

<b>APPLICATION NO</b>	<b>PA/2021/1683</b>
<b>APPLICANT</b>	North Lincolnshire Council
<b>DEVELOPMENT</b>	Planning permission to erect a statue with associated works
<b>LOCATION</b>	Winterton Junior School, West Street, Winterton, DN15 9QG
<b>PARISH</b>	Winterton
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Martin Evans
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs Ralph Ogg, Helen Rowson and Elaine Marper – significant public interest)  Objection from Winterton Town Council
<b>POLICIES</b>	

**National Planning Policy Framework:**

Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

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

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

Paragraph 9 states, 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.' It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, 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 planning 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 the Framework as a whole.

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 47 makes clear that 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'

Paragraph 130 states, '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 197 states that in determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 206: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

**North Lincolnshire Local Plan: DS1, HE2**

**North Lincolnshire Core Strategy: CS5, CS6**

**Housing and Employment Land Allocations Development Plan Document (HELADPD)**

**Statutory test:**

The statutory test within the Planning (Listed Buildings and Conservation Areas) Act 1990, section 72 states, 'In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

## **CONSULTATIONS**

**Highways:** No comments or objections to make on this application.

**Historic Environment Record:** No objection stating 'The proposal is to put a life-size statue of a local world-renowned Astro-physicist who was born in the nearby village of Elsham, North Lincolnshire and grew up in Winterton. This statue will sit in front of Winterton School which sits on the northern edge of the Winterton Conservation Area. The proposed site is in front modern single-storey brick classroom block regarded as having a 'neutral effect' on the Conservation Area. Adjoining this building are older two-storey former 19<sup>th</sup> century townhouses. The buildings on the opposite side of the street just outside the conservation area are modern bungalows. The nearest listed buildings are St Luke's Church and No. 53 West Steet respectively approximately 100 and 200m away from this location. They are not intervisible with the proposed statue and there will be no impact on the setting of the listed buildings. Regarding impacts on the conservation area, the statue is not overly large and is the size of a person; it is grey coloured and won't stand out overtly. Considering it sits in front of a modern building there is only negligible impact on the character of the conservation area. It highlights the social history of the area which is a positive aspect of the proposal.'

## **TOWN COUNCIL**

Objects as the proposed statue is not in keeping with the conservation area and setting close to a listed building. It is not considered a suitable location.

## **PUBLICITY**

A site notice has been displayed. No comments have been received.

## **ASSESSMENT**

This application was deferred at the last meeting of the planning committee to allow members to visit the site before making a decision.

### **Planning history**

No relevant history.

### **Site characteristics**

The application site comprises a small parcel of land to the front of Winterton Junior School within the northern edge of the Winterton Conservation Area and the settlement development boundary as defined in HELADPD.

### **Proposal**

This is an application to erect a 2m tall cast corten steel sculpture of Wallace Sargent, an eminent astrophysicist, onto Yorkstone paving flags with a small surround.

### **Principle of development**

The proposal seeks to erect a 2m tall cast corten steel sculpture of Wallace Sargent, an eminent astrophysicist, onto Yorkstone paving flags with a small surround. The proposal is

therefore considered as a public art/display and is acceptable in principle subject to being found to be acceptable in regard to the following material issues.

**The key issues for this proposal include heritage impacts and social benefits.**

The aforementioned statutory test is the primary consideration. It requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The NPPF is quoted at length above.

Policy CS6 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, (and) conservation areas. ...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 HE2 states, '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.' and, 'development should harmonise with adjoining buildings, preserve or enhance the street scene and should not detract from important existing spaces and views'.

Policy DS1 requires that a 'high standard of design is expected' and identifies that proposals will be considered against two criteria being:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and
- (ii) the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

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.'

The applicant has provided the following explanation of the proposal:

*'Wallace Sargent was an eminent Astro-physicist who was born in Elsham, North Lincolnshire and grew up in Winterton. Sargent was the first person in his family to attend high school, and the first student from his high school to ever attend college. He received his bachelor's degree from the University of Manchester in 1956, and his Ph.D. in 1959 from the same institution. Sargent spent the majority of his career at California Institute of Technology (Caltech). Sargent carried out research in many areas of astronomy including stars, galaxies, quasars and active galactic nuclei, quasar absorption lines, and the intergalactic medium. He pioneered the detection of supermassive black holes in galactic nuclei using stellar dynamics, and published the first dynamical measurement of the mass of the black hole in the elliptical galaxy. A local fundraising group has commissioned and produced a full size corten steel statue of Wallace Sargent with the intention that this be erected in the village where he spent his formative years growing up: Winterton. The statue is set in a naturalistic pose with Wallace gazing to the stars in the night sky.'*

## **Design intent and setting**

Both the designer of the sculpture and the fundraising group have expressed a desire that the statue be placed in a natural setting to permit visitors and local people to approach the sculpture and engage with the history of the man. It is the intention that a small plaque will be attached to the plinth wall that creates the base. Alternative locations have been considered but it is considered that none of these offer the same opportunity to place the statue in a location that may be easily accessed by the public and where it may be presented in a natural way.'

The Winterton Townscape Analysis available on the council's website shows the proposal would be located directly to the north of a 'Building with Neutral Effect' on the townscape.

The Historic Environment Record officer considers the proposed site is in front of a modern single-storey brick classroom block regarded as having a 'neutral effect' on the conservation area. Adjoining this building are older two-storey former 19th century townhouses. The buildings on the opposite side of the street just outside the conservation area are modern bungalows. The nearest listed buildings are St Luke's Church and No. 53 West Steet respectively approximately 100 and 200m away from this location. They are not intervisible with the proposed statue and there will be no impact on the setting of the listed buildings. Regarding impacts on the conservation area, the statue is not overly large and is the size of a person and is grey coloured and won't stand out overtly. Considering it sits in front of a modern building there is only negligible impact on the character of the conservation area. It highlights the social history of the area which is a positive aspect of the proposal.

In the absence of harm being identified by the relevant heritage expert the proposal can be considered to preserve the conservation area in accordance with the statutory test and series of development plan and national policies. The proposal is well designed and would increase awareness of a local luminary, a consideration that attracts considerable weight because of the positive contribution this makes to the social strand of sustainable development.

## **Residential amenity**

Policy DS1 requires that there be no unacceptable impacts upon neighbouring uses through noise, smell, fumes, dust or other nuisance or through the effects of overlooking or overshadowing. In this regard, and given the scale of the proposal, it is not considered that there would be any appreciable effects upon any neighbouring property.

## **Appearance**

Policies DS5 and CS5 are both concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials. In this regard the proposal would not appear overly incongruous, and its grey colour will not stand out overtly. It is therefore considered that the proposal is in accordance with policies DS5 and CS5.

## **Highway safety**

Impact on highway safety is a material planning consideration outlined within the NPPF. In this regard highways officers have been consulted on the proposal and no objections are raised.

## **Conclusion**

The proposal is located within the development limit of Winterton; would preserve the character or appearance of the conservation area; would not impact on the setting of the listed buildings; is well designed; and would increase awareness of a local luminary, a consideration that attracts considerable weight because of the positive contribution this makes to the social strand of sustainable development. The proposal is considered to be acceptable.

## **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:

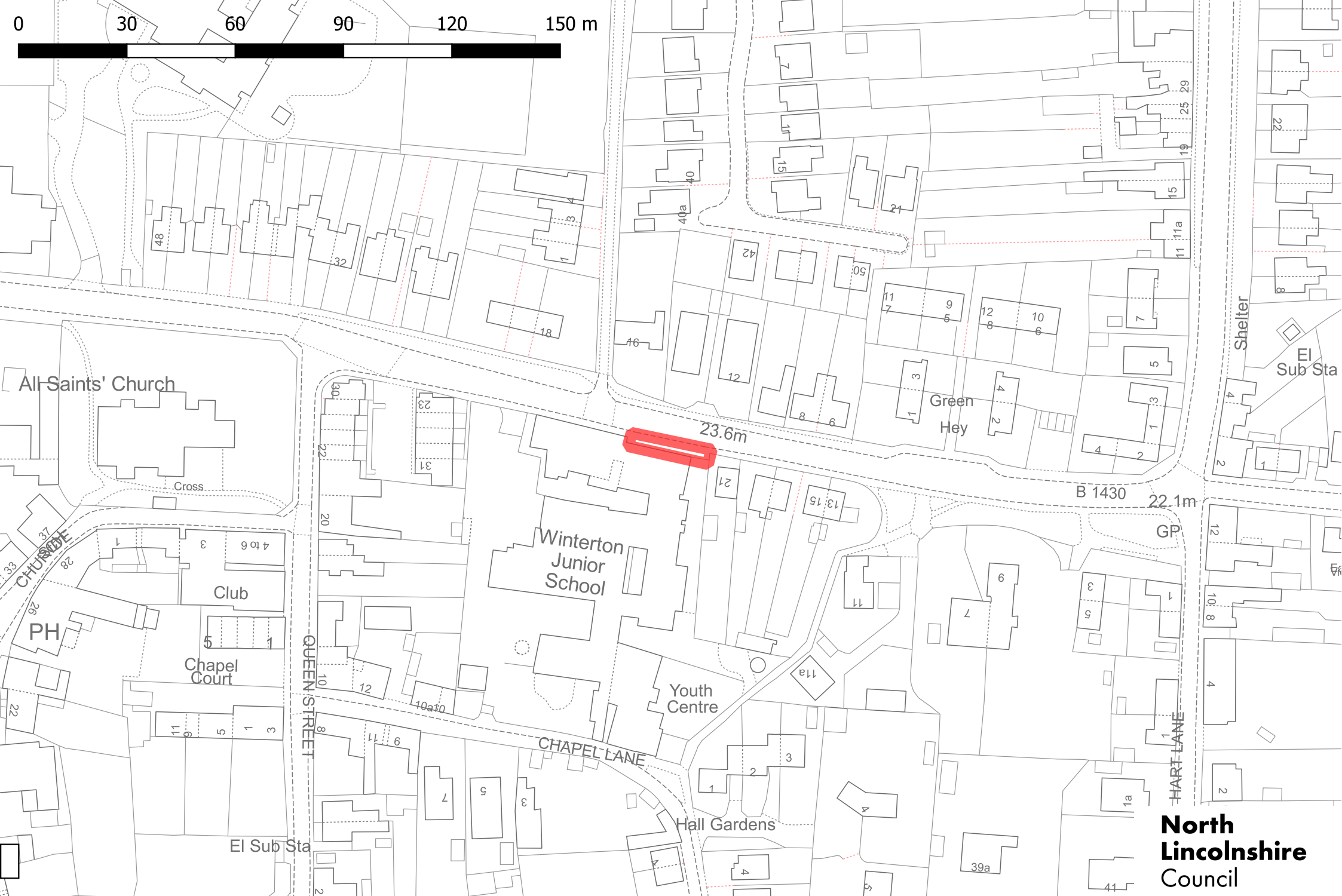
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NL2106-APP-00-GF-DR-A-03 Rev P1  
NL2106-APP-00-GF-DR-A-04 Rev P1  
NL2106-APP-00-GF-DR-A-10 Rev P1.

Reason

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

## **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.



**North  
Lincolnshire  
Council**

**PA/2021/1683**

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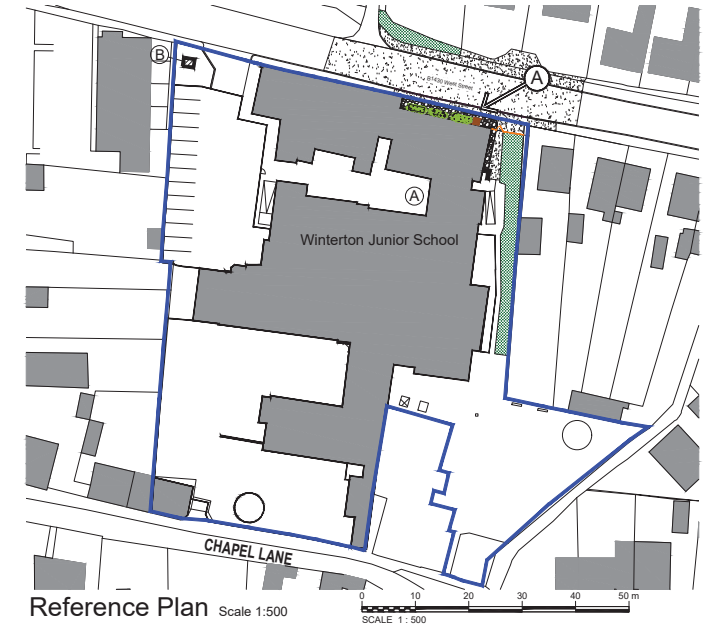
# PA/2021/1683 Proposed siting and photomontages (not to scale)



A. Existing Streetscape View



A. Proposed Streetscape View



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**Note:** Look at the reference plan for location & orientation of streetscape images.

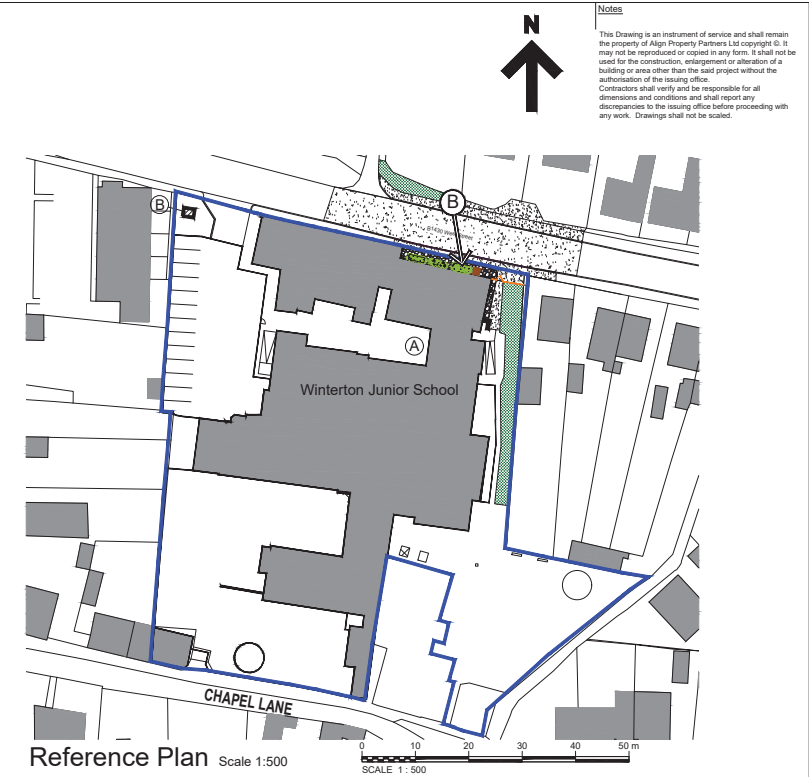
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		Author	Checked	Approved
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<b>align PROPERTY PARTNERS</b>				
Mount View, Standard Way, Northallerton, North Yorkshire, DL6 2YD Tel: 01659 757375				
Client North Lincolnshire Council				
Project name Winterton Junior School West Street				
Drawing Title Proposed Statute Photo Montage Sheet 1 of 2				
Project Planning				
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Drawing Number NL2106-APP-00-GF-DR-A-05				Version P1



B. Existing Streetscape View



B. Proposed Streetscape View



**Note:** Look at the reference plan for location & orientation of streetscape images.

P1	Planning	JG	PC	RG
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Client				
North Lincolnshire Council				
Project name				
Winterton Junior School				
West Street				
Drawing Title				
Proposed Statute Photo Montage Sheet 2 of 2				
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Planning				
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Original Size	Date	Date	Date	Date
A1	16/09/21	16/09/21	16/09/21	16/09/21
Drawing Number				Version
NL2106-APP-00-GF-DR-A-06				P1