

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0683-20 **Applicant:** Green Stick Company
Proposal: Change of Use to fishing and wildlife holiday lodges, erection of 5 modular holiday lodges with associated landscaping, planting and parking
Location: Land Off High Road Moulton Spalding
Terminal Date: 15th October 2020

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, 8, 9, 12, 14 and 15

Representations:

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

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for a change of use to fishing and wildlife holiday lodges involving the erection of 5 modular holiday lodges with an associated reception lodge, landscaping, planting and parking.

The site has previously had permission for use as a wildlife area (ref. H13-0935-06) and also as a touring caravan site (maximum 15 caravans - ref. H13-0320-12).

Site Description

The site (some 2.45ha) is located on the northern side of High Road (A151) to the north-west of Moulton village. The northernmost area is currently landscaped, including a small lake/pond, whilst the southernmost area is grassed. An existing building is located in the south western corner. It is served by an existing access and roadway.

The nearest residential properties are no. 42 High Road to the south-west and no. 60 to the south-east.

Recent Planning History

H13-0495-06 - Full - Creation of wildlife area and excavation of pond - Refused 19 June 2006

H13-0935-06 - Full - Creation of wildlife area and excavation of pond - Granted 25 August 2006

H13-0475-11 - Full - Use of site for touring caravans - Refused 12 September 2011

H13-0320-12 - Full - Proposed touring caravan site - Granted 1 August 2010

Consultation Responses

LCC Highways/SUDS - No objections subject to conditions.

SHIDB - Consent will be required to discharge water to a watercourse. Alterations to riparian drain will require consent under Section 23 of the Land Drainage Act, 1991.

SHDC Environmental Protection (contamination) - No comments or objections.

SHDC Environmental Protection (noise) - No objections.

Licensing - The structures described meet the criteria as a caravan as defined in the Caravan Sites and Control of Development Act 1960 (and subsequent acts). The Site will therefore need to apply for a site licence and will be required to meet the model standards for Holiday Sites (eg. road and footpaths) should be designed to provide adequate access for fire appliances and should be a minimum of 3.7 metres wide.

Environment Agency - request conditions.

Anglian Water - No comments

LCC Archaeology - No impact.

Lincolnshire Police - No objections.

Public - No response received.

Planning 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

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined 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 83 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 has had a previous consent for use as a touring caravan site (ref. H13-0320-12) and the lodges would be centres around an existing wildlife area/pond. The site is on a bus route and is fairly well related to Moulton and Spalding. No objections are raised in principle, subject to appropriate conditions to ensure that the lodges are used as holiday accommodation only (not permanent residential).

Character/Appearance

The holiday lodges would be constructed in Accoya wood cladding with Goosewing grey profiled sheet roof. The rear of the site is well landscaped, with perimeter native hedging. Additional planting is proposed. 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

The nearest residential properties are no. 42 High Road to the south-west and no. 60 to the south-east.

The main section of the site where the lodges and car parking area would be sited is set well back from neighbouring residential properties. Vehicles would access the site via an existing roadway positioned some 50 metres from No. 42 to the west and 70 metres from No. 60 to the east. The scale of the development is relatively low key with relatively low traffic movements against a background of traffic noise from the A151. It is considered that nearby residents would not be materially affected by the modification in terms of overlooking, 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

An existing entrance of the A151 would be used to access the site, which would be widened to at least 5 metres for at least the first 10 metres. This section would be constructed in asphalt with 6 metre radii at the entrance. There is satisfactory visibility. The remainder would be constructed in gravel. As previously indicated, traffic movements to and from the site would be relatively low. A designated parking area would be provided on site (total 10 spaces). 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 Klargester Bioficient 5 domestic sewage treatment plant, which is BS EN 12566-2 certified and caters for up to 20 people. If problems were to subsequently occur they could be addressed under separate environmental legislation.

In respect of the disposal of surface water, the lead local flood authority has requested details of a scheme based on sustainable principles. This can be addressed by means of a condition.

Flood Risk

The part of the site where the lodges would be located is mainly within Flood Zone 2 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 mainly unaffected if a breach of the flood defence 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.

In terms of flood mitigation measures required by virtue of part (b) of the exceptions test, the Environment Agency has recommended that no lodges be occupied between 1 November (or the following Sunday, if half terms extends into November) in any one year and 14 March in the succeeding year. Finished floor levels should also be set at 750mm above existing ground level and the structures should be secured to the ground.

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

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 proposal meets rural tourism and economic objectives within the National Planning Policy Framework and is in accordance with Policies 1, 2, 3, 4, 9, 30, 32 and 36 of the South East Lincolnshire Local Plan, 2019.

The recommendation therefore is a delegated approval.