

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-1205-21	Applicant:	Mr T Breaker
Proposal:	Change of use of land to caravan site to include static/tourer caravan pitches including new access, parking & toilet block		
Location:	Lake Ross Dozens Bank West Pinchbeck		
Terminal Date:	16th March 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
28	The Natural Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

- 2 - Achieving sustainable development
- 6 - Building a strong, competitive economy
- 8 - Promoting healthy and safe communities
- 9 - Promoting sustainable transport
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	0
RESIDENTS	4	1	0	6

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for the change of use of land to a caravan site to include static/tourer caravan pitches including a new access, parking & toilet block at Lake Ross, Dozens Bank, West Pinchbeck. The proposal seeks to provide 40 new car parking spaces to the front of the site, five 3.8 metres by 12 metres static homes, eight 3.1 metres by 9.7 metres static homes, a site manager's static home, thirteen 8 metres by 8 metres caravan pitches, a toilet and amenity block, as well as the repositioning of the existing 8 caravans on site. This proposal would bring the potential maximum number of caravans / static homes on site to 35. The proposed toilet block will measure 10.35 metres in width, 7 metres in depth, have a 2.4 metres height and a ridge height of 4.68 metres

SITE DESCRIPTION

The site is outside of defined settlement limits between the settlements of Pode Hole and West Pinchbeck. The clubhouse and the property Lake Ross are sited at the north of the site with Swan Farm beyond. To the west is the A151, beyond which are three properties and Tate Business Park. To the south of the site is a property named Trent House and a replacement building for a plumbing business. To the west of the proposal site is the fishing lake beyond which is arable fields. The site is in Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area with a maximum predicted flood depth in part of the site of 2 metres.

RELEVANT PLANNING HISTORY

H14-0362-81

Erection of four permanent chalet bungalows for seasonal use at Lake Ross - 05 May 1981 - Approved 05/05/81 (10 year temporary permission with occupation solely between 31 March and 31 December).

H14-0092-83

Erect prefabricated building to form games room - 17 March 1983 - Approved 17/03/83..

H14-0783-85

Single sided illuminated sign - 18 September 1985 - Decision unknown as document not available.

H14-1326-01

Full - Removal part dwelling/club and addition of ground floor club/dwelling improvements with first floor s/c flat over - Approved - 20 May 2002.

H14-1568-05

Full - Use area of land currently reserved for touring caravans as site for 2 static caravans - Approved - 02 February 2006.

H14-0390-08

Lawful Use Certificate - Use of site for 4 static caravans, site office, 11 hard standing tourers and 7 soft touring pitches - Approved - 06 May 2008.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections - Requests standard access and utility informatives.

SHDC Environmental Protection

No objections

Welland & Deepings Internal Drainage Board

"I note from the submitted location and site plan that a new culvert access crossing is proposed to be installed within the riparian dyke on the eastern boundary of the site. If planning permission is granted then an application for consent to alter a watercourse would need to be submitted in advance of any site works and is subject to the agreement of technical details. I also note that a toilet & amenity block is proposed for the site and the foul water disposal provisions for this should be confirmed to the Board."

Environment Agency

No need to consult us as the proposed use and location comes under cell D4 of the local flood risk standing advice.

Pinchbeck Parish Council - Objection

Not in a sustainable location.
Level of accommodation too large for number of fishing pitches.
Increase in traffic.
Surface water / drainage concerns.
Refuse collection points.
No public transport routes nearby.
Minimal amount of footpaths in vicinity of site.
Proximity to residential properties.
Loss of agricultural land.

Sir John Hayes MP - Objection

Overdevelopment
Increase in traffic
Increase in noise
Refuse collection points.
Surface water / drainage concerns.
Site is subject to flood level of 2 metres.

Public - Support - 10 - None of the letters of support are from immediate neighbours

"I use my caravan weekends from February onwards"

Increase in parking provision will stop visitors parking on the A151.

"Often families have enjoyed touring the area using their caravan as a base, not everyone using the site are fishermen."

Social benefits.

Public - Object - 5

Summarised as follows:

Overdevelopment

Refuse collection

Private road maintenance

Not a sustainable location

People will live there permanently and already are.

There are very few fishing matches being held on site with matches being held at larger fishing lakes in the area.

Applicant's site can increase in demand but the size of the fishing lake is not being increased.

How will caravans raised 2 metres above ground level be accessed?

Lack of surface water drainage capacity.

Lack of foul water drainage capacity.

Light pollution

Noise pollution.

The current licence allows for 4 caravans and 1 site managers caravan. The current provision exceeds this.

Lack of screening around frontage of site.

Proximity to neighbouring properties.

The county's main gas line run through this site - "I've spoken with cadent gas regarding their supply network. They confirm there is a high pressure gas supply crossing the above site and have certain criteria regarding development." - This is a matter that would be addressed by the Building Control department should the application be approved.

Undesirable people living on or visiting the site - This is not a matter which carries material planning weight.

Agent's response to objections

"The number of caravans submitted with this application is the maximum which the site can hold, therefore, my clients aspirations are to develop the much needed access and parking arrangements along with some of the caravans proposed. Not all caravans will be sited as they will be if and when demand enables them to."

"The site currently has 25 pitches for fishing which enables 2 persons to a peg, therefore, a maximum of 50 people can fish at once. Unfortunately due to there only being 10-12 parking spaces they have had to cancel fishing matches over the last few years due to the lack of safety of the access and minimal parking. The owners vehicles have had to be parked on neighbouring properties to allow for cars when matches have taken place at weekends."

"At present Viola provides a private waste collection service and this is organised and arranged by the manager and caretaker. Enquiries have also been made by the manager to have more frequent collections when the site has expanded. The new access will also give Viola better turning facilities etc."

"There is an existing package treatment plant on site, therefore, all new caravans and toilets will be provided by a new one and installed and discharge to current regulations and guidance."

"Other than the managers/caretakers accommodation, all other caravans will be used a maximum of 11 months a year."

The agent also provided private and confidential information relating to persons residing on site.

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

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, 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 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 fishing lake and has been in operation for approximately 40 years. However, the scale of the development is a significant increase in the number of caravan plots and parking spaces without seeking to increase the size of the fishing lake which should be the predominant reason why people would choose to visit the site. The proposed caravan use immediately abuts the southern and western boundaries and would be in close proximity to existing residential properties and light industrial businesses outside the ownership of the applicant. Whilst the applicant has planted what they hope to be a laurel hedge of 1.5 metres in height, this would not be sufficient to prevent the site from being viewed from the highway, nor would it provide adequate security to caravans on site. There are no other caravan parks of this proposed scale in the vicinity of the site, nor in such close proximity to residential dwellings.

Character/Appearance

The application provides no details of the static caravan appearance other than the proposed dimensions. The proposed caravan use immediately abuts the southern and western boundaries and would be in close proximity to existing residential properties and light industrial businesses outside the ownership of the applicant. Whilst the applicant has planted to what they hope to be a laurel hedge of 1.5 metres in height, this would not be sufficient to prevent the site from being viewed from the highway. There are no other caravan parks of this proposed scale in the vicinity of the site, nor in such close proximity to residential dwellings.

Amenity

The nearest residential properties are Homelea to the east, directly opposite the proposed new access, and is 22 metres from the access point, 30.5 metres from a parking space and 43.7 metres from the nearest proposed caravan plot. Also to the east a property named Copperfields is 45

metres from a caravan plot, with Juniper House also 45 metres away from a plot. Trent House to the south is 19 metres away from the nearest plot, with no dwellings immediately to the west, and Swan Farm 75 metres to the north beyond the existing clubhouse and dwelling.

The main section of the proposal site where the lodges and car parking area would be sited is set as close as is possible to neighbouring residential properties. The scale of the development is a significant increase in site area with the loss of agricultural land to facilitate the development. Whilst the site is approximately 1.5 metres below the height of the A151 there is still considered to be a light pollution impact from lighting of the caravans adjacent to the site boundary as well as a noise impact from the potential number of persons on site totalling over 100 on a daily basis.

It is considered that nearby residents would be materially affected by the development in terms of overlooking, privacy, noise, light pollution and disturbance.

Issues such as spacing standards, fire safety and adequate water supply fall within the remit of separate legislation. The proposal is not considered to comply with Policies 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highways

An existing entrance off the A151 would no longer be used to access the lakes and would only be used for emergency purposes. A new 6 metre wide entrance to the south of the existing access would be the primary ingress / egress point to the site. There is satisfactory visibility given that this section of the A151 is straight. An additional 40 parking spaces would be made available on site. 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

Supporting information from the agent states "There is an existing package treatment plant on site, therefore, all new caravans and toilets will be provided by a new one and installed and discharge to current regulations and guidance." If problems were to subsequently occur they could be addressed under separate environmental legislation.

In respect of the disposal of surface water, this can be addressed by means of a condition.

Flood Risk

The part of the site where the lodges would be located is 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 in a "Danger for Most" hazard area with a maximum predicted flood depth in part of the site of 2 metres. Whilst Central Government advice promotes rural tourism/leisure related development this does not override drainage and flood risk concerns regarding this site. Static and touring caravans would need to be raised a minimum of 2 metres above existing ground level to address flood risk. Whilst the doors to the caravans are not sited immediately adjacent to the ground, significant engineering works would need to be undertaken to bring the caravans to a height safe from potential flooding. The raised position of the caravans would then bring other concerns such as noise and light pollution to neighbouring land uses.

In terms of flood mitigation measures required by virtue of part (b) of the exceptions test, the Environment Agency has stated that there is "No need to consult us as the proposed use and location comes under cell D4 of the local flood risk standing advice." This requires appropriate mitigation including securing caravans to be ground by chains and ground anchors, raising floor levels; a flood warning and evacuation plan and a condition preventing occupation between 1 November and 14 March.

Occupancy restriction

There has been significant concerns expressed by members of the public regarding people who are not connected to the business already permanently living on site. These people have been named by members of the public.

The current occupancy restrictions for the site are detailed below:

Condition 2 of H14-1568-05 states:

"The approved static caravans shall be occupied solely between the 1 February and 31 December in each calendar year.

Reason : To ensure that the static caravans are retained for seasonal use only and not for permanent residential use.

This Condition is imposed in accordance with Policies E1 and LT1 of the Adopted South Holland District Local Plan which establishes a broad range of assessment criteria to safeguard, enhance and maintain the amenities and interests of the locality, and in accordance with Policy LT1 of the South Holland Re-Deposit Local Plan 2005."

Condition 3 of H14-1568-05 states:

The caravans hereby permitted shall not be used for purposes other than holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, groups of persons or family for periods not exceeding a total of 28 days in any one financial year. The caravans shall not be used as the main residence of any occupant.

Reason : To safeguard against the creation of separate units of residential living accommodation which would be contrary to the Housing Policies of the Local Planning Authority.

This Condition is imposed in accordance with Policy HS7 of the South Holland Re-Deposit Local Plan 2005 which seeks to restrict residential development in the countryside.

An email from the agent received on the 11th of January stated - "We can confirm the static caravans will only be lived in 11 months of the year and they are for holiday purposes not permanent residence." A subsequent email from the agent on the 2nd of February would appear to contradict this statement and as it provides private and confidential information regarding persons residing on the site.

In a supporting email one member of the public stated "I use my caravan weekends from February onwards." At a conservative estimate, if this member of the public used their caravan on weekends only for 11 months of the year they would be using the site for 96 days. This is significantly above the maximum total of 28 days allowed under Condition 3 of H14-1568-05.

This information shows that there is currently at least two people who live on / frequent the site in breach of the existing occupancy restrictions. There are concerns by the local planning authority that the applicant will continue to knowingly breach occupancy restrictions on a larger scale should this application be allowed. Permanent residential use on this site unconnected to the business is not sustainable or supported by local or national policy. This is because the site is in the open countryside, not immediately served by public transport, not immediately served by footpaths and a significant distance from goods and services.

PLANNING BALANCE

It is considered that whilst the proposal would provide tourism benefits to the local economy, this does not override the material concerns regarding flood risk, site occupation, residential amenity and the impact on the character of the surrounding area. This application is therefore not considered to accord with Policies 1, 2, 3, 4, 9, 28, 30, 32, 36 and Appendix 6 of the South East Lincolnshire Local Plan, as well as Sections 2, 6, 8, 9, 12, 14 and 15 of the National Planning Policy Framework, 2021.

CONCLUSION

That the planning balance set out above does not lie 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

That the application be refused under delegated powers.