

# **Officer's Report**

## **Planning Application No: 143973**

**PROPOSAL:** Planning application for 2no. dwellings with associated detached garages being variation of condition 5 of planning permission 140625 granted 14 April 2020 - Amended drawings

**LOCATION:** Land off Astley Crescent Scotter Gainsborough DN21 3SL

**WARD:** Scotter and Blyton

**APPLICANT NAME:** Mr. and Mrs. R Blythe

**TARGET DECISION DATE:** 07/01/2022

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Grant with conditions attached.

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This application has been referred to the Planning Committee at the request of the Ward Member, and following objections from third parties.

### **Description:**

The application site was a vacant piece of land at the end of Astley Crescent located within the built footprint of Scotter. Construction is now underway to erect two dwellings and garages granted under planning permission 140625. To the north off the site is a telephone exchange and to the south are two detached two storey dwellings (No.40 and No. 57 Astley Crescent). To the west is a dormer bungalow (No.4 Orchard Avenue) and its rear garden. To the east is a detached two storey dwelling (No.56 High Street) and its long rear garden and land subject of an outline planning permission to erect one dwelling (140437).

The site already has planning permission (140625) which is currently under construction to erect two 5 bed detached dwellings which will be accessed off Astley Crescent. Plot 1 is a two and half storey dwelling with accommodation in the roof space with an approximate height of 8.3 metres, as is Plot 2. Each dwelling benefits from a small front garden to the south and private rear gardens to the north. Plot 1 to the west benefits from a detached double garage and two car parking spaces to the south west of the dwelling. Plot 2 benefits from a detached double garage to the south east and two car parking spaces in front (to the south) of the dwelling. An access road to the south of the garage to Plot 2 is shown on the proposed site plan leading to the site with the benefit of planning permission (140437).

This application (143073) seeks to vary condition 5 (plans) of planning permission 140625. The changes are shown on the following drawing(s): 1378.01A dated 24/11/2021, 1378.02A dated 24/11/2021, 1378.03A dated 24/11/2021, 1378.04A dated 24/11/2021, 1378.05A dated 24/11/2021, 1378.06 dated September 2021 and 1378.07A dated 24/11/2021. The following amendments are proposed:

- The dwellings have been increased in width by +0.29m (Plot 1) and +0.54m (Plot 2). Plot 1 was previously 10 metres (11.16m including front projection) and Plot 2 was 10.1 metres (11.2 metres including front projection).
- Plot 1 would still have a first floor window and a ground floor door and window in its east (side) elevation but these are now re-positioned slightly under 143073.
- Plot 2 would still have a first floor window and a ground floor door and window in its west (side) elevation but these are now re-positioned slightly under 143073.
- The garages have been repositioned slightly within the plot and have been altered as shown below:
  - Plot 1 – +4.7m to ridge and +2.55m to eaves (previously +4.3m to the ridge and +2.06m to the eaves) and Plot 2 – +4.4m to ridge and +2.55m to eaves (previously +4.3m to the ridge and +2.06m to the eaves).
  - Plot 1 – Has an additional personnel door in a side elevation and Plot 2 – Has a personnel door and a window in its side elevation.

### **Relevant history:**

**124802** – Full application to erect two dwellings. Granted 22/03/2010 (similar site plan layout to this application 140625 but two storey 4 bed detached dwellings with approximate ridge height of 7.4 metres).

**129783** – Extension of time limit in regards to 124802. Granted 24/05/2013.

**140625** - Full planning application for 2no. dwellings with associated detached garages. Granted 14/04/2020.

**142016** - Request for confirmation of compliance with conditions 2, 3, & 4 of planning permission 140625. Conditions discharged 24/03/2021.

### **Land to the east:**

**140437** - Outline planning application to erect 1no. dwelling - access, layout and scale to be considered and not reserved for subsequent applications. Two storey detached four bed dwelling with integral single garage and access taken off Astley Crescent with a ridge height of approximately 7.4 metres. Granted 27/03/2020.

### **Dwellings to the south:**

**M04/P/1100** – Reserved Matters to erect a detached two storey five bed dwelling approximately 7.5 metres to the ridge. Granted 10/11/2004 (No.40 Astley Crescent).

**121171** – Full plans to erect a detached 2.5 storey dwelling five bed dwelling approximately 8.9 metres to the ridge. Granted 12/12/2007 (No.57 Astley Crescent).

### **Representations:**

**Cllr M Snee:** Please can I request on behalf of many of my constituents that application 143973 is brought before the planning committee. This will ensure full transparency of the

application because of the previous breaches of Planning (application 140625) and the necessary enforcement action that had to be taken for this site.

**Scotter Parish Council:** This application does not comply with Scotter Neighbourhood Plan on the following points, Policy H4: Small Scale Residential Development Policy D5: Design of New Development. This application does not comply with the Central Lincolnshire Local Plan on the following points, Policy LP26: Design and Amenity

Specifically the scale of these 2, 3 storey houses is not in keeping with the surrounding properties. The size and height are excessive for that area and will have a considerable negative impact on the one storey neighbouring properties.

The property on plot 2 has been built above ground level. This may impact the neighbouring properties in respect of surface water drainage and flooding. This area of Scotter already has an existing problem with the drainage during heavy rain fall. This development has an obligation to ensure that the neighbouring properties are not adversely affected and we would suggest this needs investigating.

The original planning granted had considerable objection noted from residents due to size and scale, the new plans now show that the property has increased on both accounts without justification. The Parish Council would like to comment that Scotter Neighbourhood Plan has been completely disregarded in this planning application and request that an explanation of how these properties comply with Policy H4 and D5 be provided. We also request that this application be taken to planning committee for full consideration.

**Local residents:** 54 (Sun and Anchor Public House) and 56 High Street, 57 Aslley Crescent and 4 Orchard Avenue Scotter object to the application for the following reasons, in summary:

- This was already a poor development (granted under 140625).
- Application 143973 is a completely new application and should be afforded a comprehensive appraisal and not be regarded as a mere tweaking of the original
- As my business has been flooded twice in four years I really think that this will have a massive impact on drainage around me.
- The increased surface area covered by the larger buildings will further reduce the ability of the ground to absorb rainwater. This will increase this risk of flooding on neighbouring land; it should be noted the village's telephone exchange shares a boundary with the site.
- It is unusual to show garage doors opening into inwards – a bit difficult with vehicles in situ – but just as well as, certainly with Plot 2, there would be no room to open it outwards due to the close proximity to the boundary fence.
- Any eventual approval of planning should be mindful of the need to put in place safeguards such as ensuring that anti-social hours of work are eliminated and that all interested parties are able to give representation eg Emergency Services.
- The ridge height of the garage to Plot 1 is located next to our garden fence at the bottom of our rear garden and we are concerned about the obstruction of our view and over shadowing especially as the ridge has risen to 4.7 m from the previously permitted 4.2 m (140625).

- This means that we are now looking at a wall of brick of almost 3m above our fence line.
- Plot 1 does not lie directly behind our property [No.57 Astley Crescent], the extremely large windows extending from ground floor to roof, mean our once private property will in fact now be completely overlooked.
- As we have seen on this latest application 143973, the house on plot 2 will now be 8.84m to ridge height which is a significant breach of the maximum height of 8.3m previously granted under application 140625. Both houses will also be wider (plot 1 has increased from 8.5m to 8.79m and plot 2 from 8.5m to 9.04m) and additional doors and windows have been included in the garages.
- We also have major concerns about flooding due to the extensive nature of this build leaving very little opportunity for surface absorption of water. During the build of the garage, we have experienced excessive flooding onto our land. With heavy rainfall, water has migrated under our fence line by approximately 1.5m, rendering our garden a boggy mess. Photographic evidence was submitted to West Lindsey District Council on 29th January 2021 to illustrate this issue. Whilst the original application 140625 did provide for the disposal of foul and surface water, there are no visual signs of any such measures being put in place as yet.
- Throughout the build, there have been several occasions when we have been subjected to building noise and disruption at times, we consider to be unsociable and inconsiderate. As a result, we would also respectfully ask that a condition be placed on application 143973, stipulating building times deemed acceptable by West Lindsey District Council.
- The garages and houses that were granted permission in application 140625 were already out of context. The height, scale and consequent massing effects of the proposed 3-storey houses on neighbouring properties are inappropriate.
- The current application proposal 143973 indicates even more substantial buildings and therefore has an even further detrimental effect on neighbouring properties. In our case [No.4 Orchard Avenue], the size and mass of any proposed development have always been a concern as our house is sited approximately 6 feet below the level of the building site, thus exaggerating the effect when compared to a property on the same level as the site.

**LCC Highways and Lead Local Flood Authority:** The proposal is for 2 dwellings and it does not have an impact on the Public Highway or Surface Water Flood Risk. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

**Archaeology:** No representations received to date.

**LCC Minerals and Waste:** No representations received to date.

**IDOX:** Checked 22/12/2021.

**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 Scotter Neighbourhood Plan (adopted in January 2018) and the Lincolnshire Minerals and Waste Plan (The Core Strategy & Development Management policies (CSDMP) adopted in June 2016).

### **Development Plan:**

The following policies are particularly relevant:

#### \*Central Lincolnshire Local Plan 2012-2036

LP1: A presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

*\*With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 & LP3 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

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

#### Draft Central Lincolnshire Local Plan:

The first round of consultation on the Draft Central Lincolnshire Local Plan has now completed. The consultation ran for 8 weeks from 30 June to 24 August 2021. The NPPF states:

“48. 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) 24.”

The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

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

### Scotter Neighbourhood Plan

Policy H4: Small Scale Residential Development

Policy D5: Design of New Development

Policy T9: Parking and Parking Standards

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

### Lincolnshire Minerals and Waste Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies.

The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

### 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 July 2021.

Paragraph 219 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**  
<https://www.gov.uk/government/collections/planning-practice-guidance>
- **National Design Guide (2019)**  
<https://www.gov.uk/government/publications/national-design-guide>
- **National Design Code (2021)**  
<https://www.gov.uk/government/publications/national-model-design-code>

### **Main Issues:**

- Principle of Development
- Residential Amenity
- Visual Impact
- Garden Space
- Highway Safety
- Landscaping and Boundary Treatments

- Other Matters

## **Assessment:**

### Principle of Development

The principle of development to erect 2 dwellings and associated garages has already been established following the grant of full planning permission (140625). It would accord with policy LP2 of the CL Local Plan which seeks to focus growth to large villages such as Scotter through “appropriate infill, intensification or renewal within the existing developed footprint”.

### 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.

It is proposed to build two, 2.5 storey five bed dwellings with accommodation in the roof space with detached garages. Each dwelling has an approximate height of 8.3 metres and the garage to Plot 1 is approximately 4.7 metres to the ridge and 2.55 metres to the eaves and the garage to Plot 2 is approximately 4.4 metres to the ridge and 2.06 metres to the eaves.

Plot one to the west of the site is located approximately 16.6 and 11 metres from No.57 and No.40 Astley Crescent respectively. This plot is also located approximately 20.7 metres to the east of No.4 Orchard Avenue or 16.5 metres from its rear single storey conservatory. It can be noted that the dwelling at no.4, sits below the application site, with its rear garden sloping upward in an easterly direction up to the site level. The proposed south (front) elevation has a triple height window element across three floors which will overlook the front garden, driveway and the access from Astley Crescent. The other second floor windows (and two roof lights) will have the same outlook and will also look out onto the side (north) elevation of No.40 Astley Crescent with two small windows to bathrooms and another window to a stairwell at first floor level in this elevation. The proposed north (rear) elevation will look out onto the rear garden afforded the proposed dwelling with the telephone exchange beyond. The proposed side (east) elevation will have a small window and door to a utility and toilet (obscure glazed) at ground floor level and a window at first floor level to a bathroom (obscure glazed) and a roof light. A small roof light is also proposed in both the west and east (side) elevations of the front off shoot. Whilst the side elevation will be visible from 4 Orchard Avenue, it will be at the end of the garden and would not be expected to have an unduly adverse effect upon the amenities that may be enjoyed at that property. Overall, it is not considered that the proposed development would have a significantly adverse impact upon the amenity enjoyed at neighbouring properties, in regards to overlooking and over dominance regarding Plot 1.

Plot Two to the east of the site is located approximately 12 metres from the side of No.40 Astley Crescent. The proposed front (south) elevation which has a triple height window element across three floors and other windows on the first floor and two roof lights will look out onto the side (north) elevation of No.40 Astley Crescent which has two small windows to bathrooms and another window to a stairwell at first floor level in this

elevation. The proposed south (rear) elevation will look out onto the rear garden afforded the proposed dwelling with the telephone exchange beyond. The proposed side (west) elevation will have a small window and door to a utility and toilet (obscure glazed) at ground floor level and a window at first floor level to a bathroom (obscure glazed) and a roof light. The proposed side (east) elevation will have no openings apart from a roof light. There are no residential amenity concerns in regards to overlooking and over dominance regarding Plot 2 (including to the new dwelling granted planning permission under 140437 which is located approximately 18.5 metres away from the side (east) elevation of Plot 2).

The garage proposed for Plot 1 is located approximately 5.6 metres to the north of the rear conservatory of No.57 Astley Crescent and has a maximum height of approximately 4.7 metres to the ridge which is located approximately 9 metres to the north of the rear conservatory of No.57. The garage has an eaves height of approximately 2.55 metres, which would be adjacent the shared boundary with the neighbour, with the ridgeline set into the site. Whilst the occupants of No.57 have raised concerns as to the impact upon their property and amenity, at the scale proposed, it is not considered that the presence of the garage will have an unduly adverse effect to the extent that the amenities enjoyed at the property would be significantly affected.

There are no residential amenity concerns in regards to overlooking and over dominance regarding the garage to Plot 2 which measures approximately 4.3 metres to the ridge and 2.06 metres to the eaves. The garage is located approximately 6 metres to the north east of No.40 Astley Crescent and approximately 7.9 metres to the west of the new dwelling granted planning permission under 140437.

There are also no residential amenity concerns regarding the access to the new dwelling granted planning permission under 140437.

It is therefore considered that the proposal will not have an unduly harmful impact on the living conditions of neighbouring dwellings or those of the proposed dwellings. The proposal is in accordance with the NPPF and local policy LP26 of the Central Lincolnshire Local Plan and Policy D5 of the Scotter Neighbourhood Plan.

#### Visual Impact

Local Plan Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

Local Plan Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing and form. The policy also states that



the proposal should respect the existing topography, landscape character, streetscene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

The application seeks permission to erect two 5 bed detached dwellings which will be accessed off Astley Crescent. Plot 1 is a two and half storey dwelling with accommodation in the roof space with an approximate height of 8.3 metres as is Plot 2. Each dwelling benefits from a detached single storey double garage.

The nearest neighbouring dwellings to the proposed dwellings are No.40 and No.57 Astley Crescent to the south which are also large five bed detached dwellings with No.57 also being a 2.5 storey dwelling with accommodation in the roof space and with an approximate ridge height of 8.9 metres. There is also no overall prevailing design in the locality with No.40 and No.57 being of different designs, the dormer bungalows to the south, the telephone exchange to the north and the detached 2 storey dwelling to the east (No.56 High Street) and the 2 storey detached dwelling to the east with planning permission (140437).

The site layout of the proposed dwellings and garages is nearly identical to those granted under previous planning permissions on the site (124802, 129783 and most notably 140625). The footprint of the proposed dwellings and garden space is also similar to those of No.40 and No.57 Astley Crescent.

In terms of design and visual impact the proposed dwellings and garages will not dominate neighbouring properties which also have no overriding prevailing design and with the use of appropriate materials the proposal is considered to be in keeping with the street scene. The proposal is considered to be in accordance with the NPPF and local policies LP17 and LP26 of the Central Lincolnshire Local Plan and policy H4 of the Scotter Neighbourhood Plan.

#### Garden Space

The development provides for an acceptable amount of private rear amenity space for the proposed new dwellings comparable to the private amenity space afforded to No.40 and No.57 Astley Crescent which are also five bed detached dwellings.

#### Highway Safety

Policy LP13 of the Central Lincolnshire Local Plan states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported. Policy T9 of the Scotter Neighbourhood Plan requires 4 car parking spaces for dwelling with 5 bedrooms or above.

The application seeks permission to erect two 5 bed detached dwellings which will be accessed off Astley Crescent. Both dwellings will have a detached double garage and 2 car parking spaces.

Lincolnshire County Council (LCC) Highways do not object and do not wish to make any observations in regards to this proposal.

Paragraph 110 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The proposed car parking detailed above is considered to be sufficient for the proposed dwellings and the proposal is considered to accord with Policy LP13 of the Central Lincolnshire Local Plan, Policy T9 of the Scotter Neighbourhood Plan and the NPPF.

#### Landscaping and Boundary Treatments

The existing boundary (a hedgerow) and fences will be retained on the western and southern boundaries respectively. It is proposed to erect 1.8 metre high wooden fencing on all the other boundaries of the site, including the boundary between the two plots. The garden areas on the proposed site layout plan are shown as grass to the front and rear (and a patio to the rear) apart from some planting to the front (south) of the plots.

#### **Other Matters:**

##### Conditions

As a variation of condition application (143973) will create a brand new permission in itself, a review of conditions originally imposed on 140625 needs to be undertaken. Without this any new permission would be unrestricted.

Application 142016 discharged conditions 2 (written scheme of archaeological investigation), 3 (external materials) and 4 (Foul and Surface Water Drainage),

The development is already under construction, therefore Condition 1 (Time) of 140625 does not need to be carried forward to this permission.

An amended Condition 5 (Plans) will be carried forward to this permission (143973) as will conditions 6 (Hardstanding), 7, 8 and 9 (Archaeology), 10 (Removal of Permitted Development Rights). Any informatives that need to be will be carried forward from permission 140625 to this permission (143973).

##### Foul and Surface Water Drainage

A condition was attached to planning permission 140625 and the appropriateness of the intended scheme for foul and surface water drainage was discharged under application 142016.

A condition will be carried forward from planning permission 140625 to this application (143973) requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

### Site Level

The site is generally flat, as are its surroundings. Although the majority of the garden to No.4 Orchard Avenue is on the same level as the site, No.4 Orchard Avenue which is approximately 20 metres (or 16 metres to its rear conservatory) from the site is at a lower level but the proposal (Plot 1) has a good separation distance and is less than one metre higher than the dwelling permitted under a previous permission (124802). Also the back half of Plot 1 (northern portion approximately five metres) slopes down from the ridge to approximately 5.2 metres in height (the ridge is approximately 8.3 metres in height).

### Permitted Development

Certain permitted development rights will be removed to enable any such proposals to be assessed in terms of their impact on the living conditions of the proposed and neighbouring dwellings and the resulting amount of space around the proposed dwellings to safeguard the character and appearance of the proposed dwellings and their surroundings. This condition will be carried forward from planning application 140625 and includes removal of permitted development rights to alter or extend the dwellings, no new windows shall be instead in the dwellings and no buildings or structures shall be erected within the curtilage of the dwellings.

### Minerals and Waste

Approximately half of the application site is within a Mineral Safeguarding Area (MSA). Policy M11 of the Core Strategy & Development Management policies (CSDMP 2016) therefore applies. The site has dwellings on all sides apart from a telephone exchange to the north and is relatively small in size. It is considered that the development is of a minor nature which will have a negligible impact with respect to sterilising the mineral resource. The development permitted through 140625 is also under construction.

### Flood Risk

The site is located within Flood Zone 1 (Low risk of flooding) and Lincolnshire County Council Local Lead Flood Authority have no comments or objections to make on this issue. Nor does the Environment Agency map identify the site as being at risk of surface water flooding.

### Noise

If there is unreasonable construction noise or at an unreasonable hour this can be dealt with by Environmental Protection legislation.

### **Conclusion and reasons for decision:**

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan in the first instance and policies contained in the Scotter Neighbourhood Plan (Policy H4: Small Scale Residential Development, Policy D5: Design of New Development and Policy T9: Parking and Parking Standards) and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

The principle of development to erect 2 dwellings and associated garages has already been established following the grant of full planning permission (140625). It is considered

that the proposed dwellings will not have a negative effect on the residential amenity and visual amenity of the street scene and will provide an appropriate amount of outside residential amenity space and off street car parking.

**Recommendation: Grant planning permission subject to the conditions below**

**Conditions stating the time by which the development must be commenced:**

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None.

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

1. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme (approved under application 142016), at least 14 days before the said commencement.

**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

**Conditions which apply or are to be observed during the course of the development:**

2. The development shall only be carried out using the agreed materials approved under application 142016.

**Reason:** To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

3. The development shall only be carried out in accordance with the approved foul and surface water drainage scheme (approved under application 142016) and completed prior to occupation of the dwelling it serves.

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 1378.01A dated 24/11/2021, 1378.02A dated 24/11/2021, 1378.03A dated 24/11/2021, 1378.04A dated 24/11/2021, 1378.05A dated 24/11/2021, 1378.06 dated September 2021 and 1378.07A dated 24/11/2021. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans in the interests of proper planning.

5. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

**Reason:** To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

6. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 1 of this permission.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

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

7. Following the archaeological site work referred to in condition 6 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

8. The report referred to in condition 7 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

**Reason:** To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework

9. Notwithstanding the provisions of Classes A, AA, B, C, D and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the dwellings unless planning permission has first been granted by the Local Planning Authority.

**Reason:** To enable any such proposals to be assessed in terms of their impact on the living conditions of the host dwelling/the resulting amount of space around the host dwelling and to safeguard the character and appearance of the building and its surroundings and in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

**Informative**

Conditions

As a variation of condition application (143973) will create a brand new permission in itself, a review of conditions originally imposed on 140625 needs to be undertaken. Without this any new permission would be unrestricted.

Application 142016 discharged conditions 2 (written scheme of archaeological investigation), 3 (external materials) and 4 (Foul and Surface Water Drainage),

The development is already under construction, therefore Condition 1 (Time) of 140625 does not need to be carried forward to this permission.

An amended Condition 5 (Plans) will be carried forward to this permission (143973) as will conditions 6 (Hardstanding), 7, 8 and 9 (Archaeology), 10 (Removal of Permitted Development Rights).

## **Notes to the Applicant**

### Highways

The permitted development requires the formation of an 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. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact [vehiclecrossings@lincolnshire.gov.uk](mailto: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.