

<b>APPLICATION NO</b>	<b>PA/2018/2361</b>
<b>APPLICANT</b>	Mr Max Lambert
<b>DEVELOPMENT</b>	Planning permission to change area of residential land use, erect detached bungalow thereon and re-site a Dutch barn
<b>LOCATION</b>	Caravan, The Meadows, Carr Lane, East Lound, Haxey, DN9 2LT
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Mark Niland
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Haxey Parish Council  Statutory consultee objection (Historic Environment Record – Archaeology)
<b>POLICIES</b>	

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

Paragraph 170 – Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever

possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 189 – 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.

Paragraph 190 – Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

**North Lincolnshire Local Plan:** RD2, LC14, T2, T19, DS1, DS7

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS17, CS19

## **CONSULTATIONS**

**Highways:** No objection subject to conditions.

**Environmental Protection:** No objection subject to the imposition of conditions relating to land contamination.

**Environment Agency:** No objections as the finished floor levels would be above critical levels.

**Archaeology:** The Historic Environment Record would recommend refusal of any planning application for development in this location as it would adversely affect the character, appearance and setting of the historic landscape and is contrary to the National Planning Policy Framework, policy LC14 of the North Lincolnshire Local Plan and policy CS6 of the Core Strategy.

**Ecology:** The ecologist endorses the comments of the archaeologist in respect of the historic landscape. In terms of ecology, the officer states that there are no ecological surveys required, however there would be a requirement to secure a net gain for biodiversity.

## **PARISH COUNCIL**

The parish council has considered the application and refers to the site's planning history. Ultimately it has re-issued its response to application PA/2017/1493, which states:

'It is accepted that the applicant has established a right to live at this site by gaining a certificate of lawfulness to site a static residential caravan. It was agreed with the authority that a single caravan could be sited at this location for the purpose of residency. The question is do we agree with the proposal, as it will require in affect 2 units. There is some argument that it will be an improvement to the area, however given the types of property in the proximity of the site, it falls far short of improving the overall street scene. It also seeks to establish outline planning for a dwelling which is in the open countryside, we object most strongly to this part of the application as clearly it would not normally be granted under the NLC local plan.'

## **PUBLICITY**

The application has been advertised by site and press notice in accordance with Article 15 of the Development Management Procedure Order 2015. No comments have been received.

## **ASSESSMENT**

### **Planning history**

PA/2004/0710: Application for a Lawful Development Certificate for the retention of a mobile home – not lawful 29/10/2004

PA/2015/0608: Application for a Lawful Development Certificate for the continuation of an existing use: the residential occupation of a mobile home – withdrawn

PA/2017/266: Application for a Lawful Development Certificate for the continuation of an existing use: the siting of a single caravan for permanent residential occupation (C3 Use Class) – lawful 26/07/2017

PA/2017/1493: Outline planning permission to erect a single detached dwelling and garage with all matters reserved for subsequent approval – refused 15/11/2017

### **Site characteristics**

The site is located outside the development boundary for East Lound and within the Area of Special Historic Landscape of the Isle of Axholme as identified by the Housing and Employment Land Allocations DPD 2016. The site is also located within flood zone 2/3a in accordance with the North and North East Lincolnshire SFRA 2011. At present there is a caravan and residential curtilage that has been considered lawful (see planning history) and two agricultural barns.

The applicant proposes to erect a dwelling in place of the existing caravan, the site of which mirrors the residential curtilage allowed by the inspector.

**The following issues are considered relevant to the proposal:**

- **principle of development**
- **flood risk**
- **historic environment**
- **ecology**
- **highways**
- **land contamination**
- **character impacts and amenity.**

### **Principle of development**

Policy CS1 of the Core Strategy sets out the overarching strategy of the plan. It states that, in the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area's important natural and built environments.

Policies CS2 and CS3 of the Core Strategy state of development outside the defined development limits "...Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

Policy RD2 of the local plan, which is concerned with development within the open countryside, seeks to only support development types that are necessary for the functioning of the countryside. The proposal is considered unacceptable against the aforementioned planning policies.

Whilst the proposal is not policy compliant, the applicant has a fallback in that the existing caravan on site is lawful along with residential curtilage for a residential use. PA/2017/266 was allowed and a residential unit was established. An outline application for a dwelling outside the established lawful residential curtilage was refused in 2017 and subsequently dismissed at appeal. It is considered that this existing use, which is unsightly across the countryside landscape, provides, in effect, a permanent residential dwelling. It is therefore considered that a principle does exist for residential use and the application for a more permanent structure should be assessed not against principle but against the harm created by the erection of a permanent fixture.

### **Flood risk**

Policy CS19 of the North Lincolnshire Core Strategy is concerned with flood risk. It seeks to strategically influence development so that it is located in a zone that has a lower probability of flooding.

The site is located within flood zone 2/3a in accordance with the North and North East Lincolnshire SFRA 2011 though is located within flood zone 1 according to the Environment Agency Mapping. The applicant has submitted an FRA which states nothing except for the EA mapping data. Both the EA and the LLFA have been consulted, though no comments have come forward from the latter. The EA has no objection, given the site would be above critical flood levels.

Normally, for a new dwelling in flood zone 2/3a, both the sequential and exceptions tests are required. However, at present a caravan used for permanent residential use is located on the site. This is classified as a 'highly vulnerable' use in terms of the classification table. The proposal would see this category reduced to 'more vulnerable'. Given this scenario, it is considered that betterment is achieved in flooding terms and the proposal is acceptable.

With regard to a connection for foul drainage, no information has been provided; however, given its location, should a connection to an existing sewer not be achievable then a septic tank would not be uncommon, and it is therefore considered that a solution is achievable. Both this and surface water would be considered at building control stage and external legislation would provide for any connections to the main sewer network.

It is therefore considered that in both flooding and drainage terms the proposal is acceptable.

### **Historic landscape**

Policy LC14 of the local plan is concerned with development within the Special Historic Landscape of the Isle of Axholme. The Isle of Axholme is designated as an Area of Special Historic Landscape Interest. Within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

Development required to meet the social and economic needs of rural communities and small-scale tourist and outdoor sport and recreational development will be permitted provided such development is related to the historic landscape and its features.

A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality.

Schemes to improve, restore or manage the historic landscape will be sought in connection and commensurate with the scale of any new development affecting the Area of Special Historic Landscape Interest.

The council's archaeologist has been consulted and states that the proposal would be detrimental to the LC14 policy area. The officer goes on to state that, as well as introducing a harmful use and built form in this location, the development, by extending the building envelope, would introduce pressure for similar development within the area. These views surrounding impingement of the historic landscape are supported by the ecologist.

It is considered that the proposal would be contrary to the aims of policies LC14 of the local plan and CS6 of the Core Strategy, as well as paragraphs 189 and 190 of the NPPF.

## **Ecology**

Policy CS17 of the North Lincolnshire Core Strategy is concerned with biodiversity. It seeks to achieve a net gain for habitat wildlife networks and general biodiversity improvements. It is reinforced by paragraph 170 of the NPPF which is also relevant.

The ecologist has been consulted and has stated that the land is of limited biodiversity value and no surveys are required. In line with the aforementioned planning policy a net gain for biodiversity should be achieved. The ecologist puts forward conditions in order to achieve these. It is therefore considered that the proposal would accord with policy CS17 of the North Lincolnshire Core Strategy, as well as paragraph 170 of the NPPF.

## **Highways**

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development. It states that all developments should be served by a satisfactory access. Policy T19 is concerned with parking provision and directs developers to appendix 2 of the local plan where parking standards for development types are explained.

The applicant proposes to utilise the existing access arrangement whilst parking and turning are also shown on the block plan. The council's Highways team has been consulted and has stated that they have no objection to the proposal subject to the imposition of conditions.

It is considered that, subject to the aforementioned mitigation, the proposal would accord with planning policies T2 and T19 of the North Lincolnshire Local Plan.

## **Land contamination**

Policy DS7 of the North Lincolnshire Local Plan is concerned with land contamination. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The history of the site relates to agriculture as well as a known burial on site. The council's Environmental Protection team has been consulted and states that there is a requirement for a full scheme of mitigation. This includes desk top study, remediation report and verification reports. The EA has been consulted but has not made any comments in relation to the burial.

Therefore, given the aforementioned mitigation, it is considered that the proposal would accord with policy DS7 of the North Lincolnshire Local Plan.

## **Character impacts and amenity**

Policy RD2 of the North Lincolnshire Local Plan is considered relevant. It sets out development types that are acceptable 'in principle' followed by a criteria-based framework to assess development.

The erection of a dwelling would clearly carry wider impacts upon the open countryside as well as the wider landscape (see historic landscape section); however, the existing site should also be a material consideration. The applicant proposes a modest size dwelling that, although annexed from the nearest settlement, would still be read in conjunction with

its built form and as a result would have more localised views than wider impacts. The applicant has proposed to remove a dilapidated barn from the site that is located to the south of the proposal. This barn causes more harm to both the open countryside and the historic landscape than the dwelling would. This barn is located within land in the applicant's ownership and would be secured by Grampian condition. It is considered that this betterment secured from the proposal would benefit the wider countryside landscape. Furthermore, it is considered that sufficient justification exists for the removal of permitted development rights so any additional built form can be controlled.

Given the aforementioned planning gain, as well as the conditions restricting further built form, it is considered that the proposal is acceptable.

## **Summary**

Whilst such an application would normally be recommended for refusal, both in relation to its principle elements as well as its harm to the historic landscape, the applicant has an established residential planning unit. It is considered that, through the mitigation outlined within this report, the proposed scheme, on balance, is acceptable.

## **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

### **Reason**

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 4/4 dated 29.5.19, Elevations 1 of 4 dated 21.11.2018.

### **Reason**

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

3.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

### **Reason**

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

7.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;

- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### 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.

8.

Within three months of the commencement of development, a biodiversity management plan shall be submitted to the local planning authority for approval in writing. The plan shall include:

- (a) details of measures to avoid harm to hedgehogs and nesting birds during vegetation clearance and construction works;
- (b) details of at least two bat roosting features to be installed in the new dwelling;
- (c) details of nesting sites to be installed to support a variety of bird species, including barn swallow and/or barn owl;
- (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 hedgerows, trees and shrubs of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

9.

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. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

Reason

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

10.

Notwithstanding the approved plans, details of all external materials shall be submitted to and agreed in writing with the local planning authority prior to above-ground works taking place. Only the approved materials shall be used in the construction of the development.

Reason

To protect character and in accordance with policies RD2 and LC14 of the North Lincolnshire Local Plan.

11.

The dwelling hereby approved shall not benefit from permitted development rights under classes A to E of Schedule 2 part 1 of the Town and Country Planning General Permitted Development Order 2015 and any subsequent amendments.

**Reason**

To protect character and in accordance with policies RD2 and LC14 of the North Lincolnshire Local Plan.

12.

Prior to first occupation, the barn located to the south of the application site and within the blue line boundary shall be demolished and all materials removed from site.

**Reason**

In the interest of character and in accordance with policies RD2 and LC14 of the North Lincolnshire Local Plan.

**Informative 1**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

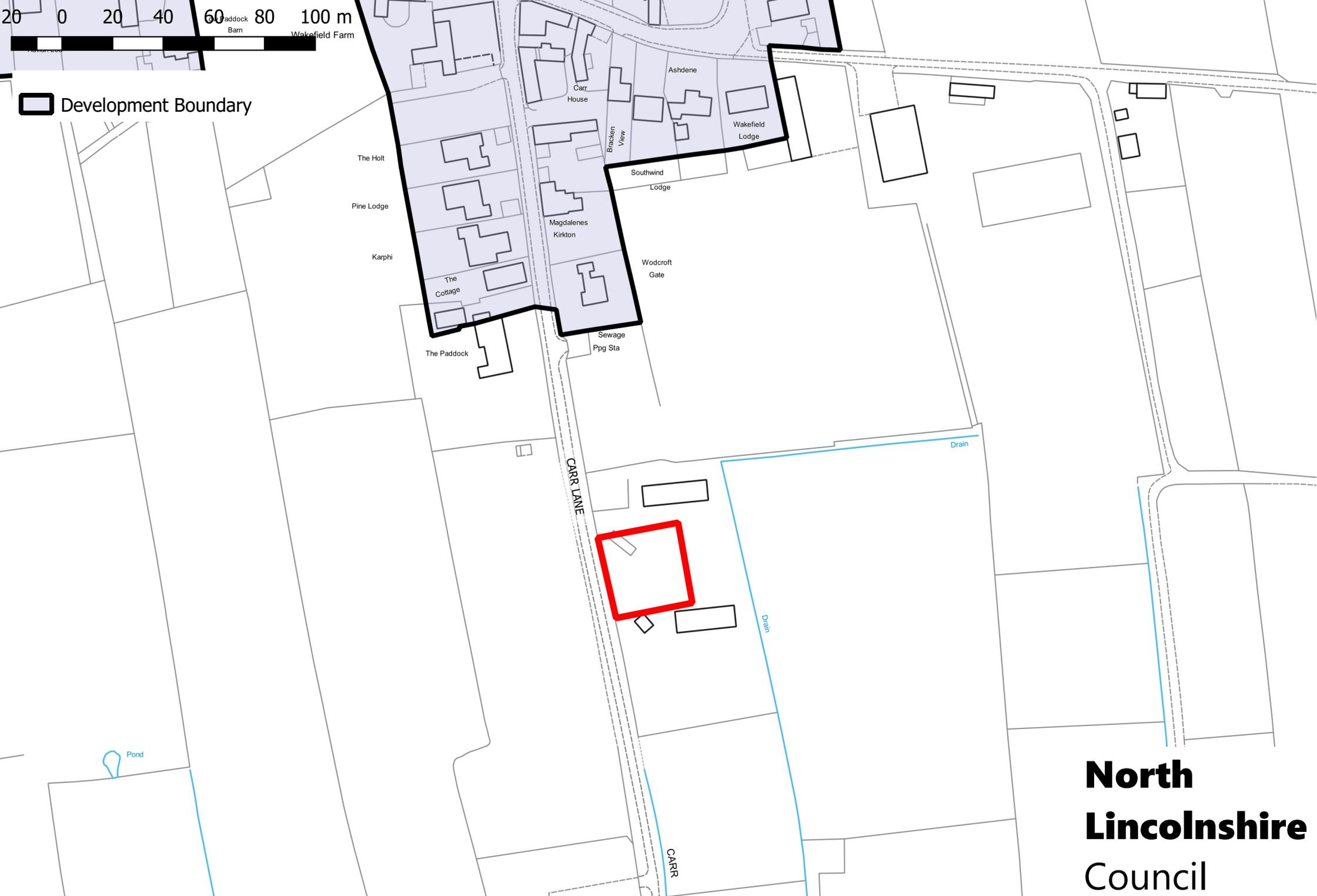
- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 2**

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



**North  
Lincolnshire  
Council**

**PA/2018/2361**

