

Officers Report

Planning Application No: 137697

PROPOSAL: Outline planning application to erect 1no. detached bungalow-access to be considered and not reserved for subsequent applications

LOCATION: Land to rear of Ivy Lodge 4 Messingham Road Scotter Gainsborough DN21 3UQ

WARD: Scotter and Blyton

WARD MEMBER(S): Cllr Allison, Cllr Mewis and Cllr Rollings

APPLICANT NAME: Mrs Mewis

TARGET DECISION DATE: 14/06/2018

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Grant Permission subject to conditions.

Description:

This is an outline planning application with access to be determined for the erection of a detached bungalow.

This application has been reported to planning committee because Cllr Mewis is the applicant.

The application site consists of a vehicle access to the side of Ivy Lodge and its large flat lawned garden. An outbuilding would be demolished as part of the proposal. The submitted design and access statement says Ivy Lodge was previously used as a bed and breakfast with live in accommodation but that it is now a dwelling. The immediate surrounding area is residential in nature.

Whilst all matters apart from access are reserved, a proposed block plan has been submitted to demonstrate a potential layout.

Relevant history:

M05/P/1377- Planning application to erect double garage with pitched roof. Approved 13/2/2006.

Representations:

Local residents: three letters of objection have been received from 6a Messingham Road, Cockthorn Farm and Swanfield, The Green which are summarised as follows;

- Principle of development- backland development contrary to Res 3. Too dense with little garden for existing and proposed dwelling. Other

suitable sites including within allocated sites within Scotter and there is historical opposition to development within the village therefore proposal seems unnecessary.

- Residential amenity- increased use of gravel driveway by vehicles would cause noise and disturbance harmful to residential amenity. Removal of outbuilding would create overlooking between 4a and Ivy Lodge and leave owners of Ivy Lodge without storage or garage. 4a is split level plot meaning potential orientation could cause overlooking.
- Highways- insufficient car parking for existing and proposed dwellings contrary to Policy T9 of neighbourhood plan. Overflow frontage parking would harm highway safety.
- Character and appearance of the area- additional backland development would harm greenspace, layout and character of old Scotter contrary to Res 3iii.
- Proposal would prevent future commercial use of these buildings. It is not clear whether permission was granted to change use from commercial to residential use.
- If approved, retention of the outbuilding, additional parking space, boundary wall, bungalow orientation and non-gravel driveway should be conditioned.
- Contrary to Policy D5 of Neighbourhood Plan as it does not respect local context, street pattern, scale or proportions of surrounding dwellings. Overlooking, loss of privacy, overshadowing and visually overbearing. Insufficient privacy for future occupants of bungalow.
- “We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.”
- Landscape harm due to loss of greenspace.
- Overdevelopment of site.
- Construction hours and parking should be conditioned.
- Could the proposal change if this is approved?

LCC Highways: Could you please ask the applicant to demonstrate that they can achieve adequate visibility splays as detailed in DfT Manual for Streets. If they are not able to achieve 2.4m x 43m in both directions as required (for 30mph speed limit), then they can instruct for traffic surveys to be undertaken to document the actual speed of vehicles at the site location. If the actual speed differs to the speed limit then the applicant can use the 85th percentile speed to demonstrate that they can achieve adequate visibility splays. While sufficient parking is proposed for the new dwelling (2 spaces for a 3 bedroom property), we would request that a minimum of 3 parking spaces are retained for Ivy Lodge as a 4+ bed dwelling. The applicant should be aware that if this planning permission is granted then it may prohibit Ivy Lodge operating as a

bed and breakfast in future, should they so decide to change the use again, as adequate parking provision will not be provided for guests.

Relevant Planning Policies:

Development Plan;

Central Lincolnshire Local Plan 2012-2036 (CLLP);

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 LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

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

Scotter Neighbourhood Development Plan 2017-2036 made 22 January 2018 (SNDP)

Policy H4: Small Scale Residential Development

Policy D5: Design of New Development

Policy T8: Roads and Streets

Policy T9: Parking and Parking Standards

Policy F11: Flood Risk

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

Other;

National Planning Policy Framework

<https://www.gov.uk/guidance/national-planning-policy-framework>

Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

Main issues

- Principle
- Residential amenity
- Highways and access
- Other

Assessment:

Principle

Policy LP2 of the CLLP designates Scotter a large village and states;

“To maintain and enhance their role as large villages which provide housing, employment, retail, and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint.”

The site is surrounded by buildings therefore it is classed as an appropriate infill plot within the existing developed footprint of Scotter. The proposal complies with Policy LP2.

Policy H4 of the SNDP supports small scale residential development within the existing built form of Scotter. Whilst specific criteria within the policy relate to matters not under consideration in this outline application such as scale and form it is clear this policy supports the principle of development.

A neighbour objection received refers to the West Lindsey Local Plan which has been superseded by the CLLP. Nonetheless, there is not considered to be a fundamental problem with development within a rear garden in this instance because such development is part of the character of the area and can be found directly to the south of the application site at The Old Orchard (1 The Green) and Swanfield (The Green). As such the proposal reflects the character of the area in accordance with Policies LP26 and D5.

The proposal complies with LP2 and H4 and is acceptable in principle.

Residential amenity

The submitted proposed site layout is not the final design but indicates a potential reserved matters application. It shows a subdivided plot with garden and two car parking spaces for Ivy Lodge and the proposed bungalow with rectangular footprint and the benefit of an existing double garage and summer house. Such a layout would achieve separation distances of 20m to Ivy Lodge to the north west, 22m to 4b, 4c and 6 Messingham Road to the north, 11m to 6a Messingham Road to the north, over 25m to The Willows to the east, over 35m to Swanfield to the south, over 30m to The Old Orchard to the south and 20m to 4a Messingham Road to the west.

The objections of local residents are noted with regards to the impact of the proposal on residential amenity by virtue of issues such as overlooking, differing surrounding land levels etc. The proposal is for a bungalow with no roof openings which can be secured by condition. There are surrounding boundary treatments that will serve to prevent overlooking problems at ground floor level. Residents of 4a Messingham Road object to potential overlooking of their two side openings and patio area/garden. The final design would be subject to reserved matters approval but the indicative layout shows a separation distance of 20m can be achieved which is sufficient to prevent any harm to residential amenity. The design and orientation will be finalised at reserved matters stage. Whilst the rear garden of 4a Messingham Road is split level there is sufficient distance between it and the proposal to prevent

harm to residential amenity. The demolition of the small outbuilding is not considered to harm residential amenity. Noise from use of a gravel driveway is not considered to be a reason for refusal.

It will be necessary to control construction hours and construction parking via condition. Subject to such conditions the impact on residential amenity is acceptable in accordance with Policy LP26.

Highways and access

The comments of LCC Highways are noted. It requests a traffic survey in the absence of suitable visibility splays of 2.4m x 43m for a 30mph road. Such visibility splays are not possible due to the presence of a party wall on one side of the proposed access and Ivy Lodge on the other. Ivy Lodge has historically been used as a bed and breakfast for a maximum of 6 persons. It is considered that the current use of Ivy Lodge as a dwelling combined with the proposed bungalow would generate a similar level of vehicle activity at the proposed access. Despite LCCs request for a traffic survey, it is considered the proposal would not generate use of the existing access significantly above the historical use. LCC has not highlighted any issues relating to accidents at the access. The use of the access is considered acceptable for these reasons.

LCC also requests three car parking spaces are retained for use of Ivy Lodge. The proposed block plan has been amended to show three car parking spaces for Ivy Lodge.

Policy T9 sets car parking standards for new development. The submitted plans show three or four car parking spaces could easily be provided on the site. The proposal complies with Policy T9. Demolition of the existing outbuilding would benefit vehicle movement within the site.

The highway implications are acceptable in accordance with Policy LP13 and T9.

Other

It is proposed to drain foul water to mains sewer and surface water to soakaway. This is acceptable in principle and accords with Policies LP14 and F11 subject to final details as secured by condition.

Any archaeological requirements received from LCC will form part of an update to Members at the meeting and may require further conditions.

The proposal may be CIL liable and a note to this effect will be added to any outline planning permission granted. The site is in zone 2 where the charge is £15 per square metre for dwellings. 25% of any fee raised will be made available to the Parish Council who have an adopted Neighbourhood Plan in place.

Overall planning balance and conclusion

The proposal would accord with CLLP policy LP2 and SNDP policy H4 and is therefore acceptable as a matter of principle. Subject to final reserved matters, it would not be expected to harm prevailing residential amenity. Additionally generated traffic would not be expected to unduly compromise highway safety. It is recommended therefore that outline planning permission should be granted, subject to the following conditions:

Recommendation: Grant Planning Permission subject to the conditions below

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

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until, plans and particulars of the appearance, layout and scale of the buildings to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

4. The hereby approved dwelling shall only have a single storey of living accommodation.

Reason: The development has been found to be acceptable on the basis of a single storey dwelling only.

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

5. No development shall take place until details of surface water drainage in accordance with SUDS principles (including percolation tests where necessary) and foul drainage have been submitted to and approved in writing

by the Local Planning Authority. The details approved shall be completed prior to occupation of the bungalow.

Reason: To ensure appropriate drainage in accordance with Policy LP14 of the Central Lincolnshire Local Plan and Policy F11 of the Scotter Neighbourhood Development Plan.

6. No development shall take place until details of on-site construction vehicle parking and delivery space has been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be provided throughout the construction period.

Reason: To prevent highway parking inconvenient to other road users in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

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

7. Development shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 hours on Saturday and no development shall take place on Sundays or Bank Holidays.

Reason: In the interests of residential amenity in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

8. The three car parking spaces shown within the curtilage of Ivy Lodge on drawing PM/18/02A revised 17/5/18 shall be made available prior to occupation of the development hereby permitted and retained in perpetuity.

Reason: To ensure appropriate vehicle parking space is retained for Ivy Lodge in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

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

9. Notwithstanding the provisions of Classes B and C, Part 1, Schedule 2 of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no additions or other alterations to the roof of the bungalow shall be carried out without planning permission having first been granted by the Local Planning Authority.

Reason: To prevent additions to the bungalow that would harm residential amenity contrary to Policy LP26 of the Central Lincolnshire Local Plan.