

# **Officers Report**

## **Planning Application No: 144491**

**PROPOSAL:** Planning application to erect 1no. dwelling

**LOCATION:** Land rear of 45 Mill Lane Saxilby Lincoln LN1 2HN

**WARD:** Saxilby

**WARD MEMBER(S):** Cllr Mrs J Brockway & Cllr D J Cotton

**APPLICANT NAME:** Mr S Osborne

**TARGET DECISION DATE:** 22/04/2022

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Richard Green

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

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The application has been referred to the Planning Committee, following objections from the Parish Council who consider that the development is contrary to the provisions of the Saxilby with Ingleby Neighbourhood Plan.

### **Description**

The application site is within the built footprint of Saxilby and is part of the garden belonging to No.45 Mill Lane, Saxilby and is surrounded by residential development on all sides. To the west of the site is the host property which is a two storey detached dwelling and to the south are two storey detached dwellings which front Mays Lane. To the south are the gardens of the properties that front Mays Lane. To the north of the site is the long rear garden of a two storey semi-detached property (No.49 Mill Lane) which fronts Mill Lane. The site is accessed by the existing driveway to the property which is located between No.45 and No.49 Mill Lane. The driveway leads to a large area of block paving which is utilised for off road car parking which then leads to a grassed area and a Nissan hut to the east of the host property, the grassed area extends beyond the Nissan hut to the east. The host property also benefits from a garden to the south of its principle south facing elevation. There are a number of trees to the south of the site within neighbours' gardens.

It is proposed to erect one single storey 2 bed detached dwelling to the east of the existing dwelling on the site of a Nissan hut. The dwelling is in a L shaped form with the front section (to the west) having a ridge height of approximately 6.16 metres and an eaves height of 2.89 metres. The rear projection has a ridge height of approximately 4.79 metres and an eaves height of 2.5 metres. There is a parking area and turning area to the west of the dwelling and the dwelling and rear garden to the east can be accessed via a 1.06 metre wide path to the south of the dwelling. The host dwelling (No.45 Mill Lane) retains parking to the east and a garden mainly to the south of the dwelling.

### **Relevant history**

**99/P/0784** – Outline application to erect 1 No. Bungalow. Refused 31/07/00 due to the massing and scale of the proposed dwelling and overlooking of the site. Also due to the proximity of the proposed driveway to existing dwellings.

**99/P/0771** – Planning application to demolish shed, outhouse and entrance hall and erect 2 storey extension (garage, hall and two bedrooms) and form new vehicular access. Refused 03/02/00.

**M01/P/0858** – Erect 2 storey extension to form lounge with an additional bedroom with en-suite over and erect single storey extension to form kitchen and family room and front boundary treatment. Granted 27/12/01.

**140032** - Pre-application enquiry to erect 1no. dwelling. Advice given 15/10/2019 *'It is my opinion that the proposal maybe supported in principle. The proposal is for the erection of one dwelling within the built footprint of Saxilby which is considered to be a sustainable location. In this context, there should be a presumption in favour of sustainable housing development. The proposal is also back land development but it is considered that the proposal would not go against the established character of the area by introducing an uncharacteristic form of backland development.*

*Furthermore, it is considered that the plot is large enough to accommodate one dwelling single storey dwelling as indicatively shown on the site layout plan and that the location of the dwelling will not have a negative impact on the residential amenity of the proposed dwelling or neighbouring properties. It is also considered that the proposed dwelling will not have a negative visual impact.*

*Any future formal planning application should be accompanied by a written statement to meet the provisions of Policy 2 of the Neighbourhood Development Plan (as explained above).'*

## **Representations**

**Chairman/Ward member:** No representations received to date.

**Parish Council:** We strongly object to this application for the following reasons:

- This is a rear garden development, and the size of the plot is small.
- The path is not wide enough for disabled access to the house.
- The proposed dwelling is detrimental to the street scene.
- It is not in line with Policy 2 (Design of new developments) of the made Saxilby with Ingleby Neighbourhood Plan, specifically 2.a – must respect the existing pattern of development in terms of enclosure and definition of streets and spaces, and 2.c – must be of an appropriate scale and density in relation to its setting.
- It is also not in line with Policy 17 (Traffic and movement around the village).

- Also, as per conclusion 6.5 in the NDP supporting Character Assessment – the character of the area should be respected, in terms of respect for the scale and form, and the architectural style of surrounding development.

**Local residents:** No representations received to date.

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

**LCC Highways and Lead Local Flood Authority:** For this proposal the exiting access is to be used and off street parking and turning is provided for the new dwelling, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety. 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 05/04/2022.

**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 April 2017) and the Saxilby with Ingleby Neighbourhood Development Plan (adopted May 2017).

**Development Plan:**

The following policies are particularly relevant:

\*Central Lincolnshire Local plan

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 is 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/>

Saxilby with Ingleby Neighbourhood Development Plan:

Policy 1: Housing Mix

Policy 2: Design of New Developments

Policy 17: Traffic and Movement around the Village

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/saxilby-ingleby-neighbourhood-plan-made>

### **Emerging Policy (material consideration)**

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/>

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
- Visual Amenity
- Residential Amenity
- Foul and Surface Water Drainage
- Trees
- Garden Space
- Highway Safety & Car Parking
- Other Matters

### **Assessment:**

#### Principle of Development

The site is located in the built foot print of Saxilby and is surrounded by residential properties on all sides. The settlement of Saxilby is designated as a large village under Policy LP2 of the Central Lincolnshire Local Plan. Appropriate infill, intensification or renewal of the existing urban area is permitted under this policy as these large villages have a range of employment, retail and key services and facilities for the local area and will be a focus for accommodating an appropriate level of growth.

The proposal is for the erection of one dwelling within the built footprint of Saxilby on residential garden land. It would amount to "intensification" in the existing urban area, in accordance with LP2. The policy seeks "appropriate" intensification, and the development therefore needs to be considered against the wider policies of the CLLP and Saxilby Neighbourhood Plan.

#### Visual amenity

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, street scene 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.

Policy 2 of the adopted neighbourhood development plan states that “*all new development must deliver good quality design.*” In order to achieve this all new development must meet the relevant criterion detailed within the policy including, respecting the existing pattern of development in terms of enclosure and definition of streets and spaces, using materials appropriate to the development’s context and be of an appropriate scale and density in relation to its setting.

It may be noted that the Parish Council object to the development, and consider that it does not meet the criteria in policy 2, namely “2.a – must respect the existing pattern of development in terms of enclosure and definition of streets and spaces, and 2.c – must be of an appropriate scale and density in relation to its setting.”

This area of Mill Lane is noted within Character Area G of the Saxilby with Ingleby Parish Character Assessment, commissioned as part of the neighbourhood plan process. The character assessment describes the notable features of character area G, these include the amount of single storey houses along much of east side of Mill Lane as well as the distant cathedral views and long gardens. The predominant material choice is red brick, with render and painted brick occasionally evident. The roofing forms come in a variety of styles – side gabled, cross gabled and hipped. Many of the dwellings along the east side of Mill Lane are set back up to 20m from their front boundaries. Paragraph 5.111 also mentions the linear nature of the main roads in the character area. The proposal is back land development but it is considered that the proposal would not go against the established character of the area by introducing an uncharacteristic form of backland

development as the location of the proposed dwelling is within the extent of the rear gardens of most of the properties which front this side of Mill Lane. Mill Farm to the north of this site is also located to the rear of the properties which front Mill Lane.

The site is located within the built foot print of Saxilby and is surrounded by residential properties and their gardens on all sides. The site is screened by hedgerows, trees and close boarded wooden fencing to the north, east and south and by the host property to the west. The proposed dwelling is one storey in scale and of a traditional design. Materials will be conditioned if it is minded to grant permission. It is therefore there will be limited to no visual impact on the locality and the proposals will not harm the character and appearance of the street-scene.

The proposal is considered to accord with the NPPF, Policy LP2 of the Central Lincolnshire Local Plan and Policy 2 of the Saxilby with Ingleby Neighbourhood Development Plan.

#### Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

The proposed single storey two bed dwelling is located approximately 19 metres to the east of the host dwelling (No.45 Mill Lane) and 9 metres from the rear boundary of No.45 beyond which will be located car parking for the host dwelling. The nearest dwelling to the south is located approximately 18.5 metres away from the proposed dwelling. Therefore there are no issues with loss of light or over dominance.

All openings will look out onto the surrounding boundary treatments, or the car parking and turning area to the front (west) or the rear garden to the east. Four high level roof lights in a rear off shoot are also proposed.

It is therefore considered that there are no residential amenity concerns regarding future occupants of the proposed dwelling or harmful impacts on the living conditions of neighbouring dwellings.

#### Foul and Surface Water Drainage

The application form states that foul sewage will be dealt via the mains sewer and states that surface water will be dealt with by a way of a soakaway.

If it is minded to grant planning permission a condition will therefore be attached to the decision notice requiring that no development other than to foundations level shall take place until full foul sewerage details and a scheme for the disposal of surface water from the site (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority.

A condition will also be attached to the decision notice if it is minded to grant planning permission requiring that any hardstanding shall be constructed from a porous material and be retained as such thereafter or shall be drained within the site.

### Trees

Existing mature hedgerows around the site will be retained and there are a number of trees to the south of the site within neighbours' gardens which have small trunk girths and the proposed dwelling is located outside of the Root Protection area for the closest of these neighbouring trees.

### Garden Space

It is considered that the proposal offers an adequate amount of outside amenity space for the proposed 2 bed dwelling and for the host dwelling No.45 Mill Lane.

### Highway Safety & Car Parking

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.

The Parish Council put forward that they do not consider it is in line with Neighbourhood Plan policy 17 which states:

*“Development proposals in Saxilby must ensure that any transport impacts of the scheme are identified and acceptable. Any measures needed to deal with the anticipated impacts must be implemented.”*

The existing access to the site is off Mill Lane and will be utilised by No.45 and No.49 Mill Lane and the proposed dwelling. Car Parking spaces and a turning area will be provided for the proposed dwelling immediately to the west of the property and No.45 Mill Lane will also retain two car parking spaces and a turning area.

Lincolnshire County Council Highways have been consulted on the application and raise no objections to the 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; 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 proposal is considered to accord with the NPPF, Policy LP13 of the Central Lincolnshire Local Plan and Policy 17 of the Saxilby with Ingleby Neighbourhood Development Plan.

### **Other Matters:**

#### Building for Life Criteria:

The applicant has provided a planning statement which states how the proposed dwelling complies with Policy 2 of the Saxilby with Ingleby Neighbourhood Development Plan in relation to Building for Life 12 criteria. This is a requirement of policy 2 f the neighbourhood Plan.

#### Minerals and Waste.

Lincolnshire County Council Minerals and Waste have been consulted but the site does not lie within a mineral safeguarding area or allocation.

#### Permitted Development

A condition should be attached to the decision notice removing certain permitted development rights to enable any such proposals to be assessed in terms of their impact on the living conditions of the proposed dwelling and the amount of space around the dwelling and to safeguard the character and appearance of the dwelling and the locality and in accordance with Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

### **Balancing evaluation and conclusion:**

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 and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan and policies contained in the Saxilby with Ingleby Neighbourhood Development Plan (Policy 1: Housing Mix, Policy 2: Design of New Developments and Policy 17: Traffic and Movement around the Village) and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

The principle of development is supported as the proposed dwelling is located within the built footprint of Saxilby which is considered to be a sustainable location for growth. Furthermore, the proposal is back land development but it is considered that the proposal would not go against the established character of the area by introducing an uncharacteristic form of backland development as the location of the proposed dwelling is within the extent of the rear gardens of most of the properties which front this side of Mill Lane. Mill Farm to the north of this site is also located to the rear of the properties which front Mill Lane.

It is also considered that the proposal will not have a negative impact on the living conditions of neighbouring occupiers or future residents of the proposed dwelling, or the street scene and is appropriate in scale and density in relation to its surroundings. Furthermore, the proposal would not have a detrimental

impact upon the highway or highway safety and does not conflict with neighbouring land uses.

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

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

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).

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

None.

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

2. No development other than to foundations level shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

3. No development other than to foundations level shall take place until the proposed walling, roofing and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

**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 Policies LP17 and LP26 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: F3039-A1-01 dated February 2022. 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 and to accord with the National Planning Policy Framework.

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 the use of appropriate materials or drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

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

6. 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 (As Amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be extended, no new openings shall be inserted in external walls or the roof slopes and no outbuildings erected 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 privacy of neighbouring dwellings and the amenity space available to the approved dwelling and to safeguard the character and appearance of the dwelling and its surroundings and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

**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.