

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H11-0045-23	Applicant:	Mr Hoey
Proposal:	Mixed use development comprising of static caravans, cottages, fishing lake, site office, workshop and caravan sales - approved under H11-0420-18. Modification of Condition 2 to allow amendments to previously approved plans and Condition 5 to allow the maximum number of static caravans on site not to exceed 52		
Location:	Land West McDonald'S Restaurant Vicarage Lane Long Sutton		
Terminal Date:	9th May 2023		

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
31	Climate Change and Renewable and Low Carbon Energy
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	1	0	0	0
ENVIRONMENT AGENCY	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	1

CASE OFFICER ASSESSMENT

PROPOSAL

Full planning permission was granted in December 2018 for a mixed use development on this site (ref. H11-0420-18). This included a fishing lake, site office, up to 30 static caravan pitches, a workshop building and caravan sales area, and 12 x 2-bed holiday cottages and 10 x 3-bed holiday cottages, plus associated parking and landscape bunding. The static caravans and cottages were solely for holiday accommodation (no occupancy between 1 November and 14 March) and the fishing lake was to be used only by site residents. Development has commenced on site.

A subsequent application was approved under S73A to allow for a 12-month holiday season (ref. H11-0075-20). The current proposal is to modify the scheme to a maximum of 52 static caravans, plus 2 semi-detached cottages (still holiday accommodation).

Vehicular access to the site is off Vicarage Lane utilising an existing roadway, which is also used to gain access to a McDonald's Restaurant and Drive-Thru. The applicant has previously indicated that the roads within the site would be private and refuse collection would be by a private company.

SITE DESCRIPTION

The site is situated on the south-western quadrant of the A17/Wisbech Road (A1101) roundabout to the west of a McDonald's Restaurant and Drive-Thru. The A17 is located immediately to the north and a service station beyond on the north-western quadrant, including a BP petrol filling station, Starbucks, Benny's Diner and a Travelodge. The northern boundary of the site is partially landscaped. Vicarage Lane is situated to the south, including Long Sutton Emporium, plus dwellings (nos. 59 and 5 Vicarage Lane). A bund, plus hedge planting, is located along the southern boundary.

Dwellings are situated further to the east, including Seagate Hall and associated stable block (both grade II listed). A grade II listed milestone is situated on the eastern side of McDonald's fronting Wisbech Road.

SITE HISTORY

H11-1084-99 - Permission Renewal - Garden centre and restaurant/motel complex (renewal of H11-1072-96) - Allowed on appeal subject to conditions

H11-0428-00 - Full - Erection of a fast food restaurant - Granted

H11-0765-03 - Permission renewal - Garden centre and restaurant/motel complex (renewal of

H11/1084/99) - Granted

H11-0825-04 - Use of land for car boot sales, plus hardstanding and earth bunding - Refused

H11-1293-05 - RM - Erection of plant protection building/garden centre - Approved

H11-1563-06 - RM - Erection of garden centre and motel (Outline renewal H11/0765/03) - Approved

H11- 0983-10 - Full - Erection of 7 industrial starter units - Granted

H11-0916-12 - LDC to establish that the works carried out to construct parts of the access road at Land off Vicarage Lane, Long Sutton, constitute the commencement of development permitted under outline planning permission H11-1084-99, dated 12 November 2003 and reserved matters approval H11-1563-06, dated 6 February 2007 - Granted

H11-0221-17 - Full - Mixed use development comprising of a mix of static caravans, cottages, workshop, fishing lake, site office and static caravan sales - Refused 26 October 2017.

H11-0420-18 - Full - Mixed use development comprising of static caravans, cottages, fishing lake, site office, workshop and caravan sales - re-submission of H11-0221-17 - Granted 7 December 2018.

H11-0350-19 - Cond Comp - Details of materials schedule, landscaping, external lighting, acoustic measures, foul water strategy, surface water drainage and contaminated land (Conditions 6, 7, 8, 9, 12, 13 and 14 of H11-0420-18) - Approved 10 July 2019.

H11-0075-20 - S73A - Mixed use development comprising of static caravans, cottages, fishing lake, site office, workshop and caravan sales - approved under H11-0420-18. Removal of Condition 11 to allow 12-month holiday season - Approved 19 May 2020.

CONSULTATION RESPONSES

Long Sutton Parish Council

No response received.

Cllr D J Wilkinson

This site is densely populated at the moment. Any further development would make the nature, scale & appearance of the development unacceptable.

LCC Highways/SUDS

No objections on highway safety grounds.

South Holland Internal Drainage Board

Recommend drainage strategy.

Environmental Protection

Noise - No objections.

Public

No comments received.

PLANNING CONSIDERATIONS

The main issues in this case are:

- Whether the proposal would be a sustainable form of development taking into consideration economic, social and environmental factors, including the development's effect upon the character and appearance of the locality and the setting of nearby listed buildings;

- Residential amenity;
- Highway safety;
- Other material planning considerations such as flooding and drainage.

Policy/Sustainability

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, 2019. It is therefore within an area classified as countryside. Policy 1 of the South East Lincolnshire Local Plan 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 (Promoting a Visitor Economy) 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.

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The above policies are in accordance with advice within the National Planning Policy Framework, 2021. Paragraph 84 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 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

Addressing the above, the site already has permission for up to 30 static caravan pitches, plus 12 x 2-bed holiday cottages and 10 x 3-bed holiday cottages (total 52). This application is to increase the number of static caravans to a maximum of 52, plus 2 holiday cottages. The issue therefore is not the principle of leisure facilities upon the site, which has already been established, but rather whether the replacement of cottages with static caravans would adversely affect the character/appearance of the rural locality.

The site is now partially screened by planting alongside the A17. It is partially obscured from Wisbech Road by the existing McDonald's building, plus existing brick entrance walling associated with this site. Taking into consideration existing development within the environs of the A17/Wisbech Road roundabout, plus the fallback position, it is considered on balance that the revised proposal would not materially harm the character or appearance of the locality. This is subject to a condition requiring additional planting (eg, mixed native hedging) alongside the roadway in the north-eastern corner adjacent McDonald's car park.

For the reasons given above, the proposal does not materially conflict with the aims and objectives of Policies 1, 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework promoting sustainable rural tourism and leisure developments.

Heritage

Policy 3 of the SELLP stipulates that development should complement and enhance designated and non-designated heritage assets and respect the massing of neighbouring buildings. Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether

any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Seagate Hall and associated stable block (both grade II listed) are located approximately 150 metres from the western boundary of the site. However, they are not readily open to view from the site largely due to tree planting and to a lesser extent by existing buildings. Moreover, the principal elevations of Seagate Hall are to the south-west and north-west and the views are most important from this direction. Taking these matters into account it is considered that the current proposal would not cause substantial harm to the setting of Seagate Hall and associated stable block.

Paragraph 202 of the National Planning Policy Framework, 2021, indicates that where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. In this case, the site already has permission for use as a leisure facility, including 30 static caravans. The current proposal is a means of securing a more viable leisure use for the site in response to demand and would have economic benefits. It is considered that the benefits of the scheme outweigh any harm to the setting of nearby listed buildings.

Residential Amenity

Policies 2 and 3 of the SELLP 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 situated to the south on the opposite side of Vicarage Lane. Residential properties are also situated some 150 metres to the west along Vicarage Lane. Ambient noise levels on site are relatively high due to traffic noise from vehicles using the A17 and Wisbech Road, plus activity associated with visitors to McDonald's. Taking these matters into account it is considered that the revised proposal would not materially harm the amenity of nearby residents in terms of overlooking, loss of privacy, noise and disturbance, etc. Any lighting upon the site should be low level.

Concerns have previously been expressed on grounds that occupiers of the static caravans in particular would have a poor level of amenity due to relatively high ambient noise levels as a result of traffic noise and also the proximity to McDonald's Restaurant and Drive-Thru. In this respect, high entrance walling and 2.1m high acoustic fencing has been incorporated along the eastern boundary adjoining McDonalds. Environmental Protection has raised no objections.

The proposal satisfactorily complies with Policies 2 and 3 of the SELLP in terms of amenity.

Highway Safety

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.

A Ghost Island right turn lane has been formed on Wisbech Road and Vicarage Lane. The entrance roadway to McDonald's and the site has been constructed. The requested alteration to the previously consented development proposes no change to access arrangements for the site and the proposed total number of units on the site would not be expected to result in a severe residual cumulative impact upon the capacity of the local highway network. Satisfactory parking facilities are available on site. In view of this, the highway authority does not wish to raise any objection to the grant of consent for this application.

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

Other Material Planning Considerations

Drainage - The South Holland Internal Drainage Board recommends that a drainage strategy is supplied to address how surface water run-off will be managed and sustainably disposed of in

relation to the modified scheme. The Board recommends the use of infiltration as per the drainage hierarchy, which should be tested using BRE365 methodology. If following testing infiltration is not feasible on this site, and the discharge is subsequently proposed to a watercourse as per the drainage hierarchy, consent will be required from the Board under Byelaw 3. The previous scheme disposed of foul water via a treatment plant. An amended foul water drainage scheme will need to be submitted. These matters can be addressed by means of conditions.

Flooding - Part of the site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision-making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. Paragraph 101 of the National Planning Policy Framework advises that: "the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding." For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

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 Holland 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 to Some". This is a less severe category and there are no readily available alternative sites appropriate for the proposed development within the immediate area with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the National Planning Policy Framework) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the NPPF and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

It is not possible, consistent with wider sustainability objectives, for the development to be located in zones 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, the proposal would provide wider economic and social benefits that outweigh flood risk. This includes the provision of additional tourist/leisure facilities within the district. Moreover, the previous permission has been implemented for occupancy of the static caravans for 12 months of the year (ref. H11-0075-20).

Concerning the second element, the statics would continue to be used as holiday accommodation only and not a person's main place of residence. Consequently, the vulnerability of the development hasn't changed and is still "more vulnerable" (short let camping and caravan site). The Environment Agency has previously raised no objections to holiday static caravans on this site, subject to finished floor levels of the statics being raised above the predicted flood level at 500mm. They have also indicated that there would be a greater emphasis on the need for emergency plans.

The proposal therefore satisfactorily complies with Policy 4 of the South East Lincolnshire Local Plan, 2019 and advice within Section 14 of the Framework in terms of flood risk.

Contamination - Condition compliance application ref. H11-0350-19 was accompanied by a Geo-Environmental Desk Study which indicated that a Phase 2 intrusive investigation was unwarranted.

Environmental Protection raised no objections.

Spacing/fire regulations, etc - These are matters that are addressed through a separate application for a site licence.

Planning Balance

Addressing the above, the site already has permission for up to 30 static caravan pitches, plus 12 x 2-bed holiday cottages and 10 x 3-bed holiday cottages (total 52). This application is to increase the number of static caravans to a maximum of 52, plus 2 holiday cottages. The issue therefore is not the principle of leisure facilities upon the site, which has already been established, but rather whether the replacement of cottages with static caravans would adversely affect the character/appearance of the rural locality.

Taking into consideration existing development within the environs of the A17/Wisbech Road roundabout, plus the fallback position, it is considered on balance that the revised proposal would not materially harm the character or appearance of the countryside or the setting of Seagate Hall and associated stable block (grade II listed) within the general locality. This is subject to a condition requiring additional planting (eg, mixed native hedging) within the north-eastern corner.

There are no amenity or highway safety issues. Drainage and flood risk issues can be addressed by means of conditions.

CONCLUSION

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 proposal satisfactorily complies with the aims and objectives of Policies 1, 2, 3, 9, 28, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework, subject to conditions. There are no material considerations in this case that outweigh factors in favour of the scheme.

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

That the application be approved under delegated powers.