

## **Officers Report**

### **Planning Application No: 139207**

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

**LOCATION:** Land adjacent to 9 Laughton Road Blyton Gainsborough DN21 3LG

**WARD:** Scotter and Blyton

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

**APPLICANT NAME:** Don Clixby Ltd

**TARGET DECISION DATE:** 07/05/2019

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Martin Evans

**RECOMMENDED DECISION:** It is recommended that Planning Committee delegate powers to officers to approve the application subject to conditions and the receipt of a unilateral undertaking to ensure the fence granted planning permission (reference 138841) is not built if the proposed development is implemented.

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This application is reported to planning committee because the applicant is related to an officer of the Council.

#### **Description:**

This is an outline planning application for the erection of one dwelling with access and layout to be determined. Appearance, landscaping and scale are reserved matters.

The drawings show vehicle access onto Laughton Road with on site turning head and parking for two cars. The dwelling would have an L shaped footprint with 7m deep front garden and 9m deep rear garden. Existing planting to the north, east and south boundaries is shown to be retained with a close boarded fence on the west boundary. It is proposed to drain foul water to septic tank and surface water to soakaway.

The application site is side garden to 9 Laughton Road. There are residential dwellings to the north, east and south of the site with a mix of commercial uses to the west and south west.

#### **Relevant history:**

**138841** Planning application to erect 2.1m fence to eastern boundary. Approved 7/3/19.

**97/P/0107** Outline planning application to erect one dwelling in connection with haulage business. Refused 12/06/97.

Land directly north of the application site:

**132782** Outline planning application for the erection of up to 19no. dwellings-access to be considered and not reserved for subsequent applications. Approved 10th February 2016.

**136671** Application for approval of reserved matters (appearance, landscaping, layout and scale) for the erection of 19no. dwellings following outline planning permission 132782 granted 10 February 2016. Approved 15/11/17.

**137936** Planning application to vary condition 8 of application 136671 granted 15 November 2017- position of pumping station and access. Approved 10 August 2018.

### **Representations:**

**LCC Highways and LLFA:** no objections subject to informatives regarding the new vehicular access, parking provision and works within the highway.

**LCC Minerals and Waste:** “It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 that the site is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource . Accordingly, the County Council has no safeguarding objections.”

**Scunthorpe & Gainsborough Water Management Board:** “The above application lies within the IDB (extended) district and indicates that: -  
The application may increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site.”  
Generic guidance on surface water drainage options is provided.

### **Relevant Planning Policies:**

#### **Development plan**

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan (December 2017 and June 2016).

#### **Lincolnshire Minerals and Waste Local Plan**

- Core Strategy and Development Management Policies
- Site locations

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/minerals-and-waste/88170.article>

Policy M11: Safeguarding of Mineral Resources

## Central Lincolnshire Local Plan

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

Policy LP2: The Spatial Strategy and Settlement Hierarchy

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 LP25: The Historic Environment

Policy LP26: Design and Amenity

## Other

National Planning Policy Framework 2019 and Planning Practice Guidance

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

The new 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)."*

There is no neighbourhood plan for Blyton.

## Main issues

- **The principle of development**
- **Residential amenity**
- **Layout and access**
- **Flood risk and drainage**

## Assessment:

### The principle of development

The site is in a sand and gravel minerals safeguarding area therefore a minerals assessment is required by Policy M11. The comments of LCC Minerals and Waste demonstrate minerals safeguarding is not a constraint to development. The proposal complies with M11.

Policy LP2 designates Blyton a medium village unless promoted by neighbourhood plan or through demonstration of clear local community support, it will accommodate a limited amount of development in order to support its 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. Policy LP4 establishes the total level of % growth for each Medium Village, and further policy requirements in respect of identifying whether a site would be suitable for development.

\*\* throughout this policy, the term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:

- retain the core shape and form of the settlement;
- not significantly harm the settlement's character and appearance; and
- not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

LP4 permits 10% growth in Blyton with 19 dwellings growth remaining according to the growth table on the Council's website dated 31/3/19. LP4 sets the following sequential test:

In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:

1. Brownfield land or infill sites, in appropriate locations\*\*, within the developed footprint\*\* of the settlement
2. Brownfield sites at the edge of a settlement, in appropriate locations\*\*
3. Greenfield sites at the edge of a settlement, in appropriate locations\*\*

\*\*\* throughout this policy and Policy LP4 the term 'developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes:

- a. individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;
- b. gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;
- c. agricultural buildings and associated land on the edge of the settlement; and
- d. outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.

The CLLP defines infill as "Development of a site between existing buildings."

This proposal is within the size limit and remaining growth set by the Local Plan. This is considered an appropriate location within the developed footprint and is sequentially preferable because it is an infill plot surrounded by existing buildings within the developed footprint.

The site is considered capable of accommodating a dwelling without harm to the character of the area given this is currently side garden. There is a relatively steep slope on the site but it will be possible to engineer a solution at reserved matters stage.

The development accords with Policies M11, LP2 and LP4 and is therefore acceptable in principle. Policies LP2 and LP4 are consistent with the NPPF paragraph 78 requirement for policies to "identify opportunities for villages to grow and thrive" so are attributed full weight.

## **Residential amenity**

The layout provides a gap of 16m between the proposed dwelling and 9 Laughton Road. 24a and 24b Laughton Road are on the opposite side of Laughton Road to the proposal. There would be a 9m gap between the side elevation of the proposed dwelling and that of the newly constructed dwelling to the north. These distances and the ability to control openings and scale of the dwelling at reserved matters stage result in the conclusion the proposal would have an acceptable impact on residential amenity in accordance with LP26. Policy LP26 is considered consistent with the requirements of NPPF Paragraph 127 that policies and decision should ensure that developments “f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”. LP26 is consistent with section 12 of the NPPF in requiring well designed places.

### **Layout and access**

The proposed layout and access arrangements raise no objection from LCC Highways with regards to the impact on highway safety and convenience. It would provide appropriate turning space and front and rear garden layout. The dwelling would respect the building line in the area. The access and layout are considered acceptable in accordance with Policies LP13 and LP26. Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 108 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 109 requiring development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The policy is therefore attributed full weight.

### **Flood risk and drainage**

The site is not in an area at risk of flooding from any source and is therefore sequentially acceptable. The application forms state foul would be dealt with by septic tank. However, there is an expectation the proposal would connect to Severn Trents foul sewer in Laughton Road. It is proposed to deal with surface water via soakaway but no percolation test is provided to demonstrate this is achievable. It will therefore be necessary to condition details of foul and surface water in order to comply with the requirements of Policy LP14. Policy LP14 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical whereas NPPF Paragraph 165 requires this for only major developments. However, there is general consistency in requiring developments do not lead to increased risk of flooding therefore LP14 is given full weight.

### **Conclusion**

The proposal is considered to provide a development of a scale envisaged by the local plan and within the growth target for the village. The site is an appropriate location for development and is classed as infill within the developed footprint. It is sequentially preferable to develop this site. Minerals are not a constraint to development. Subject to this the principle of development is acceptable. There are no concerns regarding the impact on residential amenity. The proposed access and

layout arrangements are demonstrably acceptable. There are no flooding or drainage problems subject to condition requiring final details.

### **Recommendation**

The proposal complies with the development plan therefore it is recommended that Planning Committee delegate powers to officers to approve the application subject to conditions below and the receipt of a unilateral undertaking to ensure the fence granted planning permission (reference 138841) is not built if the proposed development is implemented.

### **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 scale and appearance of the building(s) 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 take place not later than 2 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).

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

4. No development shall take place until details (including percolation test) of the foul and surface water drainage of the development have been submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented in full prior to occupation of the development.

REASON: To secure appropriate drainage and prevent flooding in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

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

5. The layout and access matters shall be developed in accordance with the following approved plans: BP/19/02A.

REASON: For the sake of clarity and in the interests of proper planning.

### **Informatives**

LCC Highways and LLFA wishes to make the applicant aware of the following:

The permitted development requires the formation of a new vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070. The applicant should be made aware of Lincolnshire County Council parking requirements.

A four bed property requires a minimum of three spaces, and a three bed property requires a minimum of two spaces. A parking space in front of a garage is considered as 1 parking space.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

### **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