

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 08 May 2024

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H21-1136-23

Application Number: H21-1136-23

Date Received: 22 December 2023

Application Type: FULL

Description: Proposed holiday lodges and yoga building

Location: Land north of 29 Station Road Tydd Gote Wisbech

Applicant: Mr S Necker

Agent: Peter Humphrey Associates Ltd

Ward: Long Sutton

Ward Councillors: Cllr A C Tennant
Cllr J Tyrrell
Cllr D J Wilkinson

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H21-1136-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application raises issues that warrant consideration by Planning Committee.

2.0 PROPOSAL

2.1 Full planning permission is sought for 5 no. holiday lodges and associated infrastructure, plus a yoga retreat studio and pond resembling a Japanese water garden. The application is for year-round occupation and the yoga studio would also be open to the general public. Each lodge would house a maximum of 4 people.

2.2 The external appearance of the lodges and yoga building would be black painted featheredge board with a Redland Cambrian Slate roof and uPVC Anthracite windows.

3.0 SITE DESCRIPTION

3.1 The site comprises vacant agricultural land on the northern side of Station Road to the rear of existing frontage dwellings. Access is via a private roadway between No's 27 and 29 Station Road. No's 7 and 9 Station Road are situated to the west on spacious plots. Equestrian facilities are located to the east at the rear of frontage residential properties.

3.2 The site is outside Tydd Gote Conservation Area, the boundary of which runs along part of the western boundary encompassing No. 9 Station Road.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, 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
32 - Community, Health and Well-being
36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

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 Planning and Compulsory Purchase Act 2004, as amended states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), December 2023

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

Planning Practice Guidance (PPG)

5.0 **RELEVANT PLANNING HISTORY**

5.1 **Site**

None

5.2 **Frontage**

H21-0489-20 - Full - Demolition of existing bungalow and erection of 2 pairs of semi-detached houses - Granted 12 October 2020.

H21-1090-20 - C/C - Details of external materials, landscaping, site & floor levels, screening along eastern and western boundaries and means of foul & surface water disposal (Conditions 3, 4, 5, 6 & 11 of H21-0489-20) - Approved 4 February 2021.

H21-0442-21- Full - Erection of a 4-bay garage with storage above to serve dwellings on plots 3 and 4, 29 Station Road, Tydd Gote, approved under H21-0489-20 - Granted 14 July 2021.

H21-0314-22 - Full - Conversion of 4-bay garage to dwelling - Refused 11 May 2022. Dismissed on appeal 5 April 2023.

6.0 **REPRESENTATIONS**

6.1 **Tydd Gote Parish Council**

Council strongly objects to this application on the following grounds:

Original Scheme

- The development is outside of the settlement boundary.
- The access to the area is insufficient for two-way traffic and is of a road with major safety issues, Station Road has traffic issues and to increase this load is unacceptable. There is no pedestrian access provided.
- The applicant has not included opening hours on the application, as this site borders' dwellings and has its access exceedingly close to existing dwellings this will cause noise and light pollution to the existing residents.
- The Village has no infrastructure to support such a development.
- The development will change the visual characteristics of the Village.
- Concerns over the access road accommodating emergency vehicles and waste lorry.

Amended Scheme

Concerns over pedestrian access to the site, there is no separate access shown so pedestrians will be sharing the narrow road with vehicles. With the new information re: yoga centre this site could in theory have as many as 64 vehicles in and out per day. This would have a major detrimental impact on the village and neighbouring residents. They would all be using Station Road, which has a history of accidents and a fatality as well as adding to the dangerous junction of Station Rd and the A1101. It is also obvious that heavier vehicles for maintenance and supplies would be detrimental to the local amenity.

Council requests if this is recommended for approval that it goes to committee.

6.2 LCC Highways/SUDS

No objections subject to conditions.

6.3 South Holland Internal Drainage Board

We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if on site material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

6.4 North Level Internal Drainage Board

No objections.

6.5 Building Control

The access road should have provision for supporting an 18 tonne Fire Appliance to within 45m of every point of the footprint of every building and have a minimum width of 3.7m.

6.6 SHDC Conservation Officer

The proposal site is adjacent to Tydd Gote Conservation Area. However, as the site is set back from the streetside, and shielded from most public views by virtue of being set behind extant properties, I do not consider the proposal to risk the setting of, or important views into and out of the conservation area. I therefore wish to raise no objections to the proposal upon conservation grounds.

6.7 Inward Investment Manager

Support this application as a welcome addition to the tourism offered in the district.

6.8 Environmental Protection

No comments regarding land contamination.

6.9 Environment Agency

No comments on this application. It does not appear to fit any of the criteria on our consultation

checklist 'When to consult the Environment Agency'.

6.10 Anglian Water

No comments

6.11 LCC Historic Places Team

No archaeological input required.

6.12 Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement.

Objections have been received (summarised):

- Outside Tydd Gote Settlement Limit. Contrary to Local Plan.
- Unnecessary in this location and of no community benefit to village. No feasibility study for yoga bar.
- No amenities or infrastructure in village to support extra visitors.
- Harm existing traditional/rural character of village. Adjacent conservation area.
- Overlooking/lack of privacy. Safety concerns.
- Increased noise and disturbance, including from visitors, staff and service vehicles using the entrance roadway close to residential property.
- Management arrangements unsatisfactory, including maintenance of facilities?
- Increased traffic on busy road/short cut with dangerously parked roads and fast vehicles.
- Access narrow and dangerous. Not enough room for vehicles to pass so would have to reverse out onto or queue on Station Road. Inadequate access for emergency/service vehicles.
- Inadequate pedestrian access/facilities. Child tragically killed recently.
- Detrimental to highway safety.
- Fire hazard.
- Litter.
- Light Pollution.
- Pollution, including odour from sizeable treatment plant.
- Possible anti-social behaviour.
- Request high walls and mature planting along boundaries prior to work commencing.
- Flood risk/surface water run-off. Standing water problems persist in the area and local residents have had to extend their soakaways to rainwater and foul water systems due to water ingress. This will be exacerbated by the proposal.
- Commercial enterprise. What restrictions will be put in place to prevent them being sold as private homes.
- No construction work during evenings or weekends. Vibration.
- Tree survey required.
- Request mature landscaping at least 15ft high along western boundary.
- The site is a haven for regular and natural wildlife.
- Set precedent.
- Will require employees to maintain site, including rubbish collection.
- Maintenance issues re: boundary fencing.
- Application too vague. Who are owners of lodges and what happens if venture fails?
- What is covered sitting area at rear of yoga centre for? Will it be a restaurant/cafe area?
- Would be better used as nature conservation area or grazing land for sheep or horses.

6.13 Information from Applicant's Agent

In the current climate, coming out of a pandemic and facing uncertain financial strain, there is a massive demand for 'staycations' within the UK. Tourists are looking to sites such as the proposed for a simple family friendly getaway.

There are numerous local amenities nearby which could also benefit from this proposal, including an A17 link to coast/coastal attractions 45 minutes away and historic Kings Lynn, Wisbech, Spalding, etc. There are also numerous outdoor activities in the area including 11 golf courses within an hour's drive, mile after mile of fishing opportunities, plus numerous lakes in the locality. The area also caters for walkers with miles of footpaths and coastal walks and nature reserves. Numerous Historic houses including: Peckover House (Wisbech), Burghley

House (Stamford), Elton Hall (Elton, Peterborough), The Old Hall (Ely), Sandringham House (Sandringham) and Houghton Hall (Kings Lynn).

Consider this location ideal for holiday accommodation. We have clients who run Delph Bank Touring Park who are constantly being asked if they have cabins/lodges on site, which they do not. The applicant feels this will fill the void.

The Yoga building will not be solely for the residents of the site, but the site will be advertised as a tranquil getaway. The nature of yoga means this type of relaxation would not be possible in a built-up environment.

There are other holiday environments available that are targeted to families with full on activity agendas/fun fair attractions, amusements etc. This is more for a peaceful back to nature retreat.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of development and sustainability
- Impact on the Character and appearance of the Area and setting of Tydd Gote Conservation Area.
- Impact on neighbouring residents/land users
- Highway safety and parking
- Flood risk considerations
- Foul and surface water drainage
- Ecology/biodiversity

7.3 Evaluation

7.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

7.5 In this case, the adopted South East Lincolnshire Local Plan (SELLP) 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

7.6 The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.7 The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

7.8 Principle of Development and Sustainability

7.9 The South East Lincolnshire Local Plan (SELLP) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment.

7.10 Policy 1 of the SELLP sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the

least sustainable location in terms of sustainability.

- 7.11 In this case, the site (other than the access road) adjoins Tydd Gote settlement limit, which runs along the frontage. It is therefore within an area regarded as countryside.
- 7.12 Policy 1 of the SELLP indicates that in the countryside development will be permitted 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. Paragraph 3.2.15 indicates that there are types of development that require a countryside location such as agriculture, but also other uses such as recreation and tourism.
- 7.13 SELLP Policy 9 encourages small scale development outside settlements to support the visitor economy, including farm diversification, equine development and fishing lakes, providing proposals:
i) do not conflict with neighbouring land uses;
ii) are in keeping with the character of the locality; and
iii) demonstrate a functional link with an existing rural attraction or farm enterprise.
- 7.14 Explanatory text accompanying Policy 9 (para 4.4.3) states that tourist facilities can offer benefits to local communities. It goes on to stress that whilst most new visitor related development should be within the settlements identified by Policy 1, "some small-scale tourist facilities such as fishing lakes, equine development and caravan sites, small scale offices or other small scale rural development, may be more appropriately located outside a settlement boundary provided there is a clear link to an established rural enterprise and the quality of the design ensures no adverse impacts upon landscape, heritage or biodiversity."
- 7.15 The above policy is consistent with advice within the National Planning Policy Framework, December 2023. Para 88 stresses that planning policies and decisions should enable i) the sustainable growth and expansion of all types of business in rural areas and ii) 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.
- 7.16 Addressing the above, the applicant's supporting case is outlined earlier within the report. The site is situated close to a major arterial route through the district. 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. The Council's Inward Investment Manager has supported the proposal as a welcome addition to tourism facilities offered in the district. Moreover, the yoga studio would provide a local community facility.
- 7.17 In light of the aforementioned, no objections are therefore raised in principle, subject to the proposal being acceptable on other planning grounds and appropriate conditions to ensure that the holiday lodges are used as holiday accommodation only (not permanent residential).
- 7.18 Character/Appearance and Heritage
- 7.19 Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (Dec 2023), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.
- 7.20 These policies accord with the provisions of the National Planning Policy Framework (December 2023). Paragraph 135 of the Framework states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture, layout and appropriate and

effective landscaping. It should also be sympathetic to local character and history, including the surrounding built environment and establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live. It indicates that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

- 7.21 Policy 29 (The Historic Environment) of the SELLP states, amongst other matters, that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including conservation areas and their settings, through high-quality sensitive design.
- 7.22 Proposals for new development therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.
- 7.23 The site comprises part of an open field, with further open countryside beyond. It lies behind frontage dwellings which face onto Station Road and would be accessed down a private drive. The dwellings along both sides of Station Road display a mix of designs and sizes, with an established residential village character of dwellings fronting the road, framed by mature trees and other vegetation and open spaces to their rears.
- 7.24 A previous appeal decision (ref. H21-0314-22 - APP/A2525/W/22/3303340) has indicated that a proposal for residential dwellings at the rear would not comprise infill and would be out of character with the development form of predominantly frontage dwellings in this part of Tydd Gote, due to their position behind the frontage houses and its extent into the open field. However, the current proposal has a different character and comprises a loose form of leisure development consisting of single storey holiday lodges and yoga building within a landscaped setting.
- 7.25 In terms of the likely effect upon the setting of Tydd Gote Conservation Area, the significance of the CA rests upon the pattern and history of frontage development along Station Road and West Road. It is considered that development of this nature behind these frontages does not harm that significance to any measurable degree. The Council's Conservation Officer raises no objections on heritage grounds.
- 7.26 Concluding, therefore, it is considered that the proposal would not materially harm the character/appearance of the locality or countryside, subject to profuse landscaping as indicated. Nor would it harm the setting of Tydd Gote Conservation Area.
- 7.27 The proposal satisfactorily complies with Policies 2, 3, 9 and 29 of the South East Lincolnshire Local Plan, 2019 in this respect.
- 7.28 Impact on Neighbouring Residents/Land Users
- 7.29 Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.
- 7.30 Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.31 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.

- 7.32 The site is located to the rear of existing frontage residential development off Station Road, including frontage dwellings on the opposite side of the road. Access is via a private roadway between No's 27 and 29 Station Road. No's 7 and 9 Station Road are situated to the west on spacious plots. Equestrian facilities are located to the east. Open countryside is located to the north.
- 7.33 The proposal is for 5 no. holiday lodges and associated infrastructure, plus a yoga retreat studio and pond resembling a Japanese water garden. The application is for year-round occupation and the yoga studio would also be open to the general public. Each lodge would house a maximum of 4 people.
- 7.34 The application is accompanied by a management schedule, which indicates the following:
i) The booking system will be online and check in and out will be by a member of staff.
ii) The yoga instructor/manager will be on site 9am to 5pm Monday, Tuesday, Wednesday and Sunday. The instructor lives a 5 min drive and the manager 10 mins from the site. The owners would be offering 24 hour call out from their mobile phones.
iii) The opening hours of the yoga building will be 9am to 5pm when the teacher is on site.
iv) Monitored CCTV to be installed around the cabins and building.
- 7.35 It is recognised that the amenity of neighbouring residents would be affected to a degree. This includes noise and general disturbance from activities associated with the proposal, including from the coming and going of vehicles close to existing residential properties, etc. Paragraph 11 of The Framework indicates that plans and decisions should apply a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.36 In this case, it is considered that the amenity of neighbouring residents would not be significantly harmed, subject to mitigation measures. Closeboarded fencing already exists along each side of the entrance roadway, the first 40 metres of which should be hard surfaced (tarmac). The proposal includes 2m high closeboarded fencing, with 300mm trellis above, along the southern and western boundaries, which should be installed prior to the development being brought into use. Profuse landscaping is also proposed along these boundaries.
- 7.37 An objector has requested the planting of mature trees; however, this is not necessarily the best option because they can take longer to become established due to their size. As a general rule, the smaller a tree is when it is planted, the more readily it becomes established and begins to grow. A sapling will have a large root system, compared to its canopy and leaf surface, which can help it to draw in the nutrients needed to flourish more quickly than a mature tree.
- 7.38 In terms of waste disposal, visitors would take their waste to a refuse area. Recycling and general waste bins would be kept in this area and managed by the applicant and collected by private collection.
- 7.39 Issues have been raised concerning security and possible anti-social behaviour. In terms of the former, the applicant has indicated that CCTV would be installed. There is no firm evidence that the site would be subject to anti-social behaviour, especially bearing in mind the concept behind the scheme. Notwithstanding this fact, any occurrences could be dealt with under separate legislation.
- 7.40 Concerns have also been raised over possible lighting. This matter can be addressed by means of a condition.
- 7.41 It should be noted that issues such as spacing standards, access to neighbouring land/maintenance issues, fire safety, water supply, etc fall within the remit of separate legislation.
- 7.42 In summary, therefore, 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, subject to mitigating conditions if permission is forthcoming. As such, the proposal satisfactorily complies

with Policies 2, 3, 9 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

7.43 Highways

7.44 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.

7.45 The above policies are in accordance with advice within the Framework (December 2023). Paragraph 115 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.

7.46 Concerns have been raised by local residents on highway safety grounds. However, LCC Highways has been consulted and has responded as follows:

7.47 *The proposal is for holiday lodges and a yoga building. There will be 5 x 2 bed lodges and each has 2 parking spaces. The Yoga building has 11 spaces. The access to the site is existing and will be widened to be able to accommodate two way traffic from the access with Station Road for a distance of 10m, where it narrows a passing place is provided to enable cars to wait either end allowing oncoming vehicles to pass and ensure that vehicles will not wait in the public highway.*

7.48 The Yoga building is not specifically for people staying in the lodges, it is open to the general public. However, the classes will be limited to a maximum of 8 people per class - a condition should be attached to any decision notice not allowing the class numbers to exceed 8 people in accordance with the submitted Transport Statement. The parking is adequate for the visitors of the Yoga Building and the staff.

7.49 Visibility splays have been demonstrated in accordance with Manual for Streets, the drawing will be conditioned to ensure amendments are made on site in respect of the west boundary treatment that is currently in the public highway and the visibility splay. Lincolnshire Road Safety Partnership have confirmed that there is not a safety issue here.

7.50 Having regard to the above statutory advice, which carries significant weight, it is considered that there is not sufficient reason to refuse the application of grounds of highway safety, subject to conditions.

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

7.52 Flood Risk/Drainage

7.53 Section 14 of the National Planning Policy Framework (December 2023) requires development plans to apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by a) applying the sequential test and then, if necessary, the exception test.

7.54 SELLP Policy 4 is consistent with the above 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.

7.55 In this case, however, the site is located within Flood Zone 1 (low risk) on the Environment Agency Maps. Moreover, it is classified as no hazard on the Hazard and Depth Maps within the South East Lincolnshire Strategic Flood Risk Assessment (2017). Consequently, the sequential test does not need to be applied.

- 7.56 Applying the Flood Risk Vulnerability Classification in Annex 3 of the Framework (December 2023), use as a holiday park is classified as "More Vulnerable". However, Table 2 of NPPG states that an exception test is not required because the site is within Flood Zone 1.
- 7.57 Concerning drainage, the applicant has indicated that they intend to dispose of surface water from the lodges/building via infiltration. However, more specific details have not been provided at this stage. This matter should therefore be conditioned if permission is forthcoming.
- 7.58 In respect of foul drainage, a "35-person sewage treatment plant" would be provided towards the rear of the site. In the absence of more specific details, this matter should also be addressed by means of a condition if permission is forthcoming.
- 7.59 The proposal satisfactorily complies with Policies 4 and 30 of the Local Plan and advice within Sections 14 and 15 of the Framework in terms of flood risk/drainage, subject to conditions.
- 7.60 Ecology
- 7.61 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.
- 7.62 Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.
- 7.63 Paragraph 180 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 7.64 Although there is some evidence that the site has been used by wildlife (eg, rabbits), no firm evidence has been provided that this includes protected species.
- 7.65 The application was submitted prior to mandatory requirements for Biodiversity Net Gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. For applications such as the current scheme, submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate.
- 7.66 Planning Balance
- 7.67 As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
- 7.68 Development Plan policy and the National Planning Policy Framework (December 2023) 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.
- 7.69 The site is situated close to a major arterial route through the district. 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. Moreover, the yoga studio would provide a local community facility. No objections are therefore raised in principle,

subject to the proposal being acceptable on other planning grounds.

7.70 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 materially harmed, subject to mitigating conditions. LCC Highways has raised no objections on highway safety grounds, subject to conditions. Flood risk, drainage and ecology can be addressed by means of conditions.

7.71 **Conclusion**

7.72 The proposal is in accordance with Policies 1, 2, 3, 4, 9, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 and advice within the National Planning Policy Framework, December 2023. There are no adverse matters of such weight as to outweigh factors in favour of the proposal.

7.73 **Additional Considerations**

7.74 Public Sector Equality Duty

7.75 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.

7.76 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.77 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.

7.78 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.79 Human Rights

7.80 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).

7.81 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.

8.0 **RECOMMENDATIONS**

8.1 Grant permission subject to conditions with Section 9.0.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
6830 PL01b
Design and Access Statement Rev A by Peter Humphrey Associates Ltd
Transport Statement by Peter Humphrey Associates Ltd

Reason: For the avoidance of doubt and in the interests of proper planning.

3. A maximum of 5 holiday lodges shall be present on site, at any one time, and use of the new "yoga room building" shall be restricted to yoga and/or an office associated with the site (not residential).

Reason: To define the terms of the permission and to ensure that the nature, scale and appearance of the development is acceptable.

This Condition is imposed in accordance with Policies 1 and 9 of the South East Lincolnshire Local Plan, 2019.

4. The holiday lodges shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence.

Reason: To ensure that the development is restricted to short term holiday use only and not used for residential purposes. Residential use would be contrary to the provisions of Policies 1 and 9 of the South East Lincolnshire Local Plan, 2019 and Section 5 of the National Planning Policy Framework, December 2023.

5. An up-to-date register of the names, main home addresses, visiting dates and length of stay of all visitors to the site shall be maintained at all times and be available for inspection by the Local Planning Authority at all reasonable times.

Reason: To ensure that the development is restricted to short term holiday use only and not used for residential purposes. Residential use would be contrary to the provisions of Policies 1 and 9 of the South East Lincolnshire Local Plan, 2019 and Section 5 of the National Planning Policy Framework, December 2023.

6. Management of the site shall be in accordance with details within the Design and Access Statement and Transport Statement accompanying the application. The yoga building shall only be open during the hours of 9am to 5pm when the yoga teacher is present on site and the maximum number in any class shall be 8 at any one time.

Reason: To ensure a satisfactory development, in the interests of the management of the site and also the amenities of the locality.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

7. Before the commencement of development a detailed scheme of landscaping and tree planting for the site shall be submitted to and approved in writing by the Local Planning Authority. It shall include:
- i) Details of the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance;
 - ii) Details of which of the existing trees on site are to be retained or removed.
- Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of ten years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Notes:

- The scheme shall include the retention of existing trees around the perimeter of the site, plus additional profuse planting, to lessen the impact of the development upon the character/appearance of the countryside and also neighbouring residents;
- The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

Reason: To ensure that the development is adequately landscaped, in the interests of the amenities of the locality Biodiversity Net Gain.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

8. None of the existing trees/hedging on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of existing trees on the site, in the interest of the amenities of the locality.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, December 2023.

9. The approved scheme of boundary treatment/screening shown on drawing no. 6830 PL01b shall be fully implemented prior to the development being brought into use and shall thereafter be retained in its entirety.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

10. Full details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development hereby permitted is occupied and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect amenity, and in the interests of the appearance of the site and the area within which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

11. A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Station Road and residential amenity.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

12. Full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before the development hereby permitted is occupied.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

13. Before the access is brought into use, all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number 6830 PL01b and thereafter the visibility splays shall be kept free of obstacles exceeding 0.6 metres in height.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

14. Before the development is brought into use the private roadway serving the development shall be surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The first 10 metres shall be a minimum width of 4.1 metres and the remainder a minimum width of 3.7 metres.

Note: the first 40 metres of the private roadway shall be tarmacadam. The roadway generally should be suitable to support an 18 tonne fire appliance to with 45 metres of every point of the footprint of every building.

Reason: To ensure the provision of safe and adequate access to the permitted development and also to protect the amenity of neighbouring residents..

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

15. Before the development is brought into use the parking spaces shown on drawing no. 6830 PL01b shall be provided on site and shall thereafter be retained and made available for use.

Reason: To ensure a satisfactory development in the interest of the amenity of visitors to the site and also highway safety.

This Condition is imposed in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.

16. Details of the external illumination of all buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use and there shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

17. Prior to work commencing on the holiday lodges and/or yoga building, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, December 2023.

18. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

19. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.

For application guidance, approval and specification details, please visit:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>
or contact vehiclecrossings@lincolnshire.gov.uk

20. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

