

Officers Report

Planning Application No: 145252

PROPOSAL: Planning application for removal of existing detached garage and construction of 1no. detached single storey two bedroom bungalow with driveway and turning head - resubmission of 144493.

LOCATION: Land To The Rear Of 20 Queensway Sturton By Stow

WARD: Stow

WARD MEMBER(S): Cllr Mrs T J Coulson

APPLICANT NAME: Mr and Mrs Clark, 20 Queensway

TARGET DECISION DATE: Extension of Time to 3rd November 2022

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Permission

The application has been referred to the Planning Committee following representations by Sturton by Stow Parish Council, who consider that the development conflicts with the Sturton by Stow and Stow Neighbourhood Plan.

Description: 20 Queensway is at the end of a row of four brick terrace dwellings (nos. 14 to 20) at the end of a cul-de-sac in Sturton by Stow. To the north / northwest is a row of 3 terraced houses facing onto Queensway (nos. 22 to 26). West are 4 pairs of recently completed semi-detached houses. To the east are the back gardens of houses facing Saxilby Road. The site itself is part of the rear garden of 20 which contains a detached garage / workshop and currently contains a number of palettes with potted plants.



The garage is not used as parking with the occupants of number 20 parking off road to the front of their house in common with other occupants of the terraced row.

A 2 bed detached bungalow is proposed which will be accessed by a 3.65 m wide drive off Queensway which narrows to 2.5m leading to a parking/turning

allowing for a minimum of 2 to 3 spaces on plot parking and with the ability to exit the site in forward gear.

Relevant history:

144493 – one detached two bed bungalow WITHDRAWN

97/P/0989 – Detached bungalow and garage. GC 11.02.1998

Representations:

Chairman/Ward member(s): No comments received

Sturton by Stow Parish Council: Object

The area for proposed construction is a westerly [sic.] facing back garden. The house is an end terrace situated to the northern corner of Queensway. Access to the proposed bungalow is via a driveway which would pass immediately next to the existing house and neighbouring garden with outbuildings. The proposal would see a small eastern/northern facing area as a garden amenity.

The plans show that the current house will be 7.95 meters from the new build. The parish council have considered the following policies of the Sturton by Stow and Stow Neighbourhood Plan;

Policy 1 – Sustainable Development.

The proposal does correspond with local housing requirements. There is a risk that this development will have a negative effect on local flooding since a large proportion of garden will be used. There are no details for climate adaptation, carbon emission reduction or flood risk mitigation.

Policy 2 – Residential Development Management

The existing housing in the immediate locale of this proposal is terraced housing with some new buildings currently being constructed of semi-detached houses. The proposal is not in keeping with the immediate area.

This proposal does not fill a gap within the existing frontage and will be back-land development; A bungalow is not in keeping with the local surroundings; The privacy and amenity of the surrounding houses will be impacted and the privacy and amenity of the proposed bungalow will be impacted by the surrounding two storey housing; This development will reduce the amenities that the surrounding residents should expect to enjoy.

Policy 4 – Housing Mix and Affordability

The proposal does correspond with this policy; proposals for 1 – 2 bedrooled bungalows.

Policy 5 – Delivering Good Design

The proposal does not demonstrate that the siting and mass is appropriate for this particular location. There will be very little garden remaining for the existing house; there will be significant degradation of amenity with loss of light and overlooking. The proposed bungalow will also suffer with very little garden area which will also be subject to loss of light and significant overlooking from the surrounding housing. There will be significant disturbance of noise and light with vehicles manoeuvring since the only

access is off Queensway. The access will be down the side of the current house; there is an access directly onto the driveway which presents a potential hazard. This leaves no off-street parking for 20 Queensway, which is a very narrow road and already has significant problems with parking which can impede emergency services. There are major concerns there will be severe impacts of loss of amenity and enjoyment to the neighbouring Properties; properties on Saxilby Road are immediately adjacent to the rear of 20 Queensway.

Policy 13 – Flood Risk

This proposal does have a permeable driveway. Management of surface water runoff and disposal has not been demonstrated. The risk of flooding through climate change has not been addressed. There is significant risk of pluvial flooding on Queensway.

Local residents: No comments received

LCC Highways: Does not wish to restrict the grant of permission

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP3: Level and Distribution of Growth

Policy LP4: Growth in Villages

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy Lp21: Biodiversity and Geodiversity

Policy LP26: Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- ***Sturton by Stow and Stow Neighbourhood Plan (NP)***

On 26 May 2022 the referendum on the Sturton by Stow and Stow Neighbourhood Plan was held. Residents voted in favour of West Lindsey District Council using the neighbourhood plan to help it determine planning applications in the Sturton by Stow and Stow parish areas. The Neighbourhood Plan was formally “made” at the Full Council meeting of 4th

July 2022, and now forms part of the statutory development plan against which decisions must be made. Full weight in decision making is now given to the policies it contains.

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

Relevant policies of the NP include:

- Policy 1: Sustainable Development
- Policy 2: Residential Development Management
- Policy 4: Housing Mix and Affordability
- Policy 5: Delivering Good Design
- Policy 13: Flood Risk

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

- ***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 February 2019. Paragraph 213 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- ***National Planning Practice Guidance***
- ***National Design Guide (2019)***
- ***National Design Model Code (2021)***

- ***Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)***

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (“Reg 18”) 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 Draft (“Reg 19”) of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted “Reg 19” Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given)

Main issues

- **Principle including consideration of impacts on neighbours, character and appearance of the area, highway safety**
- **Drainage**

Assessment:

Principle: LP2, LP4 of the CLLP and Policy 2 and policy 4 of the NP

Policy LP2 designates Stow by Stow a tier 5 medium village where unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support****, the following applies:

- They will accommodate a limited amount of development in order to support their function / and or sustainability.
- Typically, and only in appropriate locations**, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances***** proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances

Policy LP4 establishes the total level of % growth for Sturton by Stow, and further policy requirements in respect of identifying whether a site would be suitable for development. Policy LP4 permits 10% growth in Stow.

Policy LP4 establishes the total level of % growth for Sturton by Stow, and further policy requirements in respect of identifying whether a site would be suitable for development. Policy LP4 permits 10% growth in Sturton by Stow. The latest monitoring of growth update information shows the remaining growth for Sturton by Stow is 0 dwellings. This was specifically considered in the Neighbourhood Plan and extracts are reproduced below.

“3.2.7 Sturton by Stow is categorised as medium with a 15% growth and Stow as small with 10%. As of March 2022, Sturton by Stow has a remaining allocation of 0 dwellings out of the 97 calculated and Stow has no dwellings with all 17 used. Given the apparent lack of allocation availability serious

consideration must be afforded to new building development, taking account of community need as well as market forces

“5.1.7 Policy 1 addresses these factors by the principle of actions, which will benefit the villages by causing more sustainable development to occur in Sturton by Stow and Stow for future generations. For the purposes of the policy “the existing or planned built-up areas” are indicated on Policy Maps 2.1 and 2.2

Policy 1: Sustainable Development

1. To support and enhance the sustainability of the Parishes of Sturton by Stow and Stow, development will be supported where it is consistent with the following principles as appropriate to the proposal’s scale, nature and location within the neighbourhood area

Policy Aim

Policy 2: Residential Development Management aims to add more detailed criteria on infill sites within the built-up area of Sturton by Stow and Stow: additional houses in the area will support the economic and social growth of the community, supporting additional commercial and community services in the villages. At the same time, the policy ensures that rural and environmentally valued sites in the countryside are protected from development pressure.

Policy 2: Residential Development Management

1. Proposals for residential development of up to nine dwellings in Sturton by Stow or four dwellings in Stow, on infill and redevelopment site will be supported where they meet the following criteria:

This is capable of being considered as the required “*promoted via the neighbourhood plan*” in order to exceed established growth limits. These policies support future growth after acknowledgement that there was no growth remaining. On this basis the principle of additional dwellings can attract support, however they must also be considered in detail to assess whether they meet specified criteria.

Policy 2 Residential Development Management supports developments of up to 9 dwellings provided they meet specified criteria including

- a)** They fill a gap in an existing frontage, **or** on other sites, within the existing or planned built-up area* of the villages (as shown in Policy Map 2.1 and Policy Map 2.2);
- b)** they are well designed and in keeping with their local surroundings, and respect the character of the area - including any heritage assets;
- c)** they do not unacceptably reduce the privacy and/ or amenity of nearby properties;
- d)** The proposed development provides appropriate access, off street parking and turning arrangements;

f) The proposed development does not result in back-land development, **unless** it is demonstrated that a particular back-land development will not unacceptably reduce the amenities** which neighbouring residents may reasonably expect to enjoy;

amenities** are defined as including reasonable privacy; reasonable access to daylight and sunlight; freedom from undue noise and disturbance

Taking the criteria in turn:

a) They fill a gap in an existing frontage, or on other sites, within the Existing or planned built-up area

It does not fill a gap in an existing frontage, however it is within a defined built up area and falls within policy Map 2.1 (South)

This criteria is met.

b) They are well designed and in keeping with their local surroundings, and respect the character of the area - including any heritage assets;

The bungalow will be laid out primarily in an “L” shape with a sloped roof falling away from its boundaries and ridge heights of 3.9m and 4.25m which add visual interest through changes in the roof form. It will be faced in brick with traditional window and door openings. Whilst there are a variety of dwelling types in terms of being terraced or semi-detached in the immediate area all are nevertheless two storey in height and a bungalow would not be in keeping with its surroundings or respect the character of the area. This criteria would not be met, however, balanced against this is that the bungalow will not be readily visible or stand out as incongruous within publicly accessible locations. The design is also considered acceptable.

c) Privacy of neighbours and “reasonable privacy”

A 6 ft. (1.83m) boundary fence will be erected on a foot high concrete gravel board (305 mm) with a total height of 2.13m to the boundaries of the application site. This will be sufficient to protect the privacy of neighbours and this will be conditioned. As a single storey dwelling this further reduces opportunities for overlooking. The existing boundary between the site and the area to the north is land to the side of 22 which contains an outbuilding and appears to be used for vehicular storage purposes, includes larch lap fencing between concrete posts. To the east is the rear garden area of 24 Saxilby Road which is screened by fencing and large trees. This is shown in the photograph below with the building the existing garage which is to be demolished.



It is considered that there will be no adverse impact in relation to overlooking and the attendant loss of “reasonable privacy” to existing neighbours. The parish council have objected to the application including on the grounds of loss of privacy to the occupants of the new bungalow. The fencing proposed would also reduce impacts on the occupants of the bungalow itself with only the host property directly facing the site, and the only opening on this elevation a bedroom window at a distance of approximately 16m away from the first floor windows. The existing boundary prohibits views from 24 Saxilby Road to the east which at its closest is over 20m away. The only other property that could potentially overlook would be 18 Queensway which does not directly look onto the site with views only available at an oblique angle. On this basis it is considered that due to distance separation, the layout of the bungalow and the intended fencing that there would not be an adverse impact on the occupants of the bungalow from overlooking. The parish also objects on the grounds that the garden area serving the bungalow is too small. This has been calculated as covering approximately 70 sq.m. The gross external area of the bungalow is approximately 88sq.m with an internal area of approximately 70 sq.m. As the amenity / garden area matches the floor area of the bungalow this is not considered deficient. The positioning of the bungalow to the west also helps to screen the area from overlooking. On this basis there would be no harmful impact on the occupants of the proposed bungalow.

Daylight and Sunlight

The bungalow is set back into its plot by approximately 1.25m which rises to 3.7m. Eaves height is 2.8m with the roof sloping away from the boundary to a maximum height of 4.25m to ridge. The parish council have objected on the grounds of loss of light to the host property. There would only be some shadowing in the early morning when the sun rises in the east, when use of the garden may be expected to be limited and is not considered would result in a significant adverse impact or otherwise represent a reason to withhold permission.

Noise and disturbance

The parish council considers there would be significant disturbance of noise and light with vehicles manoeuvring off Queensway. Whilst noted it is not accepted that a 2-bed bungalow in a primarily residential area would cause significant noise. In terms of light the only property potentially affected would be 20 Queensway and the position of the access ensures vehicle headlights which would only be in use in dark conditions do not directly face onto 20

Queensway. It is also noted that the majority of dwellings in this immediate location park in front of their houses with the potential light spill onto adjacent houses. Noise and light disturbance do not represent a reason to withhold consent.

Criteria c is considered as being met. It would also be in accordance with policy LP26 Design and Amenity of the Central Lincolnshire Local Plan.

d) Appropriate access, off street parking and turning arrangements;

The access is off Queensway, a minimum of 3 off street parking spaces can be accommodated and a turning area is provided which will allow vehicles to exit the site in forward gear. Current parking arrangements for the host property takes place off street in front of the existing dwelling. The garage being demolished does not appear to be used for vehicle parking.

No objections have been raised by the highways authority. This criterion is met. It would also accord with policy LP13 of the Central Lincolnshire Local Plan

e) The proposed development does not unacceptably affect the free and Safe flow of traffic on Tillbridge Road, Stow Road, Ingham Road and Sturton Road including all junctions;

It meets these criteria. No objections have been raised by the highways authority. It would also be in accord with policy LP 13

f) The proposed development does not result in back-land development, unless it is demonstrated that a particular back-land development will not unacceptably reduce the amenities** which neighbouring residents may reasonably expect to enjoy

Amenities** are defined as including reasonable privacy; reasonable access to daylight and sunlight; freedom from undue noise and disturbance

Whilst the proposal could be considered back land development "it will not unacceptably reduce the amenities which neighbouring residents may reasonably expect to enjoy as demonstrated above. This criteria is met. It would also be in accordance with policy LP26 Design and Amenity of the Central Lincolnshire Local Plan.

g) There is no unacceptable impact on the natural environment and the development includes biodiversity enhancements;

The site covers existing garden land covered in structures including a garage. On this basis there will be no unacceptable impact on the natural environment. A condition will be imposed requiring details for biodiversity enhancement to be submitted for approval and subsequent implementation. On this basis this criteria is considered to be met.

h) There are no adverse impacts on locally important heritage assets and/or

Wildlife features;

This criteria is satisfied.

i) The proposed development does not adversely impact on any outdoor Sports or recreational facilities or other designated open spaces;

This criteria is satisfied.

j) Appropriate mitigation measures are incorporated in the design of the Proposal where any potentially negative impacts from a development on Climate change are identified;

No negative impacts on climate change are identified. This criteria is met.

k) The proposal demonstrates clear measures for adaptation and resilience to climate change;

The bungalow is to be constructed to the standards required to satisfy part L of the building regulations. This includes a high standard of insulation within the property and an air source heat pump. This will help the proposal achieve a reduction in carbon emissions of around 30%. Measures to alleviate pluvial flooding are proposed.

This criteria is met.

l) There is safe foot and cycle path access to the centre of the closest Village;

The site is located within the village. This criteria is met.

m) The capacity of all utilities is adequate to support the additional burden of any proposed development.

No objections have been raised to the development by statutory consultees. On this basis this criteria can be considered to be met. It would also be in accordance with policy LP12: Infrastructure to Support Growth.

Summary

The application meets 12 of the 13 criteria and on this basis, it is considered to accord with the development plan as a whole including the Central Lincolnshire Local Plan. The principle of a dwelling can be supported following a consideration of its detailed impacts above.

Drainage/ Flood risk

The applicants' representatives submitted the following response by email dated 5th October 2022;

“The development is in flood zone 1, where all types of development are considered suitable within the national planning policy framework. Building regulations approved document H, Section 3, paragraph 3.1 states that surface water drainage guidance is applicable to the drainage of small catchments with impervious areas of up to 2 hectares. Section 3, paragraph 3.2 states that surface water should discharge to a soakaway or other infiltration systems where practicable. The existing property at 20 Queensway includes a garage to the rear with approximately 19.21 m² (0.0019 hectares) of impermeable area. The proposed development would provide an external floor area of 88.01 m² (0.008hectares), approximately 4.5 times greater than that of the existing impermeable garage. The site has a clay stratum; therefore, soakaway is unlikely to be a suitable option. The proposed driveway is to be covered in gravel and therefore would be permeable, allowing water the infiltrate the surface below. The block paved section of the driveway, where the turning head is formed, would be surfaced with permeable block paviments and would also allow for the infiltration of water. The installation of a large bore pipe along the length of the driveway to attenuate any surface water which may gather would provide a localized, site specific method of pluvial flood prevention on site. Guttering and down pipes would collect surface run off from the roof of the development. The presence of guttering and downpipes on existing properties which run into the ground indicates a connection to an existing run off drainage system (connection to foul system is unlikely), as a soakaway is unsuitable due to the clay stratum in the area. The presence of multiple iron grill covers indicates the connection of the individual run off drains at each property to the shared run off collection system on Queensway. Proposed guttering and the potential bore pipe would be connected to this drainage system without posing significant risk of breaching the capacity of the existing run off system, due to the small scale of the development. The garden area would still allow for some infiltration into the soil.

Planning application 140375 (demolition of 20 no. garages and the construction 14no. affordable dwellings) includes a surface water drainage solution to mitigate the significant risk of pluvial flooding on Queensway by method of run-off attenuation. The proposed drainage method for this development, which has been constructed, accounts for a 1 in 100 event plus the 30% change in levels due to climate change. The full drainage strategy and list of elements included within the system can be viewed online. The improved drainage system on Queensway would be more than capable of handling the minor additional capacity presented by the development to the rear of 20 Queensway in the present and through climate change. Appendix B which can be viewed online also prescribes the management and maintenance plan for off-site surface water drainage for this development, ensuring the proposed strategy remains in a good condition.”

The site is located in Flood Zone 1 which is land at low probability of river or sea flooding (less than 1 in 1,000 annual probability). The Building Control Team Leader at West Lindsey District Council considers that subject to the submission of detailed proposals for written approval, a satisfactory surface

water drainage scheme can be provided for the development and that the installation of a suitably designed large bore pipe along the length of the driveway to attenuate any surface water which may gather would provide a localized, site specific method of pluvial flood prevention on site.

Foul will be connected to the public sewer which is the preferred option. On this basis, subject to the imposition of conditions requiring further details to be submitted for written approval, drainage and flood risk does not represent a reason to withhold permission which would be in accordance with LP14.

Conclusion and planning balance

Having considered the proposal against the provisions of the Development plan in the first instance, specifically policies LP1: A Presumption in Favour of Sustainable Development, Policy LP2: The Spatial Strategy and Settlement Hierarchy, Policy LP4: Growth in Villages, Policy LP13: Accessibility and Transport; LP 14 Managing Water Resources and Flood Risk, LP 17: Landscape, Townscape and Views and LP 26: Design and Amenity of the Central Lincolnshire Local Plan (2012-2036) as well as Policy 1: Sustainable Development, Policy 2: Residential Development Management, Policy 4: Housing Mix and Affordability, Policy 5: Delivering Good Design and Policy 13: Flood Risk, of the Sturton by Stow and Neighbourhood Plan the proposal whilst not complying with a single criterion out of 9 would nevertheless be in accordance with the Development Plan as whole and, subject, to the imposition of conditions discussed above would not give rise to any adverse impacts and a grant of permission is considered appropriate

Recommendation: Grant approval subject to the following conditions:

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. 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:

Proposed Floor Plan 22/041/C/02;

Proposed Elevations and Section 22/041/C/03;
Site Location and Block Plan Layouts 22/041/C/01 REV A

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

3. No development, other than to foundations level shall take place until a scheme for the disposal of surface waters 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 and completed prior to occupation of the dwellings.

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

4. No development, other than to foundations level shall take place until a scheme to enhance the biodiversity value of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of the dwelling and any losses 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the biodiversity value of the site in accordance with Policy LP21 of the Central Lincolnshire Local Plan and Policy 2(g) of the Sturton by Stow and Stow Neighbourhood Plan.

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

5. No occupation of the hereby approved dwelling shall take place until the proposed fencing has been erected as shown on drawing 22/041/C/01 REV A.

Reason: To prevent overlooking and loss of privacy in accordance with Policy LP26 of the Central Lincolnshire Local Plan and Policy 2(c) of the Sturton by Stow and Stow Neighbourhood Plan.

6. Notwithstanding the provisions of Classes A, B, and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, there shall be no external alterations to the dwelling including the insertion of new windows or dormer windows, extensions or outbuildings, other than as authorised by this permission.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of adjoining dwellings and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.