

MEMO

**North
Lincolnshire
Council**

TO: NICK SALT, DEVELOPMENT MANAGEMENT
FROM: ALISON WILLIAMS, HISTORIC ENVIRONMENT RECORD
REF: PA/2021/223
DATE: 22/04/2021

SUBJECT: Outline planning permission to erect 6 dwellings, revised access to highway, & demolition of existing dwelling & structures, 91 Barrow Road, Barton Upon Humber

PARISH: BARTON UPON HUMBER

SUMMARY OF ADVICE

- The application site contains important evidence of the early settlement of Barton between the mid-8th to the 12th centuries including a section of the town ditch known as the Castledyke
- The archaeological evidence is considered of national importance to be treated as equivalent to a designated heritage asset (scheduled monument) (NPPF, Paragraph 194, Footnote 63)
- Regrettably, recent planning history has allowed the applicant to undertake engineering groundworks across the site destroying known archaeology in the process; nonetheless, it is anticipated that significant evidence will survive
- Paragraph 191 of the NPPF states '**Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.**'
- Groundworks associated with the current proposals for development of the site would cause substantial harm to the surviving archaeological significance of the site
- The applicant has submitted the archaeological Written Scheme of Investigation (WSI) relating to full planning application PA/2011/1554
- The WSI would not achieve the preservation of the significance of the heritage asset and does not relate to the current outline application or secure the details of reserved matters
- The Historic Environment Record recommends **REFUSAL** of planning permission as the mitigation strategy is inadequate and the proposal would result in substantial harm to archaeology of national importance equivalent to a scheduled monument contrary to paragraphs 190, 193, 194, 195 and 199 of the NPPF, and Core Strategy Policy CS6 and saved Local Plan policies HE8 and HE9.

HISTORIC ENVIRONMENT RECORD (HER) FUNCTION: To hold, maintain, interpret and manage heritage information, enhancing the understanding of the area's historical development as a distinctive and attractive place. HER information provides source material for interpretation by heritage professionals and for use by community groups and individuals. The HER database is updated as new information about the historic environment is discovered.

The HER also provides advice on development proposals that affect, or may affect, the sites and settings of all heritage assets i.e. designated and non-designated historic buildings, archaeological sites and monuments, and historic places, areas and landscapes. This advice is provided against saved local plan policies and national historic environment policies. See <https://www.northlincs.gov.uk/planning-and-environment/historic-environment-and-conservation/>

DETAILED ADVICE

Thank you for the opportunity to comment on this application which affects archaeology of national importance equivalent to a scheduled monument, and thus to be treated as a designated heritage asset.

In 2008, archaeological evaluation comprising the excavation of trial trenches revealed the presence of archaeology of high significance across the site, including evidence of Saxon occupation and the 12th century town defences. These are a continuation of features first revealed during archaeological excavation in advance of the construction of the neighbouring property at 89 Barrow Road in 2000 and associated with the nationally significant archaeology of St Peter's Church and Saxon manorial site.

The HER was consulted on previous full applications PA/2010/1513 and resubmission PA/2011/1554 for 14 houses on the same site as the current outline application for 6 dwellings. The HER's consultation response to PA/2011/1554 dated 27 January 2016 contains much information pertinent to the current application and is appended to the end of this memo for your convenience.

Further to the previous planning applications, the current owner submitted two separate applications for lawful developments PA/2019/1785 and PA/2020/1816. Most unfortunately, the Planning Authority did not consult the HER on these applications.

Regrettably, the issuing of Certificates of Lawfulness for these operations has allowed the applicant to undertake engineering works across the site destroying archaeological evidence without any record. The applicant has commenced these operations knowing they were destroying archaeology comprising sections of the medieval town ditch running diagonally through the site. The extent of the damage is seen in the photograph chosen to illustrate the front cover of the Design & Access Rev.6 Statement, and on submitted plans showing the location of the 4m deep Koi Carp ponds along the line of the Castledyke town ditch.

In Section 1.3 of the Design & Access Statement, the applicant contends that because they have obtained certificates of lawfulness for operations that would destroy further areas of archaeology on the site that the alternative for the Planning Authority to grant permission for the current application would avoid their lawful completion of these operations and lawful destruction of archaeology without record.

However, every planning application should be decided on its own merits in accordance with the relevant legislation, national and local planning policies current at the time. Furthermore, the Planning Authority's attention is drawn to paragraph 191 of the NPPF that states

'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'

The applicant has submitted a Written Scheme of Investigation (WSI) for an archaeological mitigation strategy that was prepared for the previous full planning application on this site (PA/2011/1554). The HER previously advised the Planning Authority that the proposed strategy would not preserve the integrity of the archaeological significance of the site and would not provide an acceptable level of preservation. Accordingly, the HER recommended refusal of the 2011 application on archaeological grounds in accordance with the current national and local planning policies. The HER responded to a pre-application enquiry from the applicant for a development of four dwellings with the same advice (ref PRE/2019/136).

HERITAGE SIGNIFICANCE

The proposed development site contains important evidence of the early settlement of Barton dating from between the mid-8th to the 12th centuries AD that includes a section of the town ditch known as the Castledyke; archaeological survival of Saxon and Medieval remains at Barton is of national importance.

The archaeological significance of the heritage interest of the application site is set out in more detail in the HER's response to the previous application appended below. This information makes the case that the archaeological evidence is considered of national importance to be treated as equivalent to a designated heritage asset (scheduled monument) (NPPF, Paragraph 194, Footnote 63)

Additional evidence of the extent of the earlier settlement of Barton has come from recent archaeological investigations on the housing developments off Falkland Way to the east of the proposal site providing further context for the significance of the archaeological interest at Barrow Road.

HERITAGE POLICY

In view of the significance of the archaeological evidence that this development would affect the following national and local planning policy applies.

The National Planning Policy Framework (NPPF, 2019) provides guidance to local authorities for conserving and enhancing heritage assets and their settings, which includes archaeological sites and remains. Paragraph 8 refers to the role of the planning system to contribute to achieving sustainable development under three overarching objectives; economic, social and environmental. The environmental objective includes contributing to protecting and enhancing the historic environment.

Section 16 (paragraphs 184-202) of the NPPF details the government's approach to conserving and enhancing the historic environment. Paragraph 184 describes heritage assets as '**an irreplaceable resource**' to be '**conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations**'.

Paragraphs 189 and 190 of the NPPF require an applicant to submit sufficient information about the significance of any heritage assets that their proposals may affect that allows the local planning authority to assess the degree of impact on heritage assets and their settings, and how this impact may be mitigated, if at all. This information allows the planning authority to make an informed and reasonable decision in line with the sustainable development principles of the NPPF. The impact of development on all heritage assets is a material consideration and the NPPF includes policies to guide the determination of applications relating to designated and non-designated heritage assets (paragraphs 193-197).

Paragraph 191 directs that '**Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.**'

Paragraph 192 of the NPPF guides local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states '**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 194 '**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. Substantial harm to or loss of:**

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁶³.

63 Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Paragraph 195. **Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:**

- a) the nature of the heritage asset prevents all reasonable uses of the site; and**
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and**
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and**
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.**

Where harm and loss of significance is considered justified in these tests, paragraph 199 requires of local planning authorities that they **'should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁶⁴. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'**

Paragraph 11 of the NPPF, directs planning authorities to apply a presumption in favour of sustainable development and grant planning permission where (d) the policies which are most important for determining the application are out of date, such as where the local planning authority cannot demonstrate a five year housing supply (footnote 7). The exceptions to the presumption include at (i) the application of policies in the NPPF that protect areas or assets of particular importance that provide clear reasons for refusal. Footnote 6 makes clear that such assets include heritage assets of archaeological interest referred to in footnote 63.

The relevant local planning policies include Core Strategy policy CS6 Historic Environment that states **'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of area 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'**.

Where Scheduled Monuments, or sites of equivalent significance, are affected directly or indirectly, saved Local Plan policy HE8 Ancient Monuments directs **'Development proposals which would result in an adverse effect on Scheduled [Ancient] Monuments and other nationally important monuments, or their settings, will not be permitted.'**, and

Policy HE9 Archaeological Evaluation that **'Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.'**

ASSESSMENT

Despite the recent lawful operations on the application site that will have destroyed some of the archaeological evidence without record, much of the archaeology is anticipated to survive. The applicant has not however submitted any specific information that would allow the planning authority to assess the affects of these works on the archaeology in relation to changed topography and ground levels apparent from the aerial photographic images.

The applicant has not submitted a detailed Heritage Impact Assessment specific to the current application. They have resubmitted the Written Scheme of Investigation (WSI) dated 2015 for an archaeological mitigation strategy that was prepared for the previous full planning application on this site (PA/2011/1554). The 2015 strategy was closely dependent on the detailed layout, ground levels and the relative depth of archaeological features, and the piled foundation designs specified for the previous proposed development.

The HER advised the Planning Authority that the proposed strategy would not preserve the integrity of the archaeological significance of the site and would not provide an acceptable level of preservation resulting in damage and destruction of significant archaeological remains. These reasons are set out in the HER's appended memo and would apply equally to the current proposals.

Moreover, as the current application is in outline with all matters except access reserved, the submitted site plans and layout are indicative only, and are therefore insufficient to inform a detailed archaeological mitigation strategy where implementation and delivery could be guaranteed. In the event that the proposals are undeliverable, no alternative strategy to ensure preservation by record is provided. As such the planning authority cannot make an informed decision on the basis of the submitted information.

Given that these are not the full and final details, the submission is insufficient to support the applicant's claims in the Design and Access Statement that 'The proposal has strived to minimise any impact upon the heritage asset that lies below ground level. The sections show the depths with little to no impact compared to the ponds' or that 'A comprehensive examination of the site's history and archaeology has been previously undertaken and it is believed that the new proposal can be carried out with a minimum of impact to the underlying archaeology'

The HER holds the view that the mitigation strategy will not protect the archaeology from damage and destruction, particularly now that the site has been stripped resulting in changes to the depth of cover of the archaeological features that has not been sufficiently described and assessed. The strategy does not make adequate provision for excavation and recording before and during development. The impact of the proposed development will result in substantial harm to the archaeological interest of the Saxon settlement and the medieval town defences that is of the highest significance. The harm does not just apply to the application site itself but will also damage the archaeological potential and significance of the heritage assets in the wider area and the interests of future archaeological investigations.

The reasons I consider the applicant's mitigation strategy to be flawed are set out in the appended memo. The strategy would not preserve the archaeological significance of the site which is of national importance equivalent to a scheduled monument.

The applicant has not demonstrated justification for the substantial harm to the heritage asset or any overriding reasons why the development should take place. The development site is not an allocation or committed site in the Housing and Employment Allocations DPD. Nor are the harmful impacts of the proposal justified in relation to the sustainable development objective to protect and enhance the historic environment.

RECOMMENDATION

For the reasons set out above and in the appended memo the Historic Environment recommends that this outline application is **REFUSED**. This is because it would result in substantial harm to archaeology of national importance that is of demonstrably equivalent significance to a scheduled monument and thus should be considered subject to the policies for designated heritage assets. The lack of an appropriate mitigation strategy that makes adequate provision for excavation and recording before and during development and is capable of delivery together with the lack of any justification for the substantial harm to the heritage asset run contrary to paragraphs 190, 193, 194, 195 and 199 of the NPPF, and to local planning policies Core Strategy policy CS6 and saved Local Plan policies HE8 and HE9.

Furthermore, the application would not conserve the heritage asset in the manner appropriate to its significance and thus fails the key sustainability objective of the NPPF to protect and enhance the historic environment for this and future generations contrary to paragraphs 8 and 184 of the NPPF.

These reasons for refusal should be considered as meeting the criteria for exception to the presumption in favour of sustainable development (NPPF paragraph 11 d) i).

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APPENDIX

PLANNING CONSULTATIONS

REFERENCE: PA/2011/1554

CASE OFFICER: DAVID WORDSWORTH



TEAM: HISTORIC ENVIRONMENT RECORD

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SUBJECT: Planning permission to erect 14 dwellings (Re-submission of PA/2010/1513), Land at, 91 Barrow Road, Barton Upon Humber

PARISH: BARTON UPON HUMBER

DATE ISSUED: 27/01/2016

SUMMARY OF ADVICE

- The application site contains important evidence of the early settlement of Barton between the mid-8th to the 12th centuries including a section of the town ditch known as Castledyke
- The archaeological evidence is of national importance and should be treated as equivalent to a designated heritage asset (scheduled monument)
- The proposed development would cause substantial harm to the archaeological significance of the heritage assets
- The proposed mitigation strategy is unacceptable
- The HER advises **REFUSAL** as the application would be contrary to national and local planning policies

HISTORIC ENVIRONMENT RECORD (HER) GROUP FUNCTION: To hold, maintain, interpret and manage heritage information, enhancing the understanding of the area's historical development as a distinctive and attractive place. HER information provides source material for interpretation by heritage professionals and for use by community groups and individuals.

The Group also provides advice on development proposals that affect, or may affect, the sites and settings of all heritage assets i.e. designated and non-designated historic buildings, archaeological sites and monuments, and historic places, areas and landscapes. This advice is provided against saved local plan policies and national historic environment policies.

DETAILED ADVICE: I refer you to my previous response to this application dated 1st April 2014. An inconclusive meeting to discuss the archaeological issues was held on 17th December 2014 and a

further version (5) of the Heritage Asset Impact Assessment (HIA) and Written Scheme of Investigation (WSI) was submitted to the LPA on 4th November 2015 and forwarded to the HER on 5th January 2016.

Policy

Paragraphs 128 & 129 of the NPPF require an applicant to submit sufficient information about the significance of any heritage assets that their proposals may affect that allows the local planning authority to assess the degree of impact on heritage assets and their settings, and how this impact may be mitigated, if at all. This information allows the planning authority to make an informed and reasonable decision in line with the NPPF. The impact of development on all heritage assets is a material consideration and the NPPF includes policies to guide the determination of applications relating to designated and non-designated heritage assets (paragraphs 131-135).

Paragraph 139 of the NPPF applies in this case and states that ***'Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'***.

Paragraph 132 is thus relevant; ***'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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.***

Paragraph 133 goes on to state ***'Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:...***

Where harm and loss of significance is considered justified, paragraph 141 requires of local planning authorities that ***'They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'***

The relevant local planning policies include policy CS6 of the North Lincolnshire Core Strategy that states ***'The council will promote the effective management of North Lincolnshire's historic assets through: ...Preserving and enhancing the rich archaeological heritage of North Lincolnshire...The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of area 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...Development proposals should provide archaeological assessments where appropriate.'***

Saved Local Plan Policy HE8 Ancient Monuments states that ***'Development proposals which would result in an adverse effect on Scheduled Ancient Monuments and other nationally important monuments, or their settings, will not be permitted.'*** and,

HE9 states ***'Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.'***

Archaeological Significance

Significance is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. The Planning Practice Guidance (PPG) advises that significance is important in decision-taking because being able to properly assess the nature, extent and importance of the significance of the asset is very important to understanding the potential impact and acceptability of development proposals (PPG section ID 18a, paragraph 10). Local planning authorities should seek advice to assess the significance of heritage assets from their appropriately qualified staff and experienced in-house experts, complemented as appropriate by consultation with other statutory consultees such as Historic England (ibid, paragraph 11).

The application site contains important evidence of the early settlement of Barton dating from between the mid-8th to the 12th centuries including a section of the town ditch known as the Castledyke; archaeological survival of Saxon and Medieval remains at Barton is of national importance.

Archaeological evaluation of the application site was undertaken in 2008 comprising the excavation of sixteen trial trenches (Lindsey Archaeological Services, 2008, *Seaforth, 91 Barrow Road, Barton on Humber, North Lincolnshire; Archaeological Evaluation*).

Significant archaeological remains were recorded in fourteen of these sixteen trenches dating mainly from the mid-8th to the 12th century AD. Over 100 cut features, mainly linear ditches, pits and postholes were recorded, representing a continuation of the Saxon and Medieval occupation remains excavated in 1999-2000 on the neighbouring site at 89 Barrow Road. The Medieval Castle Dyke, or town ditch, was encountered running diagonally, southwest to northeast, across the application site, cutting through earlier Saxon features. Evidence of metal-working of this date was also found.

The density of archaeological features in each of the trenches was consistent across the site with the exception of the two trenches placed to the south of the existing house where features were absent or truncated by later activity and the construction of the house. Some of the archaeological remains were encountered as little as 0.25m below the present ground surface, with an average depth to the surviving deposits of 0.70m.

The presence of this archaeology provides further evidence that the Saxon settlement of Barton was not confined to the area of the pre-conquest enclosure in the immediate vicinity of St Peter's Church, but was clearly more widespread.

The remains at 89 and 91 Barrow Road are thus of particular significance for the understanding of the Saxon origins of Barton-on-Humber. The application site is located less than 100m to the southeast of the large sub-circular enclosure that pre-dates the 10th century Church of St Peter built over its west side. The outline of this defensive ditch can be traced in the modern street pattern enclosing a substantial area of approximately four hectares. The original purpose of the enclosure has yet to be established but is variously considered to be an early monastic foundation associated with Chad, the 7th-century bishop of Lichfield documented by Bede, or the defended site (burgh) of a Saxon thegn or Danish lord; St Peter's Church is in the guardianship of Historic England and the western portion of the enclosure containing the later Medieval Tyrwhitt Hall are designated Scheduled Monuments. The manorial site may be associated with a castle erected by Earl Gilbert at Barton during the time of the Anarchy (1135 – 53) and the 12th – century town defences that comprise a substantial ditch outside the earlier enclosure.

The published research excavations at St Peter's Church and the early settlement and development of Barton upon Humber are of national and international interest. The significance of the archaeology at the application site therefore must be seen in the context of its relationship with these other nationally significant heritage assets.

The Historic England Scheduling Selection Guides for Settlement Sites to 1500 and Pre-1500 Military Sites set out the criteria and specific considerations when assessing settlements and town defences of the Anglo-Saxon and Medieval periods, see:

https://content.historicengland.org.uk/images-books/publications/dssg-settlement-sites-1500/130531_Settlement_Sites_to_1500_SSG_final_edit.pdf/

https://content.historicengland.org.uk/images-books/publications/dssg-pre1500-military/121211_Pre_1500_Military_SSG_final.pdf/

The archaeological evidence of the application site can be seen to meet relevant criteria for scheduling that includes the following:

- good survival of evidence for Saxon settlement about which relatively little is known, and of the Medieval town defences
- evidence that demonstrates different phases of development of the settlement
- rarity of the evidence of settlement and town defences of this period in the region
- group value as part of a sequence of sites that developed through time
- the potential for industrial remains associated with the settlement
- the historical importance of the related evidence and association with documented individuals

The Scheduling Selection Guides note that some sites may be identified as being of national importance but that it is not necessarily appropriate to schedule them, and that Government policy affords them protection through the planning system with local authorities playing a key part in their management.

Development Impact

What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset; that is it is the degree of harm to the asset's significance rather than the scale of development that is to be assessed. Substantial harm is a high test that does not arise in many cases and relates to the destruction or loss of significance of the heritage asset in whole or part.

In my opinion the impact of the proposed development will result in substantial harm to the archaeological interest of the Saxon settlement and the medieval town defences that is of the highest significance. The harm does not just apply to the application site itself but will also damage the archaeological potential and significance of the heritage assets in the wider area and the interests of future archaeological investigations.

The topography of the application site, the varying levels of the archaeological horizon below existing ground levels, and the nature and extent of the proposed development is such that the whole site will be affected by the preparation, landscaping and construction works and the installation of services. This would result in the exposure and total or partial destruction of irreplaceable archaeological evidence that is crucial to the understanding of the overall significance of the remains both on this site and the surrounding area.

The applicant has proposed mitigation based on the premise that the archaeology beneath the house plots can be preserved in situ together with a small area of excavation that represents just 5% of the total site area; this strategy is set out in the HIA and the accompanying WSI. Since 2011 both these documents have gone through a number of iterations, however the approach is unchanged. The mitigation proposals will not protect the archaeology from damage and destruction, in particular from the site strip and landscaping works, nor does the foundation design convince me that the archaeology could be adequately protected. I remain of the opinion that the applicant's mitigation proposal is inadequate.

It is the case that current national planning policy for the historic environment no longer places specific emphasis on preservation in situ of archaeological remains as the preferred option. Rather the NPPF expects local planning authorities to recognise that heritage assets are an irreplaceable resource and to conserve them in a manner appropriate to their significance taking into account the desirability of sustaining and enhancing that significance (NPPF, 126). Local planning authorities should consider the impact of a proposal on a heritage asset and seek to avoid or minimise conflict between the heritage asset's conservation and any aspect of a development proposal (NPPF, 129).

Archaeological interest, as defined in the NPPF, is the prospect for a future expert archaeological investigation to reveal more about our past; burying, or attempting to bury, archaeological remains below a development places the opportunity for such investigations out of reach for several generations at least and thus does not necessarily serve the objective of protecting this interest.

The application site comprises the large garden of a late Victorian villa built on the edge of the town; today the site is surrounded by other gardens, some of similar large size including that of the neighbouring property at no.89. Together these gardens form a substantial green space between the town to the west, modern housing to the north and the cemetery to the east. This green space is of particularly high archaeological potential and offers major scope for future archaeological investigations. Within this area the application site contains significant archaeological evidence of great relevance to the nationally important archaeological resource of the historic settlement of Barton.

The contribution that the site makes to this open area and the possibility of gaining new understanding of the past would be severely compromised in the long-term if the site were to be developed and sub-

divided into multiple properties under different ownership placing it almost entirely out of future investigation.

For these reasons I consider that the applicant's mitigation strategy is flawed and would not preserve the archaeological significance of the site which is of national importance equivalent to a scheduled monument.

Recommendation

The applicant has not demonstrated any justification for the substantial harm to the heritage asset or any overriding reasons for the development to take place. The harmful impacts of the proposal are not justified in terms of the sustainable development objective of conserving the significance of the heritage assets and the need for change; the development site is not an allocation or committed site in the proposed Housing and Employment Allocations DPD and thus does not form part of the council's 5 year housing supply.

Accordingly, the application should be **REFUSED** as it is contrary to the NPPF, Core Strategy policy CS6 and Local Plan policies HE8 & HE9; the development would result in an unacceptable level of harm to the archaeological interest of the site that is of equivalent significance to that of a designated heritage asset (scheduled monument).

Given the significance of the archaeological interest of this site, you may also wish to consult Historic England for their view on this application.