

APPLICATION NO	PA/2021/291
APPLICANT	Mr & Mrs Clements
DEVELOPMENT	Planning permission to erect a dwelling with associated access and landscaping
LOCATION	111 Fountain House, Scawby Road, Scawby Brook, DN20 9JX
PARISH	Scawby
WARD	Ridge
CASE OFFICER	Brian McParland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

Paragraph 8 – Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- (c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11(d) – Plans and decisions should apply a presumption in favour of sustainable development:

- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance 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.

North Lincolnshire Local Plan: DS1, DS7, DS14, RD2, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS18, CS19

CONSULTATIONS

Highways: No objection, but recommend a condition relating to access, parking and turning.

Drainage (Lead Local Flood Authority): No objection.

Environmental Protection: No objection, but recommend a condition relating to contaminated land.

PARISH COUNCIL

No objections to the application but the proposed development is outside the current development line and therefore the parish council feels it must raise an objection.

PUBLICITY

Advertised by site and press notice as a departure from the local plan. No responses have been received.

ASSESSMENT

The main issues to be considered are whether adequate justification can be demonstrated with regard to the principle of the development, and its impact on the locality, residential amenity, land quality, ecology and the highway.

The site

The application site is on the south side of Scawby Road and is currently amenity space serving number 111, which is north-west of the site. The site is flat and currently undeveloped, and benefits from surface vegetation. It is situated behind a parade of housing (numbers 95 to 101) and north-east of a commercial unit known as KP Contractors. The site and the land immediately to the south are both within the applicant's ownership.

The application site is within the open countryside, but abuts the edge of the Brigg settlement boundary. 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 or in the nearby vicinity.

Proposal

Full planning permission is sought to erect a dwelling with associated access and landscaping.

Principle of development

As the application site is outside the adjacent settlement boundary, the proposal would represent a departure from the development plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is outside the nearest settlement boundary for Brigg and would not meet the criteria for development within the open countryside as outlined in policy RD2 of the local plan. The proposal is thereby considered to be in conflict with policies CS2, CS3 and CS8 of the Core Strategy.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 and Footnote 7 (page 6) of the NPPF states the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of housing and that housing applications should be considered in the context of the presumption in favour of sustainable development.

It is acknowledged that the local planning authority cannot demonstrate a five-year housing land supply; therefore, the housing policies are considered out of date. As such the 'tilted balance' and paragraph 11(d) of the NPPF, which is a material consideration in the determination of planning applications, is relevant.

There are three dimensions to sustainable development as set out in paragraph 8 of the NPPF: economic, social and environmental. Investment in construction and related employment would represent an economic benefit, as would the additional population within the local economy. In terms of social benefits, the services available in the immediate area of Scawby Brook and those within the wider area of Brigg to the east (the Ancholme Leisure Centre and ALDI, etc) could be readily accessed as they are within a five to ten minute walk (less than 800m) from the site. In terms of environmental benefits, the site would be situated along Scawby Road, which is a main road into Brigg, served by an adjacent footpath and frequent bus stops. Considering this, coupled with the proximity of Brigg, the location of the site would encourage footfall connectivity (less need for car travel). Subsequently, the

location of the proposed dwelling would support and sustain the existing services in Scawby Brook and Brigg. Moreover, the location of the proposed new dwelling would not be dependent on car travel given the availability of other forms of travel (walking, cycling and bus). The above matters weigh heavily in favour of the proposal in terms of the economic, social and environmental dimensions of sustainability. As a result, it is considered the proposed dwelling would be situated within a sustainable location.

A key determination in the principle of development is balancing the impact of harm against the associated benefits, as set out in paragraph 11(d) of the NPPF. Although the proposal would be in conflict with the development plan (policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan), it would provide the benefit of a dwelling contribution within a locality which consists of existing housing to the immediate north, east and west. Additionally, it is determined that the location of the new dwelling would be within a sustainable location, as set out in paragraph 8 of the NPPF. In light of this, there is little evidence to suggest that the proposal would result in adverse impacts which would significantly and demonstrably outweigh the benefits.

It is therefore considered, on balance, that although the development plan would preclude such type of development, in the absence of a five-year housing land supply and in the presumption in favour of sustainable development stipulated within the NPPF, the principle of development would be acceptable, subject to the considerations below.

Impact on the locality

The NPPF attaches great importance to the design of the built environment. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area.

The proposed dwelling would have three bedrooms and would be of a traditional single-storey design, finished with a cross-gable roof; the materials can be controlled by condition. The proposed footprint would be simple and rest well within the plot. The front elevation would benefit from symmetrical fenestrations and features; its composition is considered balanced, whilst modest, and would be characteristic of the local area. Based on the character and appearance of the existing street scene, the introduction of a single storey dwelling of the appearance and scale proposed would not be at odds with the character and appearance of the street scene and the immediate area. Notwithstanding this, as the dwelling would be situated behind a parade of housing and so would not be readily visible from the street scene, the proposal would have a limited impact on the character of the area.

The proposed amenity space would be sufficient to meet the needs of the occupants. The driveway would be of adequate size and depth to accommodate the movement and manoeuvring of vehicles into the site. Based on the amount of parking and private amenity space available to the occupants, and the fact that the dwelling would be set in from the site curtilages, the proposal would not result in a contrived or cramped form of residential development when viewed in the context of the site. Boundary details are to be confirmed by condition.

With regard to the surrounding pattern of development, there is an existing detached dwelling to the east (93 Mill Place), situated behind the rearmost building line serving the proposed dwelling. Given the linear lines used to designate the development limit, this dwelling is within the settlement; however, given the unique position of number 93 it could be argued that the development limit has indirectly been extended to encompass the application site within the settlement. Additionally, number 93 would relate well with the proposed setting of the proposed dwelling in the interest of the pattern of development.

The proposed new dwelling, by way of its design, location, residential style and sensitive proportion, would be a befitting form of development. As such, the development would be in accordance with policies DS1 of the local plan and CS5 of the Core Strategy.

Impact on residential amenity

Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on amenity, policy DS1 states that 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.

The proposed dwelling would be of a conventional single-storey design. Considering its low-built, low-impact nature and the fact it would be set back 20m from the rear elevations of numbers 95–101 (to the north) and 93 Mill Place (to the south-east), it is unlikely to detrimentally impact their amenities or those of any neighbouring properties. There are no properties to the south.

For these reasons, the development would be in accordance with policies DS1 of the local plan and CS5 of the Core Strategy.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision, as well as general highway safety. Both policies are considered relevant.

Access to the site would be from the in-situ private driveway currently serving number 111 and KP Contractors. The council's highways department has no objection to the proposal, subject to a condition. It is therefore considered that the proposal would be in accordance with policies T2 and T19.

Land quality

Policy DS7 of the local plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The residential development is a sensitive end use and given that the applicant has not submitted any information regarding land quality a condition relating to land contamination is recommended to be attached to any planning approval.

Ecology

The site appears to be grassland with limited potential to support protected or priority species and the boundary features appear to be of low value. No ecological surveys are required.

Conclusion

Whilst the proposal is within the open countryside, which would potentially harm the existing site context, this does not outweigh the benefit of providing a dwellinghouse, subject to conditions. On balance, the proposal is a justified departure from the development plan and is considered to comply with the overarching paragraph 11(d) of the NPPF.

Pre-commencement conditions

These have been agreed with applicant/agent.

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: SB/CL/MF/04 Existing Site Layout; SB/CL/MF/06 Block Plans; SB/CL/MF/05 Proposed Site Layout; SB/CL/MF/02 Proposed Floor Layout Proposed Roof Plan; SB/CL/MF/03 Proposed Elevations; Design & Access Statement.

Reason

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

3.
No above-ground works 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 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 details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwelling is occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

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.

6.

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.

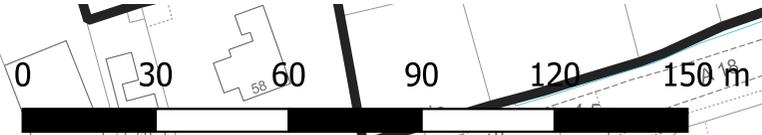
Reason

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.

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



**North
Lincolnshire
Council**

PA/2021/291

PA/2021/291 Proposed elevations (not to scale)



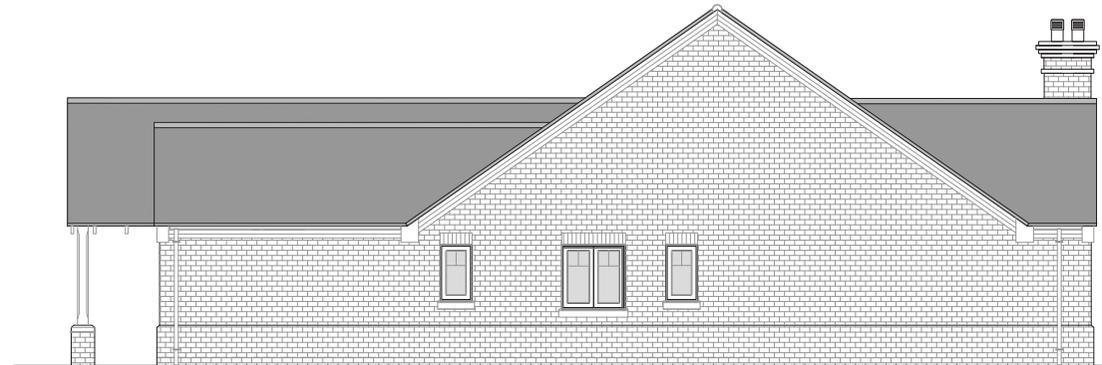
proposed front (west) elevation
scale 1:200



proposed rear (east) elevation
scale 1:200



proposed side (south) elevation
scale 1:200



proposed side (north) elevation
scale 1:200

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

Issue Status	
Concept/Prep	
Planning	X
B. Regs.	
Construction	

Title:
proposed elevations