

APPLICATION NO	PA/2021/2151
APPLICANT	Banks Property Ltd
DEVELOPMENT	Outline planning permission for a residential development of up to 390 dwellings with associated infrastructure, and with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Land west of Brigg Road and south of Horkstow Road, Barton upon Humber
PARISH	Barton upon Humber
WARD	Barton
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in (Cllr Paul Vickers – significant public interest) Significant public interest

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 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and Enhancing the Historic Environment

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy LC1 (Special Protection Areas, Special Areas of Conservation and Ramsar Sites)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy HE2 (Development in Conservation Areas)

Policy HE5 (Development affecting Listed Buildings)

Policy HE9 (Archaeological Excavation)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

Supplementary Planning Guidance

Countryside Design Summary

Landscape Character Assessment and Guidelines

CONSULTATIONS

Highways: No objection subject to conditions relating to the submission of a phasing plan for the development, junction improvement works, reducing the speed limit on Brigg Road, Tofts Road improvement works, access, splays, footways, internal layouts, driveways and surfacing materials, along with others to mitigate construction and those related to sustainable transport. A section 106 agreement is required for a traffic regulation order to extend the speed limit to 30mph on Horkstow Road.

Sustainable Transport: No objections subject to an S106 for contributions towards bus services, bus tickets and travel packs.

National Highways: Originally recommended that planning permission not be granted for a specified period:

- for the applicant to undertake a comparison applying appropriate TEMPro growth factors to historic traffic data to confirm that the traffic data used is representative, considering yearly growth;
- with regard to policy EC1 of the NLC draft allocated employment sites record, we require confirmation that the M180 junction will operate appropriately considering the cumulative impacts of both the proposed lorry park/service station and the proposed residential development; therefore, a cumulative capacity assessment should be undertaken at the M180 junction in accordance with the requirements set out in Circular 02/2013;

- we note that there is no assessment of merge/diverge operation presented within the Transport Assessment, and require this assessment to confirm the safe operation of the M180 junction;
- there is a history of accidents of similar circumstance on the A15/M180/Barnetby Lane Link Road Gyratory. Considering the impact of the proposed development, the applicant should undertake a detailed assessment of the Barnetby Interchange junction and explore safety increasing measures at the junction approaches to reduce the frequency of 'driver error' incidents to ensure that the observed high frequency of collisions is not exacerbated as a consequence of increased traffic and turning movements; and
- considering the available information, it is our view that the addition of the proposed development could have a significant impact on the Barnetby Interchange junction. The Transport Assessment should determine the impact of the development relative to Circular 02/2013 and NPPF.

Response to additional information submitted by the applicant to address National Highways' original comments:

No objection. The Jacobs SYSTRA Joint Venture [JSJV] has reviewed Technical Notes, including 'Highways Technical Note – Response to Highways Comments from National Highways', considering items raised by JSJV's initial response and a separate TN in response to comments received from NLC Highways, as prepared by AMA. These documents have been reviewed in combination with the original Transport Assessment [AMA ref: 21007-001], submitted in December 2021. National Highways confirm that, considering the additional material presented, there are no outstanding matters to be agreed and that the proposed development is not expected to materially impact the strategic road network.

PROW officer: No objection. No paths, commons, greens or other statutory open access are affected, and the indicative site layout appears to include walkways through green spaces already.

Environment Agency: The information available to us indicates that the Barton upon Humber Water Recycling Centre (WRC) would currently only be able to accommodate a portion of the expected foul sewage from this proposed development. This is supported by the consultation response to you from Anglian Water, which states: 'The foul drainage from this development is in the catchment of Barton on Humber Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with 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 planning permission.' Anglian Water also advised the developer of this in their pre-planning assessment report. Barton is proposed as a focus for growth in the emerging North Lincolnshire Local Plan; the Plan (5.61, 5.67) notes that Anglian Water has stated the sewage treatment works has limited capacity and infrastructure improvements are required. We are not aware whether any options are yet being considered to deliver improvements. It is essential that no dwellings are occupied until capacity has been provided/confirmed to treat the foul sewage from those dwellings. Should you be minded to approve the application we therefore request the inclusion of a planning condition to ensure that for each phase of the development hereby approved, no dwellings shall be occupied until it has been confirmed in writing by the sewerage undertaker to the local planning authority that sufficient sewage capacity exists at

Barton upon Humber Water Recycling Centre to accommodate the foul water drainage from those dwellings, and that any necessary works to ensure this capacity have been completed.

Drainage (Lead Local Flood Authority): No objection subject to the imposition of conditions relating to the submission of a scheme for surface water disposal on the site, and to prevent surface water run-off onto the highway and from the highway onto the developed site.

Anglian Water:

Waste Water Treatment: The foul drainage from this development is in the catchment of Barton on Humber Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with 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 planning permission.

Used Water Network: This response has been based on the following submitted documents: Appendix 6 – Flood Risk Assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Recycling: General advice in relation to building design for new properties to include adequate storage areas for waste management facilities and good access for collection crew.

Environmental Protection:

Contamination: The site is currently used as agricultural land and covers an area of approximately 25ha. The desktop study has identified the site as being agricultural fields which has seen very little change throughout the historical maps used. However, there are some small changes such as an increase in field size and a small quarry in the south of the site which is marked on the 1933 edition map. The 1970 edition map shows the deletion of the mapped quarry and the removal of a number of field divisions creating the present-day field layout. During the site walkover the area of the quarry appears to be infilled and a stone track leading to it was noted within the site boundary. It was noted during the site walkover that no olfactory or visual evidence of significant contamination was identified. The initial preliminary risk assessment based on a residential end use determines the risk to future site users and the environment from potential contamination located at the site to be low. However, the desktop study has recommended that an intrusive ground investigation is undertaken at the site to confirm the findings in the initial preliminary risk assessment. Recommend a condition relating to contamination.

Air Quality and Construction: An assessment of the potential air quality impacts during the construction phase has been undertaken in accordance with the IAQM Guidance on the

assessment of dust from demolition and construction (2014). The assessment concludes that 'With site specific mitigation measures in place, the significance of dust and fine particulate matter effects from earthworks, construction and trackout is considered to be not significant.' Recommend conditions relating to the submission of a CEMP. A condition restricting construction hours is also proposed as the site is located in close proximity to residential properties.

Air quality and Operational Phase: A quantitative assessment of the potential air quality impacts using dispersion modelling has also been undertaken. This is to establish the impact of the development on eight existing sensitive receptors in proximity to the site and the suitability of the site for residential development in terms of air quality. The assessment has considered the pollutants NO₂, PM₁₀ and PM_{2.5}. The assessment concludes that: 'The development will have a negligible impact on concentrations of NO₂, PM₁₀ and PM_{2.5} at all eight existing sensitive receptors considered in 2026. Pollutant concentrations are predicted to be below the air quality objectives in all scenarios considered. The effect of the proposed development on human receptors is therefore considered to be not significant.' Predicted NO₂, PM₁₀ and PM_{2.5} concentrations are below the annual mean air quality objective and limit value concentrations, for 2026, at the proposed sensitive receptors considered. Air quality effects within the site are, therefore, considered to be not significant. The impact of the proposed development is predicted to be not significant. However, mitigation measures will assist in reducing any potential impact and general best practice measures in relation to air quality should therefore be implemented. Recommend a condition requiring the submission of a scheme for the provision for electric vehicle charging points.

Noise: No objection subject to conditions relating to the submission of a noise mitigation scheme, the provision of an earth bund on the boundary adjacent to the A15 and the provision of an acoustic barrier for properties to be located closest to Brigg Road and the A15 on the site.

Historic Environment Record: No objections subject to conditions. Following the initial response, the applicant has now commissioned a programme of archaeological trial trenching to complete the archaeological field evaluation and inform the assessment of archaeological significance. The archaeological site work comprised the excavation of over 80 trial trenches and was completed very recently. The written report of the results, including specialist assessments, is awaited. Until the full report is received and can be considered I can only offer provisional advice based on my observations from on-site monitoring visits during the trial trenching. At this stage therefore I can advise the following:

The trial trenching was satisfactorily carried out on site in accordance with the programme of work agreed with the applicant prior to commencement. The trial trenching has established the extent of the archaeological interest within the application site. The Romano-British occupation has been shown to extend beyond the enclosures previously identified in the geophysical survey; human remains were encountered in features outside the proposed Archaeological Core Area. No other features of significance were encountered across the rest of the application site. Groundworks associated with the proposed development would destroy archaeological evidence associated with the Romano-British site. The archaeology does not meet the criteria for national importance but is of potential regional and/or local importance. Detailed archaeological mitigation and management strategies would be required to avoid or offset harm within the application area in accordance with the NPPF and local planning policy.

Conservation: No objection subject to conditions. The application has the potential to impact on the setting of the Barton Conservation Area. The application site is situated just outside the conservation area on its south-western aspect. The part of the conservation area closest to the application site is Baysgarth Park. However, views from the parkland to the site are screened by planting and intervening buildings. In a similar fashion views from the site into the conservation area are screened by planting and intervening buildings. This mitigates the impact of the development on how the conservation area is seen and experienced and as such there is no objection to the proposal. However, considering its proximity to the conservation area and to protect the local character and distinctiveness of Barton, I recommend a traditional palette of materials is used for the construction of the buildings and this should be secured by condition.

Historic England: Do not wish to offer any comments.

Ecology: Recommend refusal. Taking together the results of the wintering birds surveys and the records centre search, there is no evidence that the application site is functionally-linked land supporting waterbirds associated with the Humber Estuary SPA or Ramsar site. Natural England advises that we should not adopt the applicant's shadow Habitats Regulations Assessment (sHRA). Natural England requires the Suitable Alternative Natural Green Space (SANG) to be managed in perpetuity. This may not be possible without a conservation covenant. Such covenants are not yet available. Natural England requires a Strategic Access Monitoring and Management scheme into which developers can contribute. North Lincolnshire Council does not yet have such a scheme.

Natural England: There is insufficient information to confirm that the application will not have an adverse effect on the integrity of the Humber Estuary Special Protection Area (SPA): appropriate assessment alone and in combination effects on loss of functionally linked land, the application will lead to additional recreational pressure on the SPA arising from new dwellings; the proposed Suitable Alternative Natural Green Space (SANG) mitigation measure is of a suitable scale and location; the management and maintenance arrangements for the SANG mitigation measure are not shown to be secured in perpetuity; confirmation of Strategic Access Monitoring and Management (SAMM) that is appropriate to secure the necessary avoidance and mitigation measures and have been secured for a duration proportionate to the timescale of the developments effects (in perpetuity). As submitted, the application could have potential significant effects on the Humber Estuary SPA. The Humber Estuary is also a designated SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation so that we can advise the authority accordingly. In the absence of this information, Natural England objects to the proposal.

In terms of biodiversity net gain (BNG) Natural England notes the development proposal has potential to achieve significant biodiversity net gain as demonstrated in the Ecological Impact Assessment (EclA) para 5.13.2, which is in line with emerging policy as part of the environment bill, local policy in the adopted North Lincolnshire Core Strategy (CS17 paragraph 5) and paragraph 174 (d) of the NPPF. BNG on SANGs is only attributable to habitat creation or enhancement that proves measurable additionality to the minimum requirements of the SANG. This needs to be demonstrated through use of the relevant Biodiversity metric (or as stipulated by the consenting body). For BNG to be delivered within a SANG, the SANG should achieve nature conservation outcomes that demonstrably exceed existing obligations under the SANG Guidance.

Soils and Agricultural Land Quality – From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20ha ‘best and most versatile’ (BMV) agricultural land. For this reason, we do not propose to make any detailed comments in relation to agricultural land quality and soils, although sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design/masterplan/Green Infrastructure. Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information in line with the Defra guidance.

Tree officer: The arboricultural report on this application appears to give accurate information as to the location, size, species and condition of trees and hedgerows on the site and the root protection areas required around them. There is some concern over the loss of agricultural hedgerow here if the proposal were to go ahead. Further information about landscaping and future replacement and mitigation green infrastructure would be required at the appropriate time within the planning process to enable proper consideration. Most of the trees within or adjacent to the site are around the edge and this allows for retention of them, even if the development were to go ahead. If consent was given, there would be some loss of hedgerow presently delineating field boundaries. Mitigation planting can be incorporated within the larger green areas being suggested around the site. Overall the development would have little impact on the trees/hedges present and there is the opportunity to increase the greening that presently exists.

Leisure: The Core Strategy of the North Lincolnshire Local Development Framework, policy CS23 states that developers will be expected to make an appropriate contribution towards necessary improvements or additional provision for recreation facilities arising from their development proposals. The occupiers of new development, especially residential, will generate demand for recreation provision. There are elements of existing provision within this area which will not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Sports facility calculators have been developed by Sport England for planning obligation purposes associated with leisure facilities. These calculators are used to determine the value of contribution required as a consequence of the development to support improvements at the catchment leisure facility as on site development of leisure facilities is both inappropriate and impractical. Across North Lincolnshire as a whole, the average occupancy per new household is calculated using an average figure of 2.36. Applying this to the calculation forecasts an additional population of 31.

Outdoor natural grass pitches: The evidence base for outdoor recreation is identified in the North Lincolnshire Playing Pitches Strategy (PPS). There is a clearly identified need in the newly adopted PPS and the local football facilities plan (LFFP) to provide improved ancillary facilities/changing facilities to better meet the needs of a growing population in sub area 7. The enhancements of these facilities has particularly been noted in the PPS in reference to sub area 7 and more specifically Pasture Road Field. Added to this it is noted that Pasture Road playing field is overplayed, with poor natural drainage. Investment is needed to support the additional demand.

Sports facility: The evidence base for recreation within the swimming pool facility shows within the sub area 7 catchment at Barton community Hub is at capacity. Baysgarth Community Hub has one of the smallest pools in North Lincolnshire with a single offer that is 20m x 8m consisting of four lanes. Barton upon Humber is an area of high demand for

swimming and investment is required to improve the facility, including the poolside, changing village and sports hall facilities. Developer contributions would be used towards meeting these costs.

Indoor bowls: Indoor bowling centres are a very important facility type for people aged 60+. Participation in indoor bowling is highest in the five-year age bands from 65–80+ for both genders and is highest in the 80+ age band for males and the 75–79 age band for females. This importance is recognised by North Lincolnshire Council with the initial provision of the Scunthorpe IBC, continuing investment in the centre with upgraded rink lighting, and replacement of the carpets. The evidence base for the indoor bowling centre demonstrates that the facility serves the whole of the North Lincolnshire population and is the only provision of this type. Capital investment to address sufficiency, quality and access is required. Developer contributions would be used towards meeting these costs.

Developer contributions: It is therefore appropriate that leisure provision should be added to the planning requirements for developer contributions based on the following allocation:

A total contribution of £300,796 is required if this application is successful.

Broken down as follows:

- £63,145 for improvements towards natural turf pitches within sub area 7
- £102,408 for improving the ancillary/changing facilities infrastructure, specifically towards supporting the existing football infrastructure
- £130,719 for improvements towards swimming pools within sub area 7
- £4,524 for improvements towards the Indoor Bowls facility.

Sport England: Originally objected as the proposal will generate demand for sporting provision and this is not addressed in the current planning application.

Further comments: Sport England's comments are to provide evidence of sporting need to assist the council in negotiations with the applicant in assessing the contributions towards sport in the local area. We are not necessarily prescriptive on the exact amount of money nor where it is spent. We would expect any figure to be based on local evidence and intelligence. We note the council's leisure services are requesting a contribution of £300,796 for different leisure contributions which are evidenced. Sport England would be willing to support the contributions proposed by leisure services. Sport England's default position is to maintain its objection to this planning application until a Section 106 agreement or other mechanism has been delivered to secure the contributions towards sports facilities. Sport England can confirm that once a Section 106 agreement or other mechanism has been signed and completed Sport England will withdraw its objection to this planning application.

Education: Contributions for both primary and secondary school places are requested.

Humberside Fire and Rescue: General comments in relation to adequate access for fire-fighting being provided to all buildings or extensions to buildings, and adequate provision of water supplies for fire-fighting appropriate to the proposed risk. If the public supplies are inadequate it may be necessary to augment them by the provision of on-site facilities.

Humberside Police: No objection. Provides general advice in relation to any reserved matters application to be submitted. Comments about road safety and the proposed site entrance/exit at Brigg Road as there is potential for collisions due to high speeds along Brigg roads and limited visibility. The junction needs to be designed appropriately to prevent this. Consideration should be given to extend the 30mph speed limit out into the rural area.

TOWN COUNCIL

Objects on the grounds of:

- the impact and pressure on the roads with increased traffic
- the application is outside the allocated development area in the North Lincolnshire Local Plan.
- there is no evidence that there is a need for this development
- this development would increase pressure on the town infrastructure, including healthcare services
- there would be increased pressure on the current sewage system and water pressure.

PUBLICITY

Advertised by site and press notice. Over 240 letters of objection have been received, 5 letters of no objection and 29 letters of support. The letters of objections raise the following issues:

- loss of agricultural land
- increased burden on amenities
- loss of/impact on historic value of Barton
- loss of habitat
- access is dangerous to highway users
- the site is in the open countryside
- increased traffic and objection
- a bypass should be built
- cumulative impact with other developments in the town
- the site not located close to the town centre
- need for additional infrastructure
- flooding
- lack of parking in the town

- not an allocated housing site
- drainage and sewage issues in Barton
- no need for this development
- loss of gateway to the town
- the roundabout at Holydyke and Brigg Road needs upgrading
- impact on air quality and climate change and increase in emissions
- loss of trees and hedgerows
- other brownfield sites are available.

The letters of support raise the following issues:

- support for retail and employment
- increase in homes
- improved biodiversity
- improved bus service
- enables business growth
- provision of allotments
- contributions to services.

STATEMENT OF COMMUNITY INVOLVEMENT

The applicant has submitted details of the community engagement that has taken place in relation to the application. These took place during the Covid 19 pandemic. This involved a virtual community consultation event, presentation to the town council and two separate sessions that took place in August 2021 (public engagement exhibition) and October 2021 (Design workshop – 2nd exhibition event). Other undertakings included a leaflet drop, a dedicated micro site (online), press releases, personal visits to residents on Horkstow Road, virtual meeting with the business manager at the Central Surgery medical centre, individual letters to residents, virtual exhibition. Engagement also took place with local schools, doctor's surgery and a number of community groups. The online and exhibition events were well attended. Sixty-three people attended the exhibition events with over 1,781 visits to the Barton upon Humber webpage during July to November 2021. Documents associated with the community engagement have been submitted with the planning application.

The main issues raised during the consultation event related to no further development in Barton until the relief road has been delivered, design matters, access and highway issues, flooding, drainage, bungalows and affordable housing and four-bedroom dwellings are required, more facilities should be provided on the site, over-development, loss of ecology,

brownfield land should be developed, lack of capacity for schools and health facilities, inadequate infrastructure.

In terms of design preference, the design workshop comprised master planning the site. The indicative site layout has taken into account comments that the development should be of a similar scale and density to existing housing in the local area and that it should be a high-quality development that includes affordable homes. Open space provides the main focus for the development and responds to the local desire to provide space for recreation through a network of footpaths. A wide range of different types of open space have been provided within the indicative masterplan.

In response to residents' comments, bungalows have been included within the site to meet local needs. With regard to concerns raised over speeding vehicles and highway safety on Brigg Road, appropriate visibility splays have been included within the proposals and a gateway feature is proposed in this location to reduce vehicle speeds as they enter the settlement. Residents complained about the lack of a footpath on the central section of Horkstow Road. This has influenced the proposal to include a footpath to the north side of Horkstow Road that provides a paved footpath for the entirety of this road. The developer contributions package proposed includes contributions for sustainable transport which will be used to provide a bus route that would service the existing residents of the Tofts Road estate, in addition to the new housing.

ASSESSMENT

The site

The site is approximately 26.3 hectares and is outside the development boundary of Barton upon Humber. Barton is identified as a market town in the Core Strategy. The site is bounded by Horkstow Road to the north, Brigg Road to the east, hedgerow to the south and the A15 to the west. Hedging and trees surround part of the site boundaries. The site comprises agricultural land which is currently in active production. There is an existing farm access into the site from Horkstow Road. The site is not flat: the land generally falls from the south with the lowest part of the site in the centre and a more gradual rise towards Horkstow Road. The site lies in Flood Zone 1 of the council's SFRA and is therefore at low risk of flooding. The town centre is approximately 1km to the north. The site lies within close proximity of the Humber Estuary SPA/SAC/SSSI/Ramsar site. The site lies adjacent to the Barton conservation area. The nearest listed building to the site is Baysgarth Museum to the north. A public footpath (PROW 37) runs through agricultural land to the east. North Lincolnshire Council has submitted a boundary variation to Natural England for the Lincolnshire Wolds AONB which would bring the boundary closer to Barton and potentially cover the site/part of the application site if approved.

The proposal

The proposal is for up to 390 dwellings with associated infrastructure. The proposal is an outline application with all matters reserved for subsequent consideration, apart from access. Detailed approval is sought at this stage for two points of access: from Brigg Road and from Horkstow Road. The proposed site access on Brigg Road is via a new ghost island right-turn priority T-junction. A priority crossroads is proposed at the junction with Horkstow Road and Tofts Road. The site access junction has been designed to give priority to the north-south movement. The two arms of Horkstow Road will be the minor arms giving way to the site access and Tofts Road.

Indicative masterplans have been submitted as part of the application. The applicant has provided an indicative housing mix for the scheme which is a mix of one, two, three and four-bedroom properties and has specified within the submitted planning statement that the development will provide 20% affordable housing. The applicant has submitted a multifunctional landscape and open space strategy, with the application outlining details of open space (formal and informal recreational spaces) proposed for the site, the open space comprising 13.7 hectares. A rationale for the design and masterplan has been submitted. In essence, the applicant's vision for the site is for 'a new sustainable urban extension accompanied by a strong landscape-led masterplan framework. New and existing residents will have access to a significant amount of new and usable outdoor space inclusive of food-production opportunities, areas that encourage community cohesion and space to play and exercise. Character will be inspired by local materials, forms and spaces and by respecting and responding positively to views of the Humber Bridge and the existing Barton upon Humber settlement which visually connect the new community to the existing.'

Planning history

There is no relevant planning history for the site.

Material considerations

The main issues in the determination of this application are the principle of development, highway safety, flood risk, drainage, character, appearance and landscape, loss of agricultural land, ecology and biodiversity, trees and hedgerows, impact on the conservation area and listed buildings, archaeology, noise, air quality, contamination and residential amenity.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. 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). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing that seek to restrict housing outside settlements should not be considered up to date if a five-year supply cannot be demonstrated. The presumption in favour of sustainable development means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application when assessed against the policies of the NPPF.

The North Lincolnshire Five Year Housing Land Supply Statement states that North Lincolnshire can demonstrate a 5.64-year supply between 1 April 2021 to 31 March 2026. Accordingly, the local planning authority has demonstrated a five-year supply of housing and housing applications should be considered in the context of the local development plan.

The application site is outside of a defined development boundary and is therefore classed as open countryside for the purposes of planning. The main issue is whether the principle of developing this site for residential purposes is acceptable in policy terms.

Policy CS2 Delivering More Sustainable Development sets out how the principle elements of policy CS1 that make up the overall spatial strategy will be implemented using a sequential approach to the location of future development that is based on the settlement hierarchy and taking into account other sustainability criteria. 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 require a countryside location or which will contribute to the sustainable development of the tourist industry.

All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the overall spatial strategy together with the following sustainable development principles:

- be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport; it should be compliant with public transport accessibility criteria as set out in the Regional Spatial Strategy
- be located where it can make the best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints and deliverable transport improvements particularly in relation to junctions on the Strategic Road Network
- where large freight movements are involved the use of rail and water transport should be maximised
- contribute towards the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities
- contribute to achieving sustainable economic development to support a competitive business and industrial sector
- ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives
- ensure the appropriate provision of services, facilities and infrastructure to meet the needs of the development, but where appropriate it is to be recognised that a phased approach may not be required on small scale development proposals.

Policy CS3 provides that outside development boundaries, the development will be restricted to that which is essential to the functioning of the countryside. In local planning terms, the site is outside the development boundary of Barton and within the open countryside. As indicated earlier, development outside the defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as those related to agriculture, forestry or other uses which require a countryside location or that which will contribute to the sustainable development of the tourist industry. To summarise, the application site is located within the open countryside and is strictly contrary to local planning policy which seeks to protect such areas from inappropriate uses and unsustainable development.

Policy CS8 of the Core Strategy 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. About rural settlements, the policy states

that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Policy RD2 of the North Lincolnshire Local Plan sets out the type of development that is appropriate in the open countryside and the criteria against which all applications in the countryside will be assessed. Policy RD2 only supports residential development in the countryside where it is to meet some essential countryside need, such as farm workers' dwellings.

The proposed development is contrary to these policies as it is primarily for market housing not essential to the functioning of the countryside, or any rural business, nor does it meet any special need associated with the open countryside. Given the siting, the proposed development would be outside the defined development boundary for Barton upon Humber and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

It should be noted that the council are able to demonstrate a five-year housing land supply.

Since the proposal conflicts with policy RD2 of the North Lincolnshire Local Plan and policies CS2, CS3 and CS8 of the Core Strategy, a full assessment of the proposal and supporting documents should be carried out to establish if they are of sufficient weight to merit departing from the development plan. Paragraph 2 of the NPPF (2021) states that, 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'. The technical impacts of the proposal are assessed below.

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 and general highway safety. Both policies are considered relevant. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

In terms of highway matters there are two access points for the development: on Horkstow Road and Brigg Road. The applicant has submitted a transport assessment (TA) with the application, additional information in relation to National Highways' and NLC Highways' original comments on the application, provided plans of the proposed accesses, submitted details of walking routes, bus routes and bus stops and a travel framework plan.

It is noted that the majority of the objections raise highway issues. National Highways and Highways have been consulted on the proposals and are raising no objections. In terms of National Highways it is considered that the proposed development is not expected to materially impact the strategic road network.

In terms of NLC Highways, a through assessment of the proposal based on the submitted information and the council's evidence base has been carried out. The trip generation for the proposed development has been assessed and it is concluded that the proposal will have a minimal impact on the A1077, particularly on the Hungate mini-roundabout as the location of the application site can be accessed from various directions, thus dispersing the

impact of development traffic on the existing highway network. From the modelling information contained within the transport assessment submitted with the application, it is extremely unlikely that pm peak development trips would be travelling along the A1077 to Hungate mini-roundabout and Highways are satisfied that that the proposed development would not have an adverse impact on the roundabout.

In terms of the impact on Horkstow Road, the TA states that Horkstow Road is unlikely to be significantly affected by development traffic as the proposed layout of the site is designed such to make the use of Horkstow Road unattractive. After assessing the evidence, Highways agree with this statement and are requesting footway improvements along Horkstow Road to provide pedestrian enhancements. There is sufficient space within the adopted highway to provide these, and these works can be conditioned. Highways are also recommending an S106 contribution to extend the speed limit to 30 mph westwards on Horkstow Road.

In terms of Tofts Road, this will experience a significant increase in traffic flows as a result of the proposed development. Whilst the majority of Tofts Road could accommodate this increase in traffic from the development, there is a short section of single track carriageway, just to the north of Horkstow Road, which cannot accommodate any increase in vehicular traffic. As a result, localised widening works would be required, including the provision of footways to this section of the carriageway. There is sufficient space within the adopted highway to accommodate these works and these can be carried by an S278 (highway) agreement. Subject to these works and planning conditions, the impact the development will have on Tofts Road is acceptable.

In terms of Brigg Road, a site access is proposed. There is a 30mph speed limit which terminates close to the proposed site access. The existing 30mph speed limit would need extending southwards and the submitted TA also suggests a gateway feature at this point. A footway on Brigg Road along the site frontage will need to be provided, which connects into the existing facility to the north. These matters could be conditioned and it is worth noting that Environment Health are also recommending a speed limit of 30mh on Brigg Road, adjacent to the site, to reduce road traffic noise.

Junction capacity assessments have been carried out on a number of junctions on/adjacent to the site. These assessments/modelling have revealed that all junctions operate with spare capacity in the baseline year; therefore, there are no existing capacity issues at these junctions. Accident data has been analysed and does not indicate any road safety concerns, which would be exacerbated by the proposed development.

The council has proposals for a relief road around Barton to reduce traffic flows and congestion at peak times on the A1077 through the town centre. The applicant has considered the proposed relief road within the submitted TA, with the TA prepared on the presumption that the link road is not in situ. It is not envisaged that the proposals would prejudice the delivery of the link road. The timescales for the relief road are currently unknown, however it is unlikely to be completed by the future year assessment period used in the TA.

Highways are proposing an S106 contribution of £3,000 to extend the speed limit to 30 mph westwards on Horkstow Road. Highways are also recommending a series of conditions which include the submission of a phasing plan, details of the junction improvement works within the adopted highway (including the site accesses for Brigg Road and Horkstow Road), details of bus stop infrastructure, cycle facilities, footways, lighting, proposed

improvements to Tofts Road (including details of carriageway widening, drainage, street lighting and footways, lighting and lining arrangements), the reduction in the speed limit on Brigg Road to 30mph, and a series of conditions relating to adequate car parking on the site, access, visibility and travel plans.

In terms of sustainable transport, following discussions with the developer, public transport are requesting S106 contributions towards a bus service which extends the existing services that already serve Barton to go through the proposed site on a half hourly basis, funding of bus tickets and Stagecoach welcome packs. These contributions will improve the sustainability of the scheme and allow for greater access to more sustainable transport modes for occupiers of the development.

The proposal is considered to be acceptable in highway terms and, subject to the proposed S106 contributions and planning conditions, aligns with the NPPF, policy CS25 of the Core Strategy, and policies T1, T2 and T19 of the North Lincolnshire Local Plan.

Flood risk

Policy CS19 of the Core Strategy and policy DS16 of the NLLP are concerned with flood risk. A flood risk assessment FRA has been submitted with the application. The application site is within flood zone 1 and therefore is a preferred place for development in terms of flood risk. The sequential and exceptions test are not required to be undertaken for this development as it lies in flood zone 1. The Environment Agency has been consulted on the proposal and raise no objections in terms of flood risk. The proposal is therefore considered to be acceptable in terms of flood risk and aligns with the NPPF, policy CS19 of the Core strategy and policy DS16 of the NLLP.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk and policy CS18 of the Core Strategy is concerned with sustainable resource use and climate change, whilst policy DS14 of the NLLP is concerned with foul sewage and surface water drainage.

The applicant has submitted a drainage strategy with the application. The use of infiltration on the site has been discounted due to the site constraints. Surface water is proposed to drain into the ditch in the north-eastern corner of the site adjacent to Horkstow Road. It is proposed that the existing A15 culvert through the site be replaced with a central swale running through the site. Attenuation ponds are also proposed for the storage of the site as part of the drainage strategy

The EA, LLFA and Anglian Water have been consulted on the proposals and are not raising any objection in terms of drainage. In terms of surface water drainage, whilst the LLFA consider there are some fundamental design issues to resolve, they are requesting conditions relating to a scheme for the provision of surface water drainage for the site to be submitted to and approved in writing by the local planning authority, which will need to include a number of criteria specified by the LLFA, and also conditions relating to preventing surface water run-off from the site onto the highway and vice versa. Subject to these conditions, the proposal would align with the NPPF, policies CS18 and CS19 of the CS, and DS14 of the NLLP.

In terms of foul water drainage, the EA have commented that the Barton upon Humber Water Recycling Centre (WRC) would currently only be able to accommodate a portion of the expected foul sewage from this proposed development. Anglian Water have also

confirmed in their consultation response that the Barton-on-Humber Water Recycling Centre currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the local planning authority grant permission. In light of this, the EA are requesting a condition to ensure that no dwellings are occupied until capacity has been provided/confirmed to treat the foul sewage from those dwellings. Anglian Water are not recommending any conditions, but are recommending informatives relating to connection to public sewer and building near a public sewer. Subject to the planning condition recommended by the EA to ensure there is capacity for the additional foul sewage the development will create and conditions relating to details of the foul drainage for the site to be submitted for approval by the local planning authority, the development is considered to be acceptable in terms of drainage. The proposal will therefore align with the NPPF, policies CS18 and CS19 of the CS, and DS14 of the NLLP.

Impact on the character and appearance of the area and on the landscape

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach to assessing those developments. The second part is of interest here 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 Core Strategy is relevant and 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.' Policies H5 and H8 the local plan, which are concerned with new housing development, and paragraph 130 of the NPPF, are relevant, though the criteria-based nature of policy H5 lends itself better to the assessment of any subsequent reserved matters application.

Policy LC7 of the local plan is relevant and states, 'Where development is permitted within rural settlements or within the open countryside, 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.'

Policy LC12 of the local plan is relevant and states, 'Proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements.'

The applicant has submitted a landscape and visual appraisal for the site (LVA) and an open space and landscape framework with the application. The submitted LVA concludes that the site and the immediate landscape is of medium landscape value and that 'overall, it is considered that the proposed residential development of the site, following an appropriate and well-considered layout, has the potential to be successfully integrated into the local

surroundings and would not give rise to unacceptable harm to the landscape and visual receptors.'

The local planning authority has carefully assessed all the submitted information, the relevant policies and the council's Countryside Design Summary (CDS) and Landscape Character Assessment and Guidelines. It is acknowledged that the site has no formal landscape designation, but is it a valued landscape comprising agricultural land (some of which is the BMV) and hedgerows. Furthermore, there is a proposal to extend the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) to include this site. The site falls within the 'Lincolnshire Wolds' Character Area within North Lincolnshire Landscape Character Assessment and Guidelines and within the 'Open Rolling High Farmland' Local Landscape Type. The site is a large open area of rolling open agricultural land which makes a positive contribution to the landscape on this settlement edge of Barton. The site is not level: it rises and falls as per the character type set out in the CDS. The proposal would be visible from a number of vantage points, including Brigg Road, Horkstow Road, from the A15, from the conservation area and from the PROW located to the east of the application site. The proposal will extend the settlement edge south, bringing the settlement onto higher ground, breaking the skyline from some directions and potentially impacting the view of the Humber Bridge (Grade 1 listed building).

Whilst the details of the scheme, including landscaping, would be reserved matters, the development of the large area of agricultural land would result in an encroachment of built form within this transitional landscape and would, in effect, create an urban extension to Barton due to the sheer scale and size of the development proposed. The erosion of this transitional landscape would result in harm to its character and appearance and its wider setting. The development would detract from the positive contribution the application site makes to the landscape type and character. Some hedgerows will be lost to facilitate the access. The hedgerows surrounding and within the site provide context for the local landscape type and this context would be lost if the site were to be developed for this residential scheme. In addition, the area could be included in the proposed extension to the AONB and therefore would become a nationally designated area.

There would be significant harm to the character and appearance of the area. In this regard, the proposal would conflict with the requirements of policies CS2 and CS8 of the Core Strategy and RD2 of the local plan. These policies state that planning permission will only be granted for development provided that it would not be detrimental to the character or appearance of the open countryside or a nearby settlement. These policies accord with paragraph 130 of the Framework which requires developments to be sympathetic to local character, and the surrounding built environment and landscape setting. In this regard, the proposal would conflict with the relevant provisions of the Framework. Overall, the proposed development is not considered to be acceptable in terms of its impact on the character and appearance of the area and as such the proposals would be contrary to policies H5, RD2, LC7, LC12 and DS1 of the local plan and CS5 of the Core Strategy.

Loss of agricultural land

The proposal will result in the loss of approximately 23.6 hectares of agricultural land. Planning records indicate that this is Grade 2 agricultural land (very good quality). The best and most versatile land is defined as Grades 1, 2 and 3a. The site is currently in agricultural production and was ploughed at the time of the case officer's site visit. Paragraph 174 b) of the NPPF states that, 'planning policies and decisions should contribute to and enhance the natural and local environment by 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.’ Footnote 58 of the NPPF states that ‘where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.’

Natural England, in their original consultation response, have expressed concern that no assessment has been provided of the potential impacts that the proposal will have on best and most versatile agricultural land (BMV). The applicant has submitted an agricultural land assessment report. This report provides a detailed analysis of the agricultural land in relation to a number of factors which include climatic limitations, site limitations, soil limitations and interactive limitations. This report concludes that majority of the application site is deemed to be Grade 3b with some areas classified as 3a. Grade 3a comprises 9.75 hectares and Grade 3b is 15.58 hectares. Natural England no longer want to comment any further on this matter as the proposed development would not appear to lead to the loss of over 20ha ‘best and most versatile’ (BMV) agricultural land.

Taking into consideration all the factors, including the applicant’s assessment of the agricultural land classification planning policy, the comments made by Natural England and the large swathes of BMV agricultural land around Barton, whilst the loss of this agricultural land is regrettable, it is not considered to have a substantial impact on the overall viability of farming or availability of quality agricultural land in the area.

Ecology and biodiversity

In terms of ecology, the site lies within 4.42km of the Humber estuary where there is potential for recreational pressure and potential impacts on the Humber Estuary SSSI, SAC, SPA and Ramsar, including:

- water-borne pollution, depending on the drainage and foul water proposals
- increased recreational disturbance of SPA/Ramsar qualifying waterbirds due to the increased population within 4.42 kilometres of the Humber
- disturbance and displacement of SPA/Ramsar waterbirds that may use land functionally, linked to the Humber Estuary for feeding, roosting and/or loafing.

The council will need to carry out a Habitat Regulations Assessment (HRA) for the development and there is a requirement for the applicant to provide information that is reasonably required for an HRA. The applicant has submitted various documents and surveys relating to birds, including migratory and wintering birds. These surveys have had to be carried out between July and March. A shadow HRA has also been undertaken by the applicant. Natural England have been consulted on these documents.

The indicative open space and landscape framework submitted with the application has been designed with significant provision of open space and circular walks on site. One of the key tasks for the Habitat Regulations Assessment is to assess whether this local/on-site provision will minimise dog-walking and other recreational journeys to the Humber Estuary, thus reducing the potential for recreational disturbance of SPA/Ramsar waterbirds. The applicant considers that adverse effects on the Habitats sites from recreational disturbance can be avoided through the proposed on-site provision of green space, together with the use of local access routes/provision that avoid accessing the habitat site.

Natural England consider there is insufficient information to confirm that the application will not have an adverse effect on the integrity of the Humber Estuary Special Protection Area (SPA) and Ramsar site. There is no evidence that the application site is functionally-linked land supporting waterbirds associated with the Humber Estuary SPA or Ramsar site.

Natural England have assessed the submitted Shadow HRA and the measures proposed to avoid/mitigate for any adverse effects. Natural England's advice is that, 'this assessment is not sufficiently rigorous or robust to allow your authority to reach this conclusion. Natural England advise that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the site in question' and advise the council that it should not grant planning permission at this stage. Whilst Natural England considers the Suitable Alternative Natural Green Space (SANG) mitigation measure to be of a suitable scale and location, Natural England require it to be managed in perpetuity and requires a Strategic Access Monitoring and Management scheme into which developers can contribute (SAMM). The SAMM measures typically involve developer payments towards wardening, information provision and site enhancements to minimise recreational disturbance of waterbirds using the designated site and functionally-linked land. North Lincolnshire Council does not operate such a scheme at present.

In terms of protective species, the submitted ecological impact assessment has carried out surveys in relation to protected species. Suitable mitigation and enhancement measures have been proposed within the assessment for the species recorded which the council's ecologist has found to be acceptable. Japanese knotweed is known to be present at the junction of Brigg Road and Horkstow Road and will need to be eradicated in accordance with the latest government guidance.

In terms of biodiversity net gain (BNG), the site is currently arable land of low biodiversity value. Hedgerows are species poor. Policy CS17, and paragraphs 174 and 175 of the NPPF, require net gains for biodiversity to be provided on site. The submitted BNG matrix provides an overall gain of 13.63 habitat units (21.40% gain) and 22.25 hedgerow units (112.13% gain). This will compensate for the loss of arable habitat and minor loss of hedgerow. Appropriate woodland, wet woodland, tree planting, SUDS and hedgerow species are set out in the submitted indicative open space and landscape framework. UK-origin wildflower and grass mixes are proposed.

It must be noted that Natural England comment in terms of biodiversity net gain that, 'BNG on SANGs is only attributable to habitat creation or enhancement that proves measurable additionality to the minimum requirements of the SANG. This needs to be demonstrated through use of the relevant Biodiversity metric (or as stipulated by the consenting body). For BNG to be delivered within a SANG, the SANG should achieve nature conservation outcomes that demonstrably exceed existing obligations under the SANG Guidance.'

In light of all the information submitted and Natural England's objection, it is considered that there is insufficient information to confirm that the application will not have an adverse effect on the integrity of the Humber Estuary Special Protection Area and Ramsar site. As a result, the proposal is currently contrary to paragraphs 174 and 180 of the NPPF, policy CS17 of the CS and policy LC1 of the NLLP.

Trees and hedgerows

Policy LC12 of the NLLP states that, 'proposals for all new development will, wherever possible ensure the retention of trees, woodland and hedgerows. Particular regard will be

given to the protection of these features within the setting of settlements.’ The site is agricultural land currently in active production. There are some trees on the site. An arboricultural survey has been submitted with the application. Most of the trees within or adjacent to the site are around the site boundaries and could be retained as part of the development. Some hedgerow loss will take place that presently delineates the field boundaries. Some hedgerow removal would occur to provide the proposed accesses for the development. The applicant’s submission indicates that substantial hedgerow planting is proposed to mitigate the loss of hedgerow to be removed. The submitted Ecology Impact Assessment confirms that there will be a gain of 22.25 hedgerow units (112.13% gain) on the site and the submitted Open Space and Landscape Framework, and Indicative Masterplan demonstrates how this hedgerow gain can be achieved on the site. The tree officer is raising no objections to the proposal as it is considered that the development would have little impact on hedges and trees and there are opportunities to increase the ‘greening’ that currently exists. Landscaping is a reserved matter and through any reserved matters application extensive and robust landscaping would be required, including the planting of new hedgerows and trees. In addition, planning conditions can be used to secure the net gain for hedgerows on the site and to secure tree protection measures for trees and hedgerows. The proposal, purely in terms of the retention of existing trees and hedgerows on the site, would subject to conditions to align with part of policy LC12 of the NLLP.

Impact on the conservation area and listed buildings

The application is located just outside the Barton conservation area and has potential to impact its setting. There are listed buildings to the north of the application site, the nearest being around 400m away. The submitted master plan indicates that the north-eastern corner of the site would not comprise buildings, but attenuation basins and green infrastructure. The council’s conservation officer has been consulted on the proposals and is raising no objections to the proposed development subject to conditions relating to the submission of external materials for the dwellings. In this case, although the site is adjacent to the Barton conservation area, the views from the parkland to the site are screened by planting and intervening buildings. In a similar fashion, views from the site into the conservation area are screened by planting and intervening buildings. This mitigates the impact of the development on how the conservation area is seen and experienced and as such there is no objection to the proposal. It is therefore considered, on balance, that the proposed development will not result in demonstrable harm to the setting of the conservation area. In terms of impact on the listed buildings to the north of the site, it is not considered that the proposal would adversely affect the setting of the adjacent listed buildings in the vicinity of the application site. The proposal, subject to the planning condition relating to materials, would accord with the NPPF, policy CS6 of the CS, and policies HE2 and HE5 of the NLLP.

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.'

In relation to this site, it is known to contain heritage assets of archaeological interest associated with a Roman coin hoard and an undated enclosure system and has high potential for the discovery of further remains. The applicant has submitted a desk-based assessment and geophysical survey report identifying features recorded to date; however, there was insufficient information to assess the significance of the archaeological potential or to address the applicant's proposals for mitigation of impact. Following HER concerns, the applicant has commissioned a programme of archaeological trial trenching to complete the archaeological field evaluation and inform the assessment of archaeological significance. HER found the trial trenching to be satisfactory and it has established the extent of the archaeological interest within the site. It has been ascertained that whilst the archaeology does not meet the criteria for national importance, it is of potential regional and/or local importance. In light of all the evidence available, HER has no objections to the proposal subject to conditions relating to detailed archaeological mitigation and management strategies. Subject to conditions, therefore, the proposal aligns with the NPPF, policy CS6 of the CS and policy HE9 of the NLLP.

Noise

Policy DS1 of the local plan is partly concerned with impacts upon residential amenity. It 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 DS11 of the North Lincolnshire 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 the 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, result in land contamination, pose a threat to current and future surface or underground water resources, or create adverse environmental conditions likely to affect nearby developments and adjacent areas.

Paragraph 185 'a' of the NPPF states, '...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.'

The site is adjacent to the A15 and Brigg Road. There is, therefore, potential for noise disturbance to future residents from road traffic noise. A noise assessment and additional information in relation to noise has been submitted by the applicant. Environmental Protection have been consulted on this submitted information and raise no objections to the proposal in terms of noise, subject to conditions. These conditions relate to the provision of a noise mitigation scheme to be submitted to and approved by the local planning authority, details for the erection of an earth bund on the boundary of the site adjacent to the A15, details for the provision of an acoustic barrier to be erected at properties located closest to Brigg Road and the A15 on the site, and the speed limit on Brigg Road bordering the site to be reduced to 30mph. Subject to these conditions to reduce the impact of road traffic noise

on the proposed dwellings, the proposal would align with the NPPF, and DS1 and DS11 of the NLLP.

Air quality

Policy CS18 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 council's Environmental Protection Department have assessed the proposal and have proposed a condition that, prior to development, a scheme for electric charging points shall be submitted to and agreed in writing with the local planning authority. The request is considered to be in accordance with the above policy requirements and would be attached to any permission to mitigate the impact upon air quality generated by the development. It is considered (if planning permission was recommended for approval) that the imposition of this condition would not only satisfy policy CS18 of the Core Strategy, but also DS11 of the local plan by making a positive impact upon the reduction of polluting activities.

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 submitted a desk-top study in relation to contamination. The initial preliminary risk assessment, based on a residential end use, determines the risk to future site users and the environment from potential contamination located at the site to be low. However, the submitted desk-top study recommends that an intrusive ground investigation is undertaken at the site to confirm the findings in the initial preliminary risk assessment. The environmental protection officer is recommending a phase 1 site investigation, including remediation and verification reports, be submitted to and agreed with the local planning authority to ensure the site is safe for future users and construction workers. Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the NLLP.

Residential amenity

In terms of residential amenity, it is considered that a scheme could potentially be designed and laid out on the site to ensure that overlooking and privacy issues were avoided between the proposed dwellings within the site and between proposed and existing dwellings surrounding the site. The site constraints, such as the topography, mitigation measures required for noise, and access requirements, for example, would need to be taken into consideration in the design of the layout, scale, appearance and landscaping of the site. These matters would be assessed in detail at reserved matters stage.

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 obligations that are necessary to make proposals acceptable in planning terms.

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 57 of the National Planning Policy Framework 2021. The heads of terms for the developer contributions are set out below. At the time of drafting this report, the heads of terms were being considered by the applicant and the planning committee will be verbally updated on the applicant's response to them.

Affordable housing

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in 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 in certain circumstances. Under policy CS9, the site requires 20% of the total number of dwellings to be provided on the site to be affordable. Based on up to 390 dwellings, this will equate to up to 78 affordable dwellings on the site.

Public open space and leisure

Public open space and leisure 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 0.5ha 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.

The recreation department has requested an off-site contribution of £300,796 for the following sporting facilities which has been endorsed by Sport England:

- £63,145 for improvements towards natural turf pitches within sub area 7
- £102,408 for improving the ancillary/changing facilities infrastructure, specifically towards supporting the existing football infrastructure

- £130,719 for improvements towards Swimming pools within sub area 7
- £4,524 for improvements towards the Indoor Bowls facility.

With regard to open space, a minimum of 10sqm of open space is to be provided on site, the provision of two LEAPs on site and the financial contribution amount for two other LEAPs to go towards additional facilities at Baysgarth Park of £108,212.

Education

A contribution of £9,836 per dwelling is required towards primary and secondary education which excludes affordable units.

Public transport and highways

A contribution of £3,000 is required to extend the speed limit to 30mph westwards on Horkstow Road to cover the legal order and signage that would be required.

A financial contribution of £625,672 is required for a bus service, a financial contribution towards bus tickets of £28,080 (developer funds 60% of the £120 ticket; Stagecoach fund 40%) and Stagecoach welcome packs of £975.

Obligations summary

The proposed on- and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9, CS23, CS25 and CS27 of the North Lincolnshire Core Strategy, C1 and H10 of the North Lincolnshire Local Plan, and paragraph 57 of the NPPF. The heads of terms have been put to the applicant in respect of education, public open space, leisure, recreation, highways, public transport and affordable housing. The applicant has agreed all the requested S106 contributions required to mitigate the impacts of the development. The applicant does not agree at this stage with the proposed trigger point for the open space and SUDS, and is suggesting an alternative trigger point. This trigger point would be subject to continued discussion/negotiation had this planning application been considered acceptable by the council.

The applicant's justification

The proposal is contrary to the development plan. The applicant has put forward the following justification in support of the proposal which can be summarised as follows:

- The council does not have a five-year land supply of deliverable sites and the proposal should be assessed against the presumption of sustainable development set out in NPPF (para 11d).
- Assessing the proposal against three dimensions of sustainable development, the development is considered to provide a significant contribution to all three dimensions of sustainability. The development will provide socio-economic benefits.
- The presumption in favour of sustainable development is a significant material consideration which justifies a decision other than in accordance with the development plan in this case. Significant weight should be attributed to the delivery of housing in this planning balance.

- Barton upon Humber is a suitable location for development and the proposed development site is available now. It is a deliverable housing site that can immediately contribute to the council's five year supply of housing. Several housebuilders have already declared an 'expression of interest' in the site.
- The development promotes sustainable transport by locating new housing within walking distance of a number of local services within the town, including the primary and secondary schools. A series of off-site proposed crossings with dropped kerbs will be delivered on routes to key services to ensure safe and direct pedestrian access is provided to local services and amenities. A new footpath is proposed to improve pedestrian connectivity on Horkstow Road and a pedestrian refuge island is proposed on Brigg Road.
- The proposed enhancements achieve a Biodiversity Net Gain of 21.70% Habitat units, and 112.13% Hedgerow Units ensure positive benefits for biodiversity as a result of the development.
- The illustrative framework has been designed to preserve the identified area of archaeological significance leaving this as an area of open space with no substantive trees.
- The proposal will comprise active frontages to dovetail into the surrounding existing built environment and to create a strong sense of place, whilst adhering to good urban design principles

Planning balance

The proposal will result in a number of benefits, including increasing housing supply if the scheme was delivered, creation of affordable homes, creation of jobs during and post construction, increase in council tax, increase expenditure by new occupiers in Barton, provision of open space, contributions towards schools, leisure facilities, improved bus service in Barton, highway and pedestrian improvements, for example. These benefits, whilst acknowledged within the planning balance, are not sufficient to override the fundamental planning policy objections to the proposal. The planning policies related to this application are not considered to be out-of-date and are consistent with the NPPF. In terms of housing supply, the council maintains it has a five-year land supply of deliverable sites. The Housing Delivery Test results for North Lincolnshire over the past three years are as follows: 2019 = 75%, 2020 = 94% and 2021 = 113%. It can clearly be seen that the council has made significant increases in the delivery of housing since 2019. Paragraph 11(d) of the NPPF is therefore not triggered and engaged in this case.

The development may well promote public transport but this is a consequence of the development, and all new development should promote sustainable public transport in order to reduce the reliance of private vehicles. The net gain for biodiversity on the site is also acknowledged. The provision of BNG on the site is noted, but BNG should be provided on development sites of this nature. Insufficient information has been submitted to demonstrate the proposed development will not have an adverse impact on the SPA. The proposal will result in the loss of good quality agricultural land and would harm the character and appearance of the area and the landscape which would be completely changed creating essentially an unplanned urban extension of Barton. The justification that the illustrative framework has been designed to preserve the identified area of archaeological significance is noted. However, the development will result in disturbance to

archaeological deposits on the site that without it would have remained largely undisturbed, allowing access to this archaeology for future generations. The issue of design is noted, but this has little weight in the planning balance as appearance, scale and layout are all reserved matters and are not considered within this outline application. The benefits of the proposal are not sufficient to override the conflict with the development plan, potential adverse impact on the SPA and the adverse impact on character and appearance of the area and on the landscape.

Conclusion

In conclusion, the development is for outline planning permission for up to 390 dwellings that lies outside the development limits of Barton upon Humber as defined in the local development plan. The site is not identified as a housing allocation in the North Lincolnshire Local Development Plan.

The council can currently demonstrate a deliverable five-year housing land supply as set out in the North Lincolnshire Five Year Housing Land Supply Statement. In accordance with NPPF paragraph 11(d), the local plan's relevant policies for the supply of housing can be considered up to date.

This development proposal is considered to represent a departure from the development plan and planning policy contained within the NPPF. The proposal is therefore not acceptable in principle.

The proposal is considered to have an adverse impact on the character and appearance of the area and detract from the positive contribution the site makes to the landscape type and character. The development would have an urbanising effect on the rural area and would result in a prominent encroachment of built development into the open countryside that would detract from the rural character and appearance of the area.

Insufficient information has been submitted to demonstrate that the proposed development will not have an adverse effect on the integrity of the Humber Estuary Special Protection Area and Ramsar.

The local planning authority has assessed all the evidence submitted with the application to establish if there are material considerations that override the planning policies for the site and the proposed development. Whilst the proposal will result in a number of benefits, it is considered, when the planning balance is applied, that overall the proposal would conflict with the council's strategic policies and would result in demonstrable harm to the character and appearance of the area, and on the landscape, and it has not been demonstrated that the proposed development will not have an adverse effect on the integrity of the Humber Estuary Special Protection Area (SPA) and Ramsar. For the reasons set out above, the proposal would conflict with the development plan and Framework when read as a whole.

RECOMMENDATION Refuse permission for the following reasons:

1.

The site is outside the defined development limits of Barton upon Humber which is a Market Town as defined within the Core Strategy 2011. Therefore, the proposals are in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the North Lincolnshire Local Plan. These policies are consistent with the National Planning Policy Framework. As such, substantial weight has been given to the conflict with these policies. Overall, the proposals would conflict with the overall spatial strategy of the development plan.

2.

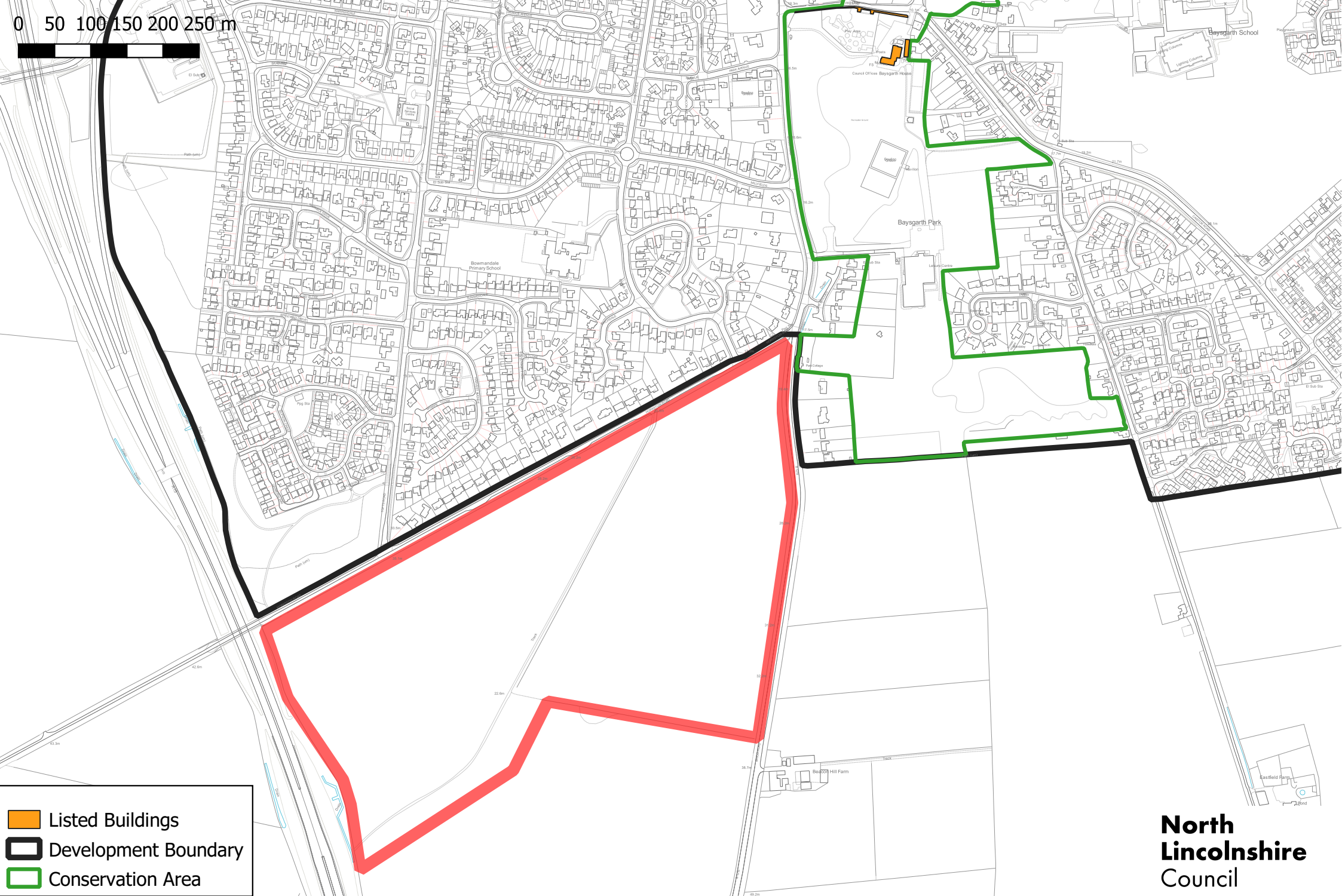
The proposal, by virtue of its location, size and scale, would cause significant harm to the character and appearance of the area and would detract from the positive contribution the site makes to the landscape type and character. The proposal therefore conflicts with the requirements of policies CS2 and CS8 of the Core Strategy and RD2 of the North Lincolnshire Local Plan. These policies state that planning permission will only be granted for development provided that it would not be detrimental to the character or appearance of the open countryside or a nearby settlement. These policies accord with paragraph 130 of the National Planning Policy Framework which requires developments to be sympathetic to local character, and the surrounding built environment and landscape setting. In this regard, the proposals would conflict with the relevant provisions of the Framework. Overall, the proposed development is not considered to be acceptable in terms of its impact on the character and appearance of the area and on the landscape, and as such the proposals would be contrary to policies CS5 of the Core Strategy, and H5, RD2, LC7 and DS1 of the North Lincolnshire Local Plan.




3.

Insufficient information has been submitted to demonstrate that the proposed development will not have an adverse effect on the integrity of the Humber Estuary Special Protection Area (SPA) and Ramsar site. As a result, the proposal is currently contrary to paragraphs 174 and 180 of the National Planning Policy Framework, policy CS17 of the Core Strategy and policy LC1 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.



-  Listed Buildings
-  Development Boundary
-  Conservation Area

**North
Lincolnshire
Council**

PA/2021/2151

PA/2021/2151 Indicative Masterplan (not to scale)



Key

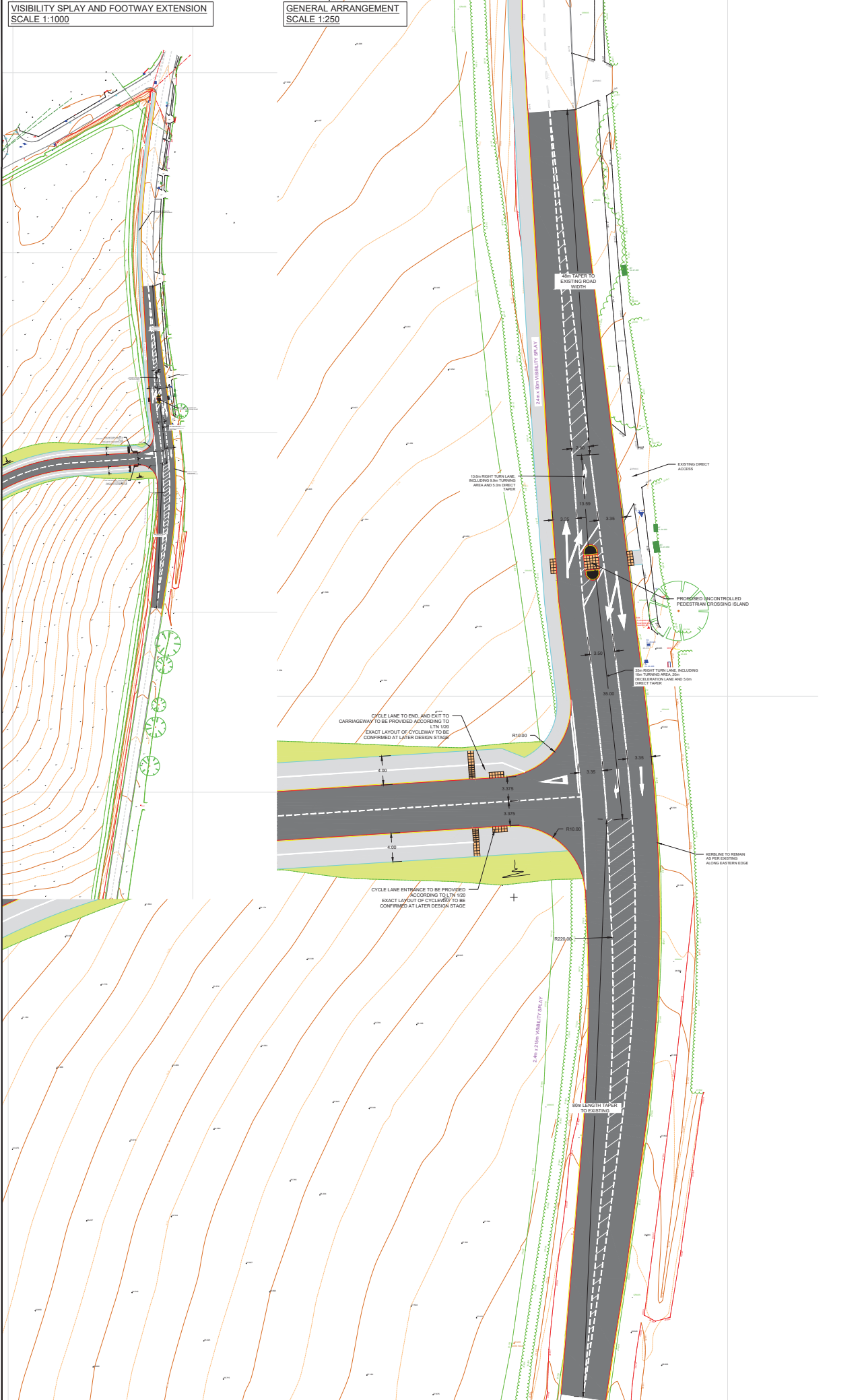
Scale	1:1000
North Arrow	North
Client	City of London
Project	PA/2021/2151
Planning Application	November 2021
PA Drawing	05
Site Name	BARTON UPON HUMBER
Indicative Masterplan	PA/21/05
Scale	1:1000

Urban Design
Indicative Masterplan

VISIBILITY SPLAY AND FOOTWAY EXTENSION
SCALE 1:1000

GENERAL ARRANGEMENT
SCALE 1:250

- KEY:**
- PROPOSED ROAD SURFACING
 - PROPOSED FOOTWAY
 - EARTHWORKS (1 IN 3 MAX)
 - PROPOSED CENTRELINE ALIGNMENT
 - VISIBILITY SPLAY
- NOTE:**
1. ALL UNITS ARE IN METRES UNLESS STATED OTHERWISE
 2. ROAD GEOMETRY HAS BEEN DESIGNED TO SUIT MANUAL FOR STREETS AND DMRB STANDARDS.
 3. TOPOGRAPHICAL SURVEY SHOWN WAS CARRIED OUT IN MARCH 2021 BY CASTLE KEEP SURVEYS.
 4. DESIGN SHOWN IS PRELIMINARY AND SUBJECT TO FURTHER DESIGN DEVELOPMENT
 5. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH DRAWINGS NT15292-003, 004 & 005.
 6. LOCATIONS OF PROPOSED PEDESTRIAN/ CYCLEWAY CROSSINGS TO BE DESIGNED AT DETAILED DESIGN STAGE.
 7. ALL ROAD MARKINGS SHOWN ARE INDICATIVE AND WILL BE CONFIRMED AT DETAILED DESIGN STAGE.



PA/2021/2151 Proposed site access (Brigg Road) (not to scale)

Notes:

Revision	Description	Drawn	Checked	Date

Scale:

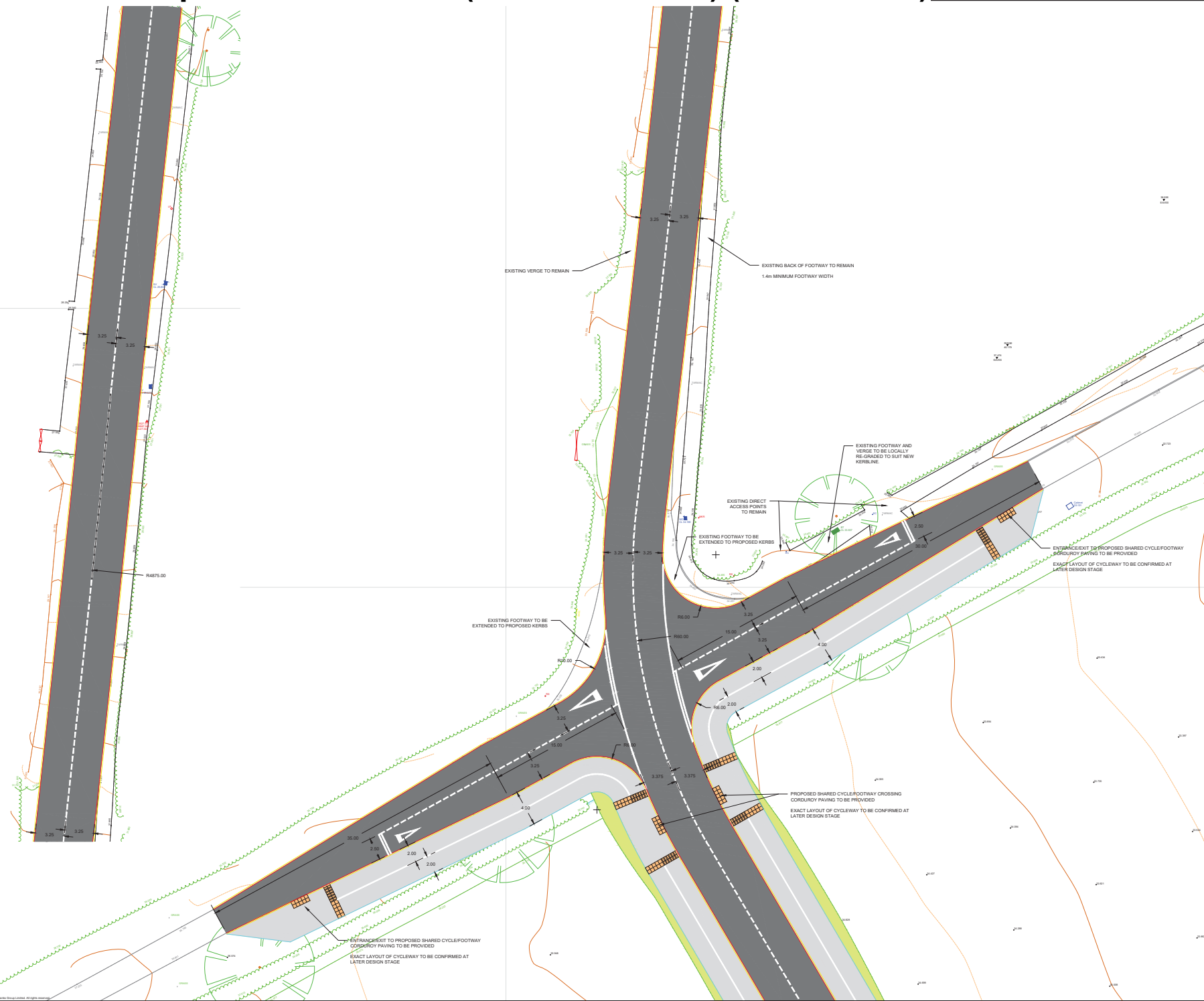
Drawn: JG | Check: JG | Date: 18/11/2021

Project: BARTON UPON HUMBER
Title: Proposed Detailed Site Access (Brigg Road)
Scale: As Stated @ A1 | HJB / 4142 / 24 | Sheet: 1/1

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PA/2021/2151 Proposed site access (Horkstow Road) (not to scale)



- KEY:**
- PROPOSED ROAD SURFACING
 - PROPOSED FOOTWAY
 - EARTHWORKS (1 IN 3 MAX)
 - PROPOSED CENTRELINE ALIGNMENT
 - 2.4m x 43m VISIBILITY SPLAY
- NOTE:**

1. ALL UNITS ARE IN METRES UNLESS STATED OTHERWISE
2. ROAD GEOMETRY HAS BEEN DESIGNED TO SUIT MANUAL FOR STREETS AND DMRB STANDARDS.
3. TOPOGRAPHICAL SURVEY SHOWN WAS CARRIED OUT IN MARCH 2021 BY CASTLE KEEP SURVEYS.
4. DESIGN SHOWN IS PRELIMINARY AND SUBJECT TO FURTHER DESIGN DEVELOPMENT
5. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH DRAWINGS NT15292-003, 005 & 006

Notes:

Revision	Description	Drn	Chkd	Date

Source information:
 Humber Authority/2021 11 10, Access Road/NT1520 - 005A Horkstow Road Access Layout/NT15201 - 005 Horkstow Road Access Layout.dwg

Drawn By	Orig: JB	Checked LE	Appr: 18/11/2021
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Project: **BARTON UPON HUMBER**
 PA Drawing 10

Title: **Proposed Detailed Site Access (Horkstow Road)**

Scale: 1:200@A1	File: HJB / 4142 / 25	Sheet: 1/1
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