APPLICATION NO PA/2022/1937

APPLICANT Mr & Mrs McGurran

**DEVELOPMENT** Planning permission to erect a dwelling

**LOCATION** Sussex House, 19 Silver Street, Winteringham, DN15 9ND

PARISH Winteringham

WARD Burton upon Stather and Winterton

CASE OFFICER Deborah Oikeh

SUMMARY Grant permission subject to conditions

**RECOMMENDATION** 

**REASONS FOR** Departure from the development plan **REFERENCE TO** 

COMMITTEE

**POLICIES** 

National Planning Policy Framework: Chapters 2, 4, 5, 9, 11, 12 and 15

North Lincolnshire Local Plan: RD2, H5, H8, LC6, T2, T19, DS1, DS7, DS14, DS16, HE2, HE9

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS18, CS19

Housing and Employment Land Allocations Development Plan Document: PS1 (Presumption in Favour of Sustainable Development)

**New North Lincolnshire Local Plan Submission:** The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

RD1: Supporting Sustainable Development in the Countryside

SS1: Presumption in favour of Sustainable Development

SS3: Development Principles

SS6: Spatial Distribution of Housing Sites

SS11: Development Limits

DQE1: Protection of Landscape, Townscape and Views

HE1: Conserving and Enhancing the Historic Environment

DM1: General Requirements

## **CONSULTATIONS**

Highways: No comments or objections.

**Environmental Protection:** Recommend a contamination condition.

Archaeology: Recommend a pre-commencement condition where an agreed written

scheme of investigation (WSI) is not in place.

**Ecology:** No objection subject to conditions.

**Trees and Landscape:** No objection subject to a condition.

**Conservation**: No objection subject to a condition.

**Drainage:** No objection but an informative is recommended.

## **PARISH COUNCIL**

No objection subject to the development complying with planning regulations in the conservation area.

## **PUBLICITY**

Advertised by site and press notices. No comments have been received.

## **ASSESSMENT**

# **Planning history**

PRE/2022/11: Erection of a new dwelling and conversion of existing barns – advice given

21/02/2022.

## Proposal and site characteristics

This proposal is for the erection of a new dwelling to the rear of Sussex House following the conversion of the existing barn on the site. The proposed dwelling is a two and a half storey building with four bedrooms and an attached garage. The proposal takes the form of a traditional barn to be built in traditional materials. The site is set within the Winteringham conservation area and is immediately outside the settlement development boundary.

#### Site constraints

The site is outside the development boundary of Winteringham, according to the HELADPD 2016.

The site is within SFRA flood zone 1.

The site is within the Winteringham conservation area

## Main considerations

- The principle of the development
- Impact upon character and appearance
- Impact upon residential amenity
- Impact upon access and highway safety
- Flood risk and drainage
- Land contamination
- Archaeology
- Ecology

# The principle of the development

The application site is just outside the defined settlement boundary of Winteringham and the proposal would represent a departure from the current development plan. In addition, the site is within the Winteringham conservation area. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance it is necessary to consider the development plan for North Lincolnshire, namely: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011), the Housing and Employment Land Allocations DPD (2016), and the emerging local plan.

Policy CS1 sets out a spatial strategy for North Lincolnshire which, amongst other matters, states that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELADPD, and the application site is outside the designated development limit for Winteringham. There are no allocated housing sites within Winteringham.

Policy CS6 requires that all new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.

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

Policy HE2 relates to development in conservation areas. It states that all development proposals in, or which affect the setting of, conservation areas should preserve or enhance the character and appearance of the area and its setting. It is expected that the design of any development should be of a standard which respects the appearance and character of the conservation area in terms of its bulk, height, mass, vertical and horizontal emphasis, proportions, layout, siting and landscaping.

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

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is immediately outside the defined development boundary of Winteringham; however, it is still considered to be in breach of policies CS2 and CS3 of the Core Strategy, and RD2 of the local plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

Policy SS1 of the council's emerging local plan relates to presumption in favour of sustainable development. It requires that a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF should be taken when considering development proposals.

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the inspector concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

National Planning Practice Guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate

buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved unless:

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

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

#### **Economic**

Winteringham is ranked 19<sup>th</sup> out of the 76 settlements by the North Lincolnshire Settlement Survey 2019. Winteringham is considered as a larger rural settlement with at least 6 of the key facilities and services, including bus stops, hotels and convenience stores along Silver Street and West End. There is also the potential for job creation for local residents in construction and related employment. The proposal thus accords with the need to site development in locations with accessible local services.

#### Social

The site is set on the edge of the development boundary of Winteringham with existing built forms or dwellings bordering it. Therefore, allowing one additional dwelling at the edge of a settlement would bring social benefits by way of encouraging new social interactions, leading to growing local communities and supporting local services.

## **Environmental**

In terms of the environmental dimension, the development will partly result in the redevelopment of the site and offers the potential for landscape and biodiversity enhancement through the delivery of the housing scheme.

These matters weigh heavily in favour of the proposal in terms of the economic, environmental and social dimensions of sustainability. As a result, the proposal is considered to be a sustainable form of development and therefore the principle of the development is considered to be acceptable.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing.

In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the

development proposed or if any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal. In this case, the application site is within the conservation area. Notwithstanding this, the proposed design and materials for the scheme are considered sympathetic and acceptable. Therefore, there are no unacceptable impacts that significantly and demonstrably outweigh the benefits of the proposal, in this case.

## Impact on residential amenity

The nearest dwelling to the application site is 19 Silver Street which is set about 30m from the proposed dwelling. Whilst the proposed dwelling may be visible from surrounding properties, this will not result in a harmful or unacceptable amenity loss to neighbours given the separation distance, presence of hedges and shrubs around the perimeter of the site. The fenestration to the side elevations (east and west) is very limited, the fenestration to the rear faces open countryside, and the front openings face the rear of a barn and driveway. Whilst the proposed dwelling appears large, it will not pose any unacceptable domineering impact upon surrounding dwellings given the separation distance and the fact that the surrounding dwellings are mainly two-storey. The proposal therefore accords with policies DS1, H5 and H8 of the North Lincolnshire Local Plan, and CS1, CS2, CS5 and CS7 of the Core Strategy.

## Impact on character and appearance

This proposal seeks to demolish part of the single-storey barn and utilise the vacant land in the garden to erect a dwelling and garage. The development is within the conservation area of Winteringham and has the potential to affect the setting of two listed buildings, namely Scarborough House and The Hollies. The proposed dwelling is about 60m away from both properties.

To mitigate impact upon the heritage assets, the proposed dwelling will be built in traditional barn style using traditional materials reflecting the character of the conservation area and the listed buildings. Walls would be built from Stamford Stone natural. Clay pantile roofs and black thin profile aluminium are proposed for the roof and fenestrations respectively. These materials reflect the local character of dwellings along Silver Street and the wider conservation area. In terms of scale, it is considered that the proposed dwelling replicates the prevailing scale in its surroundings, especially that of Sussex House.

The proposal therefore accords with policies DS1, HE2 and H8 of the North Lincolnshire Local Plan, and CS1, CS2, CS5 and CS6 of the Core Strategy.

### Access

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

Access to the proposed development remains the existing access for Sussex House. The access will serve two dwellings in total following development of the site. The site benefits from off-street car parking for the dwelling with enough area for turning and parking. The Highways team has raised no objections nor made comments in this regard.

## **Drainage**

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water. Policy CS19 in particular states, 'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere.'

The proposed site is situated within SFRA flood zone 1 and is therefore a suitable location for development in flood risk terms. The LLFA drainage team has been consulted and no concerns have been raised, although an informative is recommended.

# Archaeology

Policy HE9 is concerned with archaeological evaluation. It 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. The council's archaeologist is concerned that there may be some archaeological remains in the red line boundary proposed for the residential development. A precommencement condition to confirm or discount this concern is recommended, to which the applicant has agreed.

## Land contamination

Policy DS7 of the local plan relates to contaminated land. The development is situated on former agricultural land; agricultural sites have the potential for contaminants such as PAHs, metals, petroleum hydrocarbons, and asbestos, from the over-application of slurry and the illegal deposition of waste, which are harmful to human health.

Therefore, a contaminated land condition is recommended given that residential development represents a sensitive end use. This condition will be applied to any permission the council is minded to grant.

# **Ecology**

In terms of wildlife/biodiversity, the proposal will affect gardens, ponds and the nearby woodland; as a consequence, planning conditions are recommended to minimise harm to protected species and habitat and to secure measurable net gain in biodiversity. The applicant has submitted a biodiversity management plan which has been assessed by the council's ecologist. A condition to ensure works are carried out in accordance with the management plan will be applied to any permission granted. In addition, the trees and landscape officer recommends a condition to ensure existing trees are retained and not affected during construction of the dwelling. This condition will also be applied to any permission granted.

It is therefore considered that the proposal accords with policies LC5 of the North Lincolnshire Local Plan and CS17 of the Core Strategy.

## Conclusion

It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from a well designed dwelling in this location. Overall, it is considered that the proposal does represent sustainable development in the context of the NPPF and Housing

and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development.

## **Pre-commencement conditions**

The pre-commencement conditions contained in the recommendation have been agreed with the applicant.

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

1.

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

## Reason

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

2.

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

- Location plan, existing and proposed block plans and existing outbuilding plans 787.01
  rev A
- Proposed site plans and sections 787.03 rev A
- Proposed basement, floor and elevation plans 787.02 rev A.

#### Reason

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

3.

The dwelling shall be built in accordance with the details of condition 2 and constructed from materials as detailed in the submitted Design and Access Statement prepared by Keystone Architecture dated 13/10/22.

#### Reason

To protect and enhance the character of the conservation area and nearby listed buildings in accordance with policies CS6 of the North Lincolnshire Core Strategy, and HE2 and HE5 of the North Lincolnshire Local Plan.

4.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

## Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature

and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

## Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

## Reason

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

5.

No development shall take place until a species protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of measures to avoid harm to great crested newts, bats, hedgehogs and nesting birds during demolition, vegetation clearance and construction works.

#### Reason

To conserve protected and priority species in accordance with saved policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

6.

Works and biodiversity enhancements shall be carried out strictly in accordance with the submitted Biodiversity Management Plan prepared by Keystone Architecture dated 13/10/22 and species protection plan required by condition 5 above. The management prescriptions set out in sections 2.0 to 5.0 of the Biodiversity Management Plan shall be carried out in their entirety in accordance with the timescales set out. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features to the local planning authority, within two weeks of installation, as evidence of compliance with this condition. All biodiversity features shall be retained thereafter.

#### Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

7.

Root protection measures shall be carried out during the construction phase in accordance with the Arboricultural Report and Impact Assessment prepared by Watson Lindsey Arboriculture dated 13/01/2023.

## Reason

To protect existing trees on site during the construction phase.

- 8. No demolition or development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:
- (i) measures to ensure the preservation by record of the extant farm buildings prior to any demolition or alterations commencing to Historic England Level 1 recording specification
- (ii) measures to ensure the preservation by record of archaeological features of identified importance within the footprint of the development
- (iii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iv) post-fieldwork methodologies for assessment and analyses
- (v) report content and arrangements for dissemination, and publication proposals
- (vi) archive preparation and deposition with recognised repositories, including the ADS
- (vii) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (viii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (ix) a list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

#### Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan because the farm buildings are of historic interest and the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

9. The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

## Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

10.

The dwelling shall not be occupied until any post-investigation assessment has been commissioned in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

## Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

11.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

#### Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

#### Informative 1

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.

### Informative 2

The LLFA Drainage team suggests you consider upsizing the pipe network increasing storage around your development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.





