

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 6 December 2017

(Author: Mark Simmonds - Planning Officer)

Purpose: To consider Planning Application H23-0440-17

Application Number: H23-0440-17

Date Received: 4 May 2017

Application Type: FULL

Description: Use of land for siting of mobile home

Location: Eccles Place Hurdletree Bank Cranesgate North

Applicant: Mrs Josephine Bryant

Agent: Mrs Josephine Bryant

Ward: Whaplode and Holbeach St
Johns

Ward Councillors: Cllr M G Chandler
Cllr M J Pullen

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-0440-17>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 A high number of public objections and policy issues merit Committee consideration.

2.0 PROPOSAL

2.1 The application seeks planning permission for a single caravan to be sited on land at Hurdletree Bank for a Gypsy/Traveller family. The site is located at the junction of Hurdletree Bank and Cranesgate North.

2.2 The applicants lived at Clay Lake Caravan Park in Spalding.

2.3 The site was a former landfill/tip and a Desktop Study and Risk Assessment Report has been submitted for consideration.

2.4 The 22m x 34m area of land is already gravelled and enclosed with a wooden fence. Access is from Hurdletree Bank to the north east via a gated driveway.

2.5 The plans show utilities on site such as a main electricity box to the north east by the driveway, a septic tank and soakaway pit to the central east and a connection to the mains water supply located to the west.

3.0 SITE DESCRIPTION

3.1 The application site is a former landfill site located on Hurdletree Bank at the end of a row of houses. The site is grassed with black iron entrance gates giving access on to Hurdletree Bank and outbuildings are in situ.

3.2 The application site falls outside the defined settlement limits of Whaplode and is predominantly rural in its setting, context and character. The site has a closer connection with Whaplode St Catherine in terms of proximity and accessibility, rather than the main village of Whaplode itself.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

Policy SG1 - General Sustainable Development
Policy SG4 - Development in the Countryside
Policy SG13 - Pollution and Contamination
Policy SG14 - Design and Layout of New Development
Policy SG15 - New Development: Facilities for Road Users, Pedestrians and
Policy SG17 - Protection of Residential Amenity
Policy SG18 - Landscaping of New Development
Policy HS19 - Sites for Gypsies and Travellers

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), March 2012

Paragraph 14 - The presumption in favour of sustainable development
Paragraph 17 - Core planning principles
Sections 6 - Delivery a wide choice of high quality homes
Section 7 - Requiring good design
Section 11 - Conserving and enhancing the natural environment

Planning Policy for Travellers Sites (PPTS).

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

5.1 No relevant planning applications.

The site was considered as part of the Local Plan Call for Sites process.

6.0 REPRESENTATIONS

6.1 Ward Member

Cllr M G Chandler - This site was identified in the SELLP. However, it was rejected as unsuitable. The site is identified as possible filled or contaminated ground i.e. There is potential that past usage of the site may endanger the health of occupants. With this in mind and having regard for supporting documents I believe that there should be an official report to ensure the safety regarding the possible residential use of the site further that it may be in conflict with the

SHDC Local Plan 2006. SG1 SG2 and H7 and with the NPPF para17 which seeks to actively manage patterns of growth to make the fullest possible use of public transport ,walking and cycling In the interests of proposed residents of the site, I feel these issues should be addressed when considering the application

6.2 Whaplode Parish Council

Without knowing the applicants long term plans for this site are unable to support this application.

6.3 LCC - Highways and Local Lead Flood Authority

Does not wish to restrict the grant of planning permission.

6.4 Environment Agency

This proposal falls outside the scope of matters on which the EA is a statutory consultee. Therefore, have no comments to make on this application.

6.5 SHDC Environmental Protection

Further to the submission of a Phase 2 Contamination Assessment - The applicant therefore needs to provide a remedial method statement which should be agreed before works are carried out and a validation report in due course to evidence the remediation.

Conditions will be imposed to ensure this and also to prevent the grassed area to be used a domestic garden/amenity area unless a replacement soil cover layer on the grass is carried out.

6.6 SHDC Private Sector Housing

No objection.

6.7 SHDC Policy

The emerging South East Lincolnshire Local Plan 2011-2036, identifies the application site as being within the countryside and does not allocate it for development.

Policy 17 of the emerging Local Plan identifies that there are 'known needs' for the provision of 4 new permanent residential pitches for Gypsies and Travellers and 1 new permanent residential plot for Travelling Showpeople in South Holland between 2011-2036. The Local Plan allocates sites to meet these needs. However, the justification to the policy goes on to identify that there may be additional 'unknown needs' will be met on other, unallocated sites, with planning applications judged against the provisions of the NPPF, SHDC Local Plan Policies and Policy 17 of the emerging plan.

6.8 Public

There have been 38 objections/representations from the public including from a Planning consultant on behalf of residents.

The issues raised are summarised as follows:

- There are no local amenities, ie schools, transport, shops and doctors;
- Inappropriate development on a green field site outside of the development boundary which is far from amenities on a site that has historical issues of possible contamination from materials that could be harmful to humans;
- This proposed site is not near local transport;
- Increased traffic on a poor visibility junction and also the width of the road carries danger thus no footpaths;
- It is a visually prominent greenfield site and this development would have significant negative visual impact.;
- Should this be granted permission it would the allow everyone who has a Paddock in open countryside to apply for the same;

- Concern is once permission has been given to place a caravan on the site more will be applied for also it's not far from the other proposed travellers site on mill gate;
- The entrance to the proposed site is unsuitable for any large vehicles to turn into the site with out causing obstructions to other road users it is only wide enough to get one car down the road at one time;
- The site is redeemed as undevelopable by the South East Lincolnshire local plan 2011-2036;

7.0 MATERIAL CONSIDERATIONS

7.1 The key material issues for considerations in this application are:

- Policy;
- Contamination;
- Character and appearance of the area;
- Highways;
- Amenity of Neighbours.

7.2 Policy

7.3 This site is in the open countryside where planning policy resists the building of new dwellings where this is sporadic and unplanned.

7.4 However this is for a specific identified need and in any case South Holland cannot demonstrate a 5 year housing supply currently and although this small scale level of accommodation would not make any substantial meaningful contribution to the housing supply figures this should be weighed in the planning balance.

7.5 The proposals are for additional dedicated traveller accommodation and this complies with local and national policy. The National Policy and Guidance is Planning Policy For Traveller Sites 2012 and the National Planning Policy Framework 2012 and the local policy which applies most specifically is HS19 Sites for gypsies and travellers which states that:

"Planning permission will be granted for new gypsy and traveller sites where there is an unmet need, or a need arises unexpectedly, and provided the following criteria are satisfied:"

The full list of criteria is not set out here but it is considered the proposals are in compliance.

7.6 It is not necessary, under current policy, for the people who would live/stay on the site to be related to the applicant as long as they are travellers - it is a general not specific need that has been identified.

7.7 The new travellers site would be for the use of anyone who meets the definition of 'traveller/gypsy'.

7.8 Contamination

7.9 A Stage 1, Desktop Study and Risk Assessment was submitted with the application and made recommendations that further investigation is required for this site in the form of an intrusive ground investigation. Following consultation with Environmental Protection and given the previous history of the site, Environmental Protection had requested to see the results of this investigation prior to any planning decision being made.

7.10 A Stage 2 Assessment was submitted on the 8th September 2017, which found some contamination which is a moderate risk to the users and visitors to the site and to water supply pipes. It therefore recommends that remediation is required (page 16/17 of the report). Environmental Protection recommended that the applicant, will therefore needs to provide a remedial method statement which should be agreed before works are carried out and a validation report in due course to evidence the remediation. This can be secured by condition with a timescale.

7.11 Further discussion have taken place between Environmental Protection and the applicant

regarding the requirements. The applicant has confirmed that the grass area is fenced off from the living area of the caravan and the grassed area will not be used as a domestic garden. Other than mowing occasionally, the area will not be used. On this basis, the to put a replacement soil cover layer on the grass field area of the site could be waived. However, a Planning Condition will be imposed to restrict the use of the area, unless the work is carried out and approved in writing. This is considered to be a reasonable request and one that is necessary for the grassed area.

7.12 Character and appearance of the area

7.13 The site is in the open countryside in use as paddocks but is adjacent to existing traveller accommodation and with judicious use of planting and landscaping the impacts can be softened. It is considered that the visual effects are acceptable.

7.14 Highways

7.15 The 'existing' accesses are no more than openings to grass verge area but the technical work involved is not likely to be problematical and there is good visibility to the site entrances as proposed.

7.16 LCC Highways raise no objections and simply advise a condition to make the access up to domestic quality.

7.17 Amenity of Neighbours

7.18 The site would be part of a modest traveller site of mobile homes and touring caravans. The site is the far side of the existing structures to the nearest residential property, which has dense landscaping recently planted and although yet to mature will eventually add to the separation between the site and the neighbour's house.

7.19 The development, as proposed, would not be likely to have any material impact upon the amenity of any residential properties outside the traveller site.

7.20 Conclusion

7.21 There is a need for traveller sites to be provided in South Holland, specifically the South Holland Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment, and further more recent reviews of that work which indicates the need to be significantly greater than the GTAA figures.

7.22 The conclusions are that the evidence shows that there is a shortfall of sites in South Holland.

7.23 In this context it is considered that provision of sites for travellers on traveller owned land would comply with national policy, subject to the usual planning considerations such as access and landscaping etc.

8.0 **RECOMMENDATIONS**

8.1 **Grant Permission subject to those Conditions listed at Section 9.0 of this report.**

9.0 **CONDITIONS**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan and block plans received with the application.

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

3. Occupation of the development hereby permitted shall be limited to a person or persons who meet the definition of a gypsy or traveller as defined by national guidance set out in 'Planning policy for traveller sites'(August 2015)(or as may be amended) and any resident dependants.

Reason: Permission has only been granted for this development in the open countryside on the basis of an identified need for gypsy/traveller pitches. Occupation of this site by non-gypsy/traveller individuals or families would be contrary to established national and local policies of rural restraint.

This Condition is imposed in accordance with Policies SG17 and HS19 of the South Holland Local Plan 2006 which reflect national guidance contained in both the National Planning Policy Framework 2012 and 'Planning policy for traveller sites, March 2012'.

4. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

A written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.

iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Note

The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

5. Other than general land maintenance such as mowing. The grassed area as shown on the block plan submitted shall not be used for any domestic or amenity purpose, unless a replacement soil cover layer is placed on the grass field area. A remedial method statement will need to be agreed before such works are carried out and a validation report in due course to evidence the remediation.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

6. Not more than 1 caravan shall be sited on the land at any one time. A maximum of 1 additional touring caravan may be sited on the land for no more than 28 days in any one calendar year.

Reason: In the interests of the appearance of the development, levels of residential amenity and the visual amenity of the area in which it is set, and to provide for short term family gatherings.

This condition is imposed in accordance with policies SG17 and HS19 of the South Holland Local Plan and with National Guidance set out in 'Planning policy for traveller sites'(August 2015)'.

7. Before the commencement of the development hereby permitted details of a screen planting scheme of trees, hedges and/or shrubs on the boundaries of the site including details of positions, heights on planting and species shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be carried out in its entirety within a period of 6 months beginning with the date on which development is commenced. All trees, hedges and/shrubs shall be maintained by the owner or owners of the land on which they are situated for the period of ten years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately screened by landscaping, in the interests of the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan 2006.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out.
- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
 - ii) the erection of walls, fences or other means of enclosure.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity, and the visual amenity and character of the area within which it is set. This Condition is imposed in accordance with Policies SG17 and HS19 of the South Holland Local Plan 2006.

9. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

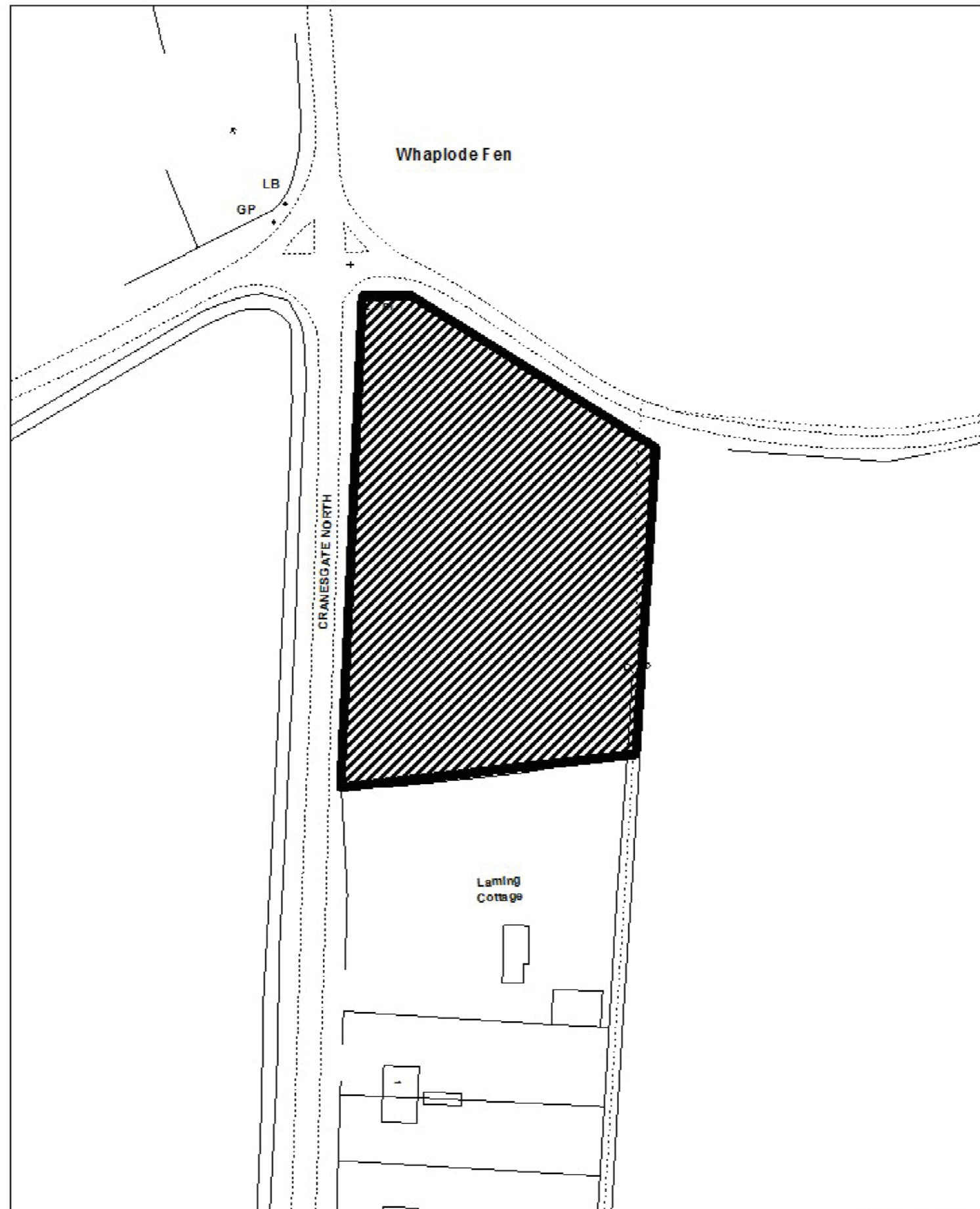
Background papers:- Planning Application Working File

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Appendices attached to this report:

Appendix A Plan A



Scale: 1:1000

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