

<b>APPLICATION NO</b>	<b>PA/2023/296</b>
<b>APPLICANT</b>	Mr & Mrs Clements
<b>DEVELOPMENT</b>	Planning permission to erect a single dwelling with associated access and landscaping
<b>LOCATION</b>	111 Fountain House, Scawby Road, Scawby Brook, DN20 9JX
<b>PARISH</b>	Scawby
<b>WARD</b>	Broughton and Scawby
<b>CASE OFFICER</b>	Paul Skelton
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan

## **POLICIES**

### **National Planning Policy Framework:**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

### **North Lincolnshire Local Plan:**

H5 – New Housing Development

H8 – Housing Design and Housing Mix

RD2 – Development in the Open Countryside

T1 – Location of Development

T2 – Access to Development

T19 – Car Parking Provision and Standards

LC5 – Species Protection

LC7 – Landscape Protection

LC14 – Area of Special Historic Landscape Interest

DS1 – General Requirements

DS14 – Foul Sewage and Surface Water Drainage

**North Lincolnshire Core Strategy:**

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering more Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS7 – Overall Housing Provision

CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape

CS17 – Biodiversity

CS25 – Promoting Sustainable Transport

**Housing and Employment Land Allocations Development Plan Document:**

Policy PS1 – Presumption in favour of sustainable development

Inset 10 – Brigg, Scawby Brook and Castlethorpe

**New North Lincolnshire Local Plan Submission:**

SS1 – Presumption in Favour of Sustainable Development

SS2 – A Spatial Strategy for North Lincolnshire

SS3 – Development Principles

SS5 – Overall Housing Provision

SS6 – Spatial Distribution of Housing Sites

SS11 – Development Limits

H2 – Housing Mix and Density

RD1 – Supporting Sustainable Development in the Countryside

DQE1 – Protection of Landscape, Townscape and Views

T1 – Promoting Sustainable Transport

## DM1 – General Requirements

### **CONSULTATIONS**

**Highways:** No objection subject to standard condition requiring access, parking and turning areas to be completed prior to occupation.

**LLFA Drainage:** No objection or comments.

**Environmental Protection:** Request precautionary contaminated land condition following submission of screening assessment form.

### **PARISH COUNCIL**

No objections or comments.

### **PUBLICITY**

Advertised by site notice in accordance with Article 15 of the Development Management Procedure Order 2015 – no comments have been received.

### **ASSESSMENT**

#### **The site and its location**

The application site is on the south side of Scawby Road and is currently part of the amenity space serving number 111, which is north-west of the site. The wider site within the applicant's ownership, including the application site, is flat and currently undeveloped, and is laid to grass with a few trees in the eastern part of the site. It is situated behind a row of existing houses (numbers 95 to 101) and north-east of a commercial unit known as KP Contractors. To the east is an existing dwelling, 93 Scawby Road.

The application site is just outside the Brigg settlement boundary which is drawn tightly behind the row of houses to the north. It is within SFRA flood zone 1 (low risk), is not within a conservation area, does not relate to any listed buildings, and there are no protected trees on the site.

#### **Planning history**

There is no recent relevant planning history on this plot of land. Applications for residential and industrial development were refused in 1979 and 1980.

Planning permission was granted by the planning committee in June 2021 (reference PA/2021/291) to erect a dwelling with associated access and landscaping on land immediately to the north which also forms part of the existing amenity space serving 111 Scawby Road.

#### **The development**

The application proposes a single detached dwelling in the form of a bungalow. Access is proposed using the same private drive as the dwelling immediately to the north permitted in 2021, which itself is accessed from a shared access serving the commercial yard to the south-west. The landscaping proposed would be lawned areas with ornamental trees and shrubs as would be expected in a residential garden.

The front part of the bungalow would house three double bedrooms (one with an en-suite) and a bathroom. The kitchen/diner and living areas would be in the rear projection.

### **Material considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act states that, in dealing with an application for planning permission the local planning authority shall have regard the provisions of the development plan, so far as material to the application, any local finance considerations, so far as material to the application, and any other material considerations.

In this instance, the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS). Other material planning policy considerations include the National Planning Policy Framework (NPPF), the emerging North Lincolnshire Local Plan and a suite of supplementary planning documents as specified above.

**The main issues for consideration are the principle of development, landscape impact/design, accessibility/highway safety and impact on neighbouring property.**

### **The principle of development**

The site is outside the settlement boundary of Brigg, as defined by the Housing and Employment Land Allocations DPD, in an area where new housing is strictly controlled by development plan policies.

Saved local plan policy RD2 sets out that development in the open countryside will be strictly controlled. This policy only supports residential development outside defined development limits in certain circumstances, none of which apply in this case.

Core Strategy policy CS2 (Delivering More Sustainable Development) sets out that any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which will contribute to the sustainable development of the tourist industry. A 'sequential approach' will also be applied to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking account of the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan.

Policies CS3 and CS8 similarly strictly limit housing development outside development boundaries to that which is essential to the functioning of the countryside.

In light of the above, it is clear that the proposed development would conflict with saved policy RD2 of the local plan and policies CS2, CS3 and CS8 of the Core Strategy.

It is also the case that the council cannot currently demonstrate a five-year supply of deliverable housing sites. In such scenarios, in the context of paragraph 11d) of the NPPF, the first question is to establish which are the most important policies for determining the

application and whether they are out of date (in accordance with the High Court judgment in *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government and another* [2019] EWHC 1993 (Admin)). The housing policies set out above are clearly important in establishing the principle of development. Whilst there are other development plan policies relevant to this case, as a matter of planning judgement, it is considered that the most important development plan policies for determining the application are out of date.

In these circumstances, paragraph 11d) of the NPPF then sets out that planning permission should be granted unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance (set out at footnote 7) provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There are no relevant areas/assets of particular importance as identified at footnote 7. The judgement to be made in determining this application is therefore whether material considerations exist which justify a departure from the development plan, and in particular, in the context of paragraph 11 of the NPPF, whether there are any significant and demonstrable adverse impacts which would outweigh the benefits of granting permission for a single dwelling in this case, when assessed against the policies of the NPPF.

In terms of benefits, these are necessarily limited by the scale of development. The dwelling would contribute to the council's supply of housing, which must be given additional weight due to the current shortfall. Economic benefits, both during and post-construction would also arise, although again, these would be very limited.

### **Landscape impact/design**

Local plan policy LC7 deals with landscape protection. It sets out that special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted. This is reflected more generally in Core Strategy policy CS16 and paragraph 174 of the NPPF.

Local plan policy DS1 and Core Strategy policy CS5 both require a high-quality design, taking into account the context of the site and the proposal. This is reflected in the NPPF. Local plan policy DS1 and Core Strategy policy CS5 require a high standard of design for new development, as do, by implication, the heritage policies referred to above. Section 12 of the NPPF (Achieving well-designed places) similarly requires high quality design, saying this is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

As can be seen from the site plan, and as described above, the site is on the edge of the settlement boundary of Brigg. Whilst classed as open countryside in policy terms, it is well related to existing structures with a dwelling to the rear (east), and a commercial unit to the south-west. Whilst it extends built development further to the south, there would be little in the way of additional harm to the wider landscape over and above that created by the dwelling granted permission immediately to the north. This harm is limited further by the nature of the proposal (a low-lying bungalow).

In terms of design, the proposal is restrained and of simple, traditional form. The materials, facing brick and roofing tile would match those prevalent in the area. The design has been chosen to complement that of the approved dwelling next door.

Overall therefore, the proposed design is considered acceptable and, given its location and context, it is considered that the proposal would result in limited harm to the wider landscape and this harm would be outweighed by the, albeit limited, benefits.

### **Accessibility and highway safety**

Policy T1 of the local plan provides that development will be permitted where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided. Local plan policy T2 requires all development to be provided with a satisfactory access. The NPPF, at paragraph 110(b), requires safe and suitable access to the site to be achieved for all users. Paragraph 111 advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe.

As set out above, the site is outside any recognised development boundary. Nevertheless, it does have reasonable access to services and facilities in Brigg, and is in fact closer to those facilities than dwellings within the settlement boundary to the west, and at Castlethorpe to the north.

The proposed access is shared with both the permitted dwelling to the north, the existing dwelling at 111 Scawby Road and the commercial unit to the south-west. The additional vehicular movements arising from the proposed dwelling would not result in any additional highway hazards. The layout provides for parking and turning space; this would allow vehicles to leave and enter the highway in forward gear. The Highways Officer has been consulted and raises no objection subject to a condition requiring the layout as submitted to be provided and retained.

In light of the above, there is no objection on transport/highway safety grounds.

### **Impact on neighbouring property**

Local plan policies all seek to protect the living conditions of occupiers of nearby residential property. Local plan policy DS1 states, 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

Policy DS5 of the local plan requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Proposals should not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

The only potential impacts would be on the previously permitted dwelling to the north (applied for by the same applicants as the current application) and the existing dwelling, 93 Scawby Road to the east.

The north-facing side wall of the proposed bungalow would face the south side elevation of the permitted dwelling. This elevation contains a bathroom window and secondary kitchen window and would not therefore result in unacceptable living conditions for the occupiers of

the proposed bungalow. Because of its scale, the bungalow would have no undue impact on the permitted scheme.

In terms of 93 Scawby Road, given the scale of the bungalow and the distance from number 93 there would be no undue harm to amenity. There is a first-floor window in the flank elevation of number 93 in close proximity to the common boundary; however, there is mature vegetation in this location, within the application site and therefore within the control of the applicant/future occupiers, that would provide privacy screening for occupiers of the proposed bungalow.

In light of the above, no unacceptable impacts would arise from the proposed development on existing or future residents.

### **Other matters**

The Environmental Protection Officer has raised no objection but, given historic land uses, has suggested a precautionary condition requiring any contamination found during construction to be properly addressed.

The site is located in flood zone 1, the area at least risk of flooding. The LLFA has been consulted and raises no objection.

### **Conclusions and planning balance**

As set out above, there is a conflict with the development plan as the site is outside any recognised development boundary. This conflict must be given substantial weight in the overall planning balance.

Notwithstanding this, the council is currently unable to demonstrate a five-year supply of housing land and the NPPF sets out that in such circumstances the presumption is that planning permission should be granted unless there are specific policies in the Framework which protects areas or assets of particular importance which provide a clear reason for refusal, or significant and demonstrable harms exist which outweigh the benefits.

In this case the benefits are clear, albeit limited. The dwelling would contribute, in a very small way, to the council's land supply total, which contribution is given greater weight because of the current shortfall. Limited economic benefits would arise from the construction phase (given the scale of development proposed it is likely local tradespeople would be used) and from the economic activity of future residents, who would be likely to support local businesses and facilities.

Whilst the benefits are limited, there are no areas or assets of particular importance as defined in the NPPF which would be affected by the proposals. Similarly, no significant and demonstrable harms have been identified which would outweigh those benefits. The site is in a relatively accessible location with the services and facilities in Brigg, a short journey away. Given its size and location, and the context provided by surrounding development, there would be no undue harm to the landscape or the character and appearance of the area generally. The design is acceptable and reflects traditional local vernacular architecture. There would be no undue impact on future or existing residents and there are no objections in respect of technical matters, including highways and drainage.

Overall therefore, whilst there is conflict with the housing policies of the development plan, in accordance with paragraph 11 of the NPPF, those policies are out of date by virtue of the

housing land supply shortfall. There are no impacts of granting permission which would significantly and demonstrably outweigh the benefits and it is therefore recommended that permission is granted subject to the conditions set out below.

**RECOMMENDATION Grant permission subject to the following conditions:**

1.  
The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.  
The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. SB/CL/MF/09 (Proposed site layout)

Drawing no. SB/CL/MF/07 (Proposed floor layout; proposed elevations).

Reason

For the avoidance of doubt and in the interest of proper planning.

3.  
No works above DPC level shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing and roofing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.  
The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

5.  
If during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

6.

The dwelling shall not be occupied until boundary treatments have been built/planted in accordance with the details that have first been submitted to and approved in writing by the local planning authority. The boundary treatments shall thereafter be retained in accordance with the approved details.

#### Reason

In the interests of visual amenity.

#### **Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

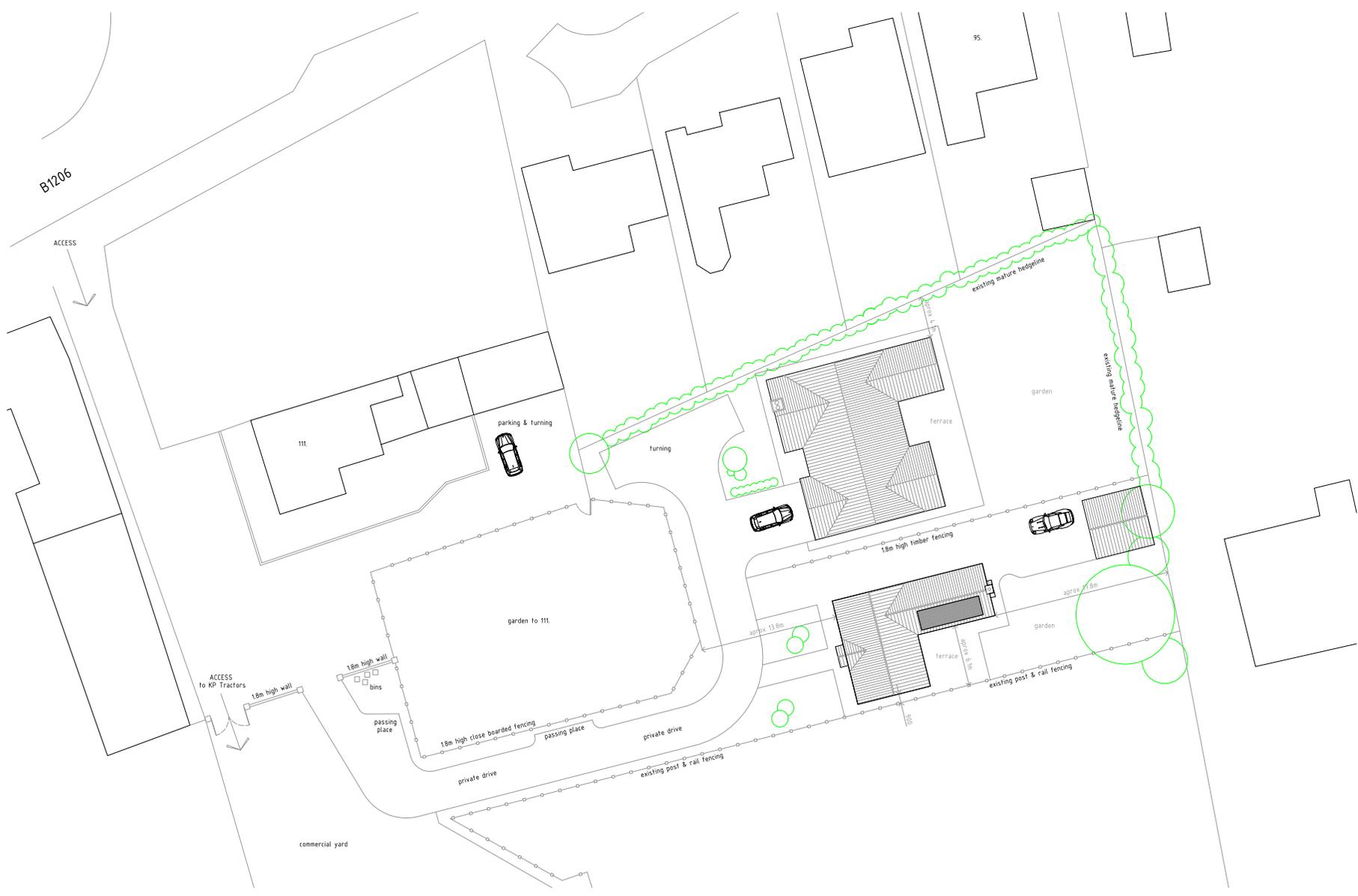


 Development Boundary

**PA/2023/296**

**North  
Lincolnshire  
Council**

# PA/2023/296 Proposed layout (not to scale)



proposed site layout  
scale 1:200



Proposed residential development  
Rear of 111 Scawby Road, Scawby Brook, Brigg  
Client: Mr. & Mrs. Clements

Issue Status	
Consultation	<input type="checkbox"/>
Planning	<input checked="" type="checkbox"/>
B. Regs	<input type="checkbox"/>
Construction	<input type="checkbox"/>

Title:  
Proposed site layout



Draw No: SB/CL/MF/09  
Scale: as indicated @ A1  
Date: 15/02/2023

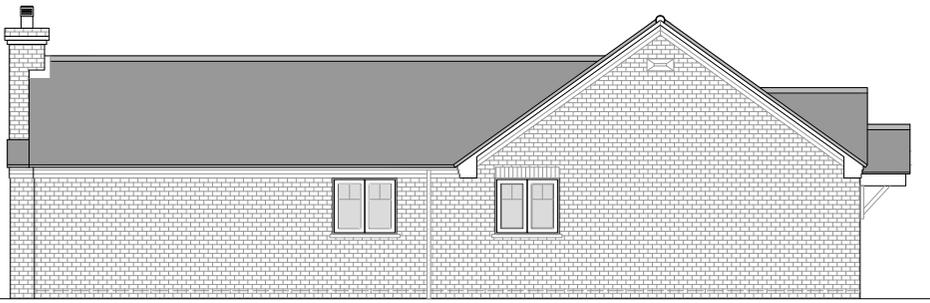
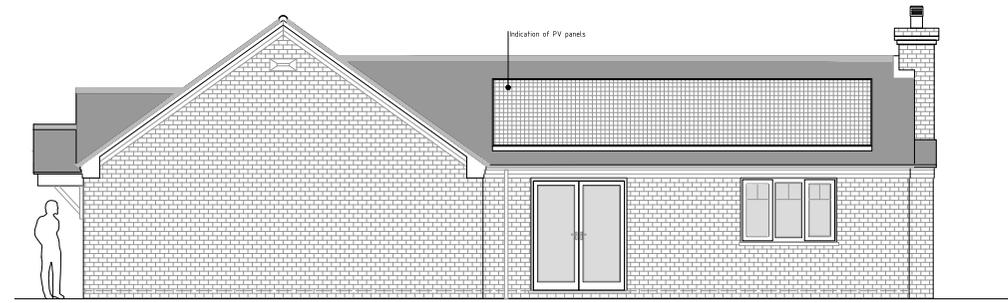
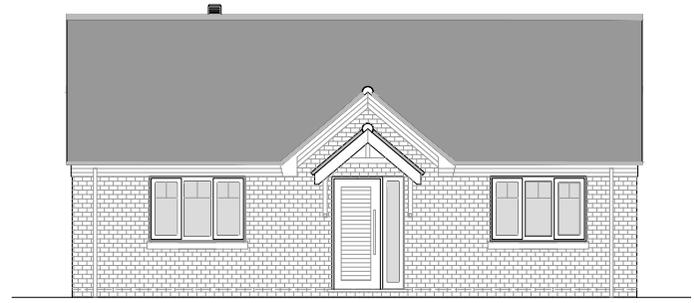
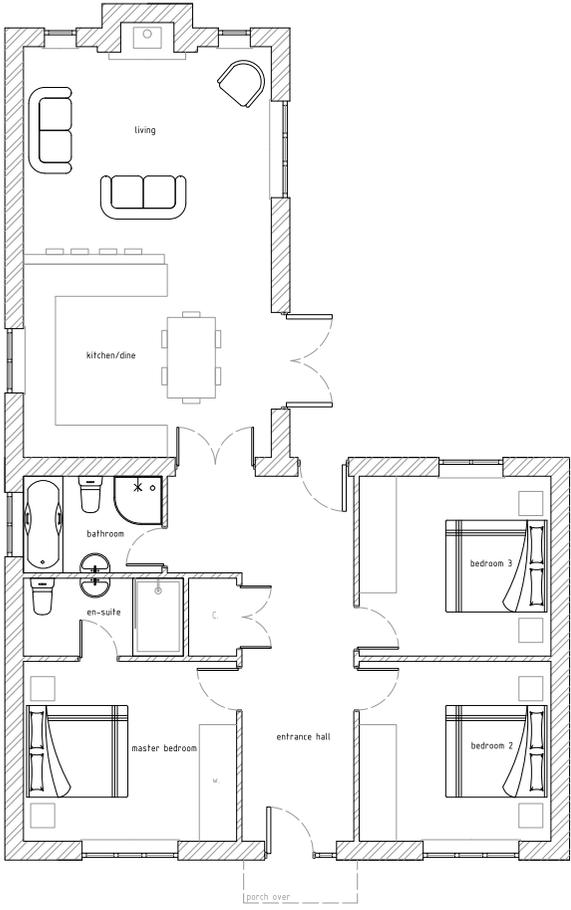
# PA/2023/296 Proposed plans and elevations (not to scale)



Proposed residential development  
 Rear of 111 Scawby Road, Scawby Brook, Brigg  
 Client: Mr. & Mrs. Clements

Issue Status	
Consultation	<input type="checkbox"/>
Planning	<input checked="" type="checkbox"/>
B. Regs	<input type="checkbox"/>
Construction	<input type="checkbox"/>

Title:  
 proposed floor layout  
 proposed elevations



Draw No: SB/CL/MF/07  
 Scale: as indicated @ A1  
 Date: 09/02/2023