

[08] Full Planning Permission

N/137/01559/ 21 **APPLICANT:** Mr. E. Titley,

VALID: 19/07/2021 **AGENT:** Fytche-Taylor Planning Ltd,

PROPOSAL: Planning Permission - Erection of a detached house with single garage and construction of a vehicular access.

LOCATION: PINFOLD COTTAGE, HAGG ROAD, RAITHBY, SPILSBY, PE23 4DT

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application is referred to the Planning Committee for decision due to the significant level of local public interest.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site is located in the village of Raithby which is defined as a small village in the East Lindsey Local Plan. It is within the Raithby Conservation Area. It lies towards the northern end of the village on the south side of Hagg Road, the main road running through the village. The site has a frontage to the road of 19m and is 30m deep. It is currently set to grass and lies adjacent to Pinfold Cottage (the applicants dwelling). To the rear the site opens up to a larger area of grass and trees which extend west and wrap around the rear of Pinfold Cottage. A tree the subject of Tree Preservation Order is to the front of the site, a further row of trees run along the rear boundary of the site. The site is neighboured by a dwelling to the west (Pinfold Cottage), dwellings are opposite on the north side of Hagg Road and a paddock is to the east. The site is in flood zone 1.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 Planning Permission is sought for the erection of a detached house with single garage and construction of a vehicular access.

3.2 The plans show a detached two storey dwelling positioned centrally within the plot. A new access is to be created to Hagg Road and a parking and turning area is shown to the front of the dwelling.

4.0 CONSULTATION

4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Publicity

4.2 The application has been advertised by means of a press notice and a site notice. Neighbours have been notified in writing.

Consultees

- 4.3 RAITHBY PARISH MEETING - Object due to sustainability (Raithby is a small village), flooding and drainage, highway safety, development of the site would be out of keeping with the character of the village, lack of infrastructure in the village, size and design of dwelling would be out of keeping and previous refusals near to the site (*note these are historic decisions from 1987/88/89*)
- 4.4 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - No objection subject to informative regarding Highway permissions for the proposed access
- 4.5 ENVIRONMENTAL SERVICES (Environmental Protection) - No response received
- 4.6 ENVIRONMENTAL SERVICES (Drainage) - No response received
- 4.7 ENVIRONMENTAL SERVICES (Contamination) - No response received
- 4.8 STREET SCENE – No objection subject to condition requiring the arboricultural recommendations contained in the tree report are complied with.
- 4.9 HISTORIC ENVIRONMENT OFFICER (ELDC) - No objection in principle subject to conditions relating to all materials (including section and profile of windows and sample panel of brickwork), boundary treatments and removal of PD rights (Part 1, A, B, C, D, E)

Neighbours

- 4.10 Approximately 40 representations received from (predominantly) local residents raising the following concerns:
1. Impact on neighbour amenity - It will dominate the dwellings opposite, loss of light to dwellings opposite, loss of privacy for dwellings opposite
 - Loss of trees in a conservation area
 - Impact on the character of the area including the Raithby conservation area - Loss of green space, design concerns, dwelling is out of keeping and too large for the plot, ribbon development and inappropriate materials
 - Highway safety – site is located on a bend on a narrow road which makes the access unsafe. No turning area within the site. Concerns also raised with regards deliveries to this site
 - Flood risk in particular surface water flooding
 - Proposal would set a precedent for further dwellings in the village
 - Impact on wildlife
 - Drainage – forms state use of mains sewage, there is no such system in Raithby
 - Previous refusals in the village (from 1987, 1988 and 1989).
- 4.11 One further letter also received neither supporting or objecting to the

application but makes recommendations for 3 swift nest bricks.

4.12 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

5.1 None

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

SP1 – A sustainable pattern of places
SP2 – Sustainable Development
SP4 – Housing in inland medium and small villages
SP10 – Design
SP11 – Historic environment
SP22 – Transport and accessibility
SP24 – Biodiversity and geodiversity
SP25 – Green infrastructure

National Planning Policy Framework

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

7.1 The main planning issues in this case are considered to be:

- **Principle of the development in this location**
- **Impact on the character of the area including the Raithby conservation area**
- **Impact on neighbour amenity**
- **Other matters - trees, drainage and highway safety.**

Principle of the development in this location

7.2 Policy SP1 of the Council's Local Plan sets out the settlement hierarchy based on the range of services, facilities and employment available in them. It provides a policy framework, guiding the distribution, scale and nature of development within the district. Settlements are defined as either towns or large, medium or small villages with the remainder of the district including hamlets being open countryside. SP2 of the Council's Local Plan sets out that the Council will take a positive approach that

reflects the presumption in favour of sustainable development contained in the NPPF unless material considerations indicate otherwise.

7.3 Raithby is identified by policy SP1 as a small village. This being a location with a limited range of services or facilities where residents look to higher order settlements to meet the vast majority of their needs. Consequently, although it is not considered suitable for major housing or employment growth, relevant policy confirms that there is potential for small scale housing, the criteria of which is set out in policy SP4.

7.4 Specifically, criteria 2 of policy SP4 states:

Housing will also be supported in the medium and small villages where it can conform to the following criteria:

- *In an appropriate location* within the developed footprint** of the settlement as infill, frontage development of no more than 2 dwellings.*
- *Conforms to Clause 2 of Strategic Policy SP25 – Green Infrastructure.*

**Appropriate location means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan.*

*** Developed footprint is defined as the continuous built form of the settlement and excludes individual buildings or groups of dispersed buildings which are detached from the continuous built up area of the settlement. It also excludes gardens, community and recreation facilities, land used for an active employment use.*

7.5 In this case the plans show one proposed dwelling which would be located alongside Pinfold Cottage, Hagg Road. The site has a frontage of 19m to Hagg Road. The proposed dwelling would front this road and have direct vehicular access on to it. The village has quite a linear form with dwellings fronting the main road through the village, Hagg Road, with only a small number on smaller lanes, namely Goose Lane and School Lane. The site is at the northern end of the village with housing continuing northwest of the site along both sides of the road for approximately 135m at which point it clearly becomes open countryside. In the opposite direction, the site adjoins a paddock to the east, which visually is linked to Raithby House (to the southeast). Beyond the paddock the village continues in a southeast direction for around 0.5km until housing ends and the area becomes more open countryside in character.

7.6 It is considered that the site is clearly within the bookends of the village. The proposed development would continue the row of dwellings on this south and west side of Hagg Road at the northern end of the village and be directly opposite a row of dwellings which line the north and east side.

- 7.7 Although there is a visual break in the built form within the village to the east of Pinfold Cottage, the site itself is visually read as having association with Pinfold Cottage and distinct from the more open, pastoral land further east. That open land to the east of the site, is considered to make a defining contribution to the character of this part of the village Conservation Area, being land originally associated with Raithby House, and offering a parkland type setting typically associated with such large rural houses.
- 7.8 It is considered that this larger area of open land provides an important gap within the built streetscene, visually connecting the village with its surrounding countryside context.
- 7.9 The application site itself, however, does not fulfil a similar visual function. It is a modest parcel of land with a context established by its visual and functional relationship to the adjacent dwellings to the northwest. As such the development of the site would continue the development of dwellings within the footprint of the settlement, providing an infill, frontage plot for a single dwelling. Having regard for this, it is considered to be an appropriate location as defined by SP4.
- 7.10 Clause 2 of SP4 also requires that development conforms to clause 2 in SP25. This clause advises that development will only be permitted on open spaces provided unacceptable harm will not be caused to their appearance, character or role in providing:
- the setting for a designated or non-designated heritage asset;
 - an important element in the street scene or a well-defined visual relief in an otherwise built up frontage; particularly in the case of ribbon development extending into the countryside;
 - a locally important habitat;
 - a prominent site at the entrance to settlements that provides the setting for the built environment;
 - a frame for or enabling an important view;
 - a landscaped area forming part of structural open space within a development site;
 - informal amenity or recreation space; or,
 - formal public greenspace, such as parks and gardens and allotments.
- 7.11 As outlined above, it is considered that the site relates to the adjacent road frontage dwellings on Hagg Road and although adjacent to a larger, sensitive open area of land that contributes positively to the character of the village, development of the site itself, would not undermine that character or conflict with the above requirements.
- 7.12 Accordingly, the site is considered to be a suitable location for a dwelling in accordance with the requirements of Local Plan policies SP1, SP4 and SP25.

Impact on the character of the area including the Raithby Conservation Area

- 7.13 Policy SP10 of the Local Plan states that the Council will support well-designed sustainable development, which maintains and enhances the character of the District's towns, villages and countryside. Policy SP11 of the Local Plan seeks the protection and enhancement of heritage assets. When considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area (*Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990*).
- 7.14 Raithby is quite linear in its form, it is characterised by road frontage development mainly centred on the main road through, Hagg Road. There are some clusters of development on Goose Lane and School Lane, but the prevailing character of the village is individual properties, of varying ages and styles, with direct access onto the main road with a number of key breaks in the built environment in the village which add to the character of the area. The dwellings in the village are a mix of designs with simple two storey rural dwellings, estate type dwellings and newer bungalows and dormer bungalows.
- 7.15 The site the subject of this application is located alongside Pinfold Cottage and lies at the end of a row of dwellings at the northern end of the village. It currently reads as an area of grassland and trees adjacent to the applicants dwelling. As explored in 7.6 and 7.7 of this report, the site relates to the adjacent road frontage dwellings on Hagg Road and the development of the site is therefore considered appropriate subject to details.
- 7.16 The plans show a dwelling of traditional design reflecting that of the former estate houses located in the surrounding area of the village. As reflected in the design, some of the materials and details. It helps to strengthen the estate character of the settlement, making a positive contribution by highlighting the character and distinctiveness of the village. The proposed dwelling, therefore, would not result in unacceptable harm to the character of the area including that of the Raithby Conservation Area.
- 7.17 The Council's Historic Environment Officer's comments also confirmed an acceptable impact on the Conservation Area although noted the importance of ensuring suitable detailing and use of materials. These can be appropriately secured through use of planning conditions.

Impact on neighbour amenity

- 7.18 Policy SP10 of the Local Plan also seeks to ensure that new development does not cause undue harm to nearby residential amenity. This objective is also supported by the National Planning Policy Framework.
- 7.19 The site is neighboured by one dwelling, Pinfold Cottage, a two storey

dwelling. The development proposed is that of a two storey dwelling, which would be sited 3.5m from the boundary with Pinfold Cottage, and 8.5m from this neighbouring dwelling itself. It would be set back behind Pinfold Cottage and alongside the rear garden of that dwelling. Windows are positioned in a manner which would not result in unacceptable levels of overlooking. Given the scale of the proposed dwelling and the degree of separation with the neighbour it considered that the relationship between dwellings would be acceptable.

Other Matters

Trees

- 7.20 A horse chestnut tree at the front of the site is protected by a TPO. A further row of trees are along the rear boundary. A tree report accompanies the application and confirms that the root protection area of the horse chestnut at the front of the site which is protected by a TPO would be significantly impacted by foundations and driveway. However, it also identifies that the tree is of such poor quality that it should be removed and replaced. An application has been made to the Council and granted for this, with requirement for planting a replacement within 12 months of the tree being felled. With regards the trees along the rear of the site, the report advises that they will need to be adequately protected during the development works. A condition to ensure this can be imposed.
- 7.21 It should also be noted that the council's arboricultural officer has been consulted on the application and raises no objection subject to a condition requiring the arboricultural recommendations contained in the tree report are complied with.

Drainage

- 7.22 Third party concern has been raised with regards surface water drainage in the locality. In particular, concern has been raised with standing water in areas near to the site in periods of heavy rain. Also it has been advised that the method of foul water disposal stated on the application form is not feasible. No issues with regards drainage have been raised by consultees. Surface water disposal and foul water disposal details can be required by condition to ensure this is adequately dealt with.

Highway Safety

- 7.23 The site is to be accessed via a new access created to Hagg Road, parking and turning are to be provided within the site. The Local Highway Authority raise no objection to this access arrangement.

- 7.24 Third parties have raised concerns with regards visibility on Hagg Road, citing speeding motorists, poor parking and it being on a bus route as contributing factors. Hagg Road has a 30mph speed limit and again, the Local Highway Authority has advised that sufficient visibility for the permitted speed of the road would be available. As such the development would be acceptable in terms of highway safety.

8.0 CONCLUSIONS

- 8.1 Notwithstanding the number of local objections to this proposal, the proposal falls to be principally considered against requirements of adopted planning policy. Policy SP4 is generally supportive of such development, the application site and details comply with the requirements of that policy. The site is located within the small village of Raithby, it would provide one dwelling on an infill, road frontage plot in an appropriate location within the developed footprint of the village. The design and layout of the dwelling reflects that of the village and its Conservation Area, picking up on the design ethos of the former estate houses located in the surrounding area of the village. All other matters can be dealt with via conditions. The proposal is therefore recommended for approval subject to conditions set out below.
- 8.2 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

9.0 OFFICER RECOMMENDATION

- 9.1 Approve subject to the following conditions:

RECOMMENDATION: Approve

subject to the following conditions:

1. Full Permission
The development hereby permitted must be begun not later than the expiration of four years beginning with the date of this permission.

Reason: To take account of the present restrictions on implementing permissions, in order to assist the recovery and in order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall only be undertaken in accordance with the following approved plans;

Plan No. 135-EDT-0504-A1-01 B Received by the LPA on 02/09/2021.
Plan No. 135-EDT-0504-A1-02 B Received by the LPA on 02/09/2021.

Reason: For the avoidance of doubt and the interests of proper planning.

- 3 A one metre square freestanding panel of brickwork showing the type of brick to be used in the construction of the development hereby permitted shall be constructed on site and approved in writing by the Local Planning Authority before any works above the damp proof course. All new brickwork shall match that of the approved panel in terms of the type of bricks used, the method of bonding, mortar colour and pointing style. The brickwork panel so constructed shall be retained on the site until all brickwork has been completed.

Reason: In the interests of the architectural and historic integrity of the site and the development. This condition is imposed in accordance with Policy SP11 of the East Lindsey Local Plan and paragraph 197 of the National Planning Policy Framework.

- 4 Prior to installation on site, details of the window frames to be utilised in the development hereby permitted, including samples if so required, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall indicate, at a scale of not less than 1:20, the longitudinal and cross-sectional detailing, cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter maintained.

Reason: In the interests of the architectural and historic integrity of the site and the development. This condition is imposed in accordance with Policy SP11 of the East Lindsey Local Plan and paragraph 197 of the National Planning Policy Framework.

- 5 Prior to installation on site, details of the design of all external doors to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The doors shall be installed in accordance with the approved details and thereafter maintained.

Reason: In the interests of the architectural and historic integrity of the site and the development. This condition is imposed in accordance with Policy SP11 of the East Lindsey Local Plan and paragraph 197 of the National Planning Policy Framework.

- 6 Prior to installation on site, details, including samples if so required, of the roof tile or slate to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The tile or slate shall be installed in accordance with the approved details and shall thereafter be so maintained.

Reason: In the interests of the architectural and historic integrity of the site and the development. This condition is imposed in accordance with Policy SP11 of the East Lindsey Local Plan and paragraph 197 of the National Planning Policy Framework.

- 7 Before any works are carried out above the damp proof course, final details, and samples if so required, of the decorative eaves, barge boards and rainwater goods, including their finished colour, to be used in the construction of the approved development must be submitted to and agreed in writing by the Local Planning Authority. The development must be carried out in accordance with the agreed details before it is brought into use.

Reason: In the interests of the architectural and historic integrity of the site and the development. This condition is imposed in accordance with Policy SP11 of the East Lindsey Local Plan and paragraph 197 of the National Planning Policy Framework.

- 8 Prior to first occupation of the dwelling hereby permitted, details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. This shall include the number, species, spacing and height at planting of any new hedges, and details of any fencing and walls where appropriate. The approved details shall be completed prior to the occupation of the dwelling and shall thereafter be so retained and maintained.

Reason: In the interest of preserving/enhancing the appearance and character of the Conservation Area in which the site is located. This condition is imposed in accordance with Policy SP11 of the East Lindsey Local Plan and paragraph 197 of the National Planning Policy Framework.

- 9 The development shall be completed in strict accordance with the recommendations detailed in the Tree Report prepared by C Barker and dated 23/07/2021.

Reason: To ensure that appropriate landscaping is provided to integrate the site into the local area. This condition is imposed in accordance with Policies SP10 and SP11 of the East Lindsey Local Plan.

- 10 Before any works are carried out above the damp proof course a surface water strategy shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the surface water strategy so approved.

Reason: To ensure the development is not at risk of flooding and does not increase the risk of flooding elsewhere. This condition is imposed in accordance with Policy SP16 of the East Lindsey Local Plan and paragraph 167 of the National Planning Policy Framework.

- 11 Before any works are carried out above the damp proof course a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason: To ensure that the site is adequately drained and to avoid pollution. This condition is imposed in accordance with Policy SP16 of the East Lindsey Local Plan.

- 12 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), unless otherwise shown on the approved plans, none of the following developments or alterations shall be carried out:

- the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- i) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
- ii) alterations including the installation of chimneys or flues, replacement or additional windows or doors, or the installation of roof windows;
- iii) the installation of satellite dishes;
- iv) the construction of new areas of hardstanding.

Reason: To ensure the Local Planning Authority retains control over the future development of the site in the interests of its architectural and visual amenity and the visual amenity of the local area. This condition is imposed in accordance with Policy SP11 of the East Lindsey Local Plan.

- 13 The Local Planning Authority has worked with the applicants and their agent in a positive and proactive manner to seek solutions to issues arising during consideration of the application and now considers the proposal is acceptable and there is compliance with the relevant Development Plan Policies cited above and also with the National Planning Policy Framework.
-