DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H07-0549-21**	**Applicant:**	**Mr S Kennally**
Proposal:	Stationing of 17 additional cabins and static caravans for use as tourism accommodation		
Location:	North View Fishing Lakes North Road Gedney Hill		
Terminal Date:	13th August 2021		

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 2019

NPPF 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	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK	0	0	0	1

ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

This application seeks full planning permission for the stationing of a further 17 tourism units consisting of 4 static units and 13 log cabin/lodge style units. Both types of accommodation already feature on site. There will be 14 additional units located loosely around the south westerly and newest lake at the complex, with a further 3 units on the southern eastern bank of the middle lake. All the proposed units are located within the existing complex.

Description

The site lies in open countryside with Gedney Hill village to the south west and the Gedney Hill golf course to the north. The entire fishing complex lies between the parallel roads of West Drove North and North Road.

To the north east there is existing residential development fronting North Drove and open agricultural fields to the south before the built-up edge of the settlement is reached. The golf course to the north incorporates a significant number of trees which are now maturing and provide a large green oasis in what is a landscape dominated in the main by open fields in monoculture. North View Fishing Lakes also incorporates a number of trees and shallow earth bunds with the northern most and oldest lake benefitting from the most landscaping.

Recent Planning History

H07-1338-05 - Full - Change of use of agricultural land to fishing lakes in association with existing North View Lakes facilities - Granted 30 December 2005.

H07-0846-08 - Full - Proposed fishing lake, additional touring caravan pitches, new accommodation for site manager, log cabins and a clubhouse - Withdrawn 4 February 2009.

H07-0211-09 - Full - Proposed fishing lake, additional touring caravan pitches, log cabins and club house (part retrospective) - Granted 14 September 2009.

H07-0938-10 - O/A - Residential development - affordable housing - Refused 21 February 2011. Appeal dismissed.

H07-0244-12 - S73A - Variation of Condition 3 of H07-0211-09 to allow log cabins to be used as holiday accommodation only and not be occupied during the period of 1st February and 28th February in any one year - Refused 6 June 2012.

H07-0541-12 - Full - Proposed dwelling for manager/owner - Granted 19 September 2012.

Consultation Responses

Gedney Parish Council

The application provided no issues except that it should be noted that, as the application suggests, the cabins will be for occasional use only and not use all year round. This should be stipulated and monitored, if approved.

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

SHIDB

If for any reason a drainage strategy reliant on infiltration and storage does not prove to be viable, and a surface water discharge must be directed into 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

Request condition.

Anglian Water

No comments

Lincolnshire Police

No objections to this development.

Lincolnshire Wildlife Trust

Request ecological assessment.

Public

No response received.

information from Applicant

North View Fishing Lakes has now been established for in excess of 17 years with the first lake having been dug in 2004. Since then, a further 2 lakes have been completed, together with managers accommodation, static and touring holiday accommodation, and ancillary facilities. The complex now covers approximately 10 ha and is one of the premier coarse fisheries in the area.

It is now well established as one of the area's premier coarse fisheries, and is a well-known holiday destination for those wishing to stay and fish on any of the three coarse fishing lakes which stock a good variety of coarse fish including large specimen carp. The principle of tourism accommodation is already established on the site following the granting of permission for earlier phases. Gedney Hill is within walking distance of the complex where there is a range of facilities that adequately serves those on holiday at the site.

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 drainage.

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:
1. do not conflict with neighbouring land uses;
2. are in keeping with the character of the locality; and
3. 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 within an area that is leisure orientated, including existing fishing facilities on site and a golf course nearby. The complex has previously had consent for chalets and log cabins (eg, ref. H07-0211-09) and this is an expansion of the facility. It is relatively close to the centre of Gedney Hill, which has a relatively large convenience store and a bus route. No objections are raised in principle, subject to an appropriate condition to ensure that the units are used as holiday accommodation only (not permanent residential).

Character/Appearance

The accommodation takes the form of 4 no. traditional static caravans and 13 no. lodge style cabins, both of which can already be seen on the earlier phases of the complex. A development of this nature can sometimes be visually intrusive and have a harmful effect on the open nature of the fenland landscape.

However, in this case, the existing complex incorporates a number of trees and shallow earth bunds, with the northern most and oldest lake benefitting from the most landscaping. The other two lakes are also in the process of maturing in a similar way. A hedge nearly 190m long defines the south western site boundary of the complex which then returns a further 80m along the north western boundary, parallel with West Drove North.

There is a variety of planting within the site which helps to screen both the existing and proposed development from wider public views. Eight of the units are to be located to the north west of the most recent fishing lake within an area already defined by mature and semi-mature planting and a hard surfaced access track. The remaining units are sited in three groups of three units, one group at the south eastern end of the middle (second) lake and the other two groups at the north western and south eastern end of the southern lake.

Having regard to the existing landscaping in and around the lakes, it is considered that the proposal would not materially harm the character/appearance of the countryside. However, some additional planting is recommended on the eastern side of units 12-17.

The proposal therefore satisfactorily complies with Policies 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019 in this respect. 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 create a sense of space and respect the character of the area within which it is situated.

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 are The Hacienda (plus stables/equestrian) on the opposite side of North Road, no. 75 North Road (plus associated workshop) to the north -east and a barn conversion to the west on the opposite side of West Drove North (ref. H07-0661-21).
The units would generally be sited some distance from neighbouring residential properties. Vehicles would access the site via an existing roadway. The general nature and scale of the proposed development is such that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, noise and disturbance, etc. Issues such as spacing standards, fire safety and adequate water supply 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. For developments of this nature, visitor parking provision should be assessed on a site-by-site basis.

The site is accessed via an existing entrance and roadway off North Road. There is satisfactory visibility. Parking would be provided alongside the proposed units. 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.

Drainage

Foul water would be disposed of to a package treatment plant, details of which are required. If problems were to subsequently occur, they could be addressed under separate environmental legislation. Surface water would be disposed of to the lakes, further details of which are required.

Flood Risk

The site is located 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 hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defences were to occur. Moreover, Central Government advice promotes rural tourism/leisure related development. It is considered in this case that the sustainability benefits outweigh flood risk issues.

In terms of flood mitigation measures, the Environment Agency has recommended that finished

floor levels be set no lower than 300mm above existing ground levels and the lodges and caravans be secured to the ground via steel chains fixed to concrete pads.

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

The Lincolnshire Wildlife Trust have made reference to an adjacent Local Wildlife Site (LWS), known as Lambert Drain to High Stock Connection LWS. They have indicated that a site of this size wouldn't usually be of concern but as it is adjacent to an LWS, there may be an impact from additional disturbance and lighting resulting from increased use. They have therefore recommended that an ecological assessment be carried out. This matter can be addressed by means of a condition.

Planning Balance

The proposal would meet rural tourism and economic objectives within the Local Plan and Framework. the units.

Having regard to the existing landscaping in and around the lakes, it is considered that the proposal would not materially harm the character/appearance of the countryside. However, some additional planting is recommended on the eastern side of units 12-17. The general nature and scale of the proposed development is such that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, noise and disturbance, etc.

The County Highways Authority raises no objections on highway safety grounds. Flood risk issues and drainage could be addressed by means of 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 adverse issues in this case which outweigh factors 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.

Conclusion

The planning balance lies in favour of the scheme. It is therefore recommended that the application be approved under delegated powers.