

<b>APPLICATION NO</b>	<b>PA/2019/568</b>
<b>APPLICANT</b>	Mr Mark Graves, Maltgrade Ltd
<b>DEVELOPMENT</b>	Outline planning permission for up to 29 dwellings (a mix of houses and bungalows) with all matters reserved for subsequent consideration
<b>LOCATION</b>	Land adjacent to Rogate, 30 Silver Street, Winteringham, DN15 9ND
<b>PARISH</b>	Winteringham
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Mark Niland
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan Member 'call in' (Cllr Elaine Marper – significant public interest)  Significant public interest

## **POLICIES**

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

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

- (a) necessary to make the development acceptable in planning terms

- (b) directly related to the development, and
- (c) fairly and reasonably related in scale and kind to the development.

Paragraph 57 – Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Paragraph 108 – In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users; and
- (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 110 – Within this context, applications for development should:

- (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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

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

Paragraph 155 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 157 – All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- (a) applying the sequential test and then, if necessary, the exception test as set out below;
- (b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- (c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and
- (d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

Paragraph 163 – When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be

allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 165 – Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

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

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

- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 180 – Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) 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;
- (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

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

Paragraph 190 – Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

**North Lincolnshire Local Plan:**

DS1, DS7, DS11, DS14, DS16, T2, T19, HE2, LC7, RD2, C1, H5, H10

**North Lincolnshire Core Strategy:**

CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS18, CS19, CS23, CS25, CS27

**CONSULTATIONS**

**Humberside Fire and Rescue:** Standard response setting out space and accessibility requirements for the development.

**Public Health:** Support comments made by the LLFA; no other comments.

**Highways:** Express concerns in relation to the indicative layout but acknowledge that control of this is at the reserved matters stage. Ultimately go on to recommend conditions.

**Environment Agency:** No objection subject to conditions.

**Drainage (Lead Local Flood Authority):** No objection subject to conditions.

**Ancholme Internal Drainage Board:** The drainage board has put the assessment back onto the local authority stating that should consent be required from the IDB as described in their response, then this should be made a condition of any planning permission.

**Waste and Recycling:** Put forward general observations in relation to service vehicle tracking and bin collection.

**Public Rights of Way:** Public Footpath 318 skirts the north-west perimeter of the site, but it is not within the site itself. Do not envisage any objection to the proposal.

**Humberside Police (Designing Out Crime):** Offer design advice for the reserved matters stage.

**Anglian Water:** No objections.

**Environmental Protection:** No objection subject to conditions relating to land contamination, electric vehicle charging points, construction hours and mitigation of noise and dust during construction.

**Historic Environment Record:** Recommends refusal of the application as inadequate information has been submitted.

**Conservation:** The loss of space would have a negative impact upon the setting of the conservation area.

**Spatial Planning:** This proposal for residential development is in the open countryside and is contrary to the council's adopted development plans. As the council cannot demonstrate a five-year housing land supply, paragraph 11 of the NPPF applies and the application should consider any adverse impacts of granting permission when assessed against the policies within this framework taken as a whole or specific policies indicate development should be restricted. It must be demonstrated why the development meets the three dimensions of sustainable development.

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

## **PARISH COUNCIL**

Objects to the proposal, supporting their comments by a nine page document. The objection includes issues relating to drainage and infrastructure, planning principle, ecology infrastructure capacities, transport, amenity, character and highways. It should be noted this is a brief summary of the topics and in no way exhaustive. The full objection can be read alongside the suite of documents that make up this application.

## **PUBLICITY**

The application has been advertised by site and press notice in accordance with Article 15 of the Development Management Procedure Order 2015.

Numerous objections have been received and the issues raised are summarised below:

- the proposal is outside the development boundary
- character impacts upon the settlement and the open countryside
- impact upon the historic environment
- highway safety
- drainage and flooding
- increased pressure on amenities
- impact upon ecology
- impact upon residential amenity.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

The applicant has carried out community consultation, the methodology of which, along with the results, are outlined within the Statement of Community Involvement (SCI) report carried out by 'fortynine design.' The process involved a presentation of the plans and providing local residents with comment forms. These forms have been presented within the SCI document.

It is considered that the applicant has fulfilled this requirement in line with North Lincolnshire Council's own Statement of Community Involvement.

## **ASSESSMENT**

### **Planning history**

PA/2019/861: Outline planning permission to erect 55 dwellings, including drainage infrastructure, public open space and associated landscaping, with appearance and scale reserved for subsequent consideration – refused 24/10/2019 and subsequent appeal dismissed 03/02/2021.

The inspector dismissed the appeal by stating:

**The main identified harm is the harm to landscape character and to the appearance of the area, including the loss of the site's openness, the restriction of views, the effect on the setting of the village and the harm arising from the layout of the proposed development. The Framework paragraphs 77, 127 and 170 are clear that development should be responsive to local circumstances, sympathetic to local character and history, including the surrounding built environment and landscape setting, and recognise the intrinsic character and**

**beauty of the countryside. Therefore, even when considering the Framework's objectives of significantly boosting the supply of housing, the substantial shortfall of housing land supply identified and the contribution medium sites can make to this supply as well as the other benefits I have set out, I attach significant weight to the harm I have identified.**

PA/2020/103: Outline planning permission to erect 55 dwellings, including drainage infrastructure, public open space and associated landscaping, with appearance and scale reserved for subsequent consideration – refused 14/05/2020.

### **Site constraints**

- The site is located within the open countryside in accordance with the Housing and Employment Land Allocations DPD (HELAP) (2016).
- The site abuts Winteringham conservation area.

### **Proposal**

Outline planning permission is sought to erect 29 two-bedroom bungalows with associated infrastructure.

**The main issues in considering this application are whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits, when assessed against policies in the National Planning Policy Framework taken as a whole.**

### **Site characteristics**

The site would be accessed from Ermine Street; a drain runs along this frontage. A public right of way runs along the site's northwest boundary and beyond this is the Winteringham conservation area. Recent applications for residential development (for up to 55 dwellings) on land to the west of this site have been refused. Winteringham sits northerly within the North Lincolnshire boundary close to the River Humber where there is an abundance of protected ecological sites. The landscape is open.

### **Planning principle**

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

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

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides 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 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 CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated development limit for Winteringham. There are no allocated housing sites within Winteringham.

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

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is entirely outside the defined development boundary for Winteringham and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan and unacceptable in principle.

## **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 (now contained within the CIL Regulations), 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 tests are also set out in planning policy under paragraph 56 of the National Planning Policy Framework 2019.

#### *Affordable housing*

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in rural settlements of this scale to contribute 10% of the scheme for affordable tenure. Ideally 70% of affordable housing supplied should be 70% for rent and, where possible, the housing should be provided on site, but an off-site contribution may be acceptable.

The applicant has agreed a commuted sum of £38,264 based upon the viability submitted, with no on site provision.

#### *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 0.5 ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policy CS22 of the North Lincolnshire Core Strategy; both are considered relevant.

Off-site recreation has been agreed at £33,668 towards local areas of play within Winterringham as well as £18,000 towards Baysgarth Leisure Centre, Winterton artificial pitch and Winterton gym, to improve anticipated costs of building improvements and additional fitness and sports equipment.

The area of informal open space on site relates to 10 square metres per dwelling and £15,700.40 for North Lincolnshire Council to maintain this land or an estate management company to be set up and no contribution required.

#### *Education*

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

£80,236 towards primary education (£3,086 per dwelling) has been agreed based upon the viability submitted.

#### *Obligations summary and viability*

Paragraph 57 of the NPPF states '...It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability

evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.'

The section 106 officer has been in dialogue with the applicant having regard to the submitted viability statement, and regard has been given to the advice set out within the PPG when considering the merits of the applicant's statement. It is clear that a full suite of contributions would make the scheme undeliverable and therefore a reduced amount of obligations has been agreed, which are outlined above.

The proposed on and off-site contributions are considered to be CIL compliant as well as policy compliant. There has been a failure to agree the necessary highway improvements to make this scheme safe for existing and future users of the highway. Viability information has not been received nor has a costing exercise for the potential highways works and therefore an understanding of proportionality (related in kind and scale) cannot be made. However, in the absence of challenge on deliverability as well as the above, the test is considered met.

### **Flooding and drainage**

Policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 155, 157, 163 and 165 of the NPPF are considered relevant. The application site is located within flood zone 1 and is therefore a preferred place for development in terms of flood risk. The council's drainage team, as Lead Local Flood Authority, has been consulted and has no objections subject to conditions.

The Environment Agency has also been consulted and has no objections subject to the following condition:

'No building works which comprise the erection of a building requiring to be served by water services shall be undertaken until full details of a scheme for the provision of mains foul sewage infrastructure on and off-site have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.'

The Internal Drainage Board has also been consulted and has stated that any drainage strategy that would involve the channelling of surface water to their facilities/apparatus would need to be conditioned. Anglian Water has accepted that if the scheme is approved they have a legal requirement to accept the flows.

It is therefore considered, subject to a condition relating to surface water drainage and the condition proposed by the Environment Agency, that the application, in respect of flooding and drainage, would accord with policy DS16 of the local plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 155, 157, 163 and 165 of the NPPF.

### **Transport and highways**

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access; policy T19 is concerned with parking provision as well as general highway safety. Both policies are considered relevant. Policy CS25 of the Core Strategy promotes sustainable transport and is in two parts: firstly, it sets out to manage demand; and secondly, it seeks to manage the transport networks that serve North Lincolnshire's settlements.

Winteringham is served by the 'Humber FastCat' which connects Scunthorpe to Hull. The service stops at the market towns of Winterton and Barton upon Humber as well as smaller rural settlements in between. The applicant has submitted a Transport Statement carried out by 'fortynine design' and this has not been met with any objections from the sustainable transport team. In a recent appeal on the adjacent site (see planning history) the inspector stated:

'The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Additionally, Core Strategy policy CS2 states that development in North Lincolnshire should be located to minimise the need to travel and encourage any journeys that remain necessary to be possible by walking, cycling and public transport. I agree with the parties that the facilities within Winteringham are accessible on foot or by bicycle and that the bus service would mean that not all trips to access services and facilities beyond the village would be by car. I attach moderate positive weight to the location of the appeal site in relation to services and facilities.'

It is considered that in sustainable transport terms an allocation for 29 dwellings on a site adjoining the settlement would be viewed in the same perspective. In terms of highway safety, the Highways DC team has reviewed the submission and has no objections subject to conditions, though there is some concern about the internal layout of the site. However, full control over access and layout would remain a consideration for the reserved matters stage.

It is therefore considered that the proposal would, at this stage, align with policies T2 and T19 of the North Lincolnshire Local Plan as well as CS25 of the Core Strategy.

### **Landscape and character**

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

Policy H5 of the local plan, which is concerned with new housing development, policy LC7 of the local plan, which is concerned with landscape protection, and paragraph 127 of the NPPF, are also considered relevant, though the criteria-based nature of policy H5 lends itself better to the assessment of any subsequent reserved matters.

Another relevant policy to the character consideration is HE2 of the North Lincolnshire Local Plan which is concerned with development in conservation areas. This is reinforced by CS6 of the Core Strategy.

The site is within the National Character Area (NCA) Northern Lincolnshire Edge with Coversands and locally it is within the elevated open farmland character type of the Lincolnshire Edge Regional Character Area defined in the North Lincolnshire Character Assessment 1999. It is also within the Clay Vale Historic Character Area in the Historic Character of the County of Lincolnshire 2011.

The topography of Winteringham naturally slopes down towards the Humber and this site is raised somewhat from Silver Street; the watercourse splits the site and the road. There would be an immediate impact on the street scene from such a dense development, where historically the rhythm and density of the dwellings slowly increase the closer you get to the village centre (where Silver Street meets West End). This in itself is out of keeping with the general arrangement of dwellings which (in this part of Winteringham) front the road network. Furthermore, there would be impacts from Ermine Street (looking down towards the development). The built form of 29 dwellings would replace open arable fields and would significantly change the intrinsic rural character of the settlement. This point is further exacerbated by the fact that the site is within the National Character Area (NCA) Northern Lincolnshire Edge. The harm brought about by the loss of this space and its replacement with dense built form would lead to irreversible damage of the wider and immediate landscape character.

In describing Silver Street the conservation area appraisal states ‘...Silver Street connects Winteringham with Ermine Street and is, therefore, a principal entrance to the village. The conservation area boundary extends to the edge of the village and the rural character of the road continues into the built-up area with soft informal grass verges, particularly on the south side. The mix of sophisticated houses, working buildings and walled yards is a reminder that in 1831 there were 28 working farms in Winteringham...’, and of the landscape character in general, ‘...Much of the surrounding farmland is arable with minimal hedges and only occasional groups of trees. This openness allows extensive views of the Humber estuary and east to the Lincolnshire Wolds. To the southwest, the landscape of the scarp slope of the Lincoln Edge is designated for protection and enhancement under the provisions of the North Lincolnshire Local Plan.’

The proposal would erode important natural open space that exists at the edge of the settlement when approaching through Silver Street – a principal entrance. The loss of arable field here and the proposal to abut built form next to the conservation area would erode some of the key characteristics of the conservation area both aesthetically and in terms of its evidential value. The existing space allows for the conservation area to be read at distance and would dilute its setting; evidential values of the working farms associated with Winteringham would in part be lost. Both of these are again irreversible.

The proposal would have a harmful effect on the landscape character and appearance of the area, would not preserve or enhance the character or appearance of the conservation area and would not be a suitable location for development, having regard to development plan policy. In these respects, there would be conflict with policies CS2, CS3, CS5, CS6 and CS8 of the Core Strategy and RD2, H5, HE2 and DS1 of the local plan.

## **Ecology**

Policy CS17 of the Core Strategy, as well as paragraph 170 of the NPPF, relate to biodiversity. Paragraph 170 states, in part, that a net gain for biodiversity should be achieved. The application site lies roughly 800 metres from the Humber Estuary SAC, SPA and Ramsar site.

The ecologist has stated that ‘...At that distance, the proposal is not likely to affect the habitats of the SAC. SPA/Ramsar listed waterbirds do use arable fields during the passage and winter periods.’ Furthermore when determining the likely significant effect under the Conservation of Habitats and Species Regulations 2017 the ecologist states ‘...North Lincolnshire Council is of the opinion that the plan or project is not likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Conservation Area (SAC).’

Ultimately, planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 2.0. The proposal, subject to conditions relating to biodiversity enhancement, is therefore in accordance with policies CS17 of the Core Strategy and paragraph 170 of the NPPF.

## **Archaeology**

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

Policy HE9 states, ‘Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment will be required to be submitted prior to the determination of a planning application. 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.’ Paragraphs 189 and 190 of the NPPF are also relevant.

The council’s archaeologist has been consulted and initially provided a holding objection. The objection requested field work; however, this has not been forthcoming and therefore the archaeologist has objected. Previously the officer stated:

‘Because of the potential archaeological interest, archaeological field evaluation is required prior to the determination of the planning application in order to assess the significance of the archaeological heritage assets and inform the decision-making process, in accordance with the NPPF 189–190 and local plan policy HE9.’

The application is therefore recommended for refusal because inadequate information has been provided to allow the local planning authority to assess the impact of the development on the heritage assets, or to approve an appropriate mitigation strategy contrary to paragraphs 189 and 190 of the NPPF, Core Strategy policy CS6 and local plan policy HE9.

## **Air Quality and sustainable resources**

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 CO<sub>2</sub> emissions.

The council's Environmental Health department has assessed the proposal and proposes a condition requiring, prior to development, a scheme for electric charging points to 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 the condition will be attached to any permission to mitigate the impact upon air quality generated by the development. It is considered 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.

### **Land contamination**

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

The council land contamination officer has been consulted and has stated that, given the proposal would result in a sensitive end use and based on the information submitted by the applicant, there is a requirement for further desk-based analysis and a remediation strategy (as well as verification this strategy has been adhered to). The conditions would require a phase 1 desk-top study, remediation and verification reports. Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

### **Environmental issues/amenity**

Policy DS1 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 is also concerned with pollution control.

In terms of residential amenity, the construction phase would be mitigated by both a construction traffic plan and an environmental management plan which would control dust, noise, light emission etc, the latter being recommended by the Environmental Protection Officer. The officer also recommends controlling construction working hours.

The operation phase cannot be assessed and the reserved matters would allow for an assessment of the impact upon neighbouring and future residents by way of overlooking, overbearing impact and overshadowing.

It is considered, given this is an outline stage, that the proposal could be fairly mitigated by the aforementioned planning conditions and would accord with policies DS1 and DS11 of the North Lincolnshire Local Plan.

### **Planning balance**

A recent review of the of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings to 3.9 years. The council has prepared a Housing Delivery Action Plan in accordance with the

NPPF and PPG. The Action Plan will assist in securing a five-year land supply; some of the actions include reviewing the windfall allowance calculation, and working with developers to bring forward outline planning applications.

The revised Five Year Housing Land Supply Position Statement will be published in April 2021, and 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 relating to housing will carry reduced weight during this period. Planning policy 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 11 (d) of the National Planning Policy Framework.

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental. There are clearly public benefits of the proposal which would include the social benefits of the provision of market housing where there is an acknowledged undersupply; provision of affordable housing that would address the needs of groups with specific housing requirements; the economic and employment benefits associated with the construction and subsequent occupation of the housing, including local spending in shops and services; proposed open space facilities would be accessible to the village providing increased access to play facilities; some benefits from the enhancement of hedges and the provision of trees.

The report has identified harm in relation to character and landscape, the historic environment and archaeology. In considering appeal APP/Y2003/W/20/3246247 the inspector concluded that the public benefits would outweigh the identified harm to the conservation area. This proposal would offer a commensurate reading given the proximity of the two sites. However, the irreversible harm on the landscape and character of the settlement and wider open countryside is a determining factor in concluding that this proposal would represent an unsustainable form of development. This is reinforced by the inadequate level of information the applicant has provided in respect of archaeology.

## **Conclusion**

The adverse impacts in relation to landscape, character and archaeology would significantly and demonstrably outweigh the benefits of this proposal, when assessed against the policies in the NPPF taken as a whole. Paragraphs 77, 127 and 170 are clear that development should be responsive to local circumstances, sympathetic to local character and history, including the surrounding built environment and landscape setting, and recognise the intrinsic character and beauty of the countryside. Paragraphs 189 and 190 recommend that a sufficient (and proportionate) level of information is submitted to allow for a robust assessment of the particular significance of any heritage asset that may be affected by a proposal. The inadequate level of information received has prevented this. The proposal is therefore recommended for refusal.

## **RECOMMENDATION      Refuse permission for the following reasons:**

1.

The adverse impacts in relation to landscape and character would significantly and demonstrably outweigh the benefits of this proposal, when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole. The proposal is contrary



to paragraphs 77, 127 and 170 of the NPPF, policies CS2 and CS5 of the North Lincolnshire Core Strategy, and policies RD2, LC7 and DS1 of the North Lincolnshire Local Plan.

2.

Insufficient information has been received to allow a robust assessment to be made of the particular significance of any heritage asset that may be affected by this proposal. The application is therefore contrary to paragraphs 189 and 190 of the NPPF, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 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.