

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-1197-21 **Applicant:** Mr & Mrs A Bacon
Proposal: Siting of 5 glamping pods on existing campsite (part retrospective)
Location: Laurel Park Campsite Laurel House Huntsgate
Terminal Date: 2nd February 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
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	0	0	1	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	2

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for the siting of 5 glamping pods (5.5m x 2.5m) on an existing campsite. Work has commenced.

The site has permission for use as a touring caravan and camping site (ref. H06-0031-86 and H06-1275-02).

Site Description

The site is located on the western side of Huntsgate, Gedney Broadgate and is part of an existing campsite, plus associated dwelling (Laurel House). Access is off Huntsgate. The site is well screened by existing high hedging.

The nearest residential properties include Green Cottage opposite the vehicular access. East Leam, plus associated buildings, is situated to the north. Residential properties are situated to the west off Harford Gate.

Planning History

H06-0031-86 - Full - Site for touring caravans, tents and caravanettes with retention of existing glasshouses - Granted 10 April 1986.

Condition 4 - The site shall be closed from 1st January to 31st March of each year and no caravans shall be stored on the site during this period.

Reason: To ensure a permanent residential site is not established.

H06-1275-02 - S73A - Continuation of permission with modification of Condition 4 of H06/0031/86 to allow extended opening (28 February - 28 January of the following year) - Granted 22 April 2003.

Condition 1 - No caravan, caravanette and/or tent shall be occupied by any one person for more than 28 consecutive days, and that person shall not return within a period of 28 days after the expiration of the period of previous occupation.

H06-0735-20 - Full - Extension, Alterations and New Vehicular Access - Granted 11 November 2020.

Consultation Responses

Gedney Parish Council

No objections.

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

SHIDB

Note that the applicant has not identified or provided a drainage strategy for the site within their application. If 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.

Licensing

No objections - site is already subject to a site licence under Caravan Sites and Control of Development Act 1960

Environment Agency

Proposal falls within Cell D5.

Public

No response received.

Material Considerations

The main issues in this case are:

- Policy/whether the proposal would be a sustainable form of development;
- Character/appearance;
- Residential amenity;
- Highway safety;
- Other material planning considerations such as flood risk and 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.

Policy 9 of the SELLP indicates that outside settlement boundaries, small-scale development to support the visitor economy, including farm diversification, equine development 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 Framework. Para 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. Para 11 of the Framework 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 proposal would meet rural tourism and economic objectives within the Local Plan and Framework. It is small scale and relates to an existing touring caravan and camping site and is relatively close to the A17. No objections are raised in principle, subject to appropriate conditions to ensure that the glamping pods are used as holiday accommodation only (not permanent residential).

Character/Appearance

Policy 2 of the South East Lincolnshire Local Plan, 2019 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 create a sense of space and respect the character of the area within which it is situated.

The proposed glamping pods are tucked well within the site, which is well screened by existing high hedging. As a consequence, they would not be readily open to public view. It is considered that the proposal would not materially harm the character/appearance of the countryside.

The proposal satisfactorily complies with Policies 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019 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 National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest residential properties include Green Cottage opposite the vehicular access. East Leam, plus associated buildings, is situated to the north. Residential properties are situated to the west off Harford Gate.

The proposal relates to an existing caravan site which is well screened from neighbouring property. The scale of the development is relatively low key and no resident objections have been received. It is considered that nearby residents would not be materially affected in terms of overlooking, lack of privacy, noise and disturbance, etc.

Issues such as spacing standards, fire safety, adequate water supply, etc fall within the remit of separate legislation. The proposal satisfactorily complies with Policies 2, 3 and 9 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.

An existing vehicular entrance off Huntsgate would be used to access the site. Additional traffic movements to and from the site would be relatively low. Ample parking is available on site for visitors. The County Highways Authority raises no objections on highway safety grounds.

The proposal satisfactorily complies with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking.

Flood Risk/Drainage

Policy 4 of SELLP is concerned on flood risk management and states, inter alia, that new development should pass the sequential test and should incorporate the use of Sustainable Drainage Systems (SuDS), unless it is demonstrated that it is not technically feasible.

The site is within Flood Zone 3 on the Environment Agency Maps. The latter 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) as a basis to apply the sequential test.

The SFRA indicates that the site is within an area identified as "Danger for Most". However, the proposal relates to an existing touring caravan and camping site and is necessary in this location. It is not possible, consistent with wider sustainability objectives, for the development to be located elsewhere with a lower probability of flooding. The exceptions test should therefore be applied. 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, both the South East Lincolnshire Local Plan and Central Government advice promote rural tourism/leisure related development. It is considered in this case that the sustainability benefits outweigh flood risk.

Concerning the second element, the Environment Agency has indicated that Cell D5 of the S E Lincs Standing Advice Matrix is applicable. It recommends that finished floor levels be set 300mm above existing ground level and that the structures be fixed to the ground. A flood evacuation plan should also be prepared. The EA also recommend a condition restricting occupancy during the winter months.

In terms of drainage, existing communal facilities for the disposal of foul water are available on site. The pods are small and well-spaced. Consequently, surface water would be disposed of by sustainable means.

The proposal satisfactorily complies with Policy 4 of the Local Plan and advice within Section 14 of the Framework in terms of flood risk.

Ecology

Policy 3 of the SELLP 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.

It is considered that additional planting should be undertaken and bio-diversity measures provided on site. This can be addressed by means of a conditions.

Planning Balance

The proposal meets rural tourism and economic objectives within the National Planning Policy Framework. It would not materially harm the character or appearance of the countryside, nor the amenity of nearby residents. There are no objections on highway grounds and flood risk issues can be addressed by means of mitigation conditions.

The proposal is in accordance with Policies 1, 2, 3, 4, 9, 30, 32 and 36 of the South East Lincolnshire Local Plan, 2019. There are no issues in this case that 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.