

## **Officers Report**

### **Planning Application No: 144759**

**PROPOSAL:** Planning application for 1no. dwelling with detached garage.

**LOCATION:** Rear of 5 Mill Lane Caistor Market Rasen LN7 6UA

**WARD:** Caistor and Yarborough

**WARD MEMBER(S):** Cllr O Bierley and Cllr Mrs A T Lawrence

**APPLICANT NAME:** Mr Oliver Lawrence

**TARGET DECISION DATE:** 22/06/2022 (Extension until 15<sup>th</sup> July 2022)

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Holly Horton

**RECOMMENDED DECISION:** Grant permission, subject to conditions.

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#### **Description:**

This application has been referred to the planning committee as the applicant is from the immediate family of a Councillor.

The application site is located in the market town of Caistor, and is a plot of garden land to the rear of No.5 Mill Lane which is a detached two-storey dwelling. The site is set back from the highway and is positioned at the top of Mill Lane where the lane ends, with the lane sloping upwards relatively steeply from west to east. The site is screened by high hedging along the east, south and western boundaries, with trees along the southern and western boundaries also. The site also lies with an Area of Great Landscape Value. Other residential properties and their garden areas adjoin the site to the north and south west, with an underwater reservoir to the west. Caistor Yarborough Academy lies to the east and south, with sports courts lying adjacent to the application site and part of its playing fields lying to the south.

The application seeks planning permission to erect 1no detached dwelling with detached garage.

Please note: this application is retrospective, with works having started on site on 28<sup>th</sup> January 2019, following the grant of planning permission for a single dwelling and detached garage in February 2016. However, the development has deviated from the original permission in the following ways:

- The positioning of the dwelling has altered slightly and is now situated further to the south west of the site.
- The window openings have been altered at both ground and first floor level. At first floor level the current proposal contains 2 dormer windows on the southern roof-scape, 1 roof-light on the western roof-scape with 1 window serving the stairwell on the western elevation, 1 dormer

window on the eastern roof-scape and 1 dormer window on the northern roof-scape. 133237 had window openings at first floor level as follows - 3 dormer windows on the southern roof-scape, 2 high level roof-lights on the western roof-scape with 2 long narrow stairwell windows on the western elevation, 1 dormer window on the eastern roof-scape and 1 dormer window and 1 roof-light on the northern roof-scape. The eaves and ridge height have increased slightly – ridge height from approximately 6.0 metres to 6.2 metres and eaves height from approximately 2.5 metres to 3.0 metres.

This application therefore seeks planning permission, retrospectively, seeking the Council's permission for the development as is built at this time. The works are yet to be completed.

**Relevant history:**

133237 – Planning application to erect 1no. dwelling with detached garage – Granted with conditions 11/02/2016

121124 - Planning Application to erect a dwelling and demolish garage – Refused 31/03/08 –Appeal Dismissed 02/10/08

**Representations:**

Chairman/Ward member(s): No representations received to date.

Caistor Town Council: No objection/comments.

Local residents: No representations received to date.

LCC Highways: Does not wish to restrict the grant of permission as summarised below, and request an informative to be added to the decision:

- This proposal is for the erection of a dwelling, the access meets the guidelines as set out in Manual for Streets and adequate provision for car parking is proposed within the limits of the site, therefore, it is considered that the proposals would not result in an unacceptable impact of highway safety.

Archaeology: No archaeological impact.

Health and Safety Executive: Does not cross any consultation zones.

Building Control: Drainage would be acceptable in principle:

- Percolation test results have been provided but the soakaway has not been sized and designed based on these results. So in principal fine, there is no reason I can see why a correctly sized soakaway would not work and should therefore be acceptable. The foul is simply to an

existing manhole which would connect to the public sewerage system so no problems with that.

National Grid: No representations received to date.

Idox: Checked on 27<sup>th</sup> June 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 in April 2017); the Caistor Neighbourhood Plan (adopted in 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP10: Meeting Accommodation Needs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

- ***Caistor Neighbourhood Plan 2013-2031 (NP)***

Relevant policies of the NP include:

Policy No.1: Growth & the presumption in favour of sustainable development

Policy No.2: Type, scale and location of development

Policy No.3: Design quality

A review of the existing Caistor Neighbourhood Plan is currently being prepared by Caistor Town Council however it is not at a stage where it can be afforded any weight in the determination of this application.

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

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

#### National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in 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**
- **National Design Guide (2019)**
- **National Model Design Code (2021)**

Draft Local Plan (Material Consideration)

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

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

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

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

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and this has been subject to a further round of public consultation which expired on 9th May 2022.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown.

Relevant Policies:

S1 The Spatial Strategy and Settlement Hierarchy  
S2 Growth Levels and Distribution  
S6 Reducing Energy Consumption – Residential Dwellings  
S20 Flood Risk and Water Resources  
S46 Accessibility and Transport  
S48 Parking Provision  
S52 Design and Amenity  
S56 The Historic Environment

### **Main issues**

- Principle of Development
- Visual Impact
- Residential Amenity
- Highways and Access
- Foul and Surface Water Drainage
- Landscaping
- Other Considerations
- Permitted Development Rights

### **Assessment:**

#### Principle of Development

Local Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. This policy identifies Caistor as a Market Town which states the following:

*‘To maintain and enhance their roles as market towns, Caistor and Market Rasen will be the focus for significant, but proportionate, growth in housing, employment, retail and wider service provision. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint of Caistor and Market Rasen.’*

The site lies within the developed footprint of Caistor and was noted in the report for 133237 to be greenfield land. The application states that development commenced in January 2019 and did apply for a Building Notice at that time, which would be within the 3 year timescale. We do not however have record of planning conditions having been discharged. It is not altogether clear therefore as to whether application 133237 has lawfully been undertaken, and the extent to which this may be considered as a fall-back position (it would be open to the applicant to apply for a Lawful Development Certificate). Nonetheless, it is noted that the principle of development has previously been found acceptable, and this is given consideration. That decision pre-dated the Central Lincolnshire Local Plan. However, it is considered to still be compliant with LP2 and it is not considered to now comprise a departure from the Plan. The principle of development is therefore acceptable and accords with Local Policy LP2 of the CLLP, and the provisions of the NPPF.

It is considered that Policy LP2 is consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

### Visual Impact

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.

Local Plan Policy LP17 also states that proposals should respond 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 inter-visibility between rural historic settlements. The Policy also states that particular consideration should be given to the views of significant buildings and views within landscapes.

The detached dormer bungalow has been built using traditional materials – roof tiles are Calderdale edge and the bricks are farmhouse antique. The dwelling is set back from the street scene to the rear of No.5 Mill Lane and the proposal is well screened from public vantage points due to its positioning to the rear of No.5 Mill Lane and the screening along the south and west boundary's. The surrounding area includes a mix of housing types and sizes as well as school buildings of vary sizes and scales.

As a result, it is considered that the proposed dwelling would not have a harmful visual impact on the character of the area, the surrounding street scene context in which it would be viewed, or the Area of Great Landscape Value. Therefore, the proposal is considered to accord with policies LP17 and LP26 of the CLLP and Policy 3 of the Caistor Neighbourhood Plan.

It is considered that policy LP17, LP26 and policy 3 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

### Residential Amenity

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

### *Overlooking*

The proposed dwelling would be situated close to two other residential dwellings and their garden areas. The dwelling to the north (No.5 Mill Lane) lies approximately 23.2 metres from the proposed dwelling with its rear garden area approximately 5.4 metres to the north. The dormer bungalow only has one window at first floor level facing No.5 Mill Lane and would be approximately 9.6 metres from the southernmost point of No.5's rear garden space and approximately 27.7 metres from the rear elevation of No.5.

The dwelling to the south west (No.9 Wold View) sits below the level of the application site and lies approximately 30 metres from the western elevation of the proposed dwelling and the garden area approximately 2.2 metres away. The western elevation includes 1 roof light at first floor level and a stairwell window that projects above ground floor level. The stairwell window does not serve primary living accommodation and is therefore considered to not cause any unacceptable impact in regard to overlooking. The roof light would be approximately 1.6 metres above floor level however it is noted that this would be a secondary window with the primary window serving bedroom 2 on the eastern elevation. In addition, the land immediately to the west is undeveloped (a covered reservoir), therefore it is considered that the roof-light would not have an unacceptable adverse impact on overlooking of neighbouring dwellings.

The bathroom window at first floor level on the southern elevation was conditioned to be obscurely glazed in application 133237 however the elevation plans for this application detail obscure glazing to the bathroom window at first floor level therefore this is considered to be acceptable.

#### *Over dominance/overshadowing*

The proposal does not raise any concerns in regards to overshadowing, or over dominance, due the size, scale and siting in relation to neighbouring dwellings.

#### *Noise*

An acoustic wall was conditioned in application 133237 however standard 1.8 metre high fencing has now been erected along the boundary of 5 Mill Lane as well as the along the western and southern boundaries of the application site. It is considered that this fencing would be acceptable and the amount of traffic generated by this single dwelling development would not cause an unacceptable disturbance to No.5 Mill Lane due to the amount of journeys to and from the modest sized dwelling.

#### *Garden Space*

The garden space has marginally decreased in size from the approved permission in application 133237 however it is considered that the rear garden provides an adequate amount of private amenity space in relation to

the size of the dormer bungalow. In addition, it is considered that No.5 Mill Lane also retains an adequate amount of garden space.

### *Concluding statement*

It is considered that the proposed dwelling and detached garage would not result in significant overlooking, over dominance or overshadowing, to the unacceptable harm of the amenities presently enjoyed at the neighbouring properties. The proposals therefore accord with policy LP26 of the CLLP.

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

### Highways and Access

Local Plan Policy LP13 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users.

The proposal would create a partly shared and partly private driveway leading to parking spaces and a single detached garage for the proposed dormer bungalow. The layout includes adequate provision for off-street parking and turning space. LCC Highways have raised no objections to the proposal. It is considered that the proposed access, parking and turning arrangements are acceptable subject to a condition that ensures that access and turning space is completed prior to occupation of the dwelling. Therefore the proposals are considered to accord with Policy LP13 of the CLLP.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 111) of the NPPF and can be attached full weight.

### Foul and Surface Water Drainage

The site is in flood zone 1 which is sequentially preferable and therefore meets the test within Policy LP14. In addition, the site is not within an area identified by the Environment Agency as at risk from surface water flooding.

The application proposes the method of foul drainage to the mains sewer which accords with the preferred method of connection to the public foul sewer wherever it is reasonable to do so, set out in the NPPG. The application proposes that surface water will be disposed of via soakaway, which accords with the preferred method of surface water drainage set out in the NPPG as a form of sustainable urban drainage. Drainage details have been submitted and Building Control have been consulted and have commented as follows: *'Percolation test results have been provided but the soakaway has not been sized and designed based on these results. So in principal fine, there is no reason I can see why a correctly sized soakaway would not work and should therefore be acceptable. The foul is simply to an existing manhole which would connect to the public sewerage system so no problems with that.'*



Foul and surface water drainage matters are considered acceptable in principle, subject to receiving further details of the soakaway through a condition, and would not be expected to have a harmful impact and accord with policy LP14 of the CLLP and the provisions of the NPPF.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

### Landscaping

Landscaping was conditioned in application 133237 however details of landscaping have been provided within this application. High hedging to a height of at least 2 metres is proposed along the eastern, southern and western boundaries and 1.8 metre high close boarded fencing is also proposed along the northern, southern and western boundaries. These boundary treatments are considered to be appropriate and would not have an unacceptable impact on the character and appearance of the site.

### Other Matters

#### Permitted Development Rights

It is considered necessary and reasonable to remove permitted development rights for extensions and outbuildings to retain the amenity of the neighbours and the amenity space enjoyed by the future occupants of the proposed dwelling.

### **Conclusion**

The decision has been considered against LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP10: Meeting Accommodation Needs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, and LP26 Design and Amenity of the Central Lincolnshire Local Plan, and Policy 1, Policy 2 and Policy 3 of the Caistor Neighbourhood Plan in the first instance. Guidance contained in the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide, National Model Design Code and the Central Lincolnshire Local Plan 2021 Consultation Draft has also been taken into consideration.

In light of this assessment, it is considered that subject to the recommended conditions, the principle of the proposal is acceptable and would provide a replacement dwelling in an appropriate location for housing. The design is appropriate and the development would integrate positively with the surrounding character. The proposed dwelling would not unacceptably harm the living conditions of the residents of neighbouring properties and no harm would arise to highway safety or drainage. The proposal is therefore acceptable.

### **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

### **Recommended Conditions:**

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

None (development has already commenced).

#### **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:**

1. 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: Idc-3597-BR-01 B dated 23<sup>rd</sup> September 2021, Idc-3597-BR-02 B dated 23<sup>rd</sup> September 2021, LDC3683-PL-01 dated March 2022, Idc-3597-PL-07 dated April 2022 and Idc-3597-BR-03 B 11<sup>th</sup> August 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 and to accord with the National Planning Policy Framework, Policy LP17 and LP26 of the Central Lincolnshire Local Plan and Policy 3 of the Caistor Neighbourhood Plan.

2. No development above damp proof course level for the proposed garage shall take place until, details of all external and roofing materials for the detached garage to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

Reason: To safeguard the character and appearance of the building and its surroundings in accordance with the National Planning Policy Framework and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

3. Before the dwelling is occupied, the access and turning space shall be completed in accordance with the approved plan drawing number LDC3683-PL-01 dated March 2022 and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework and Policy LP13 of the Central Lincolnshire Local Plan.

4. The development hereby permitted shall not be used or occupied until the sewage disposal works have been completed in accordance with the approved plans and retained as such thereafter.

Reason: In the interest of water quality and the residential amenities of future occupiers in accordance with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

5. Details of a scheme for the disposal of surface water from the site (including the results of any necessary soakaway/percolation tests and connectivity plan) shall be submitted to the Local Planning Authority within 3 months of this decision. have been submitted to the Local Planning Authority for written approval. No occupation must take place until the approved scheme has been installed, and shall thereafter be retained as such.

Reason: To ensure adequate drainage facilities are provided to serve the dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and Local 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 Class A, B and E of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), following the commencement of the development hereby permitted, there shall be no further alterations, additions or enlargement to the dwelling and its roof, or additional buildings within its curtilage, unless planning permission has first been granted by the local planning authority.

Reason: To safeguard the residential amenity of adjoining dwellings and to safeguard the character and appearance of the building and its

surroundings and in accordance with the National Planning Policy Framework and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

**Notes to the applicant:**

Highway Informative 03:

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. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact [vehiclecrossings@lincolnshire.gov.uk](mailto:vehiclecrossings@lincolnshire.gov.uk)

Highway Informative 08:

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. For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>  
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>