

APPLICATION NO	PA/2020/217
APPLICANT	Zyda Law Limited
DEVELOPMENT	Outline planning permission to erect 140 dwellings with all matters reserved for subsequent consideration
LOCATION	Land opposite Winterton Observatory, Top Road, Winterton, DN15 9TE
PARISH	Winterton
WARD	Burton upon Stather and Winterton
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Refuse permission

REASONS FOR REFERENCE TO COMMITTEE Member 'call in' (Cllr Ralph Ogg – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 11 – Plans and decisions should apply the presumption in favour of sustainable development. For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: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.

Paragraph 54 – Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 55 – Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making.

Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 56 – Planning obligations should only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development, and
- (c) fairly and reasonably related in scale and kind to the development.

Paragraph 127 – Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 163 – When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and

- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 170 – Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 189 – In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

North Lincolnshire Local Plan: DS1, DS7, DS11, DS14, DS16, T2, T19, RD2, H5

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS17, CS18, CS19, CS25

CONSULTATIONS

Highways: Highways have no objections subject to the imposition of conditions relating to the highway safety impacts of the site. However, a note has been made on the 'sustainable links' that would emanate from the site into Winterton, in that the development boundary

and the site do not abut one another. Other points have been made regarding accessibility and sustainability.

Environment Agency: Anglian Water's consultation response confirms that currently there is insufficient capacity at Winteringham Water Recycling Centre (WRC) to treat the expected foul sewage flows from the development. Based on this, and the data available for the WRC, the Environment Agency recommends the imposition of a condition to mitigate this issue.

Ancholme Internal Drainage Board: Has issued a generic response on the discharge of surface water.

Drainage (Lead Local Flood Authority): This outline planning application does not appear to make space for the use of sustainable drainage systems (SuDS) for the development. This is based on the assumption that, although this is an outline application with all matters reserved, the indicative layout suggests otherwise.

Consequently, the proposal fails to comply with policy DS16 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

Anglian Water: No objections subject to the imposition of conditions. Anglian Water has confirmed that there is not currently capacity at the Winteringham Water Recycling Centre to treat wastewater flows from the proposed development; however, they are obligated to accept foul flows from the development if it benefits from planning permission and would therefore take the necessary steps to ensure there is sufficient treatment capacity should permission be granted.

Waste and Recycling: The applicant is directed/encouraged to consider accessibility for bin collections in any future design.

Environmental Protection: The Environmental Protection Team have no objections, subject to the imposition of conditions relating to land contamination, air quality and mitigation of the development during construction, such as working practices and hours of construction.

Ecology: The biodiversity proposals submitted in the Ecological Impact Assessment report and Layout Plan are derisory for a development of this scale. In my view, they do not represent an enhancement above the baseline condition. In this respect, the proposal does not comply with policies WINH-3, CS5 or CS17.

Archaeology: A holding objection has been issued requesting a field evaluation prior to determination of the proposal. The application should not be determined except for refusal until this evaluation has taken place.

S106 Officer: The officer puts forward contributions that are considered necessary to make the development acceptable in planning terms. These relate to affordable housing, education, leisure, recreation, traffic regulation orders and public transport.

Humberside Fire and Rescue: Has issued a generic response on accessibility for the fire service and to water supplies.

TOWN COUNCIL

Objects on the following grounds:

- the development is outside the building line
- access and egress onto the A1077; North Lincolnshire Council planning has, in recent times, rejected another application on the ground it also wished to access the A1077
- the cumulative planning impact of several major applications in Winterton
- impact on local amenities, in particular the doctor's, dentist and primary education
- drainage – this development is at the 'top' of the system, meaning 100% impact on the entire infrastructure down the system that is already prone to flooding
- archaeological importance – further work is necessary due to the proximity to other known important archaeological finds such as the Roman Villa and Winterton Lady Sarcophagus
- ecological – impact of the change from agricultural land
- traffic – volume and amount
- the development would take Winterton above the prescribed number of allocated housing as set out in the adopted North Lincolnshire Council HELAP.

PUBLICITY

Advertised by site and press notice in accordance with Article 15 of the Development Management Procedure Order 2015 as amended.

A number of objections have been received. The material considerations of these objections are summarised below; however, this list is not exhaustive and their full content can be found and read against the suite of documents that make up the planning application, published on the council's website.

The material considerations relate to the following:

- stress on the existing infrastructure of Winterton
- drainage issues
- parking provision in the town centre/other amenities
- air pollution
- school places
- highway safety
- the archaeological significance of the area

- visual amenity
- impact upon the existing countryside character/landscape.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted with the application.

ASSESSMENT

The site is located to the north of the settlement boundary of Winterton, in the open countryside as identified by the Housing and Employment Land Allocations DPD 2016. The site also lies within flood zone 1 in accordance with the North and North East Lincolnshire SFRA 2011.

The site comprises existing arable land within a flat topography; views of the site are wide-ranging from the north and west. Access is proposed from the A1077 (Top Road), though pedestrian and cycle links into the settlement are shown on the indicative plan. The application is for outline permission only to erect 140 dwellings, with all other matters reserved for a later submission and assessment.

This application is a resubmission of one that was withdrawn. The applicant has provided an extensive suite of documents to accompany the application and these have been considered by consultees.

The main issues to consider in the determination of the application are:

- **principle of development**
- **planning obligations**
- **archaeology**
- **ecology**
- **drainage**
- **highways**
- **landscape and character**
- **environmental issues**
- **land contamination.**

Principle of development

Outline planning permission is sought for a residential development of 140 dwellings (all other matters being reserved for subsequent consideration). The application site falls outside the existing development boundary for Winterton as identified by the HELA DPD.

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).

Policy CS1 of the Core Strategy sets out the overarching spatial strategy for North Lincolnshire, it states of market towns ‘...An appropriate level and range of new housing development will be provided to support the market towns as sustainable communities. During the plan period, the market towns will provide over 2,171 new dwellings.’

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated development limit for Winterton.

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 part of the development plan, 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 HELAP. The application site is entirely outside the defined development boundary for Winterton and is therefore in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the North Lincolnshire Local Plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date.

A recent review of the of the Five Year Housing Land Position Statement has identified that the council’s housing land supply has reduced from five years and six dwellings, to four years. The council is preparing a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five-year land supply; some of the actions include reviewing the windfall allowance calculation, and working with developers to bring forward outline planning applications.

The revised Five Year Housing Land Supply Position Statement is still awaiting update and any decisions made by the planning authority should take account of the presumption

in favour of sustainable development as set out in Paragraph 11 of the NPPF. The current local policies relating to housing will carry reduced weight during this period.

This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with paragraph 11 (footnote 7) of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the operation of paragraph 11 of NPPF triggers a tilted balance whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits (paragraph 11, b, ii).

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

The proposal would provide an abundance of economic benefits which are demonstrated within the scheme and the wider submission. These include benefits to the local economy during the construction phase and, should a large residential development become operational, support to existing services and amenities in Winterton, though there would also be a loss of arable land. In terms of social sustainability, the capture of affordable dwellings, as well as the creation of public open spaces, playgrounds and the off-site contributions towards local leisure facilities, are also considerations, as is the social impact of increased densities placed upon the market town.

Environmentally there would be impacts upon the open countryside visually, as well as from the resources that such a number of dwellings would demand in terms of energy consumption and associated polluting activities.

There is no doubt that the site would represent a large northerly extension to the settlement of Winterton and therefore impact upon its existing infrastructure as well as its character. Paragraph 11 requires the decision taker to assess the adverse impacts of proposals and only refuse proposals if those impacts 'significantly and demonstrably' outweigh the benefits. The following report therefore attempts to make an assessment of the numerous material considerations of this proposal to determine whether any adverse impacts of allowing the development would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole, as well as those local policies which are not silent.

Planning obligations

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005 seek to address that identified need.

The tests for planning obligations are set out in Part 11, section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states:

- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The legal test is also set out in planning policy under paragraph 56 of the National Planning Policy Framework 2018.

Affordable housing

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in Scunthorpe Urban and Market Towns to contribute 20% of the scheme for affordable tenure. Ideally 70% of affordable housing supplied should be for rent and, where possible, the housing should be provided on site, but an off-site contribution may be acceptable.

The proposal would therefore be required to provide 28 of the 140 dwellings as affordable, under the definition set out within the NPPF.

Public open space

Policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i)... New housing developments on allocated and windfall sites of 0.5 ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policy CS22 of the North Lincolnshire Core Strategy; both are considered relevant.

On an application of 140 dwellings, a local equipped area of play (LEAP) of 400 square metres would be required on site; it would cost £54,106.00 for North Lincolnshire Council to maintain it.

The area of informal open space on site required for a development of this size is 10 square metres per dwelling. Therefore, 1,400 square metres of informal open space is required on site. The cost for North Lincolnshire Council to maintain this land is £52,756.00; alternatively, an estate management company can be set up to undertake maintenance of the areas of open space.

Education

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities, which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, to secure the provision of, or contribution towards, new or extended facilities.

The response from the education department to this application is that contributions are required for primary places only.

Therefore, if 28 of the units are affordable, 112 units are eligible for an education contribution.

The current figure for primary places in Winterton is £2,973 per dwelling. This results in a total commuted sum in respect of education of £332,976.00.

Highways

A response from the Highways team shows that the speed limit of Top Road, Winterton would need to be reduced as a result of this development. The cost of amending the existing traffic regulation order and providing appropriate signage is £2,500 and it is requested this is put in place prior to occupation of the 20th dwelling.

Public transport

A response from Public Transport requests discounted season tickets for the FastCat bus service for residents of the development, suggesting £648 per dwelling for six months.

Obligations summary

The proposed requests for on and off-site contributions are considered to be both CIL and policy compliant. The applicant and the council have agreed heads of terms based upon the S106 officer's requests. Therefore, the proposal would align with policies CS9 and CS22 of the North Lincolnshire Core Strategy, as well as policies C1 and HC10 of the North Lincolnshire Local Plan, and paragraph 56 of the NPPF.

Archaeology

Core Strategy policy CS6 (Historic Environment) states, 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance, including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains...' and, 'Development proposals should provide archaeological assessments where appropriate.'

Policy HE9 states, 'Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment, to be submitted prior to the determination of a planning application, will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.' Furthermore, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification in line with paragraphs 193–197 of the NPPF.

The applicant has provided both an Archaeological Desk Based Assessment as well as a Geophysical Survey Report. The Historic Environment Record has assessed this and, as the original consultation response, has stated that predetermination field evaluation, comprising the geophysical survey AND excavation of trial trenches, is required. Because the site contains known and potential heritage assets of archaeological interest, adequate information is required about the significance of any such assets to properly assess the impact of the proposed development, and thereby to inform the decision-making process in accordance with the NPPF and local planning policies set out above.

The HER database has been checked and indicates that development on this site has potential for physical impact on potential heritage assets of archaeological interest of prehistoric and Roman date, the significance of which is currently unknown. Evidence of occupation of these periods is widespread along the limestone ridge to the west of

Winterton. This evidence includes the site of the Winterton Roman villa and the discovery of a Roman burial in a limestone coffin alongside the ancient trackway known as the Jurassic Way, now Top Road, as well as finds of pottery and metalwork, and extensive cropmark complexes representing settlements, trackways and field boundaries. Cropmarks are visible on aerial photographs across the proposed development site and these extend over a widespread area of the landscape. A potential settlement site lies immediately east of the application site, visible on the aerial photograph reproduced in the applicant's desk-based report.

It is therefore considered, given the potential for such findings, along with the lack of field work carried out, that the applicant has failed to demonstrate that the proposal would not result in harm to, or complete loss of, important archaeology. The proposal is therefore considered to be contrary to paragraphs 189 of the NPPF and local plan policy HE9, as well as policy CS6 of the North Lincolnshire Core Strategy.

Ecology

Policy CS17 of the Core Strategy, as well as paragraph 170 of the NPPF, relates to biodiversity. Paragraph 170 states in part that a net gain for biodiversity should be achieved. Policy CS5 of the Core Strategy is also relevant.

The applicant has submitted additional documents in the form of an Ecological Impact Assessment and a Wintering Birds Survey; these supplement the Habitat Regulations Assessment, the Landscape and Visual Appraisal and the Preliminary Ecological Appraisal. The council's ecologist has reviewed the information and has stated that the provision of significant landscaping to mitigate the visual impacts and provide biodiversity enhancement may mean a redesign of the scheme, with a potential reduction in the number of dwellings that can be delivered. This is because the indicative plan shows a dense built form which would impinge upon the ability to provide a sufficient level of space for wildlife habitat networks to thrive.

The ecologist states that the survey methods used and the survey effort deployed are broadly appropriate for the site in question and that there is no likely significant effect on the Humber Estuary SPA and Ramsar site. However, ultimately the ecologist has objected in relation to the density of the site in that there is insufficient space to encourage the growth of wildlife habitat networks and to achieve a net gain for biodiversity is unlikely. The proposal would therefore be contrary to policies CS5 and CS17 of the Core Strategy, as well as paragraph 170 of the NPPF.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk; policy DS16 of the local plan is concerned with drainage. It states that development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.
2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.

3. A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere, by integrating water management methods into the development.

The site is located within Flood Zone 1 within the North Lincolnshire SFRA 2011, though, given the scale of the proposal, there is a requirement to consider sustainable urban drainage techniques. The LLFA has been consulted and has stated,

“...Although the application provides a Flood Risk Assessment and Drainage Strategy, making reference to the use of SuDS on this site, it would seem that no space is available as the indicative layout and fixed number of properties is stated (140).

“The outline planning application does not appear to make space for the use of sustainable drainage systems (SuDS) for the development. This is based on the indicative details provided with the application which demonstrate that the delivery of 140 dwellings on this site would result in a density of built form that would not allow adequate open space for the incorporation of SuDS features through the submission of an amended layout at the reserved matters stage.

“Consequently, the proposal fails to comply with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the NPPF.”

The Environment Agency has also been consulted, as has Anglian Water. It is considered that the existing network has insufficient capacity to treat flows of wastewater from the development site. Anglian Water, however, state that they are obligated to accept the foul flows from the development should it have the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant permission. The Environment Agency has suggested a condition be attached to any permission, preventing development pending the submission of a foul water drainage strategy.

Given the concerns put forward by the LLFA, that the size of the site and the number of dwellings proposed would mean achieving a SuDs compliant scheme would not be possible, the application is considered to be contrary to policy CS19 of the Core Strategy and paragraph 163 of the NPPF, as the applicant has failed to demonstrate that an acceptable drainage solution can be achieved and that the proposed development would not be at risk of flooding, or increase the risk of flooding to surrounding land.

Highways

Policy T2 of the North Lincolnshire Local Plan requires all development to be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision and general safety, and is also considered relevant. Policy CS25 of the Core Strategy is concerned with sustainable transport and paragraphs 102–111 of the NPPF are concerned with promoting sustainable transport; all are considered relevant.

In terms of highway safety, the council's highways officer has stated that the existing residential speed limit within Winterton along Top Road would need to be extended to absorb the proposed access and beyond, and this is reflected in the traffic regulation order (TRO) request within the terms of the Section 106. Also, a footway emanating from the access along Top Road, to connect to the existing footway, is proposed as a condition by the officer. Ultimately, the highway officer who has considered the outline nature of the

proposal is satisfied that conditions would provide the necessary mitigation for the development.

In terms of sustainability, the applicant has attempted to promote the sustainable location in terms of walking/cycling and proximity to public transport routes, and this is supported by information within the submission. The applicant considers that the ability to cycle into Scunthorpe is achievable along the A1077, and that the services and amenities of Winterton are walkable from site. The council's Highways team have stated:

The IHT Guidelines for Providing for Journeys on Foot (2000) state that up to 500m is the desirable walking distance, up to 1,000m is an acceptable walking distance and up to 2,000m is the preferred maximum walking distance for pedestrians without mobility impairment. Whilst the majority of services/facilities may fall within the 2,000m maximum walking distance, the majority of them, if not all, are outside of the 1,000m acceptable walking distance. Therefore walking is unlikely to be the preferred mode of transport for many residents. Similarly, although Scunthorpe Town Centre may be a feasible cycling destination for commuters, no consideration has been given to the attractiveness of the routes for potential cyclists.

and,

The TA acknowledges that opportunities to access public transport services are limited but does not offer any suggestions for how these can be improved. Improving public transport is not a regional issue and whilst it might not be exclusively specific to the development, it does not preclude the developers from proposing measures to improve these services and facilities for the benefits of their residents.

The officer's assessment concludes that "...The TRICS outputs and proposed trip generation are acceptable, however I would expect the actual trip generation to be greater in reality for the reasons outlined above. However, there would appear to be sufficient junction capacity and network capacity for any additional increase in trips to be adequately accommodated on the highway network.

Whilst I do have concerns about the sustainability of the proposed development and it's accessibility by sustainable travel modes, I don't think there are sufficient grounds on which to submit an objection.

Conditions have been put forward relating to travel plans, as well as a request through the Section 106 for bus passes for the Humber FastCat that travels between Scunthorpe and Hull (also including Barton and other North Lincolnshire settlements).

It is therefore considered, given the aforementioned contributions/obligations, and mitigation through conditions, that the proposal would accord with policies T2 and T19 of the North Lincolnshire Local Plan, and CS25 of the Core Strategy, as well as paragraphs 102–111 of the NPPF.

Character impacts

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: the first setting out those development types that are acceptable in principle; and secondly, a criteria-based approach to assessing those developments. The second part is relevant to this section in that it seeks to ensure that the

visual amenity of the countryside is not compromised by poor development. Paragraph 'c' of the policy states:

'...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;'

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and, 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policy H5 is concerned with new housing development and paragraph 127 of the NPPF is also relevant.

Whilst all matters are reserved for subsequent consideration, the location plan and the indicative plans offer an insight to how a residential extension would appear against the existing settlement and the impact it would have upon the open countryside. The site, because of its location, would appear to jar with the existing settlement and also be annexed from it given the odd detail of the red line boundary on the southern edge of the site. There appear to be links 'subject to necessary consents' but these do not fully assimilate the proposal to the existing urban form, and connectivity, rather than being a basis for the design to build on, feels rather retrofit. This point is further reinforced by the distance between the residential development site and Top Road (A1077) where it would appear to seek its vehicular access. The length of this access, which would cut through existing arable fields (which surround the site on three sides), would appear like a causeway overstretching in a westerly direction to meet with the existing highway infrastructure. All of this, in addition to the relatively dense proposal, would result in a harsh interface that would be to the detriment of the existing countryside. Furthermore, given the existing open nature of this area, there would be wide-ranging impacts upon the landscape experienced especially by those travelling south along the A1077.

Policy CS5 tasks the developer to find context and it is acknowledged that this is not a detailed application; however, the design and access statement falls short of providing a sufficient contextual analysis of the area. There is some discourse of the existing built form of Winterton but none which attempts to relate the design to the open countryside where it is in fact located. Furthermore, the applicant states that the density is around 28 dwellings per hectare and this falls short of what is required under policy CS7 for a market town; however, even at that density, it is considered that 140 dwellings would not sit well given that the site abuts arable fields on three sides and as such would represent a wholesale incursion into the open countryside.

The applicant has not demonstrated that there would not be an unacceptable impact upon the character of the open countryside or that of the existing settlement. The proposal is of a scale and in a location that would introduce a dense residential built form almost annexed from the settlement, and it would introduce a harsh interface on three sides that could not be overcome by landscaping, given that the existing vernacular is that of open fields. The proposed access road would also jar and the introduction of an adopted highway bisecting arable fields on either side simply reinforces that this development would not be absorbed by the existing settlement but rather a forced and contrived addition to its northern face. This leads to the conclusion that the applicant has not demonstrated a contextual

understanding/link as tasked by policy CS5, and the proposal would be detrimental to the character and appearance of the open countryside and nearby settlement. It would therefore be contrary to paragraph 'c' of policy RD2.

The proposal is therefore considered unacceptable and contrary to policies RD2 and H5 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy and paragraph 127 of the NPPF.

Environmental issues

Policy DS11 of the local plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 of the local plan seeks to protect amenity.

Policy CS18 of the Core Strategy is concerned with sustainable resource use and climate change. Its purpose is to promote development that utilises natural resources as efficiently and sustainably as possible. Two points of this policy are relevant:

- (10) ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water
- (12) supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO₂ emissions.

The Environmental Protection team has been consulted and has recommended several conditions. Conditions relating to air quality target the operational nature of the residential scheme in that the department would seek/request that electric vehicle charging points are provided on each dwelling to encourage the use of electric vehicles to improve future air quality. In terms of construction phase working conditions, conditions requiring an environmental protection management plan to be submitted and restricting working hours have been recommended. Subject to these conditions, Environmental Protection do not have any objections.

Subject to the outlined mitigation, the proposal is therefore considered to accord with policies DS1 and DS11 of the local plan and CS18 of the Core Strategy.

Land contamination

Policy DS7 of the North Lincolnshire 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 applicant has not provided sufficient information in relation to land contamination. The council's Environmental Protection team has stated, *"...the applicant should submit a Phase 1 report for this department's consideration prior to the application being determined in accordance with national policy guidance. This will allow the council to decide whether or not further assessment of the site is required and ensure that appropriate conditions are*

applied which render the development safe and suitable for use prior to use.” The officer goes on to state that this information is required prior to determination. The officer does also suggest conditionality in the submission of a desk top study, remediation and verification reports. Given that the site history relates to agriculture and is relatively inert, it is considered by the case officer that the suggested condition would provide sufficient mitigation.

It is therefore considered, subject to the aforementioned mitigation, that the proposal would accord with policy DS7 of the North Lincolnshire Local Plan.

Conclusion

Having been assessed against the NPPF taken as a whole, as well as active local policy, it is considered that the proposed development would result in harmful impacts that would significantly and demonstrably outweigh the benefits. It would therefore be contrary to paragraphs 11, 127, 163, 170 and 189 of the NPPF, as well as local policies discussed within this report. It is therefore considered to represent unsustainable development and is recommended for refusal.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposal would be detrimental to the character and appearance of the open countryside by introducing an urban built form and highway infrastructure of an inappropriate scale within arable fields beyond the north of the defined settlement boundary. It would also be discordant with the nearby settlement by failing to contextually relate to its environment. The proposal would therefore represent an unsustainable development contrary to policies CS3 and CS5 of the Core Strategy, RD2 and H5 of the North Lincolnshire Local Plan, and paragraphs 11 and 127 of the National Planning Policy Framework.

2.

The applicant has failed to demonstrate that a net gain for biodiversity can be achieved. The proposal would therefore be contrary to policies CS5 and CS17 of the Core Strategy, and paragraph 170 of the National Planning Policy Framework.

3.

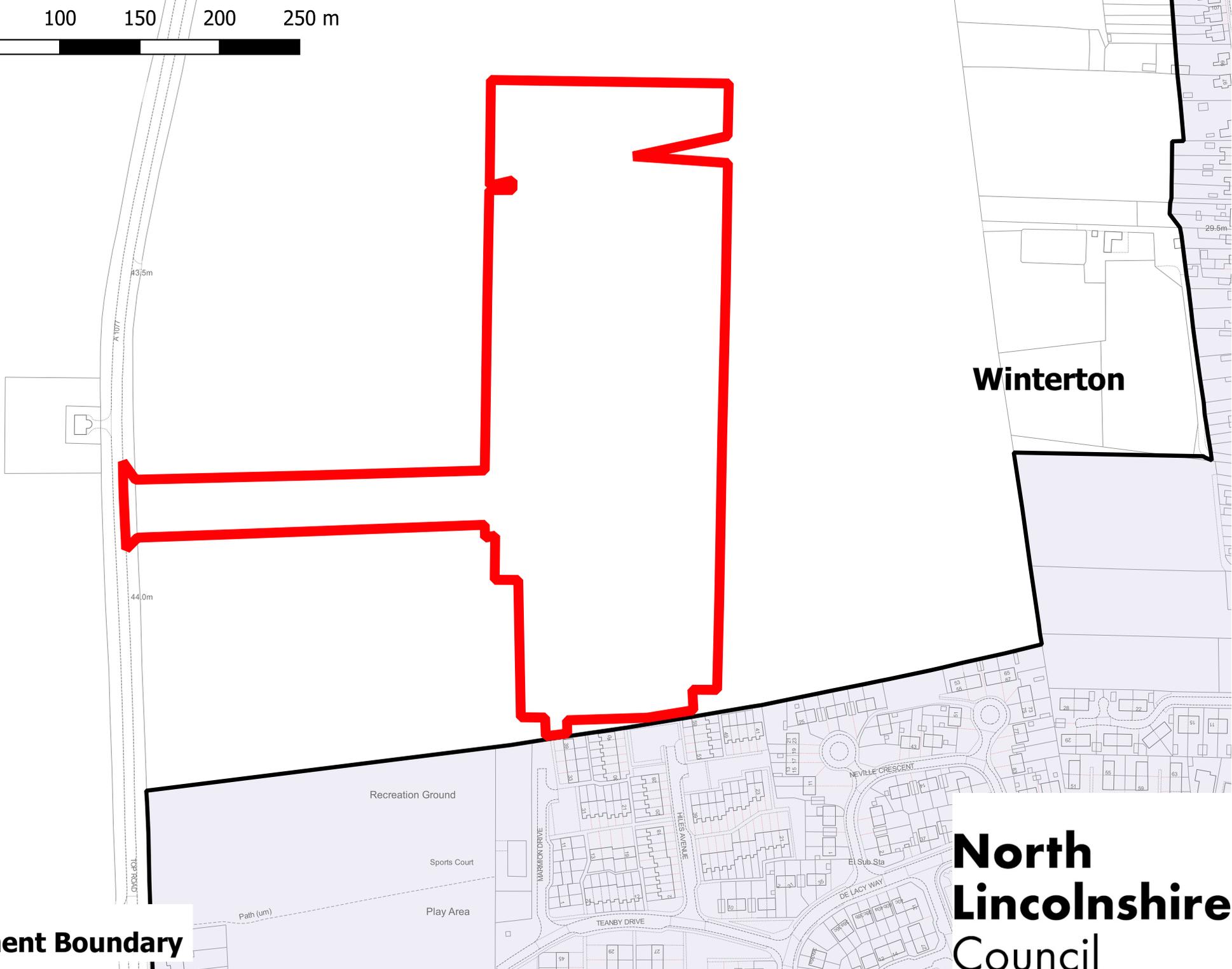
The density of the proposal would not allow for the consideration of an appropriate sustainable urban drainage scheme. Consequently, the proposal fails to comply with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

4.

The applicant has failed to demonstrate that the proposed development would not involve harm to, or complete loss of, important archaeology. The proposal is therefore contrary to policy HE9 of the North Lincolnshire Local Plan, policy CS6 of the North Lincolnshire Core Strategy and paragraph 189 of the National Planning Policy Framework.

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/2020/217