

# **Officers Report**

## **Planning Application No: 137374**

**PROPOSAL:** Planning application for the erection of 2no. dwellings and car parking

**LOCATION:** 36 Sussex Gardens Scampton Lincoln LN1 2UL

**WARD:** Scampton

**WARD MEMBER(S):**

**APPLICANT NAME:** Mr Tony Crowe

**TARGET DECISION DATE:** 20/04/2018

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Rachel Woollass

**RECOMMENDED DECISION:** Grant permission

### **Summary to Planning Committee**

The application site is located within an existing housing area which originally formed part of RAF Scampton. This residential area has been separated from the operational RAF base for a number of years and is now a settlement in its own right. It is not part of the village of Scampton. No growth figures are shown in the Local Plan for this settlement. This is an omission from the Local Plan. The Council is therefore required to adopt the most reasonable approach in its application of local and national planning policy when assessing planning applications in this former RAF settlement. There is currently no neighbourhood plan to assist in determining this application.

The former RAF settlement contains 438 dwellings (figure based on WLDC GIS mapping data). The Local Plan Inspectors report (April 2017) confirms that settlements with a cluster of more than 250 dwellings and less than 750 dwellings are categorised as a 'medium villages'. Therefore it is considered that the medium village policies are most applicable and should be used to determine this application.

Having determined the most appropriate policies to assess this proposal through it is considered that two additional dwellings within the developed footprint of the settlement and the limited impact on: the character of the area, residential amenity, highway capacity and safety and drainage would lead to a recommendation to support this proposal.

Please see position statement.

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### **Description:**

The site is located within the existing residential estate adjoining RAF Scampton. The site is a small area to the front of application site 133013 already granted for 9 dwellings. Works are ongoing on the residential development.

The application seeks permission for the erection of 2 dwellings and car parking. Construction of the foundations have already taken place.

### **Relevant history:**

133013 – Outline application for the erection of 9 dwellings with access to be considered and all other matters to be reserved. Permission granted 27/11/15

135879 – Application for approval of reserved matters (appearance, landscaping, layout and scale) for the erection of 9 dwellings following outline planning permission 133013 granted 27 November 2015. Permission granted 22/05/17

136709 – Planning application to vary condition 2 of planning permission 135879 granted 22<sup>nd</sup> May 2017 re: modify house types. Permission granted 23/10/17

137375 – Application for non-material amendment to planning permission 136709 granted 23 October 2017 re: reposition garage to plot 8 and alteration to access road. Planning permission not required.

137357 – Planning application to erect home office in front garden to plot 9. Permission granted 11/04/18

### **Representations:**

**Ward member:** Cllr Patterson – Object – The applicant has shown a blatant disregard to the planning process and residents by starting to build without planning permission and erecting an office when the constitution of the residents' management company states that it is not allowed, again he has nearly built this without permission. The land for the car parking is also owned by County Way the residents management company and not the applicant. This is an outrageous breach of planning laws and I strongly object to permission being granted.

**Parish/Town Council/Meeting:** No representations received to date

**Local residents:** Objections received on the first consultation from –  
5, 7, 8, 13, 15, 17, 18, 19, 23, 25, 26, 27, 28, 30, 31, 32 Sussex Gardens, 5, 13, 19 Rutland Way, 12 Fourth Avenue, 8, 20 Devonshire Road, 6, 16, 26, 28 Northumberland Avenue, 27 Shropshire Road, 15, 29 Westmoreland Avenue, 8 Lancaster Drive with the main concerns summarised as:-

- limited parking
- proximity of blind corner with no footpath
- further parking bays higher up the street benefits nobody other than those higher up
- still no green area as originally planned
- no assurance that the application would be adhered to
- on public open space
- may cause major drain and sewage problems
- safety issues for pedestrians
- proposed parking doesn't even belong to applicant
- foundations already dug
- highway safety
- too many new houses built in the area

- offering of 4 parking spaces is insufficient
- children play on this land
- no housing growth remaining in Scampton
- lack of consideration with regards to noise and disturbance from the builders
- attempting to evade proper contribution to the community
- County Way have already rejected the proposal to provide spaces
- dwellings are out of keeping
  
- 2 representation of support: 1 Cumber Close and an anonymous representation –
- the builders have been fine I live behind the plans and where they are currently building some and you wouldn't even realise they were there. The extra parking would be a massive help to the roads around the area as everyone parks on the road.
- It's good for the local area to see new houses

1 anonymous observation received –

In general I have no objections to the new houses, however with each house built you have to count for two additional cars. With this in mind please remember that all the houses in this area have to exit on to the A15 using only ONE exit. At the moment if you are unlucky and start work during the more popular morning rush, the queue can sometimes reach down school lane. I really do believe before any more houses are given planning permission, the question of a round-about to exit the estate need to be strongly considered.

A petition has been received with 56 signatures. This petition is for this application and 137357. The points relevant to this application are as follows:

– The approval of these two further properties and home office would result in the scale and nature of this new development to be significantly different from the original approved plans. The proposed open space and landscaping would be taken away and the away will become cluttered.

- There does not appear to be any proposed footpath in front of the driveways to these houses and as they are to be constructed adjacent to a blind bend, this would pose significant safety risks to pedestrians. There are a large number of children living in this area who either walk or cycle to school etc. and also the disable residents who use a mobility scooter.

- The plans and already established footings, show the houses will be constructed significantly further forward than the existing houses which would leave very little room for the parking of cars and the required footpath.

- Any further properties on this development could overload the sewerage system.

- The land where these car parking spaces are proposed is owned by County Way and no permission has been given to the developer to use this area to construct these parking spaces. They are also situated much further up the estate and would only be of benefit to the adjacent residents. The main car parking problem is in the area of the proposed houses and home office.

- The infrastructure around this area of the estate is now showing significant wear and tear. The recently replaced road surfaces (paid for by the residents) are beginning to crumble in places due to the heavy site traffic, and a large number of grassed verges have been severely damaged. Recently, and without permission from the Estate Management Company, a site office has been moved onto estate owned land. If further construction is allowed to take place, where would the developer propose keeping equipment and supplies whilst this is taking place?

Mr Crowe has continued to show a blatant disregard for the residents of County Way and to the planning process.

### Amended Plans

An amended plan was received with the addition of a footpath to the front of the properties. A re-consultation was sent out. Objections were received from the following properties – 7, 17, 28, 30 Sussex Gardens, 32 Northumberland Avenue, 5, 19 Rutland Way with the main concerns:

- The builder has amended the plans. These plans now show 2 unnamed constructions on land on Cumberland Way. These were never on any original plans. Crafty way to try and get buildings passed. This pathway indicated will still not sort out the very dangerous blind corner. The houses are not wanted or needed, this is and should stay public open space for the community to use for the children to play and be safe.
- Thought the 21 day consultation had ended and it was going in front of planning committee due to the number of objections.
- Surprised to receive letter informing us the plans had been amended and been given an extra 14 days, the proposal to add a footpath as a token gesture is ludicrous.
- Strange that the nearly built home office does not show. Assume this is to make the plans less cluttered and imply more open space.
- Applicant does not follow through on his promises as the footpath at the rear of our property is still to be finished with hardcore. There are large holes near the new fence posts and the surface is uneven making it difficult to walk along.
- Looking at the plans there is only between 3640mm and 3575mm from the front of the property to the kerb, even without adding a footpath of 1200mm, there are only a few cars that can actually fit in that parking space.
- Object to the building of these two properties as originally this was going to be public open space.
- Would like to highlight the discrepancies, point 10 refers to vehicle parking claiming no loss of existing parking spaces however the overall development has lost us 4 parking spaces on the site plans an area that been provided space for up to 8 cars has been earmarked for future development.
- Point 14 refers to the land being derelict, this is not the case as the land was used and maintained by the community for well over a decade. The land only became unusable as a public open space after it was ploughed at 5 in the morning in preparation for the sale as development land.
- Main concern is the loss of public open space.
- Development is on a bad corner.
- Footpath is a nice idea however it is so small and does not really help the residents.

- Building work has already caused traffic issues showing that parking and traffic are a problem already, without adding more cars.
- Insufficient information provided to assess the suitability of the proposed footpath.
- No permissions in place for connecting drainage.

1 representation of support from 3 Cumberland Close –

- Applicant has been an incredible builder and always checks on us to see how we are doing. Instead of objecting to a local man doing building work why don't we support him? He has done an amazing job and left no mess. You don't realise they are working. The extra parking is needed.

**LCC Highways/Lead Local Flood Authority:** No objections

**Archaeology:** No archaeological input required

**Relevant Planning Policies:**

National guidance

National Planning Policy Framework

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

National Planning Practice Guidance

<http://planningguidance.communities.gov.uk/blog/guidance/>

Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP4: Growth in Villages

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP26: Design and Amenity

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

**Main issues**

- Principle
- Highways and Drainage
- Residential Amenity
- Design

**Assessment:**

Principle

Scampton is defined as a small village in the Central Lincolnshire Local Plan. However, the former 'RAF Scampton' has not been included as part of this village nor is it defined within this policy as a settlement in its own right. This is an omission from the Local Plan.

Therefore it is required to adopt a reasonable approach in the application of local and national policy.

Policy LP1 states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the appropriate Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole;
- or Specific policies in that Framework indicate that development should be restricted.

Category 7 of policy LP2 states that a hamlet is defined as a settlement not listed elsewhere in this policy. Whilst this settlement is not listed elsewhere in the policy, this settlement could not be defined as a hamlet. This is due to the following.

The Planning Inspector's report following the examination of the Central Lincolnshire Local Plan had the following comment on the settlement hierarchy –

“Settlements have been placed into tiers solely on the basis of their size, as measured by dwelling numbers. The Large Villages are those with over 750 homes, Medium Villages are between 250 and 750 and Small Villages 50 to 250. Anything less than this is regarded as a Hamlet or Countryside.”

The settlement of the former 'RAF Scampton' has approximately 438 homes. This could not be defined as a Hamlet by the Inspector's viewpoint and the basis in which the criteria for category 7 (Hamlets) was made.

It would, however, be appropriate to define the settlement as a medium village and assess as such, given the level of dwellings, and hence would have its own growth agenda as per the other settlements listed. If one were to apply the principles of the medium village with a base of 10% growth this would equate to 44 additional dwellings. It would not be appropriate to uplift the growth percentage (as is the case in some villages i.e. Hemswell Cliff – 15%) as this settlement, any potential justification for a higher figure, has not been put forward or tested through an examination. As 9 dwellings have already been granted in this settlement this would leave the remaining growth at 35 dwellings.

There have been many objections to the application indicating that the growth levels in Scampton have already been met and proposal has not received community support and therefore would be unacceptable. However, this argument of a lack of growth was based on 'Scampton Village's' growth level of which there is no remaining growth. As the former 'RAF Scampton' is not part of Scampton Village and was not included in these figures it would be incorrect to apply the small village part of the policy as this relates to Scampton village only. The community support element would therefore not be a part of the application's assessment.

Policy LP2 states for Medium Villages that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:

- they will accommodate a limited amount of development in order to support their function and/or sustainability.
- no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.
- typically, and only in appropriate locations, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.

When assessing against the principles of policy LP2 and medium villages the proposal would be acceptable. The proposal is for two dwellings which are surrounded on three sides by existing (or consented) residential development and would be considered an appropriate location.

Given the omission within the CLLP to specifically list former RAF Scampton as a settlement, it is considered that the assessment of the proposal against policy LP2 is the most reasonable and justified approach in this case. Nevertheless Policy LP1 provides an underlying approach to proposals where the Development Plan is silent on such matters. Together these policies support a case by case assessment of proposals within the former RAF Scampton settlement which will allow their suitability and impacts to be fully assessed. In this case the principle for support of the two dwellings is established and the other material considerations will be considered below.

#### Highways and Drainage

Whilst there have been many objections raised with regards to the highway capacity and highways safety, the highways team have not raised any objections to the proposal. Each property would have 2 parking spaces on plot whilst the highway would be 5m wide to the front of the property.

The proposal has also been amended to provide a footpath to the front of the properties given the objections received in the application. This did not withdraw the objections that residents had raised. There were no objections to the path and its design from the highways team, however. The footpath would be therefore be acceptable.

No concerns have been received from the Lead Local Flood Authority with regards to drainage. A condition will be attached to provide a scheme of drainage works.

The proposed car parking would be of benefit, however, there is no guarantee this would come forward as the land is not owned by the applicant. This cannot therefore be given weight within the planning determination.

#### Residential Amenity

There are no concerns with regards to residential amenity.

### Design

There has been some concern raised with regards to the design of the properties. It is not felt that the design is inappropriate. The houses have been designed to be similar to the ones already built under permission 133013. They are slightly further forward than the existing houses on Sussex Gardens but that does not make them unacceptable. They are not positioned as such that they would be incongruous to the street scene.

### *Other matters*

Objections have been received regarding the loss of public open space. The land is not allocated as public open space and therefore has no protection under policy LP23. Whilst this may have been used to walk over and children play, there is currently no legal right to do so. Similarly, there are other large areas similar grassland within the surrounding estate.

With regards to noise and disturbance of the builders, this would be a matter for the Environmental Health Team to investigate.

With regards to being affected by construction traffic. This can become an issue in some developments, however this is a temporary implication and should this become a serious problem it would be a civil issue. Should any damage be caused this would also be a civil matter.

With regards to the footpath at the rear of the properties on Sussex Gardens this may be that it is still to be finished as the works are ongoing. As the footpath is private it would be a civil matter.

The home office building granted under application 137357 has not been shown on the plans, however, this building does not impact on the outcome of this decision. The home office building is under construction.

Comments have been received regarding the amended plans showing two unnamed constructions, whilst it is not clear what these indicate, they do not form part of the application site and should the application be approved this wouldn't allow construction of these.

Many objections have been received that the foundations have already been started. The planning system does allow for retrospective applications to be submitted for works that have already been carried out. The application is still treated in the usual way.

Whilst the 21 day consultation ended, amendments had been received which the officer requested a re-consultation as it was determined that the amendments were material to the application and required further comments. This is normal procedure.

### **Conclusion**

The proposal has been considered against the Development Plan namely policies, LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP4: Growth in Villages, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP26: Design and Amenity in the



Central Lincolnshire Local Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. The proposal is acceptable. The proposal is an appropriate location and would not have a detrimental impact on residential amenity or highway safety.

Recommendation: Grant Planning Permission subject to the conditions below:

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

None

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

1. No development following the foundations shall take place until, a scheme for the disposal of foul and 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 retained thereafter.

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

2. No development following the foundations shall take place until details of all external materials 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 ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

3. With the exception of the detail matters referred by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 0217-15 dated February 2018, 0217-20D dated April 2017, 0217-30B dated September 2017 and 0217-31 dated September 2017. The works shall be in accordance with the details shown on the approved plans and in any other documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans.

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

None

**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