

<b>APPLICATION NO</b>	<b>PA/2015/1390</b>
<b>APPLICANT</b>	Keigar Homes Ltd
<b>DEVELOPMENT</b>	Demolition of a house and outline planning permission for the erection of dwellings (with all matters reserved), the construction of roads and sewers, and the formation of public open space and ancillary landscaping
<b>LOCATION</b>	Land rear of North Street and Cemetery Road, Winterton
<b>PARISH</b>	<b>WINTERTON</b>
<b>WARD</b>	Burton Stather and Winterton
<b>CASE OFFICER</b>	Ann Scott
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from policy Significant public interest

## **POLICIES**

**National Planning Policy Framework:** Paragraph 7 Achieving sustainable development.

Paragraph 55 relates to the promotion of sustainable development to ensure that housing is located where it will enhance or maintain the vitality of rural communities.

Paragraph 56 relates to good design and attaches great importance to the design of the built environment. Good design is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 128 – 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.

Chapter 6 Delivering a wide choice of high quality homes

## **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire) sets out the spatial vision for North Lincolnshire. Rural settlements will be supported with a strong focus on retaining and enhancing existing facilities and services to meet local needs. Development within rural settlements will be limited and should take account of levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS2 (Delivering More Sustainable Development) allows for small-scale developments within the defined limits of market towns to meet identified needs.

Policy CS3 (Development Limits) relates to development limits which will be applied to rural settlements, of which Goxhill is one. The limit will be drawn to reflect the need to protect and enhance settlement character, protecting areas of open space or land with the characteristics of open countryside or land within and adjacent to settlements by not including them within development limits or large rear gardens or paddocks stretching outside the village's built form will also be excluded.

Policy CS5 (Delivering Quality Design in North Lincolnshire) – New development in North Lincolnshire should be well designed and appropriate for its context. It should contribute to creating a sense of place. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character or quality of the area will not be acceptable.

Policy CS7 (Overall Housing Provision) – proposals for housing should include a variety of house types, sizes and tenures to meet local housing needs.

Policy CS8 (Spatial Distribution of Housing Sites) – New housing within the rural settlements 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 CS9 (Affordable Housing) – New residential development of three or more dwellings in rural settlements must make provision for affordable housing which is accessible to those unable to compete in the general housing market. To this end a contribution of 10% is required.

Policy CS19 – Flood Risk

**North Lincolnshire Local Plan:** Policies H1 (Housing Development Hierarchy) – In minimum growth settlements new housing development will be restricted to single and in exceptional cases very small groups of dwellings up to a maximum of three and in infilling plots in the main body of the settlement if it is in keeping with the size, form and character of the settlement.

Policy H3 (Previously Developed Land) – Previously developed land and vacant buildings will be preferred in sequence to the take-up of greenfield sites provided that the proposal is located on previously used land and is within existing settlements and development limits.

Policy H5 (New Housing Development) – New housing development should meet the criteria set out in policy H5 including that the scale, layout, height and materials are in keeping and compatible with the character and amenity of the immediate environment and

the settlement as a whole. The development should be in keeping with the scale and character of the settlement and should not result in unacceptable ribbon development.

Policy H8 (Housing Design and Housing Mix) – New residential development will be permitted provided that it respects and reflects the form, scale, massing, design and detailing, materials, and nature of the local environment.

Policy DS1 (General Requirements) – A high standard of design is expected in all developments.

Policy DS2 (Planning Benefits) – Development proposals will be expected to have regard to existing levels of infrastructure, services and amenities.

Policy DS3 (Planning Out Crime) – New development should take into account personal safety and security.

DS13 (Drainage)

DS16 (Flood Risk)

Policy HE9 (Archaeological Evaluation) – Where 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. 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.

Policy LC5 (Species Protection) – Planning permission will not be granted for development which would have an adverse impact on protected species. Where development is permitted that may have an effect on those species, conditions or planning agreements will be considered to facilitate the survival, reduce disturbance to a minimum and provide adequate alternative habitats to sustain at least the current levels of population.

Draft Housing and Employment Land Allocation DPD

## CONSULTATIONS

**Highways:** In principle it is confirmed that technically the proposed new vehicular access onto North Street will work and the proposed emergency/pedestrian cycle connection to Cemetery Road is satisfactory. The transport assessment has been considered and there are no objections in principle to it. It is noted, however, that the proposed access will fall close to existing dwellings.

**Drainage:** Suggests conditions. The submitted Outline Drainage Strategy/Flood Risk Assessment must be adhered to and further details provided when applying for full planning permission. Full SuDS must be implemented on this development, focusing on above-ground drainage techniques where possible.

Reason: To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, to improve habitat and amenity, and to ensure the future maintenance of the sustainable drainage structures.

- (1) North Lincolnshire Council do not currently have the capacity to adopt SuDS features.

- (2) Groundwater has high leaching potential – Detailed Site Investigation to confirm this. This could affect the viability of infiltration.
- (3) Detailed Site Investigation to be carried out to prove infiltration is feasible for the development.
- (4) Area earmarked as public open space is also an area of Roman settlement. Restrictions placed by NLC's heritage office may restrict the use of SuDS features at this location, but this does not preclude the need to consider full SuDS for the development.

**Environment Agency:** No objections.

**Environmental Health:** The site investigation reports previous use of the land as an agricultural field and a brickyard on the eastern boundary. The contamination report submitted indicates no potential sources of contamination. However former agricultural land has the potential to be contaminated with substances such as pesticides, arsenic, lead, copper and other metals. Furthermore the former brickyard may have been impacted upon by its infilling. There is the potential for landfill gas from the adjacent infill via migration. The NPPF requires developers to provide proportionate but adequate site investigation reports. At present there is outstanding information required in relation to land contamination and the presence and scale of contamination is not fully understood. Due to the scale of the development and the sensitive nature of the end use, further information should be sought from the applicant to address the concerns prior to determination of the application.

**Anglian Water:** No objections.

**Public Health:** No objections.

**Ecology:** The site has some importance for great crested newts, hedgehogs and nesting birds. This application should not be determined, except for a refusal, until a bat and nesting bird survey has been carried out and we have considered the findings.

**Environment Agency:** No objections.

## **TOWN COUNCIL**

Objects strongly to this application on the following grounds:

- the area is outside the development limit
- the council has already approved land allocation
- infrastructure is not adequate
- noise and disturbance created during the development and after
- access and egress
- botanical habitants
- inadequate parking

- drainage
- additional traffic on North Street
- visual amenity
- nature conservation (bats)
- birds nesting
- traffic generation.

**Public Open Space Coordinator:** Commuted sum required for off-site provision to improve recreation.

**Spatial Planning:** Comment on the requirement for a Section 106 agreement to provide affordable housing.

**Strategic Housing Officer:** If the application were to be considered for approval we would wish to implement the Affordable Housing Policy Interim Statement June 2015. Policy CS9 seeks to secure up to 20% as affordable housing. The proposal is, however, outside the development boundary and is therefore contrary to the Local Development Framework.

The site is contrary to policy CS3 as the site is outside the development limit of Winterton. The applicant states the council does not have a five-year land supply in North Lincolnshire. North Lincolnshire does have a 5 Year Land Supply Statement and this was also discussed at the HELAPDP and Lincolnshire Lakes public examinations on which we are still awaiting the final reports.

Through the Housing and Employment Land Allocations DPD consultation a large number of objections were received from local residents surrounding this area opposing the site being allocated for housing. Due to the Localism Act 2011 the council discounted this site due to strong objections from local residents and Winterton town councillors. This Act passes significant new rights direct to communities and individuals, making it easier for them to be involved in decision-making and achieve their ambitions for the place where they live.

**Education:** We would ask for an educational contribution towards primary school places and the present figures are £2,751 per dwelling. If the section 106 is signed after 31 March there would need to be a revised figure.

## **PUBLICITY**

Neighbouring properties have been notified, and site and press notices posted. Forty letters have been received from occupiers of nearby properties objecting to the proposal on the following grounds:

- traffic generation and highway safety
- no capacity in the school and local services such as doctors and dentists
- outside the development limits

- antisocial behaviour from people using the woods
- flood risk
- biodiversity
- archaeology – once built on it will be lost
- Winterton does not need any more houses
- over-development of the town
- drainage problems – is the drainage system able to cope with the extra houses?

Two letters of support have been received with regard to the following:

- As long as the proposal provides some low-cost homes support the proposal because Winterton has shops and services and can absorb some more homes. Need housing locally as it will become harder to buy our own homes if there is not enough supply locally.

Four letters of comment have been received with regard to the following:

- The proposal should be on a smaller scale. No reference to the types of dwellings proposed. Concerns about drainage in the area.

## **ASSESSMENT**

### **Proposal**

The application proposes the demolition of an existing house, and outline planning permission for the erection of dwellings (with all matters reserved), the construction of roads and sewers, and the formation of public open space and ancillary landscaping on land at the rear of North Street and Cemetery Road, Winterton. The developer has indicated the number of dwellings to be approximately 135.

### **Site description**

The proposal involves the outline erection of new dwellings on land at North Street, Winterton. Presently the site is outside the development limit and consists of 6.5 hectares of undeveloped land. The application site lies on the north side of Cemetery Road, Winterton and the east side of North Street. Approximately 4.5 hectares is proposed to be developed for residential use and the remaining 2 hectares will be dedicated to public open space.

The proposed vehicular access is off North Street following the demolition of an existing house at 42 North Street and the topography of the site is mainly flat. The site is not situated within a conservation area. To the front of the site on Cemetery Road and North Street it is characterised by linear housing development of various types including terraced, semi-detached and detached dwellings, and some pre and post war housing, with a linear arrangement and well spaced with a balanced symmetry.

## **Environmental Health**

The site investigation reports previous use of the land as an agricultural field and a brick yard on the eastern boundary. The contamination report submitted indicates no potential sources of contamination. However former agricultural land has the potential to be contaminated with substances such as pesticides, arsenic, lead, copper and other metals. Furthermore the former brick yard may have been impacted upon by its infilling. There is the potential for landfill gas from the adjacent infill via migration. The NPPF requires developers should provide proportionate but adequate site investigation reports. At present there is outstanding information required in relation to land contamination and the presence and scale of contamination is not fully understood. Due to the scale of the development and the sensitive nature of the end use further information should be sought from the applicant to address the concerns prior to determination of the application.

## **Highway safety**

The proposed access is via two possible means onto North Street, subject to the demolition of an existing dwelling, and Cemetery Road, however the Cemetery Road access is pedestrian only. The access is, however, indicative only. The views of the highway control officer have been received and no objections are raised to the proposed access and submitted transport assessment.

## **Affordable housing**

A site of this size would attract a contribution of 20% affordable housing. Spatial Planning have commented on affordable housing and consider that from a policy point of view the following would be required. There is a proposal to provide 27 affordable dwellings on site in line with the council's current affordable housing policy of a 20% requirement. In order to draft a Section 106 agreement to secure affordable housing, the council needs to assess the types of affordable housing that will be provided on site to consider the following types based on need identified in the current housing market.

*Intermediate Housing* – Starter Homes, Shared Ownership

*Rented Housing* – Affordable Rent, Older People's Housing, Social Rent

*Specialist Housing* – Supported Housing, Adapted Housing, Extra Care Housing

Further consideration of the above needs to be discussed with the Strategic Housing Officer and the 106/CIL Officer prior to the drafting of any such Section 106 agreement.

## **Flood risk/surface water disposal/drainage**

The site is sited in a zone 1 flood risk area which is an area at lowest risk from flooding, as defined in the North Lincolnshire Strategic Flood Risk Assessment. Anglian Water and the Environment Agency have no objections to the proposal.

The proposal is considered to accord with policies DS13 (Drainage) and DS16 (Flood Risk) of the North Lincolnshire Local Plan.

## **Residential/visual amenity**

The proposed application is situated in an area which is predominantly residential to the frontage but the site lies mainly outside the development limits, the exception being the access proposed which incorporates the existing curtilage of an existing house on Cemetery Road which will be demolished as part of the proposal. All details of the proposed dwellings (means of access, scale, drainage, layout and landscaping) are reserved for subsequent approval as the application is in outline only.

## **Ecology**

The site is rural in nature and neighbours have raised concerns with regard to the impact of the proposal in terms of the local ecology of the area which they consider may be adversely affected by the development. The applicants have submitted an ecology report which summarises that there are no major ecological constraints associated with the development but recommends some precautionary measures to be undertaken to avoid an adverse effect on the biodiversity of the site. The council's Ecology Officer has commented on the application and considers the site has some importance for great crested newts, hedgehogs and nesting birds.

This application should not be determined, except for a refusal, until a bat and nesting bird survey has been carried out and we have considered the findings. The proposal is therefore contrary to policy LC5 (Species Protection) of the North Lincolnshire Local Plan.

If permission is granted, there will be a need to secure biodiversity enhancements in accordance with the National Planning Policy Framework.

## **Archaeology**

The council's archaeological officer has commented that the proposal would require further investigation in relation to archaeology. The applicant has undertaken a heritage assessment comprising desk-based research and archaeological field evaluation in accordance with paragraph 128 of the NPPF.

The results of this work demonstrate that the application site contains significant archaeological remains of a Romano-British settlement and associated cemetery with evidence of earlier Iron Age occupation. The applicant proposes leaving the area across the northern part of the site undeveloped to preserve the archaeology in situ and a programme of archaeological excavation elsewhere to preserve the remains by record ahead of development, including the Roman cemetery.

The specifics of this proposed mitigation strategy have not been discussed with the HER and there are reservations that the integrity of the archaeology can be preserved in situ given that there are as yet no satisfactory details of the long-term management for this area of public open space, or of the drainage and sewerage requirements that would need to be located elsewhere. The HER advises a holding objection until further information is provided regarding the potential impact of the development on heritage assets and the land management. It is considered that the proposal should be refused unless this information is submitted and detailed mitigation measures agreed to avoid adverse impact or adequately mitigate loss of heritage assets. The proposal is therefore contrary to policy HE9 (Archaeological Evaluation).

## **Residential amenity**

The application is in outline only and at this stage the plans do not show any detail in terms of layout and those submitted are indicative only. On that basis it is difficult to comment on the proposal from a residential amenity perspective other than the likely increase in traffic which may arise as a result of the proposal.

## **Other issues/principle of development**

The site is still mainly outside the development limits and is therefore sited in open countryside. Although the site is well related to the settlement and the application site to the frontage access is previously developed land within the settlement limits, the policy presumption is not in favour of new housing outside the development boundaries unless it is essential for agriculture or forestry. The applicants consider that the site is well related to the existing settlement and they consider it to be a sustainable site. The applicants have raised concerns that the council does not have a five-year housing land supply.

The council does, however, have a five-year land supply of housing and development that is available and deliverable. This proposal is considered unacceptable on planning policy grounds. The site was not put forward for inclusion in the development limits in the recent review of development limits in the local plan as there are other suitable sites for development in Winterton and on the grounds of objections from local residents. The findings of the Inspector in relation to the sites put forward are due imminently.

## **Conclusion**

The proposal is considered to be unacceptable in planning policy terms and does not accord with the relevant planning policies contained in the Core Strategy, the North Lincolnshire Local Plan and advice given in the National Planning Policy Framework. The application is recommended for refusal.

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

1.

The majority of the proposed development is located outside the defined settlement limit for Winterton where new development is restricted to uses related to agriculture, forestry or uses appropriate to a rural area. The proposed development is therefore contrary to National Planning Policy Framework paragraphs 11 and 12 in relation to achieving sustainable development, policies CS2, CS3, CS7 and CS8 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan.

2.

The proposed development fails to provide adequate information in relation to the likely impact on heritage assets of archaeological importance and is therefore considered contrary to policy HE9 of the North Lincolnshire Local Plan.

3.

The proposed development fails to provide adequate information in relation to the likely impact on protected species and is therefore contrary to policy LC5 of the North Lincolnshire Local Plan.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 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.



# PA/2015/1390 Indicative Layout Only - Not to scale

