

## **Officers Report**

### **Planning Application No: 138097**

**PROPOSAL:** Application for approval of reserved matters for the erection of 2no. dwellings considering access, appearance, landscaping, layout and scale, following outline planning permission 134537 granted 29 July 2016.

**LOCATION:** Land adj 25b Church Road Stow Lincoln LN1 2DE

**WARD:** Stow

**WARD MEMBER(S):** Cllr R Shore

**APPLICANT NAME:** Mr Charlie Lister

**TARGET DECISION DATE:** 12/09/2018

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Vicky Maplethorpe

**RECOMMENDED DECISION:** Grant permission

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**Description:** The application site comprises a parcel of land on the edge of the village of Stow located off Church Road. The site is well kept but does not form part of the garden to 25b Church Road.

The site is surrounded by residential dwellings to the south and east and open countryside beyond.

Planning permission (in outline) was granted in 2016, to erect 2no. dwellings. The application seeks only the approval of the following reserved matters following the grant of planning permission - access, appearance, landscaping, layout and scale.

The application is presented to committee as a landowner is from the immediate family of a Councillor.

**Relevant history:** 134537 - Outline planning application to erect 2no. dwellings - all matters reserved, Granted permission, 29/7/16.

#### **Representations:**

Stow Parish Council: Object:

1) It appears to SPC that conditions 4 and 5 (and therefore condition 6) of the outline planning permission of July 2016 have not been met. The 5 bathrooms per house may exacerbate the known drainage problems associated with Church Road. This drainage issue has to be addressed.

2) An application (No 136245) for a single storey dwelling next door was refused. On appeal, one of the reasons the Inspector turned down the appeal was that the bungalow would damage the view of the open countryside from

Church Road. These two proposed large properties would do far more damage to the view of open countryside from Church Road than a small bungalow would have done. Given application 136245 was refused on appeal, on the basis of the damage to this view, then these two large properties should also be refused on that basis too.

3) Policy LP18 of the Lincolnshire Local Plan - climate change and low carbon living - says water use should be minimised and sustainable modes of travel should be used. 5 bathrooms and a double garage per house does not appear to meet this policy.

4) There is no brief in the application for an archaeological survey which the Council feel is necessary to do as in previous applications in the village due the archaeological importance of the area.

5) The current plans seem to be for houses which are far too big for the plot sizes nor will they enhance the viability of the village of Stow which needs more low cost housing that young families are able to afford.

Local residents: Objections have been received from 2 Broadway, Sturton by Stow, 22, 23A, 25 and 25A, 27 and The Old School House, Church Road, Stow. Objections/concerns mainly relate to (summarised):

- No ecological survey
- Houses too tall
- Development does not protect and enhance intrinsic value of our landscape
- Views will be destroyed
- Flooding and drainage issues
- Planning refused for neighbouring site, but allowed for this
- Development should be built from reclaimed bricks
- Views of Stow Minister compromised
- Development is excessive
- Overdevelopment of site
- Suggestions for design of dwellings
- Design not in keeping with area
- Large dwellings are not needed in the village
- Increase in traffic
- Highway safety
- Proposal contrary to LP17, LP18 and LP26.

LCC Highways: No objections

Archaeology: No comments received.

**Relevant Planning Policies:**

Development Plan;

Central Lincolnshire Local Plan 2012-2036 (CLLP);

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/>

#### Neighbourhood Plan

There is no neighbourhood plan for Stow

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
- Appearance, layout and scale
- Impact on residential amenities
- Landscaping
- Access
- Other matters

#### **Assessment:**

##### Principle

The principle of housing has already been established in the granting of outline permission 134537. Planning permission is granted for two dwellings.

This application seeks only the approval of reserved matters which is for the appearance, layout, scale, access and landscaping.

Any other matters raised that do not directly relate to the reserved matters are not relevant to the application under consideration.

##### Appearance, layout and scale

Policy LP26 states that all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.

The 2 dwellings are to be 5 bedrooomed, two storey detached dwellings (with accommodation in the roof space) with detached double garage to the front along with off road parking. The proposed materials have not been specified. However these can be secured via a condition. Although the dwellings are large the plots are equally large and leave adequate amenity space to the front and rear.

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

Concerns have been raised with regards to the impact the proposal will have on Stow Minister. A grade I listed church. The church is located over 250m to the south of the site with various other properties between the application site and church. Therefore given the separation distance and existing built form the application can be supported. It is considered that the proposal will preserve the setting of the Stow Minister.

The application site is not within a Conservation Area. The area immediately surrounding the site is characterised by a mix of modern detached dwellings and bungalows with a gothic style period property to the south of the site, just beyond no's 25a and 25b and The Granary, a converted barn. The proposal responds positively to the immediate and wider area with its complimentary design.

The proposal is therefore in accordance with policies LP17, LP25 and LP26.

#### Residential amenity

Policy LP26 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.

There are no concerns with overlooking of the neighbouring properties, no's 25a and 25b Church Road.

There is more than adequate separation to the surrounding dwellings.

#### Landscaping

The existing hedge along the front boundary is to be removed along with a number of self-set trees. The proposed landscaping includes a new hawthorn hedge set further back from Church Road to allow for adequate visibility displays, along with the retention of a small group of trees in the south east corner. The new hedge (when established) and existing trees will help to soften the impact of the development on the street scene. The rear gardens

are to be laid to lawn with the existing trees at the rear of plot 1 being retained.

The placement of the hedge and retention of some trees is appropriate in accordance with LP17 and LP26.

#### Access

The site is to be accessed via Church Road. Concerns have been raised by neighbouring properties with regards to the increase in traffic and highway safety. However, planning permission is already granted for 2no. dwellings. This application considers only the details of the proposed access itself.

The highways officer has viewed the plans and has no objections to the proposal.

#### Other matters

For the development to go ahead it will involve the removal of several of the trees within the site. Concerns have been raised by a resident of Sturton by Stow stating bats, owls and newts have all been seen in the area.

Nonetheless, permission is already granted for 2no. dwellings – this does not relate to the reserved matters under consideration.

Drainage – Concerns have been raised with regards to flooding and surface and foul water drainage. As part of the outline planning permission, 134537, conditions 4 and 5 require details of surface and foul water drainage to ensure compliance with LP14. These details will be required to be submitted in order to accord with the conditions – but do not relate to the reserved matters being considered under this application.

Views - Objections have been raised that the proposed dwellings will destroy views. A right to a view is not a material planning consideration.

Archaeology – The Parish Council has raised concerns regarding the lack of an archaeological survey. During the outline application Lincolnshire County Councils Historic Environment Officer had no objections to the proposed development. Planning permission is already granted to erect 2no. dwellings on the site.

Neighbouring land – Concerns have been raised regarding the refusal of planning permission on a site directly to the north. As stated earlier in the report, this application is only for the approval of Reserved Matters – the site already has planning permission to erect 2no. dwellings.

A neighbour claims the development is contrary to policy LP18. Whilst policy LP18 states that “Development proposals will be considered more favourably if the scheme would make a positive and significant contribution towards [climate change and low carbon living measures]” they are not compulsory – the application is not considered to be contrary to policy LP18. In any event, these matters are not relevant to the scale & appearance of the buildings, now under consideration.

## Conclusion

The proposal has been considered in light of relevant development plan policies namely policies LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan as well as the National Planning Policy Framework and Planning Practice Guidance. The appearance, landscaping, layout, scale and access of the proposal are considered to be acceptable. Therefore it is recommended that the application should be approved.

## Recommended conditions:

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

1. No development shall take place until details of the external finishing materials of the buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To secure good design in accordance with policy LP26 of the Central Lincolnshire Local Plan.

### **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 drawings ARQ/1140/03, ARQ/1140/04, ARQ/1140/05, ARQ/1140/06, ARQ/1140/07 dated 5 June 2018. 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 and local policies LP1, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. The root protection measures shown on drawing number ARQ/1140/03 dated 5 June 2018 shall be implemented in accordance with these details and permanently secured before development commences and retained at all times until construction work has been completed.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. The boundary treatments shall be in accordance with drawing: ARQ/1140/03 dated 5 June 2018 and retained as such thereafter.

Reason: In the interest of preserving amenity and the character of the area in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

5. All planting and turfing approved in the scheme of landscaping shown on drawing ARQ/1140/03 dated 5 June 2018 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging which within a period of 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, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that soft landscaping is provided within the site to soften the appearance of the dwellings to accord with the National Planning Policy Framework and policies LP17 & LP26 of the Central Lincolnshire Local Plan.

**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.

**Representors to be notified -**

*(highlight requirements):*

**Standard Letter**       **Special Letter**       **Draft enclosed**

**Prepared by:** Vicky Maplethorpe

**Date:** 3 October 2018

**Signed:** ... ..

**Authorising Officer**    **Date: 04/10/2018**

**Decision Level** (tick as appropriate)

Committee