

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H11-0573-22      **Applicant:** Ms S Gaskin

**Proposal:** Change of use of land to holiday park with alterations to existing lake and erection of 17 timber huts, 1 shepherd hut for office use and 9 touring caravan pitches

**Location:** Land Adj. 80 Wisbech Road Long Sutton Spalding

**Terminal Date:** 15th September 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       | 0       | 0        |
| WARD MEMBER                                            | 0      | 0       | 0       | 0        |
| PLANNING LIAISON<br>OFFICER - FLOOD RISK<br>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 | 1 |
| OTHER STATUTORY BODIES                | 0 | 0 | 0 | 2 |
| RESIDENTS                             | 1 | 0 | 0 | 0 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

Full planning permission is sought for a change of use of land to holiday park with alterations to an existing lake/pond and erection of 17 timber huts, 1 shepherd hut for office use and 9 touring caravan pitches.

### **Site Description**

The site is located in countryside on the eastern side of Wisbech Road and is occupied by a large pond with extensive tree planting, including around the perimeter of the site. An associated dwelling (No. 80 Wisbech Road) is situated to the south.

A builders storage yard (R K Builders Ltd) is situated some 50 metres to the north and a dwelling and associated car repair/sales business (No. 75/Wisbech Road Autos) to the north-west on the opposite side of Wisbech Road.

### **Recent Planning History**

H11-1241-21 - Full - Demolition of existing bungalow and erection of new dwelling - Granted 7 February 2022.

### **Consultation Responses**

#### **Long Sutton Parish Council**

No comments received.

#### **LCC Highways/SUDS**

No objections subject to conditions.

#### **South Holland Internal Drainage Board**

Note that the applicant intends to discharge surface water resulting from the proposed additional impermeable area into the self-contained lake. The Board has no objections to this proposal. Additionally, it appears that the lake is not connected to the wider drainage network, therefore, the development does not require Land Drainage Consent from the Board to carry out this proposal.

#### Environmental Protection (noise)

No objections.

#### Environment Agency

No objections in principle.

#### Anglian Water

No comments

#### Lincolnshire Police

No objections.

#### Public

Objections received (summarised):

- In open countryside and on an extremely busy fast A road
- Site has previously been used to dispose of waste
- Ground surrounding pond has previously been the home of great crested newts. Site should be subject to ecological survey
- Overdevelopment. Already have holiday park at McDonalds
- Existing property linked to this site already has mobile home on site and a large replacement dwelling has been approved
- Council previously refused a dwelling on the wrong side of the A17 (ref. H11-1083-21)

#### **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/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 (SELLP), 2019. It is therefore within an area regarded as countryside.

Policy 1 of the SELLP 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.

SELLP Policy 9 encourages small scale development that would support the visitor economy provided it would be in character with the locality and can demonstrate a functional link with an existing rural attraction.

The above policy is in accordance with advice within the National Planning Policy Framework, 2021. 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 includes a fishing lake on site and is situated on a major arterial

route within the district relatively close to Long Sutton. It would deliver economic, social and environmental benefits through the provision of a facility that supports tourism, which is supported by SELLP Policy 9. It is also recognised that domestic tourism has a significant role to play in the Government's levelling up agenda and in supporting the growth of the rural economy, matters that attract significant weight in the planning balance. No objections are therefore raised in principle, subject to appropriate conditions to ensure that the huts/caravan pitches 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.

However, the site is well landscaped in this case with profuse tree planting, including around its perimeter. It is considered that the proposal would not materially harm the character/appearance of the countryside, subject to the retention of existing perimeter trees.

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.

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

An associated dwelling (No. 80 Wisbech Road) is situated to the south. A builders storage yard (R K Builders Ltd) is situated some 50 metres to the north and a dwelling and associated car repair/sales business (No. 75/Wisbech Road Autos) to the north-west on the opposite side of Wisbech Road. The site is therefore within an area that has a mixture of uses, including commercial. Ambient noise levels are also relatively high due to traffic noise from Wisbech Road (A1101). Taking the above factors into consideration, the separation distances from nearby residential property and the fact that the site is well screened by existing tree planting, it is considered that the amenity of local residents would not be materially harmed in terms of overlooking, lack of privacy, noise and disturbance, etc.

Concern has been raised on grounds that the site has previously been used to dump waste. As a precautionary measure it is therefore recommended that a contaminated land condition be imposed.

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, 9 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity, subject to conditions.

### 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. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The above policies are in accordance with advice within the Framework, 2021. Paragraph 111

indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A new/improved access would be formed in the north-western corner of the site. A parking area would be provided for visitors to the timber huts and parking would be available alongside the caravan pitches. LCC Highways has recognised that the application site is some distance beyond the settlement boundary of Long Sutton and is accessed from an unrestricted section of the A1101.

However, the road is straight and the proposed point of access does therefore have sufficient visibility in both directions for a driver emerging from the site to be able to see any approaching traffic so as to be able to judge if it is safe to proceed into the highway. There is a footway on the west side of Wisbech Road, but it does not extend as far southwards as opposite the application site frontage. LCC Highways therefore request that any permission include the provision of an extension to the existing Wisbech Road footway as far as opposite the site entrance (approximately 30 metres), together with a suitable area for pedestrians to stand and wait safely until it is safe to cross the road.

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

### Flood Risk/Drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

The site is located within Flood Zone 3 on the Environment Agency Maps. The sequential test therefore needs to be applied.

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 (2017) as a basis to apply the sequential test. The hazard mapping within the SFRA designates the site as "Danger for Most".

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, the whole of the surrounding area is shown on the Flood Map for Planning to be in Flood Zone 3 and there are no other sites in a lower flood zone. Moreover, National Planning Practice Guidance (NPPG) states that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.

Applying the Flood Risk Vulnerability Classification in Table 2 of NPPG, use as a holiday park is classified as "More Vulnerable". Table 3 of NPPG states that an exception test is therefore required. 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 South East Lincolnshire Local Plan recognises that tourism plays a significant role in the local economy. Tourist facilities can offer benefits to local communities directly through employment, and indirectly, such as by supporting local food producers, local shops, pubs, and restaurants. The proposed development would therefore provide a wider sustainability benefit that would outweigh flood risk.

It is therefore considered that the development would meet the requirements of the first part of the Exception Test and would be in accordance with the NPPF.

In terms of flood mitigation measures required by virtue of part 2 of the exceptions test, the South East Lincolnshire Strategic Flood Risk Assessment Standing Advice for new development of this nature in a tidal risk scenario in a 'Danger for Most' area is:

- proposals are to be accompanied by a flood warning and evacuation plan;
- static caravans are to be secured to the ground; and
- finished floor level is set a minimum of 0.3m above ground level.

The application is accompanied by a flood risk assessment which recommends that the camping pods have a floor level not less than 0.3m above general ground levels, the units are secured to the ground. It is also accompanied by a flood evacuation plan, which would need to be followed.

Concerning drainage, surface water would be discharged to the self-contained lake. The South Holland Internal Drainage Board has no objections to this arrangement.

In respect of foul drainage, this matter can be addressed by means of a condition. Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

- 1.Connection to the public sewer;
- 2.Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation);
- 3.Septic Tank

The Environment Agency has recommended that foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission.

The proposal satisfactorily complies with Policy 4 of the Local Plan and advice within Section 14 of the Framework in terms of flood risk/drainage, subject to conditions.

### Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 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 enhancements.

Given the nature of the existing site and comments raised by a third party it is considered that an ecological survey should be carried out prior to any development commencing on site. The proposal should also include ecological enhancements.

### Planning Balance

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.

Development Plan policy and the National Planning Policy Framework, 2021 both 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.

It is considered that the development would not materially harm the character or appearance of the countryside. Moreover, the amenity of nearby residents would not be significantly harmed. LCC Highways have raised no objections on highway safety grounds, subject to conditions. Flood risk, drainage and ecology can be addressed by means of conditions.

The proposal is in accordance with Policies 1, 2, 3, 4, 9, 28, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, 2021. There are no adverse matters in this case which outweigh factors in favour of the proposal.

## **Conclusion**

For the reasons outlined above, the planning balance lies 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.

## **Recommendation**

Grant permission under delegated powers, subject to conditions.