

APPLICATION NO	PA/2015/1390
APPLICANT	Mr Mark Snowden, Keigar Homes Ltd
DEVELOPMENT	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
LOCATION	Land rear of North Street and Cemetery Road, Winterton
PARISH	Winterton
WARD	Burton upon Stather and Winterton
CASE OFFICER	Craig Fotheringham
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Winterton Town Council Member 'call in' (Councillor Helen Rowson – significant public interest) Significant public interest

POLICIES

National Planning Policy Framework:

Paragraph 7 – Achieving sustainable development.

Paragraph 11 – Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 12 – Proposed development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

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.

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 settlements, including Market Towns, of which Winterton 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. 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: 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 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.

Policy RD2 (Development in the Open Countryside) – Development in the open countryside will be strictly controlled and planning permission will only be permitted for development that requires a countryside setting or involves an existing use.

Housing and Employment Land Allocations Development Plan Document: The majority of the proposal site is located outside the development limit for Winterton and is not specifically allocated for housing.

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 National Planning Policy Framework 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: It is noted that development will lead to a risk of flooding downstream and mitigation in the form of a specific drainage strategy to the north of the development site is required which should cover the procurement of the improvement works. It is suggested that this can be covered by a condition requiring the preparation and implementation of the drainage strategy.

Public Health: No objections.

Ecology: Following the submission of detailed bat surveys the council's ecologist has made further comments.

The bat survey revealed no evidence of bats roosting in, or emerging from number 42 North Street, which is the house that is to be demolished. Common pipistrelles, and occasional brown long-eared bats, forage around the gardens in this area. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the National Planning Policy Framework.

Archaeology: The application site contains significant archaeological remains of a Romano-British settlement and associated cemetery with evidence of earlier Iron Age occupation.

The applicant has prepared a detailed mitigation strategy to conserve the significance of the archaeological remains. The strategy provides for public open space across the northern part of the site to preserve the archaeology in situ combined with a programme of archaeological excavation to preserve the remains by record ahead of development, including the Roman cemetery.

The mitigation measures will avoid adverse impact on the most significant remains and adequately mitigate the unavoidable loss of archaeology elsewhere on the site in accordance with the relevant national and local planning policy.

The applicant has also sent the HER a survey report of the Royal Observer Corps (ROC) underground monitoring post located in the area of the proposed open space; this monument of the Cold War has potential for restoration as a historical attraction.

Financial contributions should be sought towards the maintenance and interpretation of the ROC post and the Roman archaeology within the public open space.

No further objection to the application subject to conditions securing the implementation of the agreed mitigation measures set out in the written scheme of investigation.

Irrespective of the planning decision, the results of the archaeological investigations undertaken to date, in particular the burials, merit further post-excavation analysis and publication in a national or regional journal to disseminate the findings and advance understanding in accordance with the National Planning Policy Framework (paragraph 141).

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 habitats
- 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.

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.

This application was deferred at the Planning Committee on 13 January at the request of the applicant in order that additional information regarding archaeology and ecology issues could be prepared and submitted. The applicant has subsequently submitted additional information in relation to archaeology and ecology which is examined and addressed elsewhere within this report. It is noted that the timing of the evening emergence/dawn bat survey required during the active season (late April to late September) has resulted in some considerable delay in bringing this application back committee.

Site description

Presently the site is outside the development limit as established in the Housing and Employment Land Allocations Development Plan Document (DPD) 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. 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, well-spaced and with a balanced symmetry.

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 National Planning Policy Framework (NPPF) requires developers to provide proportionate but adequate site investigation reports.

Gas monitoring reports have now been submitted by the applicant that demonstrate that the gas screening values are low and the levels of carbon dioxide are well below the assessment criteria and conclude that no further assessment is required. Furthermore a Supplementary Site Investigation Report has been submitted that concludes that the anticipated geology was encountered as per the original investigation and testing for metals which can be associated with pesticides and organochlorides, organophosphorus have proven contamination is not present.

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, only indicative. 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 falls within flood zone 1 as defined in the North Lincolnshire Strategic Flood Risk Assessment. This area is at the lowest risk from flooding and the Environment Agency has no objections to the proposal.

It is therefore considered that the proposal accords with policies DS13 (Drainage) and DS16 (Flood Risk) of the North Lincolnshire Local Plan and Core Strategy policy CS19 (Flood Risk).

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 proposed access 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 adverse effects on the biodiversity of the site. The council's Ecologist has commented on the application and considers the site has some importance for great crested newts, hedgehogs and nesting birds.

The application was deferred at the previous committee meeting for further information on ecology with particular regard to bats.

Since then two sets of bat reports have been submitted. The first surveyed the existing property at 42 North Street during January 2016 and identified a small number of bat droppings present with a recommendation that further emergence/re-entry survey(s) be carried out during the active season (late April – late September). The council's Ecologist at that time agreed with the report's recommendations that a further survey was required.

Subsequently, bat surveys were undertaken during April and May 2016 that concluded that 42 North Street does not appear to be in use as a roost site at the present time. It was highlighted that common pipistrelle bats are using the garden of the property for foraging and commuting to adjacent feeding areas and that the results of the survey are consistent with other surveys undertaken at the property. The council's Ecologist, following the findings of the bat reports, has no objections to the demolition of the property provided that sensitive methods are employed as recommended in the reports. It is also suggested by council's Ecologist that, if permission is granted, planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the National Planning Policy Framework.

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.

An Archaeological Mitigation Strategy dated 11th February was submitted to overcome deficiencies highlighted by the council's HER Officer

The archaeological work proposed entails a strip, map and sample (SMS) of an area of high archaeological potential extending into the development area and a portion of an area of proposed public open space, a programme of historic building recording of a Royal Observer Core Monitoring Post, and a programme of archaeological monitoring during the excavation of a swale along the southern edge of the public open space. These works follow on from a preceding desk-based assessment, non-intrusive surveys, comprising magnetometer survey fieldwalking, metal detecting, and resistivity survey and an intrusive evaluation by trial trenching.

The council's HER Officer has no further objection to the application subject to conditions securing the implementation of the agreed mitigation measures set out in the written scheme of investigation.

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 predominately outside the development limits for Winterton as established in the recently adopted Housing and Employment Land Allocations Development Plan Document (DPD) and in Local Development Framework terms is mostly located within the open countryside. It is not an allocated housing site.

The applicant has promoted this site throughout the preparation of the Housing and Employment Land Allocations Development Plan Document with it being discussed in some depth at the independent examination that was held during January 2015. At that time the site was not included within the Revised Submission Plan with the applicant objecting to its omission. The Planning Inspector, within his post-inquiry report, did not recommend that this site should be included as an allocated site or the development limit amended to include the land. Sufficient housing land has been identified within Winterton, without the need for this site, to meet the adopted Core Strategy's housing requirement for the town.

The applicant considers that their site is well related to the existing settlement and that it is in a sustainable location. They have raised concerns that the council does not have a five-year housing land supply and that the development of this site would contribute to the five-year supply.

North Lincolnshire does have a 5 Year Land Supply Statement, published on the council's website, which sets out the latest position regarding housing land supply in North Lincolnshire. The council's five-year housing supply was critically examined at both public examinations to the Housing and Employment Land Allocations Development Plan Document and the Lincolnshire Lakes Area Action Plan and proved to be key evidence at the hearing sessions. It is noted that the applicant's five year supply argument is a repeat of what was put to the Planning Inspector at the DPD's examination which was not accepted.

It is clearly stated within paragraph 11 of the NPPF that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is further reinforced in paragraph 12 that states that the National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The applicant may consider that the proposal meets the definition of sustainable development but when it is not policy compliant paragraph 12 of the NPPF recommends refusal. Furthermore, it is considered that the applicant has failed to demonstrate that there are any material considerations that would outweigh the provisions of the development plan.

The proposal is contrary to the provisions of the development plan. The Core Strategy, through policies CS1, CS2 and CS3, and local plan policy RD2 seeks to restrict development outside a development limit to that which is essential to the functioning of the countryside which includes uses such as those related to agriculture, forestry or other uses which require a countryside location or which contribute to the sustainable development of the tourist industry. A speculative housing proposal would clearly fail such provisions.

Core Strategy policy CS8 sets the spatial distribution of housing sites across North Lincolnshire with a requirement of 277 dwellings specifically identified for Winterton up to 2026. Due to completions and commitments since the adoption of the Core Strategy the housing requirement is now 235 dwellings.

This requirement is met by the housing allocations identified within the Housing and Employment Land Allocations Development Plan Document. There is therefore no need, with regard to the Local Development Framework, for further significant housing development in Winterton.

The DPD's housing allocations for Winterton and existing commitments contributes 95 dwellings towards the council's 5 Year Housing Land Supply. This demonstrates that those sites are deliverable with a commitment by the individual site owners/developers to bringing them forward.

Conclusion

The proposal is not allocated as a housing site, nor does it fall within a development limit as established within the Housing and Employment Land Allocations DPD. This site was rigorously tested at the public examination to this DPD and was not recommended to be specifically included as a housing site by the Planning Inspectorate.

It represents inappropriate development in the open countryside and is contrary to local plan policy RD2 and policies CS1, CS2, CS3 and CS8 of the Core Strategy. The NPPF states that proposed development that conflicts with an up-to-date local plan should be refused unless other material considerations indicate otherwise. In this instance a case has not been put forward that would outweigh the provisions of the development plan.

The application is recommended for refusal.

RECOMMENDATION Refuse permission for the following reasons:

1.

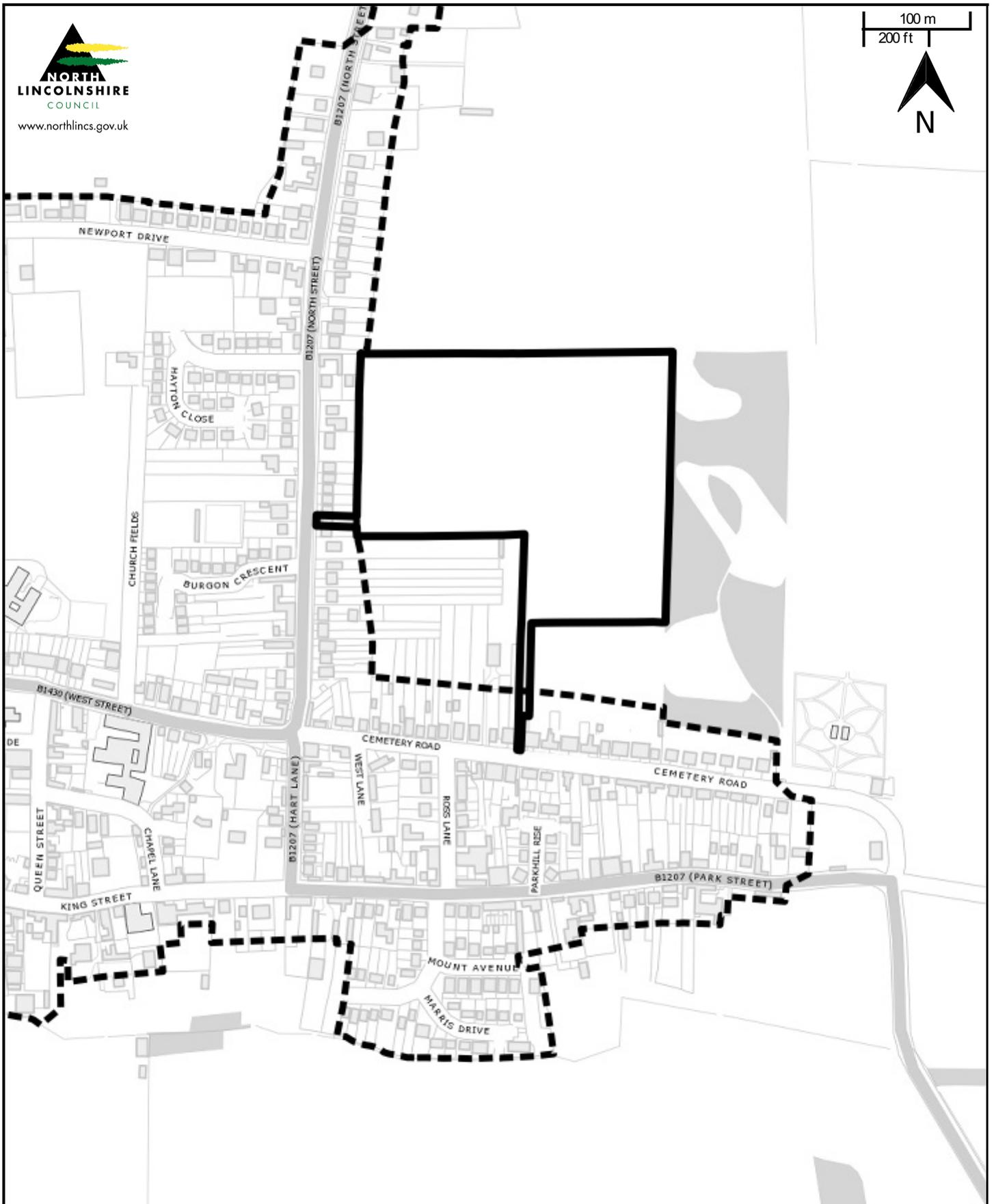
The majority of the proposal site is located outside the defined development limit for Winterton as established in the Housing and Employment Land Allocations DPD and in planning policy terms is located within the open countryside. Within such an area the development plan seeks to restrict proposals to those which are essential to the functioning of the countryside which includes uses such as those related to agriculture, forestry or other uses which require a countryside location or which contribute to the sustainable development of the tourist industry.

2.

The proposal represents inappropriate development in the open countryside and is contrary to local plan policy RD2 and policies CS1, CS2, CS3 and CS8 of the Core Strategy. The NPPF states that proposed development that conflicts with an up-to-date local plan should be refused unless other material considerations indicate otherwise. In this instance a case has not been put forward that would outweigh the provisions of the development 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. However, in this case, adequate provision for new housing in Winterton and the wider area has been made.



N.L.L.P Development Boundary

Application Site


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

