

APPLICATION NO	PA/2016/1426
APPLICANT	John Halmshaw Partners
DEVELOPMENT	Planning permission for the construction of 6 detached Eco Lodges within a walled garden area in conjunction with related alterations to an existing modern agricultural shed, and adjacent outbuilding, together with forming new openings in kitchen garden wall and associated works
LOCATION	Wootton Hall, Vicarage Lane, Wootton, DN39 6SH
PARISH	Wootton
WARD	Ferry
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Wootton Parish Council

POLICIES

National Planning Policy Framework: Paragraph 38 requires local planning authorities to approach decisions on proposed development in a positive and creative way.

Paragraph 47 states that *“planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”*

Paragraph 83 states that *“planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

Paragraph 130 states that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...”*

Paragraph 189 states that *“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.”*

Paragraph 190 required local planning authorities to identify and assess the significance of heritage assets that may be affected by a proposal...taking account of the available evidence and any necessary expertise.

Paragraph 192 states that in determining applications, *“local planning authorities should take account of:*

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

Paragraph 193 states that *“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...”*

Paragraph 194 states that *“any harm to, or loss of, the significance of a designated heritage asset... should require clear and convincing justification.”*

North Lincolnshire Local Plan:

Policy DS1 (General Requirements)

Policy RD2 (Development in the Open Countryside)

Policy HE5 (Development affecting Listed Buildings)

Policy LC5 (Species Protection)

Policy R13 (Tourism)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS15 (Culture and Tourism)

Policy CS17 (Biodiversity)

CONSULTATIONS

Highways: No objection or comments.

Ecology: Initially objected as the barn has the potential for bats and nesting birds and no protected species surveys had been submitted with the application. Following the completion of bat and nesting bird surveys the ecologist has removed their objection subject to conditions.

Environmental Health: No objection subject to conditions.

Drainage: No objection subject to conditions.

HER (Conservation): Initially objected due to the design of the eco-lodge scheme and the proposed holiday lodge park adjacent to the walled garden. Following the submission of amended plans, which remove the holiday lodge park from the proposal and redesign the layout of the eco-lodge development, the conservation officer has removed their objection subject to conditions.

HER (Archaeology): No objection subject to conditions.

Historic England: The erection of buildings within the walled garden as proposed, would change its character and appearance, which, in turn, would result in harm to its significance as part of the estate ensemble of Wootton Hall. It will be for the local authority to weigh any harm against any public benefit and, if minded to approve the applications, be satisfied that any harm is substantiated by clear and convincing justification.

PARISH COUNCIL

Wootton Parish Council objects to the proposal as it is quite considerable for a small village and the parish councillors have expressed concerns regarding noise and disturbance from use and the possible adverse effect on a listed building.

PUBLICITY

Neighbouring properties have been notified by letter, and site and press notices posted. No comments or objections have been received.

ASSESSMENT

This application was deferred at a previous meeting of the planning committee to enable members to visit the site prior to making a decision.

Site

The application site consists of a former walled garden, a modern agricultural building and adjacent outbuilding and an area of land planted with conifers and Christmas trees. The site is located within the curtilage of Wootton Hall, a grade II* listed building and is sited to the south-east of the main hall.

The walled garden has not been used for some time and is currently an area of rough grassland. The enclosing brick walls are in a fair state of repair and stand approximately

3.7 metres above ground level. There is a small opening on the east side and a larger arched opening on the north side giving access to the enclosed space.

Proposal

This application seeks planning permission for the erection of six eco-lodges within the walled garden and to convert the adjacent agricultural buildings to provide shared facilities and covered parking for the eco-lodges. The lodges have been designed in a lean-to style and are proposed to stand adjacent to the inner façade of the enclosing brick walls, as such the lodges will not be visible from outside of the walled garden.

The application initially included proposals for the erection of a summer house within the centre of the walled garden and for a change of use of the adjacent land to the east of the walled garden to a holiday lodge (static caravan) park. Following concerns raised by the council's conservation officer, these elements have now been withdrawn from the application.

A separate application for listed building consent (PA/2016/1424) is currently being considered by the local planning authority for the creation of new openings within the walled garden to facilitate improved access to the proposed eco-lodge development.

The main issues to consider in the determination of this application are whether the proposed eco-lodge development is acceptable in principle and whether there will be an unacceptable impact on cultural heritage or protected species.

Principle

Policy RD2 of the North Lincolnshire Local Plan sets out the council's approach to development proposals outside of defined development boundaries. This policy outlines the types of development that are considered to be appropriate within the open countryside. This includes development for countryside recreation and for the re-use and adaptation of rural buildings.

Policy R13 is the most relevant development plan policy in relation to tourism development. This policy supports new tourism uses where they:

- i) reinforce existing or provide new visitor facilities at a local locally appropriate scale; and*
- ii) have due regard to protecting the area's natural and heritage assets and the amenities of local communities; and*
- iii) provide for visitor enjoyment of the countryside.*

Policy CS15 also supports new tourism development by seeking to promote sustainable tourism focussing on the area's natural and built assets.

With regard to other material considerations, paragraph 83 of the NPPF requires planning policies and decisions to enable sustainable rural tourism and leisure developments which respect the character of the countryside.

The proposed development is considered to comply with the relevant policies outlined above by providing high quality tourist accommodation within the countryside. This

accommodation will be linked to the historic Wootton Hall and associated parkland, including an existing 9 hole golf course. The scale of the development proposed is considered to be appropriate to its location and will bring the former walled garden back into active use, providing an income that will contribute towards the viability of the wider historic site. On this basis the proposals are considered to generally accord with the relevant policy and to be acceptable in principle.

Design and impact on heritage assets

Although not listed in its own right, the walled garden falls within the curtilage of the grade II* listed building (Wootton Hall) and contributes to the setting of the hall and the wider historic site which includes a number of outbuildings and surrounding parkland.

The proposal is to erect six, lean-to style chalets for use as holiday lets, within the walled garden, as well as replanting within the garden. There are historic examples of buildings being located within walled gardens. However, they would normally have been located along the northern wall of the garden to take advantage of the south-facing aspect, whereas the proposal is to erect the eco-lodges around all four of the walls. Historic England have raised this point within their consultation response and have confirmed that, in their opinion, the proposal would change the character and appearance of the walled garden and as such result in harm to its significance as part of the estate ensemble at Wootton Hall. Historic England go on to confirm that the identified harm to the significance of the heritage assets would be less than substantial and needs to be balanced against the justification and benefits of the scheme. They have not objected to the application.

The eco-lodges themselves are relatively small, simple structures that are of a lean-to design and sited immediately adjacent to the interior façade of the walls. Therefore the buildings will bear a resemblance in their form and positioning to traditional buildings found within walled gardens, such as greenhouses and potting sheds. The buildings, due to their small scale, will be set well below the garden walls and will therefore not have any immediate visible impact upon Wootton Hall and other listed structures within the wider site.

Further to the above, it is also noted that the walled garden currently stands vacant and has not been used for some time. The proposed development will provide for replanting of the garden and will secure the use and maintenance of this heritage asset. The development will also provide for tourism linked to the historic site and will allow for the appreciation of this site by a wider audience.

The council's conservation officer initially raised objections to the proposed development. These objections were primarily directed towards the proposal to change the use of the plantation land to the east of the walled garden to a static caravan site and also with the proposal to erect a summerhouse within the centre of the walled garden. These two elements have subsequently been removed from the application and on this basis the conservation officer has withdrawn their objection.

The conservation officer confirms that the proposed development will alter the character and appearance of the walled garden and that this will result in harm to its significance. The conservation officer agrees with Historic England in this regard, that this harm would be less than significant.

For the reasons outlined above it is considered that the benefits that the scheme would generate, including the provision of sustainable tourism and securing the long-term use and maintenance of the walled garden, would outweigh the harm that would be caused to the character of the heritage asset.

Protected and priority species

The council's ecologist initially raised an objection to the proposed development as no surveys had been undertaken to establish whether or not protected or priority species are present on the site. The applicant has subsequently carried out the requested survey work and the ecologist has confirmed that the survey methods used and the survey effort deployed are appropriate for the site in question.

Following the preliminary ecological survey the application site is considered to be of low ecological value and the conservation officer has confirmed that no further survey work is required. On this basis their initial objection has been withdrawn subject to conditions to secure biodiversity enhancement as part of the development.

For these reasons it is considered that the proposed development will have no unacceptable impact on protected or priority species and that, subject to the recommended conditions, the proposals will result in net benefit to biodiversity.

Other matters

The site is not located in close proximity to residential properties, other than those associated with Wootton Hall. Furthermore, the scale and nature of the development is unlikely to result in excessive traffic or nuisance that would be harmful to residential amenity.

The council's Environmental Protection team has requested a condition to secure investigative work in relation to land contamination. However, they have not substantiated why the site would be at risk of pollution. On this basis, and considering the historic use of the site, the recommended condition is not considered to be necessary. A standard monitoring condition is recommended, which will adequately address this issue.

Conclusion

For the reasons outlined above, it is considered that the proposed development accords with the development plan and should be supported.

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: 1991/E4, 1991/L/P2/Revision B, 1991/L/P3,1991/E4, 1991/L/P4,

1991/L/P5/A, 1991/L/P6, 1991/7/P2, 1991/7/P5, 1991/7/P6, 1991/8/P2, 1991/8/P3, 1991/8/P4 and 1991/8/P5.

Reason

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

3.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the development is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

No alteration or development shall take place until a mitigation strategy providing for an historic building record and programme of archaeological recording, as defined in a brief prepared by the North Lincolnshire Historic Environment Record, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation by record of the historic buildings and archaeological features
- (ii) methodologies for the recording of the historic buildings and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of historic building and archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan as the site contains heritage assets of archaeological interest that the proposals may damage or disturb; less than substantial harm to the archaeological interest may be mitigated by a programme of recording.

5.

The mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan as the site contains heritage assets of archaeological interest that the proposals may damage or disturb; less than substantial harm to the archaeological interest may be mitigated by a programme of recording.

6.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan as the site contains heritage assets of archaeological interest that the proposals may damage or disturb; less than substantial harm to the archaeological interest may be mitigated by a programme of recording.

7.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to bats and nesting birds during demolition, vegetation clearance and construction works;
- (b) details of bat roosting features to be installed;
- (c) details of nesting sites to be installed to support a variety of bird species;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the retention, planting and aftercare of native trees and shrubs of high biodiversity value;
- (g) proposed timings for the above works in relation to the occupation of the lodges.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

8.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless

otherwise approved in writing by the local planning authority. Prior to the occupation of the altered building, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

9.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

10.

No development shall take place until a detailed surface water drainage scheme, based on SuDS principles and an assessment of the hydrological and hydrogeological context of the development, must be submitted to and approved in writing by the local planning authority. The drainage scheme shall include:

- (a) details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site and will not increase the risk of flooding off-site;
- (b) principle/detailed design (surveys, ground investigations, drawings, network details and calculations showing critical storm details) in support of any surface water drainage scheme, including details on any attenuation system and its discharge rates, and investigation into the condition of the existing outfall and proposed arrangements; and
- (c) details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

11.

The drainage scheme shall be implemented in accordance with the approved submitted details required by the above condition number 10 and shall be completed prior to the first occupation of any of the lodges and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

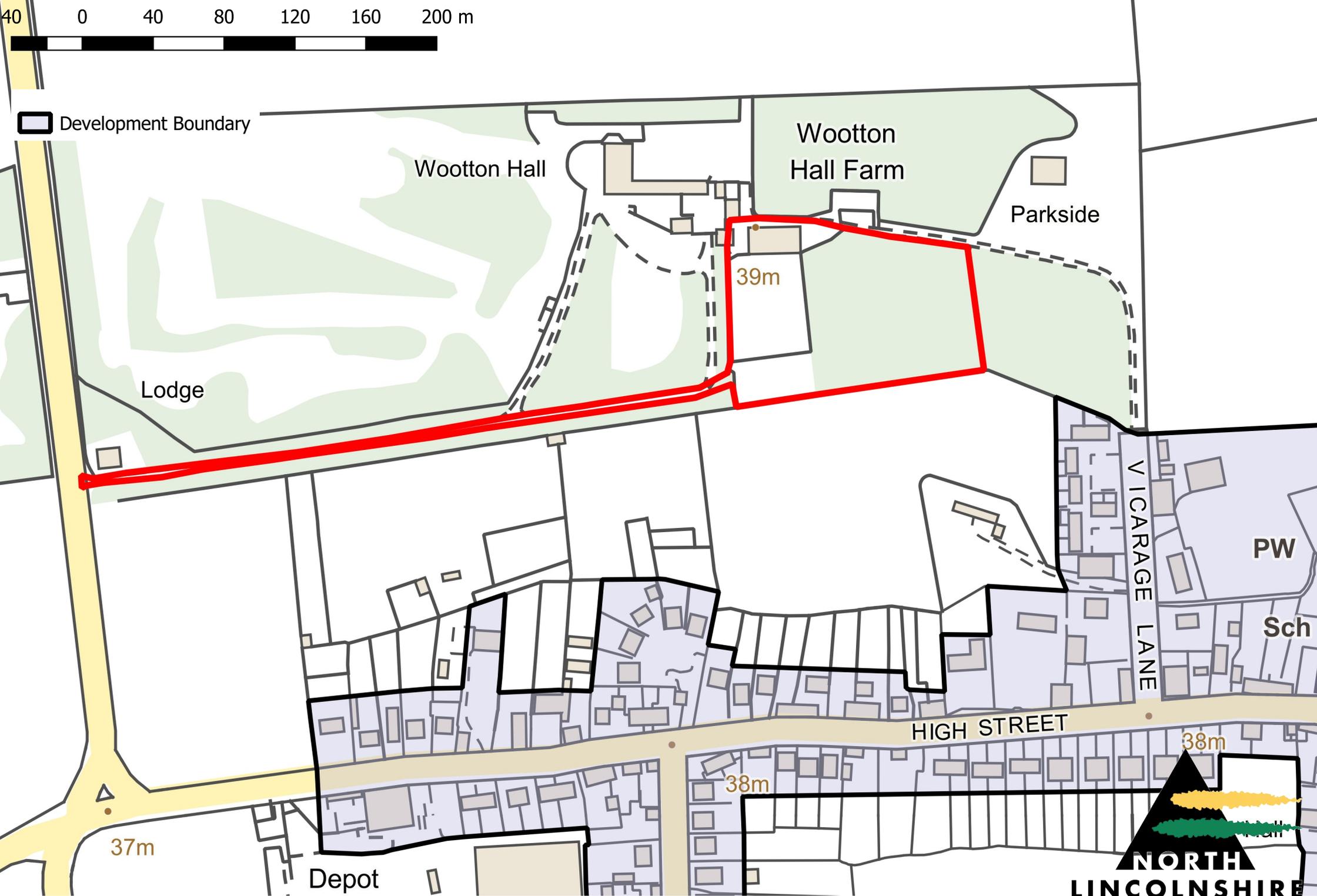
To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

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.



Development Boundary



PA/2016/1426

