DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0136-21 **Applicant:** Mr D Barnes

Proposal: Demolition of existing office and erect new site office and storage

Location: Rose And Crown Inn Marsh Road Holbeach Hurn

Terminal Date: 13th April 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

Sections 2, 4, 6, 12, 14 and 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a building that would be used as a site office and for storage. It would be 12.6m long x 11.6m wide, with a ridge height of 6.2m (4.5m to eaves), plus a roller shutter door with a 4.2m opening height. The unit has GIA of 132sq.m.

It would effectively replace an existing office on the site granted by virtue of planning permission ref. H09-0413-16 and a temporary storage facility (static caravan) located on grassland to the east of the caravan site.

Description

The Rose and Crown Public House and associated caravan site are located on the north-eastern fringe of Holbeach Hurn, close to the junction of Low Road and Marsh Road. There are presently two vehicular accesses, one serving the public house and the other the caravan site.

Residential properties are situated to the south and west off Low Road/Marsh Road. A house (The Spinney) and other residential properties are situated further to the north-east and east off Baileys Lane.

Policies/Constraints

Outside a defined settlement limit as defined in the South East Lincolnshire Local Plan, 2019.

The site is within Flood Zone 3 on the Environment Agency Flood Maps and within an area identified as "Danger for Some" within the South East Lincolnshire Strategic Flood Risk Assessment, 2017.

Planning History

H09-0520-88 - Touring caravan park for 43 units together with toilet and shower block - Granted

H09-1209-95 - Continuation of use of caravan site without removal of unoccupied caravans during winter months - Granted

H09-1131-08 - LDC - Use of site for caravans to be occupied by seasonal workers and for touring holiday caravans - Refused

H09-1175-08 - Change of use of part of existing caravan site for stationing of 7 static caravans for occupation by seasonal agricultural workers and/or tourists - Refused

H09-0827-09 - Removal of condition 5 of H09-0520-88 prohibiting use of site between 31 October and 1 March - Refused

H09-0908-09 - LDC - Use of the site for the stationing of up to 12 caravans for occupation by seasonal workers and for touring holiday caravans - Granted

H09-0925-10 - S73A Continuation - Variation of condition 5 of H09-0520-88 to allow caravan site to open between 20 March in one year and 20 February in the succeeding year - Granted subject to

the following conditions:
1) No caravan on site shall be occupied between 21st February and 19 March of any year.
2) No more than 12 static caravans and 15 touring caravans shall be retained/stored upon the site between the 21 February and 19 March of any year. Touring caravans shall only be stored within the allocated area approved by virtue of planning permission reference H09-1209-95.
3) During the period 31 October in one year and 20 February in the succeeding year, all caravans upon the site shall be used for holiday purposes only and not as accommodation for seasonal workers.

H09-1052-13 - Full - Extension to Rose and Crown Public House and extension to caravan site Refused and dismissed on appeal (ref. APP/A2525/A/14/2218991) on 13 February 2015.

H09-0413-16 - Full - Erection of site office and improvements to road (retrospective), Rose & Crown Inn - Granted

H09-1164-16 - Full - Siting of storage unit at existing caravan site (retrospective), Rose & Crown Inn - Granted (temporary)

H09-1165-16 - Full - Siting of marquee at existing caravan site (retrospective) - Refused 11 January 2017. Dismissed on appeal.

H09-1171-16 - Full - Proposed extension to existing caravan site, Rose & Crown Inn, Low Road - Refused 6 April 2017 and dismissed on appeal (ref. APP/A2525/W/17/3179712) on 30 October 2017.

H09-1127-17 - Full - Proposed extension to existing caravan site (re-submission of H09-1171-16), Rose & Crown Inn, Low Road - Refused 13 March 2018 and dismissed on appeal (ref. APP/A2525/W/18/3199267) on 15 January 2019.

H09-1088-19 - Full - Erection of new swimming pool, plus associated decking, balustrading/fencing and external equipment (retrospective) - Granted 9 November 2020.

H09-0094-21 - Full - Siting of storage unit in conjunction with adjoining caravan site (retrospective) - Under consideration.

Consultation Responses

Holbeach Parish Council - No observations.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Environmental Protection - No comments or objections.

LCC Archaeology - No archaeological input.

Public - Resident objection received (summarised):
Much larger than present site office; Visually unattractive; Out of character; Increased surface water run-off and flooding from site; Concerns over surface water drainage; How will foul water be disposed of?

Material Considerations

The main issues in this case are:

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

Policy/principle

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 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.

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.

The above policies are in accordance with advice within the National Planning Policy Framework, 2019. Paragraph 83 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas and also sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 92 indicates that planning decisions should plan positively for the provision of community facilities. 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.

The proposed office & storage unit would effectively replace an existing office and temporary storage facilities. According to the applicant it would provide an improved & secure office area whilst providing a much-needed storage area for small agricultural machinery such as a grass cutter & small tractor unit to help move mobile homes on the camp site. The unit would also provide a much-needed secure building to store light agricultural machinery. The proposal therefore has a functional link with the existing caravan park and accords with Policies 1 and 9 of the SELLP in locational terms.

Other issues relating to character/appearance and neighbouring land uses are assessed below.

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 building would have an eaves height of 4.5m and ridge height of some 6.2m approximately. It would be constructed in brickwork and timber cladding, with a modern roller shutter door. The roof would be light grey composite roof panels with roof lights. Windows would be white uPVC to match the public house. All rainwater goods would be black in colour.

The building would replace an existing office on site which is somewhat utilitarian in terms of appearance. It would be set back on the site and would be subservient to the public house, which has a ridge height of some 7.4. It would be viewed alongside the existing caravan site, with a backdrop of existing tree planting. Taking the above factors into account and the scale of the development it is considered that the proposal would not materially harm the character or appearance of the rural locality. In this respect, therefore, it satisfactorily accords with Policies 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019.

Amenity/living conditions

Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 indicate that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, residential amenity and impact upon neighbouring land uses by reason of noise, odour and disturbance.

The above policies are in accordance with the Framework, which includes seeking to secure a good standard of amenity for all existing occupants of buildings. This includes from unacceptable levels of noise pollution.

The applicant has indicated that the proposed office & storage unit would provide an improved &

secure office area whilst providing a much-needed storage area for small agricultural machinery such as a grass cutter & small tractor unit to help move mobile homes on the camp site. The unit would also provide a much-needed secure building to store light agricultural machinery. It would therefore be used largely for a purpose ancillary to the existing caravan park and adjoining agricultural land. It is considered that the nature and scale of the proposed development is such that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and general disturbance, etc.

In this respect, therefore, it satisfactorily accords with Policies 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019.

It has been noted that a previous application for a marquee (ref. H09-1165-16) was refused and dismissed on appeal on grounds that noise levels from discos, live events, etc may well have a material effect upon the amenity of nearby residents in terms of noise and disturbance. However, no real comparison can be made with the current proposal which is low key.

Highway Issues

Policy 36 of the South East Lincolnshire Local Plan indicates that all new development should provide vehicle and cycle parking in accordance with the minimum parking standards adopted by the Local Planning Authorities. The parking standards within Appendix 6 indicate that leisure development such as this should be assessed on a site by site basis.

Satisfactory parking facilities are available within the existing public house car park and also on the caravan park itself. LCC Highways does not wish to restrict the grant of permission on highway safety grounds. 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.

Other Matters

Drainage - No specific details of means of disposal of surface water have been provided. This matter can be addressed by means of a condition to ensure no flooding issues arise. The internal layout includes no facilities that involve the disposal of foul water.

Flood Risk - The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. The Environment Agency's 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) as a basis to apply the sequential test

The SFRA indicates that the site is within an area identified as "Danger for Some". However, it is not possible, consistent with wider sustainability objectives, for the development to be located elsewhere within the district because it needs to be located within the existing caravan park and public house. Planning Practice Guidance indicates 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."

The exceptions test 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, the proposal will provide wider sustainability benefits to the community that outweigh flood risk in the sense that it is ancillary to and enhancing an existing leisure/tourist

related facility within the district in accordance with Policy 9 of the South East Lincolnshire Local Plan and advice within the Framework.

Concerning the second element, the Residual Peak Depth Map shows a peak depth of 0.25m. It is therefore recommended that finished floor levels be set at 300mm.

Planning Balance

Policy 9 of the South East Lincolnshire Local Plan, 2019 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. It is in accordance with advice within the National Planning Framework, 2019.

The proposal has a functional link with the existing caravan site. It is considered that the nature and scale of the development is such that the proposal does not materially harm the character or appearance of the rural locality or the amenity of nearby residents in terms of such matters as noise and general disturbance. The proposal therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

LCC Highways does not wish to restrict the grant of permission on highway safety grounds. Drainage matters can be addressed by means of a condition. The proposal is considered acceptable on flood risk grounds, subject to a condition relating to finished floor levels.

There are no issues that outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal. 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.

Recommendation

The application be approved under delegated powers.