SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 08 February 2023**

(Author: **David Gedney - Senior Planning Officer)**

Purpose: **To consider Planning Application H05-0432-22**

Application Number: H05-0432-22 **Date Received:** 25 April 2022

Application Type: FULL

Description: Proposed caretaker accommodation, visitor centre & memorial

Location: Adj. Anglia Motel Washway Road Fleet Hargate

Applicant: Mr H Payne **Agent:** G R Merchant Ltd

Ward: Fleet **Ward Councillors:** Cllr P E Coupland

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H05-0432-22

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application raises issues that warrant consideration by the Planning Committee.

2.0 PROPOSAL

2.1 Full planning permission is sought for a single storey visitor centre with attached two storey caretaker's accommodation, plus a memorial for remembrance of the victims of conflicts. The building would be constructed in cedar horizontal cladding with a flat roof and the memorial would be in the form of a tree. The visitor centre would house memorabilia for the public (see information from applicant's agent).

3.0 SITE DESCRIPTION

3.1 The site (some 0.2ha) is a triangular piece of land situated on the western side of the A17/B1515 junction. Vehicular access is off the latter.

3.2 The Anglia Motel complex, including holiday accommodation, is situated approximately 150 metres to the west. The nearest residential properties unassociated with the site are located approximately 60 metres to the south-east. Fleet Lodge is situated some 60 metres to the north-west on the opposite side of the A17.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

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.

01. Spatial Strategy
02. Development Management
03. Design of New Development
04. Approach to Flood Risk
09. Promoting a Stronger Visitor Economy
11. Distribution of New Housing
28. The Natural Environment
31. Climate Change and Renewable and Low Carbon Energy
32. Community, Health and Well-being
36. Vehicle and Cycle Parking
Appendix 6 Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
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

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H05-0330-02 - Outline - Erection of 16 holiday chalets - Granted 5 July 2022

5.2 H05-0667-03 - Permission Renewal - Erection of garden centre - including farm produce sales (Renewal of H05/0847/99) - Granted 16 February 2004

5.3 H05-0780-03 - RM - Erection of 16 holiday chalets (outline application H05/0330/02) - Granted 2 October 2003

5.4 H05-1343-03 - Permission Renewal - Travel lodge and car parking area including siting and means of access (Renewal of H05/1177/00) - Granted 30 December 2003

5.5 H05-0503-04 - RM - Erection of garden centre - including farm produce sales (Outline Renewal H05/0667/03) - Approved 14 June 2004

5.6 H05-0420- 05 - Full - Erect 10 holiday chalets - Refused. Allowed on appeal 27 April 2007

5.7 H05-0335-08 - Full - Re-siting of 6 static caravans - Granted 6 May 2008

5.8 H05-0836-14 - Full - Re-siting of 6 static caravans from rear of garden centre to fishing lake - Granted 1 December 2014

5.9 H05-0164-17 - Full - Re-siting of existing static caravans and provision of 6 additional static caravans associated with existing fishing lake - Granted 10 April 2017

5.10 H05-1048-17 - Advertisement - Re-locate existing non-illuminated advertisement sign from the

junction of the A1515/Winslow Gate - Consent 4 January 2018

6.0 REPRESENTATIONS

6.1 Fleet Parish Council

No response received.

6.2 LCC Highways

Does not wish to restrict the grant of permission.

6.3 South Holland Internal Drainage Board

If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

6.4 SHDC Environmental Protection (Noise)

No comments or objections.

6.5 Public

No response

6.6 Information from Applicant's Agent

Permission is sought for a small visitor centre within the grounds of a memorial garden set up by Mr H Payne and associates for remembrance of the victims of conflicts. The small visitor centre will house memorabilia for the public to view on a daily basis.

Along with the visitor centre there is also an office and a security lodge for a groundsman to maintain the memorial garden as well as controlling the visitor centre. The reason for a security lodge is due to the previous thefts associated with the iron gates, etc. The security will be part of the groundsman's remit.

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 The main issues in this case are:

- Policy/principle;
- The likely effect upon the amenity of neighbouring residents;
- Highway issues;
- Other material considerations such as flood risk.

7.3 Policy/principle

7.4 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.

7.5 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 SELLP is therefore applicable. It states that development will be permitted in the countryside that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

7.6 Policy 9 is also of relevance. It indicates that outside a settlement boundary small-scale development to support the visitor economy will be supported that does not conflict with neighbouring land uses, is in keeping with the character of the locality and demonstrates a functional link with an existing attraction or farm enterprise. Policy 32 indicates that development shall contribute towards improving the community's health and well being.

7.7 The above policies are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 93 indicates that planning decisions should plan positively for the provision of community facilities. Paragraph 85 states that planning policies and decisions should recognise that sites to meet local community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Paragraph 11 indicates that decisions should apply a presumption in favour of sustainable development providing any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.8 Addressing the above, no objections are raised to the proposed visitor centre and memorial since they are small scale and constitute a visitor/community facility. They are generally in accordance with Policies 1, 9 and 32 of the SELLP.

7.9 In respect of the caretaker's accommodation, Policy 1 indicates that it should be necessary or sustainable in this location. Concerning the former, the scheme does not comply with any of the SELLP defined exceptions for new dwellings in the countryside under policies 19, 20, 22, or 23. It is not for affordable housing, a starter home, specialist housing, Gypsies and Travellers, a replacement dwelling, or the conversion of an existing building. Whilst it is accepted that there is a preferred need for associated residential accommodation it is not considered necessary. There is no essential requirement for someone to be on the site at all times for operational/managerial reasons and security could be addressed by means of the installation of a remote security system. Moreover, accommodation may well be available within the neighbouring motel complex, which is under the same ownership, if/when required for specific events.

7.10 Returning to the requirements of Policy 1 of the SELLP, as previously mentioned, it has not been demonstrated that residential accommodation is necessary in this location. In terms of the 3 dimensions of sustainable development, the following has been considered:

7.11 Economic Role - the proposal would make a small contribution towards housing supply and future occupants would work locally and make a small contribution to the local economy.

7.12 Community/Social - the proposal is deliverable and would make a small contribution to the supply of housing. The site is near to an existing settlement and would be accessible to existing services and facilities other than by motor vehicle.

7.13 An Environmental Role - the site is located within the countryside and is currently grassed and largely undeveloped. It has a distinctly rural feel which contributes to the character of the countryside. The proposal would introduce a building to the site, thereby eroding the sense of openness. The proposal, if permitted, would consolidate existing development in the countryside and would also domesticate and materially change the present rural character of the site.

7.14 Concluding, therefore, it is considered that the proposal would not meet the sustainable development needs of the area in terms of economic, community or environmental benefits due to the environmental harm that the development would cause. It would therefore be contrary to Policies 1, 2 and 3 of the SELLP. Policy 2 indicates that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, size, scale and impact on the amenity, character and appearance of the area. Policy 3 indicates that it should respect the character of the area within which it is situated.

7.15 Amenity

7.16 Policies 2 and 3 of South East Lincolnshire Local Plan 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 National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

7.17 The nearest residential properties unassociated with the site are located approximately 60 metres to the south-east. Fleet Lodge is situated some 60 metres to the north-west on the opposite side of the A17. The Anglia Motel complex, including holiday accommodation, is situated approximately 150 metres to the west.

7.18 Whilst the proposal would generate additional activity, it would generally be low key due to the scale of the development. Moreover, the site adjoins the A17 where ambient noise levels are relatively high due to traffic noise. Taking these factors into account, it is considered that the amenity of neighbouring residents would not be materially harmed in terms of lack of privacy, noise and disturbance, etc.

7.19 The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

7.20 Highway Issues

7.21 In conjunction with Policy 36 of SELLP, Appendix 6 sets out the minimum standards for parking provision upon the use class.

7.22 The proposed development is to be accessed by an existing entrance and some parking is to be provided within the site. Some additional/overspill car parking could be provided on the old highway without obstructing the main highway. Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and so does not wish to object to this planning application.

7.23 The proposal satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking requirements.

7.24 Other Matters

7.25 Flood Risk - The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

7.26 The EA 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 (SFRA), 2017 as a basis to apply the sequential test. The SFRA 2116 Residual Flood Hazard Map indicates that the site is within an area identified as "Danger for Some". The SFRA 2116 Residual Peak Depth Map shows a residual peak depth of 0.25-0.5m.

7.27 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. In this case, no part of the site is within a lower flood zone.

7.28 Applying the Flood Risk Vulnerability Classification in Table 2 of NPPG, the residential element is classified as "More Vulnerable". Table 3 of NPPG states that an exception test is therefore required. The NPPF and the PPG set out two elements to the Exceptions Test.

7.29 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. In this case, the residential element is not considered necessary or sustainable in this location for the reasons outlined earlier within the report.

7.30 The proposal therefore fails to satisfy the exceptions test because the residential element would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 162 to 164 of the National Planning Policy Framework, 2021. Paragraph 164 indicates that both elements of the exception test should be satisfied for development to be permitted.

7.31 Planning Balance

7.32 No objections are raised to the proposed visitor centre and memorial since they are small scale and constitute a visitor/community facility. They are generally in accordance with Policies 1, 9 and 32 of the SELLP.

7.33 In respect of the caretaker's accommodation, Policy 1 indicates that it should be necessary or sustainable in this location. Concerning the former, whilst it is accepted that there is a preferred need for associated residential accommodation it is not considered necessary. There is no essential requirement for someone to be on the site at all times for operational/managerial reasons and security could be addressed by means of the installation of a remote security system.

7.34 Moreover, it is considered that the residential element would not meet the sustainable development needs of the area in terms of economic, community or environmental benefits due to the environmental harm that the development would cause. It would therefore be contrary to Policies 1, 2 and 3 of the SELLP. Policy 2 indicates that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, size, scale and impact on the amenity, character and appearance of the area. Policy 3 indicates that it should respect the character of the area within which it is situated.

7.35 The above policies are consistent with advice within the National Planning Policy Framework, 2021. Paragraphs 124 and 130 indicate that new development should be sympathetic to local character and maintain an area's prevailing character. Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside.

7.36 Also, the residential element fails to satisfy the exceptions test because it would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 162 to 164 of the National Planning Policy Framework, 2021. Paragraph 164 indicates that both elements of the exception test should be satisfied for development to be permitted.

7.37 Conclusion

7.38 The residential element is not in accordance with Policies 1, 2, 3, and 4 of the South East Lincolnshire Local Plan, 2019.

7.39 **Additional Considerations**

7.40 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.

7.41 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.

8.0 RECOMMENDATIONS

8.1 **Refuse planning permission for the reasons set out in section 9.0 of this report.**

9.0 REASONS FOR REFUSAL

1. The site is located outside a defined settlement limit within the countryside. Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development in the countryside should be permitted if it is necessary or sustainable.

Whilst it is recognised that there is a preferred need for associated caretaker's accommodation it is not considered necessary. There is no essential requirement for someone to be on the site at all times for operational/managerial reasons and security could be addressed by means of the installation of a remote security system. Moreover, it is considered that the residential element would not meet the sustainable development needs of the area in terms of economic, community or environmental benefits due to the environmental harm that the development would cause.

The residential element is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 2 indicates that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, size, scale and impact on the amenity, character and appearance of the area. Policy 3 indicates that it should respect the character of the area within which it is situated.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Paragraphs 124 and 130 indicate that new development should be sympathetic to local character and maintain an area's prevailing character. Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside.

2. The site is located within an area identified as "Danger for Some" within the South East Lincolnshire Strategic Flood Risk Assessment (2017) and the proposal fails to satisfy the exceptions test because the residential element would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the South East Lincolnshire Local Plan, 2019 and advice within paragraphs 162 to 164 of the National Planning Policy Framework, 2021. Paragraph 164 indicates that both elements of the exceptions test should be satisfied for development to be permitted.

3. The determined plans are:
3948-21 01A
Flood Risk Assessment by Ellingham Consulting Ltd (Ref. ECL0833/G R Merchant) dated September 2022

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



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