

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0036-22 **Applicant:** Mr & Mrs N Pickett

Proposal: Extension to Touring Caravan Site and Change of use and Extension of Agricultural Barn to Form Reception/Storage of Maintenance Equipment and Cafe, and Ancillary Welfare Facilities - part retrospective

Location: The Lawns & Lakes Camping And Caravanning Site Lowgate Road Fleet Hargate

Terminal Date: 20th April 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 8. Promoting healthy and safe communities.
Section 9. Promoting sustainable transport.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought to extend the existing touring caravan site. A total of 56 caravan pitches are proposed in addition to the existing 30 approved on site. To support the proposed use, new shower and toilet facilities have been installed together with chemical disposal points. The former agricultural building is now used as a main reception and has a small cafe, function area for visitors and also for the storage of grounds maintenance equipment. The application is largely retrospective and it is understood that the business has operated in its current arrangement for several years. The only element not to have been constructed is the proposed extension to the existing reception/cafe.

Site Description

The application site extends to some 2.1 hectares and is located in open countryside to the north of the A17 trunk road and accessed via Lowgate, which leads directly off the A17. It forms part of the caravan site and has previously been used for caravan rallies and is generally flat and laid to grass with internal gravel roadways. It has a significant amount of landscaping (some 15,000 trees and hedge plants), both within the site and to the boundaries together with a large fishing lake that was constructed as part of the original consent.

To the immediate north-east of the site is the applicants' home, Lowgate Grange, which has a small fishing lake to the rear. A row of frontage dwellings is located beyond Lowgate Grange to the north and also on the opposite side of Lowgate to the north-east. A bungalow (Ladypud Lodge) is situated some 75 metres to the south-east of the access roadway

Planning History

H05-0223-08 - Full - Agricultural machinery storage building - Granted 17 April 2008.

H05-0651-11 - Full - Proposed touring caravan site, fishing lake, amenity building and wildlife areas - Granted 8 November 2011.

Condition 3 - No more than 30 touring caravans shall be allowed on the site at any one time.

Condition 4 - The touring caravans shall only be stationed in the positions shown on the approved drawings (northern section of caravan site).

Condition 6 - No touring caravans shall be allowed on the site between 1 October in any one year and 31 March in the succeeding year.

H05-0450-12 - S73 - Modification of Condition 2 of H05-0651-11 to allow amendments to previously approved dwg. nos. 1008/01/LP01, 1008/01/SP01, 1008/01/ABE01 and 1008/01/PP01 - Granted 1 August 2012.

Excluded area of land within south-eastern corner so that it could be used for caravan rallies.
Condition 6 - No touring caravans shall be allowed on the site between 1 October in any one year and 31 March in the succeeding year.

H05-0451-12 - Cond Comp - Details of external materials, lighting and construction of vehicular access and internal roadways (Conditions 10, 11 and 12 of H05-0651-11) - Approved 31 August 2012.

H05-0843-12 - S73 - Modification of Condition 6 of H05-0450-12 to allow touring caravans on site during October Half Term and Easter - Granted 13 December 2012.

Condition 6 - Touring caravans shall only be allowed on site between 15th March and 31st October in any one year, or the following Sunday if the 31st does not fall on a Sunday.

Consultation Responses

Fleet Parish Council

This application was originally presented and agreed at 30 caravans now at 56. The real concern being that the development is in Flood Zone 3 which has a high probability of flooding risk. Although it is accepted, that this can be managed.

However, there is now the added worry regarding the lack of detail provided concerning the disposal of surface water via infiltration as proposed by the applicant. There being no evidence provided as to how this will be achieved. Without this or an alternative means of surface water disposal we could not as a Parish Council endorse this development in its current format. Something echoed by South Holland Drainage Board.

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

SHIDB

Note that the applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of the proposed drainage strategy has been evidenced. We would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

Noise - No objections.

Environment Agency

Proposal comes under your local flood risk standing advice.

Public

No comments received.

Information from Applicant

Lawns and Lakes Camping and Caravan Site was first established in 2009 when the site was used for caravan rallies by exempted organisations and has gone on to become established as one of the district's best tourist accommodation sites. The business is also registered with the British Holiday and Home Parks Association.

The principle behind this proposal is to extend and enhance the existing low density, quality touring caravan site with an emphasis on fishing and wildlife. A total of 56 caravan pitches will be provided

in addition to the existing 30 approved on site. The additional pitches are located within a well landscaped area used for caravan rallies. To support the proposed use, new shower and toilet facilities have been installed together with chemical disposal points. The disposal points are periodically emptied by an approved contractor. The former agricultural building is now used as a main reception and has a small cafe, function area for visitors and also for the storage of grounds maintenance equipment. The cafe has a 5 star food safety rating from South Holland District Council.

The site has a coded lock on the gate and all the on-site amenities and the cafe are for the visitors to the site only. Overall, the site is divided up into discreet areas, which now benefit from mature landscaping. The site is no longer visible from beyond the site boundaries. External lighting is used solely to mark the way around the site and this takes the form of low-energy bollard-type lights. These lights are typically 1.2m high and throw light down towards the ground and have a compact field of luminance to avoid light pollution.

The application is largely retrospective with the business having operated in its current arrangement for many years. The only element not to have been constructed is the proposed extension to the existing reception/cafe.

The applicants are fervent supporters and promoters of tourism in South Holland and often attend events beyond the district and county, where they actively promote the area as a destination.

Planning Considerations

The main issues in this case are:

- Whether the proposal would be a sustainable form of development taking into consideration economic, social and environmental factors;
- Residential amenity;
- Highway safety;
- Flood risk/drainage
- Other material planning considerations such as ecology.

Policy

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside.

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that in the countryside development will be permitted that is necessary to such a location and/or it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Paragraph 3.2.15 indicates that recreation and tourism can meet the broad sustainable objectives of the Local Plan.

Policy 9 of the SELLP indicates that outside settlement boundaries, small-scale development to support the visitor economy, including caravan sites and fishing lakes, will be supported provided that proposals do not conflict with neighbouring land uses, are in keeping with the character of the locality and demonstrate a functional link with an existing rural attraction or farm enterprise.

The above policy is in accordance with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 84 stresses that planning policies and decisions should support the sustainable growth and expansion of all types of business in rural areas and support sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 11 of the NPPF goes on to stress that there should be a presumption in favour of sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits.

Addressing the above, The Lawns and Lakes Camping and Caravanning Site was first established in 2009 and has now grown to become one of the district's best tourist accommodation sites, bringing in visitors from across the country. It has an emphasis on fishing and wildlife and the

business is also registered with the British Holiday and Home Parks Association. The proposal would meet rural tourism and economic objectives within the Local Plan and Framework and has positive impact on the economy of the local area.

Character/appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the NPPF, 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

Caravans can be visually intrusive and have a harmful effect on the open nature of the fenland landscape if they are not satisfactorily screened by planting. In this case, however, the 'extension' to the site is wholly contained within the existing complex which is consistent with the remainder of the site and the character of the area. A significant amount of landscaping (some 15,000 trees and hedge plants) has been undertaken over the years and the applicants continue to add to the array of tree and shrub species on site. As a result, the caravan site has been successfully integrated into the rural landscape and does not materially harm its character or appearance.

The proposal is therefore in accordance with Policies 2, 3 and 9 of the South East Lincolnshire Local Plan, 2021 and advice within the NPPF in this respect.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the NPPF. Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest residential property to the site is Lowgate Grange immediately to the north-east, which is owned/occupied by the applicants. A row of frontage dwellings is located beyond Lowgate Grange to the north, plus on the opposite side of Lowgate to the north-east. A bungalow (Ladypud Lodge) is situated some 75 metres to the south-east of the access roadway on the opposite side of Lowgate.

Access would be via the existing entrance and roadway serving the caravan park. The site is approximately 300 metres from the A17, one of the busiest roads in South Lincolnshire, so ambient noise levels are relatively high for a countryside location. Moreover, a use of this nature and scale does not normally generate significant levels of noise. Existing external lighting is used solely to mark the way around the site and takes the form of low-energy bollard-type lights. These lights are typically 1.2m high and throw light down towards the ground and have a compact field of luminance to avoid light pollution. It is considered that the amenity of nearby residents would not be affected to a significantly greater degree than at present in terms of overlooking, lack of privacy, light pollution, noise and disturbance, etc.

Issues such as spacing standards, fire safety, adequate water supply, etc fall within the remit of separate legislation/licencing. Matters such as property de-valuation are not material planning considerations and therefore carry no weight.

The proposal satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highways

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. They are in accordance with advice within the NPPF. Paragraph 111 indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Vehicular access to the site would be via the existing caravan park and Lowgate is suitable in terms

of width and construction. There would be satisfactory space within the site for parking. It is accepted that the proposal would generate additional traffic movements and that the junction with the A17 can be busy and difficult to negotiate during periods of heavy traffic flow. However, the County Highways Authority has been consulted and considers that the proposal would not have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the highway network. It therefore does not wish to object to this planning application.

The proposal satisfactorily complies with Policies 2, 3 and of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking requirements.

Flood Risk/drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

The site lies within Flood Zone 3 as defined by the Environment Agency Flood Maps. A sequential test therefore needs to be undertaken. The EA Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017).

The 2017 Update to SHDC, SFRA Tidal & Fluvial Hazard Mapping, following a breach to the defences, show that the site where the proposed development is to be located is within an area of no hazard, for the present day and for climate change the 1% fluvial and 0.5% Tidal Event Probability Maps for Hazard, Velocity and Depth, shows that the site is within a hazard area between 1.25 - 2.0 (Danger for Most), max depth of flooding 0.5 - 1.0m and velocity 0 - 0.3m/sec.

In terms of the sequential test, the aim is to steer new development to areas with the lowest probability of flooding. The NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is important to note that the Sequential Test does not specifically mean that sites such as this cannot be developed, rather that sites at less risk should be developed first. The whole of the surrounding area is shown on the Flood Map for Planning to be in Flood Zone 3 and there are no other sites in a lower flood zone.

Moreover, National Planning Practice Guidance (NPPG) states that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.

Applying the Flood Risk Vulnerability Classification in Table 2 of NPPG, use as holiday caravans and camping is classified as "More Vulnerable". Table 3 of NPPG states that an exception test is therefore required. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, tourist facilities can offer benefits to local communities directly through employment, and indirectly, such as by supporting local food producers, local shops, pubs and

restaurants. Locating most new visitor-related development, such as, some small-scale tourist facilities such as fishing lakes, equine development and caravan sites, small scale offices or other small scale rural development, may be more appropriately located outside a settlement boundary provided that there is a clear link to an established rural enterprise and the quality of the design ensures no adverse impacts upon landscape, heritage or biodiversity.

In economic terms, the proposal would provide employment at construction stage and may support local businesses and the local economy both during construction and when the lodges are occupied.

In socio-economic terms, this development will provide wider sustainability benefits to the local community in helping the existing local facilities long term viability.

It is therefore concluded that the development would meet the requirements of the first part of the Exception Test and would be in accordance with the NPPF.

Concerning the second element, the application is accompanied by a flood evacuation plan. The flood risk assessment accompanying the application indicates that touring caravans, by virtue of their design have a floor level at least 500mm above ground level. It is proposed that the ground floor level for the proposed reception, cafe and toilet/shower block be set 300mm above existing ground level. Moreover, it recommends that the pitches only be occupied between 15 March and 31 October (or the first Sunday in November if half terms falls in November) in any year. This satisfactorily accords with the Cell D5 of the South East Lincolnshire Standing Advice Matrix and also the current planning approval for the site.

In respect of drainage, applications for developments where the proposals will result in the increase the amount of surface water run-off require that an appropriate drainage strategy to be undertaken to ensure that the surface water discharge mimics the existing pre-development regime.

In accordance with recognised guidance, Part H of the Building Regulations 2010 and National Planning Policy Framework, there is a hierarchy of where surface water should discharge. This hierarchy should be followed where practicable, and is as follows:

- 1) Infiltration
- 2) Watercourse
- 3) Public sewer

The roof water from the reception /cafe building and toilet/shower building will be connected into soakaways designed in accordance with BRE 365, with a high-level overflow into the fishing lake. Any new access roads will be constructed with permeable materials comprising hardcore with gravel surfacing. The rainwater from the roofs of the touring caravans will fall directly to the ground where it will be infiltrated away as naturally occurs.

In respect of foul water drainage, touring caravans usually have their own toilet facilities, but there are on site existing chemical disposal facilities. The proposed toilet and shower block and the reception/cafe building would be connected into a package treatment unit.

The proposal is therefore in accordance with Policies 2 and 4 of the SELLP and advice within the NPPF and NPPG, in terms of flood risk and drainage.

Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

A significant amount of landscaping (some 15,000 trees and hedge plants) has been undertaken over the years. Consequently, there is a strong biodiversity theme to the site and the applicants have planted a plethora of different tree and shrub species that have matured to create a wonderful environment for both visitors and wildlife alike. The applicants have also enrolled in the David Bellamy Conservation Award Scheme which looks to recognise those organisations that have contributed significantly towards furthering biodiversity.

The proposal is therefore in accordance with Policies 2, 3 and 28 of the SELLP in this respect.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Development Plan policy and the National Planning Policy Framework, 2021 both support the sustainable growth and expansion of all types of business in rural areas and support sustainable rural tourism and leisure developments which respect the character of the countryside.

It is considered that the development would not materially harm the character or appearance of the countryside. Moreover, the amenity of nearby residents would not be significantly harmed. LCC Highways have raised no objections on highway safety grounds. Flood risk and drainage can be addressed by means of conditions.

The proposal is in accordance with Policies 1, 2, 3, 4, 9, 28, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, 2021. There are no adverse matters in this case which outweigh factors in favour of the proposal.

Conclusion

For the reasons outlined above, the planning balance lies in favour of the proposal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such

as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Recommendation

The application be approved under delegated powers.