

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H05-0137-22	Applicant:	H & B J Management Ltd.
Proposal:	Change of use of land for an extension to existing caravan site - approved under H05-0694-21. Removal of Condition 11 regarding occupation of caravans between 1 November (or the following Sunday, if half terms extend into November) in any one year and 14 March in the succeeding year.		
Location:	Heron Cottage Camping And Caravaning Frostley Gate Holbeach		
Terminal Date:	6th 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
29	The Historic 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.
 Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0

WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted to extend Heron Cottage Camping and Caravanning site on land to the north/north-east to accommodate 10 additional static caravans, plus access roadway, in November 2021 (ref. H05-0694-21).

This application is to remove condition 11 of H05-0694-21, which states the following:

No static caravans on the site as outlined in red on dwg. no. 1470-0004-02 shall be occupied between 1 November (or the following Sunday, if half terms extends into November) in any one year and 14 March in the succeeding year.

Reason: To reduce the impact of flooding.

Site Description

The site (some 0.55ha) is located on the eastern side of Frostley Gate and was formerly agricultural land. The existing caravan site (Heron Cottage Camping and Caravanning) is located immediately to the south.

The nearest property is Clomarah to the north, which is associated with an agricultural holding. Willow Tree Cottage is situated to the south-west adjacent the access road into the existing caravan park. Heron Orchard Holiday Park is situated to the west on the opposite side of Frostley Gate. Residential properties are situated further to the south (White Bungalow and Ravens Corner) on the opposite side of the Little South Holland Drain and Raven's Bank. Riverside (formerly Bloodfold) House is situated further to the south-west, which is grade II listed.

Planning History

H05-0546-92 - Full - Use of land for campsite for maximum number of nine caravans/tents for recreational purposes only - Granted 4 August 1993.

H05-1107-96 - Full - Alterations/extension to existing touring caravan/ camping site (total 28 pitches) & erect amenity block - Granted 27 February 1997.

H05-0397-08 - Full - Change of use of land to allow for an extension to existing caravan site, to allow siting of 18 additional pitches - Granted 2 July 2008.

H05-0612-10 - Full - Replacement of 11 touring caravans with 9 static caravans - Granted 22 September 2010.

H05-0862-13 - Full - Proposed replacement of 19 touring/camping pitches to 16 static caravan pitches - Granted 22 January 2014.

H05-0612-15 - S73 - Proposed replacement of 19 touring/camping pitches to 16 static caravan pitches - approved under H05-0862-13. Modification of condition 2 (approved layout) and wording to Condition 5 (occupancy) - Granted 12 October 2015.

H05-0852-18 - Full - Proposed addition of 5 static caravans with the removal of 4 tourers - Granted 18 October 2018.

H05-1200-19 - S73A - Variation of condition 4 of H05-0612-10, condition 5 of H05-0862-13 and condition 5 of H05-0612-15 to allow all year-round occupation of caravans - Granted 21 February 2020.

H05-0694-21 - S73 - Change of use of land for an extension to existing caravan site - Granted 23 November 2021.

Consultation Responses

Fleet Parish Council

No response.

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

Environment Agency

No objections.

Lincolnshire Police

No objections.

Public

No responses received.

Planning Considerations

The main issue in this case is whether condition 11 is justifiable on flood risk grounds.

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.

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 site lies within flood zone 3, which is land defined by the national Planning Practice Guidance (NPPG) as having a high probability of flooding. The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) hazard mapping, shows the site lies within an area where depths of up to 0.25 metres could be experienced if the defences of the Wash/River Nene were to breach in a flood with a 0.1% (1 in 1000) chance of occurring in any year up to 2115.

The application is not supported by a site-specific flood risk assessment (FRA). However, the supporting information provided by RPS refers back to the FRA submitted in support of the original application reference H05-0694-21. Having checked the risk of flooding for this area it appears that it is classified as 'low hazard'. The site is therefore sequentially preferable in flood risk terms.

In terms of appropriate flood resistance and resilience measures, the application can be determined using the standing advice in Appendix C of the South East Lincolnshire SFRA cell F5, which states: The NPPG requires that proposals for holiday or short-let caravans and camping sites are accompanied by a flood warning and evacuation plan, undertaken and agreed in consultation with

the LPA's Emergency Planning Officer. It is recommended that static caravans are secured to the ground using an adequate mechanism such as chains and ground anchors and the finished floor level set at a minimum 300mm above ground level.

The Environment Agency have been consulted and have indicated that the supporting information confirms that the development complies with the above requirements. The EA therefore have no objection to the removal of Condition 11. The proposal is in accordance with Policies 2 and 4 of the SELLP and advice within the National Planning Policy Framework, 2021, in terms of flood risk.

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.

The Environment Agency have been consulted and have no objection to the removal of Condition 11 under the circumstances. The proposal is consistent with Policies 2 and 4 of the SELLP and advice within the National Planning Policy Framework, 2021, in terms of flood risk. There are no adverse factors in this case which outweigh factors in favour of the proposal.

Conclusion

The planning balance lies in favour of the proposal for the reasons outlined above. It is therefore recommended that the application be approved under delegated powers.

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.