly harm the settlement’s character and appearance;*
and
- not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.”*

Policy LP4 permits 10% (71 dwellings) growth in Sudbrooke and states:

“In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given 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***

Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list.

*A proposal within or on the edge of a village in categories 5-6 of the settlement hierarchy should be accompanied by demonstrable evidence of clear local community support** for the scheme if, in combination with:*

- a. other development built since April 2012;*
- b. any extant permissions; and*
- c. any allocated sites,*

the proposal would increase the number of dwellings in a village by more than 10% or, where relevant, the identified growth level in the above table; or for non-dwellings, have a floorspace of 1,000 sqm or more or have an operational area (including, for example, parking and storage spaces) of 0.5ha or more.”

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. This is considered an appropriate location as defined because a replacement dwelling would retain the core shape and form of the settlement and there is considered to be no harm to the character of the area nor that of surrounding countryside. This is reinforced by the aforementioned

findings of the Inspector on the matter of character impacts for a proposal with the same built form. The latest Monitoring of Growth in Villages table dated 8/1/21 available on the Council's website shows the 10% growth in Sudbrooke has been met and exceeded. However, the proposal is not for an additional dwelling but a replacement HMO. There will be no net increase in the number of dwellinghouses, meaning the requirement for clear local community support is not engaged. The proposal entails development of brownfield land in an appropriate location within the developed footprint of Sudbrooke making this a sequentially preferable site for development.

Policy 1 of the SNP relates only to *additional* residential development. Therefore, it does not apply to a replacement HMO and is not engaged.

Policies LP2 and LP4 are consistent with the NPPF paragraph 78 requirement for policies to "identify opportunities for villages to grow and thrive" so is attributed full weight. The principle of development is acceptable. This view is reinforced by the Inspector's aforementioned findings that this is a suitable location for development of this nature.

The principle of development is acceptable, and deemed to comply with policy LP2 of the CLLP.

Design and visual impact

Policy LP26 requires all development 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.

Policy 9 states:

“In conjunction with the Sudbrooke Character Assessment, 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;
b) 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. 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 mostly become a driveway/parking area. It is noted the front of 24 Wragby Road is partly enclosed by a large fence. The proposal respond 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 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 Policy 9, 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 to the rear with retained hedgerow and tree but is mostly car driveway/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 in the form of hedging 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. This view is reinforced by the Inspector’s aforementioned findings that the impact on the character and appearance of the area is acceptable for a proposal with the same design.

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. Policy 9 requires proposals “b) protects the amenity of neighbouring occupiers”. 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. These policies are given full weight.

Any arising impact of the proposal would be mainly on the single immediate neighbouring dwelling at 28 Wragby Road. The proposal would not project to the front of this neighbouring property. 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 requiring planning permission which would further compromise outlook and light. Indeed, the application proposes a 2m high acoustic masonry wall on this boundary to mitigate noise impacts. The proposal would leave a 0.75m gap to the boundary and there is an approximate 1.8m gap 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 Inspectors findings at paragraph 14 of their decision reinforces this.

In the rear first floor elevation of No 28, the closest window to the proposal is a bay type window serving a bedroom. It is noted the objector has previously submitted plans confirming the correct position of this window and that the proposed building would breach the '45 degree' guideline. The "45 degree guideline" is not contained within any development plan policy, or national planning practice guidance – it is an indicator used by the Building Research establishment to indicate where an impact upon daylight / sunlight may arise.

This was noted by the Inspector at paragraph 15 of their decision. Whilst there would be some loss of daylight and additional shadowing particularly during the morning period, due to the generous size of the window and its orientation facing south, the room would be likely to continue to receive adequate levels of daylight and sunlight. This view mirrors that of the Inspector.

Noise and disturbance

As well as the LP26, Policy 9 and NPPF policies mentioned above, the PPG states;

“How can noise impacts be determined?

Plan-making and decision making need to take account of the acoustic environment and in doing so consider:

whether or not a significant adverse effect is occurring or likely to occur;

whether or not an adverse effect is occurring or likely to occur; and

whether or not a good standard of amenity can be achieved.

In line with the Explanatory note of the noise policy statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Paragraph: 003 Reference ID: 30-003-20190722

What are the observed effect levels?

Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.

Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.

No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

Although the word 'level' is used here, this does not mean that the effects can only be defined in terms of a single value of noise

exposure. In some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and the time of day the noise occurs.

See the noise policy statement for England for further information.
Paragraph: 004 Reference ID: 30-004-20190722”

Response	Examples of outcomes	Increasing effect level	Action
No Observed Effect Level			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

The Noise Policy Statement for England (NPSE) (March 2010) states;

“2.9..... Unlike air quality, there are currently no European or national noise limits which have to be met”

“2.22 It is not possible to have a single objective noise-based measure that defines SOAEL (Significant Observed Adverse Effect Level) that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.”

“2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL (Lowest Observed Adverse Effect Level) and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.”

The Inspectors findings regarding harm to the residential amenities of the occupiers of 28 Wragby Road by virtue of noise and disturbance are critical to the consideration of this application. The Inspector considered:

“18. At my site visit, traffic noise from the A158 was audible from the rear garden of the appeal property. Notwithstanding this, the rear garden to No 28 is private and established and enjoyed in conjunction with the dwelling. The noise and disturbance from vehicles moving through the passageway and manoeuvring in the rear parking area would be in close proximity to the side windows and rear garden of No 28 and would be noticeable above the existing background noise levels. The proposed 2 metre high wall would not mitigate this impact, particularly when ambient noise levels are lower such as during the evening and night time. The patio and rear garden area would also be likely to be used more intensively compared with use by a single household.

19. Overall, whilst there would be no material harm to the living conditions of No 28's occupiers arising from the loss of daylight and sunlight, the noise and disturbance arising from the daily activities of eight people living in close proximity would be significantly different when compared to occupation of the appeal property by a single household and would cause material harm to the living conditions currently enjoyed by the occupiers of No 28. I have considered whether this could be mitigated by means of a planning condition, but since it would be likely to be necessary to restrict hours of use and occupancy levels such a condition would not be reasonable and would not meet

the tests for conditions set out in the Framework and the Planning Practice Guidance.

20. The appeal proposal would conflict with LP Policy 26 which states that the amenities of existing and future occupants of neighbouring buildings may reasonably expect to enjoy must not be unduly harmed by development, including through adverse noise. There would also be conflict with NP Policy 9 which seeks to protect the amenity of neighbouring occupiers. Whilst I acknowledge that the appeal scheme has been amended to take account of the impact on the living conditions of the adjoining occupier and that I have reached a different conclusion from the Council on this issue, I have come to my conclusion based on the circumstances of the site, the proposed development and the evidence before me.”

The appeal proposal before the Inspector did not include a noise assessment. The Inspector made their decision without the benefit of a formal noise assessment. The current proposal now includes such a document. This is a new material consideration in the assessment of this application.

The noise assessment provides existing daytime and night-time noise levels to the front and rear of the existing dwelling. It considers noise from car movements (car movement and closing of doors) and residents voices outside the building in comparison with the current ambient (background) noise levels. The calculated impact of noise from the use of the car parking spaces has been based on one movement (either an arrival or a departure) for each space within a 1-hour period at any time of the day or night. The assessment has been based on a comparison with the current ambient noise levels in the quietest hour. Therefore, this is a more onerous scenario than would occur in practice. The table below summarises daytime and night-time noise increases:

Table 11. Daytime calculation of the increase in ambient noise level

Receptor	R1 Front	R2 Rear
Car movement and door noise at receptor, dB(A)	37.3	27.6
Customer voice noise level at receptor, dB(A)	30.2	26.7
Combined car movement and voice noise level, dB(A)	38.1	30.2
Current ambient noise levels, dB(A)	62.3	50.7
Difference between current ambient and generated noise levels, dB(A)	-25	-23.1
Sum of current ambient, vehicle movement and customer voice, dB(A)	62.3	50.7
Increase in ambient noise level at receptor, dB(A)	0.0	0.0

Table 12. Night-time calculation of the increase in ambient noise level

Receptor	R1 Front	R2 Rear
Car movement and door noise at receptor, dB(A)	44.5	29.1
Customer voice noise level at receptor, dB(A)	30.2	26.7
Combined car movement and voice noise level, dB(A)	44.7	31.1
Current ambient noise levels, dB(A)	53.1	42.0
Difference between current ambient and generated noise levels, dB(A)	-8.6	-12.9
Sum of current ambient, vehicle movement and customer voice, dB(A)	53.7	42.3
Increase in ambient noise level at receptor, dB(A)	0.6	0.3

The noise assessment states:

“The above results demonstrate that the car movements and voices would not have a significant impact on the ambient noise level outside the neighbouring property. Therefore, there would be no significant impact on the current ambient noise levels in the neighbour’s garden or on the levels of noise intrusion into the rooms within the neighbour’s house. The noise generated will be 9-25 dB below the lowest current external ambient noise levels. The calculated noise level increases are between 0.0 dB(A) and 0.6 dB(A). Increases in noise level of less than 3dB(A) are normally considered insignificant. The calculations have been based on a car movement and voice for every car parking space in the quietest hour and therefore they are very conservative. The calculations also make no allowance for the fact that car movement and voice noise can legitimately occur on the site if it is used by a single household. This is discussed further in the following chapter. The above calculations are not the increase in usage but consider all car movements and voices as new noise sources which is clearly conservative. In fact, the installation of the acoustic barrier will result in a reduction of noise from the permitted use as well as the proposed use thereby improving the situation.”

The noise assessment goes on to compare proposed noise levels in comparison to use of the application site for its lawful purpose as a single dwelling, stating:

“Car movements and residents’ voices in car parking areas

4.1 As detailed in the previous chapter, the predicted noise from car movements and voices in the car parking areas is insignificant when compared with the existing noise climate. This conclusion applies even if these noise sources are assessed against the scenario with no current use. However, it should also be noted that car movements and voices in car parking areas would occur if the site were used by a single household. Many single households have multiple vehicles (e.g. one car each for parents, 2 or 3 cars for children still living at home and/or cars for members of the extended family living in the same house). It is common in this area for larger plots to have parking for 4 or more cars. It would be quite feasible for this plot to be used by a single household with a requirement for parking of 6 or more cars either without any planning requirements or under permitted development rights. The difference between the noise produced by 8 car movements and 6 car movements is only around 1 dB(A) which is not significant. 8 car movements which are screened by acoustic barrier would have a lower noise impact than 6 car movements without screening. These differences are in any case academic because the noise produced is much lower than existing road traffic noise and would be masked by it.

4.2 It could be argued that the inclusion of 4 car parking spaces to the rear of the house is a potential additional noise source in an area which is more screened from road traffic. However, it can be seen from the assessment in the previous chapter that existing noise levels to the rear are also high and that the use of car parking spaces to the rear would not have a significant impact on the existing noise climate. It should also be noted that parking could occur to the rear if the plot were used by a single household. The house on the other end of the row of houses has a garage right at the rear boundary of the plot which involves driving further than would be necessary in this proposal. A single household could decide to build a car port or garages to the rear of the house large enough for 4 cars or have external parking for 4 cars to the rear. If that did occur, the number of movements to the rear could be identical to the number of movements generated by the HMO proposal. Each space could be individually used by different family members with different agendas just as they could be by different residents in an HMO. Therefore, the noise levels from car movements and voices associated with the car parking areas could be the same for a single household use as for an HMO. In fact, this proposal includes the mitigation of an acoustic barrier and the cars would also be screened when passing through the covered access because it will have a solid side towards the neighbouring property. Therefore, a single household could generate more noise by parking to the rear with no boundary protection.

4.3 The assessment in the previous chapter is based on full use of the car parking spaces in the quietest hour which for night-time is 02:00-03:00 hours. That is a very unlikely scenario but there is no reason to suggest that it would be more likely to occur at an HMO than at a single

household property. If people return late at night, they often return in a taxi which would park briefly outside on the street and that would be the same for either type of use. A family returning together late at night could make more noise than a single person because there would be more car doors closing and more conversations. The HMO rooms are to be individually let to residents who are unlikely to know each other and are more likely to come and go individually than members of the same family. The occupancy rates for this type of HMO accommodation are often 60-70% and therefore, although the above assessment is based on full occupancy, it is more likely that the number of residents would be similar to or less than the number of residents in a large single household.”

The noise assessment specifically addresses noise from the use of the patio and garden area, stating:

“4.4 There is no evidence to suggest that there would be an increased level of noise from patio and garden areas at an HMO compared with a single household use. The rooms of the HMO would be individually let and therefore it is less likely that residents will know each other sufficiently to want to socialise externally than would be the case for a family. Typically, external communal areas at this type of accommodation have less use than they do at family houses because the residents do not have a private external space for their sole use. The use of the garden by children playing is much more likely for a single household than an HMO and would be likely to create significantly more noise over significantly longer periods than the occasional use by HMO residents.

4.5 The proposed layout moves the external amenity areas away from the boundary with the neighbouring property in areas near the house and significantly reduces their size. The proposed patio is away from the boundary and will be partly screened from rear elevation windows of the neighbouring property by the proposed building. The garden area will be distant from the rear elevation of the neighbouring property. Both will also be screened by the proposed 2m acoustic barrier which will provide additional attenuation of externally generated noise when compared with a single household use without such a barrier. The areas near the boundary with the neighbouring property and nearest its rear elevation are proposed for access to the parking area and would not therefore be used for sitting out or children playing as they may be by a single household.”

The noise assessment specifically addresses internally generated noise, stating:

“4.6 It is not normal for noise breakout from internal activities in detached residential properties to create significant noise disturbance at neighbouring properties. This is because there is much more acoustic separation between detached properties than there is

between semi-detached or town houses. Therefore, internal activity would need to be extremely loud to create a disturbance for the neighbour. If there were extremely loud activity (e.g. the playing of very loud music) at a high enough level to cause sufficient noise breakout to generate complaints, then it could be dealt with by Environmental Health under their enforcement powers. However, there is no evidence that such extreme noise events are more likely to occur in an HMO than in a single household dwelling. It would also be less likely in a newly constructed property which would have a higher level of sound insulation. Complaints would be more likely to occur in an area with lower road traffic noise levels as there would be less masking noise than at this site where road traffic noise levels are very high. The difference in the number of people in the building (8 separate residents as opposed to one household) is very unlikely to result in a significant difference in noise breakout which would be audible at the adjacent property.

4.7 It could be argued that the proposal brings the occupied areas closer to the boundary with the neighbouring property. However, any difference in noise breakout caused by the proximity to the boundary would be small and not likely to be significant. It is also possible that a new property for a single household could be constructed with rooms closer to the neighbouring property and that similar noise levels could be generated within them to those in the proposed HMO.”

Mitigation measures detailed in the noise assessment include a 2m high masonry wall to the rear reducing to 1m to the front along the common boundary with 28 Wragby Road. Whereas drawing L-ADD-026 – 13 shows a 1.8m high masonry wall projecting to the front and rear of the property but the drawing is incomplete in terms of the extent of this wall. There is a contradiction here therefore it is necessary to condition it be 1m to the front and 2m along the remainder of the boundary and made of masonry.

The Council’s Environmental Protection Officer conducted their own sample assessment of the background noise at the location using similar location points to those in the noise assessment. The EPO states *“The results of my sample assessment are in line with those within the assessment supplied by the applicant and as such I have no reason to dispute or disregard its findings. The acoustic barrier as recommended within the conclusion of the report will have a positive benefit and should be conditioned. Once built, should individual residents of the HMO cause excessive noise disturbance this can be dealt with under suitable existing legislation.”*

And:

“I would say that without the acoustic barrier the noise created by vehicles on the site (particularly at the rear) would be in the lowest observable adverse effect level, as vehicle movement and door closing etc. would likely be heard during quiet periods, with windows open, and with the perceived effect being

more likely due to the controversial nature of the build. As such mitigation to reduce this to a minimum is required and the acoustic barrier is a suitable solution in my opinion, not only will this reduce the actual level but it is also likely to have a reduction in the perceived effect as a physical barrier.”

The noise assessment addresses each of the Inspectors concerns in dismissing the appeal.

The aforementioned policies and guidance combined with the applicants noise assessment and the comments of the Council’s EPO make clear the noise and disturbance impacts would be in the lowest observed adverse effect level where the action required is to “mitigate and reduce to a minimum” the impacts of the proposal. The proposed masonry boundary wall represents beneficial mitigation. The Council’s EPO raises no objections to the proposal. Car fumes and headlight disturbance are not considered harmful.

The EPO recommends a demolition management plan, asbestos assessment and construction management plan. However, these are considered disproportionate for a development of this scale (a single building within a residential area) or are covered by other legislation.

This means the noise and disturbance generated by the proposal and the impact this would have on nearby sensitive noise receptors is considered to be acceptable and to have overcome the Inspectors previous concerns, in light of the requirements of the NPSE, PPG regarding noise, LP26, Policy 9 and the NPPF.

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.

Other Matters

The drawings do not show bin storage areas which is potentially quite significant given the nature of the proposal. Condition 5 requires such details.

Large HMO's do not have permitted development rights for extensions which means planning control will remain for such additions.

Conclusion and recommendation

Replacing the existing dwelling with a large HMO accords with Policy LP2 and LP4 and is acceptable in principle. Whilst the design is larger than the existing dwelling it is considered to comply with the Sudbrooke Neighbourhood Plan Policy 9 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 and Policy 9. 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 PPG. 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 proposal.

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 proposal 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 proposal 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 and Policy 9 of the Sudbrooke Neighbourhood Plan.

7. Notwithstanding the submitted details, the masonry wall to the south 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 for the remainder of the common boundary with the adjacent dwelling. It shall be constructed prior to the first occupation of the development hereby permitted and shall be retained whilst the development is in use.

Reason: To mitigate the impact of the parking arrangements and development on residential amenity of adjacent occupiers in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy 9 of the Sudbrooke Neighbourhood 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