SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 10 April 2024**

(Author: **Mark Niland - Planning Officer)**

Purpose: **To consider Planning Application H23-0471-23**

Application Number:	H23-0471-23	**Date Received:**	18 May 2023
Application Type:	FULL		
Description:	Erection of 19 holiday lodges, reception building, facility managers accommodation & maintenance shed, 2 fishing lakes and associated hard and soft landscaping		
Location:	BLEU RAYE FARM MILLGATE WHAPLODE		
Applicant:	VMM Properties Ltd.	**Agent:**	John Dickie Associates
Ward:	Whaplode and Holbeach St Johns	**Ward Councillors:**	Cllr A C Beal Cllr P A Redgate

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-0471-23

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Departure from the development plan - The site is allocated for Gypsy Traveller pitches under the proposal maps.

2.0 PROPOSAL

2.1 The proposal is for the erection on 19 holiday lodges, reception building, facilities managers accommodation and maintenance shed. The formation of two fishing lakes and associated hard and soft landscaping.

2.2 The access is proposed to be taken from an existing access point on Millgate, this is located to the south of existing dwellings. The facilities managers accommodation is the first proposed building followed by the reception, amenities and office area. The proposed lodges which are almost all identical in appearance and scale feed around two lakes which are located in the center of the application site. Each lodge has a shed, parking provision and outdoor space. A roadway winds around the perimeter of the site. Refuse collection points and landscaping is shown. The soft landscaping treats the edges of the site, with sporadic planting dotted about. The hard landscaping shows the roadways and paths within the site.

2.3 The proposed use is for a holiday park.

3.0 SITE DESCRIPTION

3.1 The application site is identified by Inset 72 of the policies map as Whaplode Fen. The site is allocated for Accommodation for Gypsies, Travellers and Travelling Showpeople. It is located within the open countryside. It has also achieved planning permission on the site for the same

use (H23-0848-19).

3.2 The application site lies within Flood Zones 1 and 2 and is identified as being at low to medium risk for tidal and fluvial flooding on the Environment Agency's flood mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to have no hazard rating on both the South Holland District present day and 2115 flood maps.

3.3 The application site is accessed from Millgate close to the junction of Hurdletree Bank and Broadwater Lane. The application site is mainly laid to grass with trees and shrubs around the perimeter. Either side of the field are arable fields, to the west Holme Farm is located. The village of Whaplode lies approximately 3km to the north and Whaplode St Catherine lies approximately 3.2km to the east.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

Policy 1: Spatial Strategy
Policy 2: Development Management
Policy 3: Design of New Development
Policy 4: Approach to Flood Risk
Policy 9: Promoting a Stronger Visitor Economy
Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople
Policy 28: The Natural Environment
Policy 29: The Historic Environment
Policy 30: Pollution
Policy 31: Climate Change and Renewable and Low Carbon Energy
Policy 36: Vehicle and Cycle Parking
Appendix 6: Parking Standards

4.2 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) to 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.

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 9 - Promoting sustainable transport
Section 12 - Achieving well-designed & Beautiful Places places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

4.3 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H23-0222-10 - Proposed stable block. Appeal dismissed.
H23-0880-16 - Change of use of stable to dwelling (retrospective). Appeal dismissed.
H23-0848-19 - Proposed residential gypsy/traveller site. Approved 26-06-20.

6.0 REPRESENTATIONS

6.1 Representations

6.2 The applicant has submitted a statement of community involvement, which shows the methods taken as regards local engagement. This document can be read against the background papers.

6.3 Representations have been received from local residents. Five of which are in support and two are objections. The material points are summarised as:

6.4 In Support:
-Encourage rural tourism
-Bring prosperity to the area

6.5 In Objection:
-Over development
-Allocated for travellers
-Roads not suitable
-Away from amenities

6.6 Consultation Responses

6.7 Historic Places Team

The archaeological evaluation report submitted as amendment 2 is satisfactory. On the basis of the results of the evaluation I can recommend that no further archaeological input is required.

6.8 Lincolnshire Fire & Rescue

Comments are made on access requirements and adequacy of water supply.

6.9 Highways & SuDS

No objection: Part of the Application Site has previously been granted Consent, under reference H23-0848-19, for a Residential Gypsy/Traveller site. The access to that development is in the same location as that for the proposed development. Whilst a start appears to have been made on the construction of the vehicle access crossing, that part of this crossing which falls within the highway verge must be constructed to the highway authority's specification that is current at the time of construction. The construction shown on the submitted details does not comply with the current highway authority specification. The site is considerably outside of the settlement boundary of the nearest village and therefore residents/visitors will be more likely than not to use their vehicles to travel to shops, pubs and other facilities within those villages. This is not considered, of itself, sufficient cause for withholding the grant of Consent on highway grounds. Whilst the overall area of the development being proposed in this Application is greater than that of the Gypsy/Traveller development and the number of units is greater for this Application that that of the Gypsy/Traveller development, the nature of the proposed development is such that the vehicular movements are unlikely to be greater than those of the previously Consented development. In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

6.10 Parish Council

We would support this application but have the following comments, 1. In view of likely increased traffic movements onto Millgate comment needed by Lincs Highways. 2. This is part retrospective as the roadway has already been started.

6.11 Environment Agency

Whilst we have no objections to this application, we would like to draw the applicant's attention to the following informative comments: Flood risk mitigation measures We recommend that the holiday lodges are secured to the ground using an adequate mechanism such as chains and

ground anchors and the finished floor level set at a minimum 300mm above ground level. Foul drainage The application form states that foul water from the site will be disposed of via a package treatment plant. Please note you will need to apply for a permit for discharges from the package treatment plant at this site if the General Binding Rules are not met.

6.12 Environmental Protection

No comments.

6.13 Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust would like to register a holding objection on this application until further ecological information can be reviewed. We also require evidence of a baseline biodiversity calculation value for the site, and details of how biodiversity net gain will be delivered, ideally to a minimum of 10% with a 30-year management and monitoring plan.

6.14 IDB

The applicant has indicated within their application form that surface water will be discharged to an existing watercourse. However, within the drainage strategy (drawing number JDA/2023/885/DRAINAGE.001 - John Dickie Associates, April 2023) it appears that a strategy using soakaways, as well as discharging surface water to the two new lakes on site is proposed. Some infiltration testing has been evidenced - although not to BRE Digest 365 standards. If the applicant does intend to use this dual strategy, we would recommend that infiltration testing is done to BRE Digest 365 standards. We would also recommend that the applicant satisfy themselves that the new lakes have sufficient capacity to hold surface water discharge from high rainfall events. If the applicant intends to discharge surface water to a watercourse, consent will be required under Byelaw 3.

6.15 Anglian Water

No comments.

6.16 Crime Prevention Officer

Lincolnshire Police do not have any objections to this amended application.

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

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

In this case, the adopted South East Lincolnshire Local Plan 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 above.

7.3 Principle of development

The principle of development for this site is two folded, firstly it discusses the impact of the allocation and secondly the proposal for a holiday park within a countryside location.

7.4 Site Allocation

The application site has been identified within the SELLP as a site for the Accommodation for Gypsies, Travellers and Travelling Showpeople. SELLP Policy 20 is concerned with the aforementioned and established 'Land at Bleu Raye Farm, Millgate, Whaplode Fen' as an allocation for such provision. Furthermore, planning permission H23-0848-19, reinforced this by approving the site to allow for up to '4 families' with associated infrastructure including access. SELLP Policy 20 states the following:

7.5 *The redevelopment or change of use of an Existing Residential Gypsy/Traveller Site or Existing Residential Travelling Show person's Site (as identified on the Policies Map) will be permitted only if an assessment has been undertaken which has clearly shown that the site is no longer required to meet the accommodation needs of the Gypsy/Traveller or Travelling Showperson's communities.*

Between 2011 and 2036, evidence suggests that, in South East Lincolnshire, there will be a need for the provision of:
- 4 new permanent residential pitches for gypsies and travellers; and
- 1 new permanent residential plot for travelling showpeople. This need will be met through the development of the sites identified on the Policies Map and listed below:
- Land at The Stables, Baulkins Drove, Sutton St James allocated as a 'Proposed Residential Travelling Showperson's Site', to provide accommodation for one additional household; and
- Land at Bleu Raye Farm, Millgate, Whaplode Fen allocated as a 'Proposed Residential Gypsy/Traveller Site', to provide accommodation for four households.

7.6 The need expressed by SELLP Policy 20 is based upon the evidence based collated as part of the Boston & South Holland Gypsy and Traveller Accommodation Assessment (Opinion Research Services, November 2016). The report summaries that:

7.7 *In summary there is a need for 4 additional pitches in South Holland for Gypsy and Traveller households that meet the new definition; a need for up to 13 additional pitches for Gypsy and Traveller households that may meet the new definition - although if the national average of 10% were to be applied this could be as few as 1 additional pitch; and a need for 9 additional pitches for Gypsy and Traveller households who do not meet the new definition.*

And this is based upon the following breakdown:

There is need for 1 additional plot for Travelling Showpeople households that meet the new definition; a need for 2 additional plots for Travelling Showpeople households that may meet the new definition; and there is a need for 1 additional plot for Travelling Showpeople households that do not meet the new definition.

7.8 Government Policy sets out 'Planning policy for traveller sites' (August 2015). The document sets out central governments approach to the consideration/provision of Gypsy Traveller sites and the planning system. The document states that states that an 'evidence base' should support/direct the planning approach. Local Planning authorities should then set pitch targets for Travellers with the plan. Under 'Policy H' matters of decision taking are discussed, however this policy relates to the approval of such sites, rather than in this case the loss of such a site.

7.9 Traveller Sites approved by SHDC

The applicant has provided a position in relation to the site being allocated for Travellers and provided a list of planning permission that have been approved since the GTAA (and subsequent allocation). The following are relevant:

7.10 H09-0010-21 - Proposed 4 traveller pitches for family linked with pitch No.6. Approved 04-05-21.

H09-0087-22 - Change of use from paddock to residential use for Gypsy and Travellers (retrospective) to include 2 static caravan pitches, and associated touring caravans - re-submission of H09-0845-21. Appeal Allowed 31-10-23 (2 Pitches).

H20-0513-20 - Residential gypsy caravan site for one family with 2 caravans (retrospective) - approved under H20-0287-06. Modification of Condition 1 to allow the name on the planning approval to be changed. Approved 25-08-20 (1 Pitch).

H06-0233-19 - Change of use of land (part retrospective) to provide five additional gypsy/traveller pitches with one day room per pitch and existing stables converted to dayrooms. Also, erection of one new store and retention of sheds for pitch 1, with construction of internal road to facilitate separate ingress and egress to and from the site, including hardstanding. Approved 05-09-19 (5 Pitches).

H23-0841-20 - Change of use from paddock to travellers site for applicants' and family only (part retrospective). Approved 18-12-20 (1 Pitch).

H16-0932-20 - Caravan site for one traveller family (3 caravans), with associated hardstanding, cesspit drainage and portakabin/dayroom (retrospective). 26-01-21 (3 Pitches).

H08-1133-20 - Extend the existing Travellers Site into part of the adjacent paddock to accommodate two touring caravan parking spots. (Static already approved - chalet to remain on original axels) and erection of day room for the pitch. Approved 27-01-21 (2 Pitches).

H16-0734-19 - Siting of mobile home (retrospective) - re-submission of H16-0030-17. Approved 10-10-19 (1 Pitch).

7.11 The above applications shows that 19 pitches have been approved under planning applications.

7.12 Appeals

Also a number of appeals regarding traveller sites within the district have been considered. Inspectors have suggested the methodology of the GTAA makes no allowance for 'in migration' into the district in arriving at its findings on the level of need for further pitches and that the GTAA is not a recent document and its findings are partly based on estimations of need. Furthermore, comments regarding SELLP Policies 1 and 20 are permissive and not restrictive in that they do not place a 'cap' on numbers of pitches and so the council have the ability to consider each case on its own merits.

7.13 Assessment on loss of allocation

7.14 NPPF Paragraph 47 states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing".

7.15 Given the position put forward that SHDC have approved circa 19 pitches since the allocation and the identified need set out within the GTAA is met, it is considered that loss of this site as an allocation for Gypsy Travellers would not undermine the councils ability to meet the required needs.

7.16 Notwithstanding that SHDC have approved a number of pitches that would exceed the need set out within the GTAA, recent appeals have also suggested that SELLP Policies 1 and 20, are permissive in the sense that they allow for Gypsy/Traveller applications to come forward and not place a restrict number on the amount the district can in fact approved. In conjunction to this the fact that the GTAA is now 8 years old and it has been suggested that it is not robust in its methodology, weight to it can only therefore be given as a guide.

7.17 The more pragmatic approach to meeting the needs/demands for Gypsy Traveller Pitches are to utilise the permissive nature of SELLP Policies 1 and 20 (with the GTAA providing background evidence) and assess each site on its own merits, until such time when an updated evidence base can be collated. SHDC given the planning permissions allowed, which are set out above have clearly adopted this approach when considered applications for Gypsy and Traveller Pitches.

7.18 It is on this basis the loss of Bleu Raye Farm as an allocated site for Gypsy/Travellers, would not affect the needs/demand for such pitches across the district given that the needs contained within the evidence base are met through permissions and that SELLP Policies 1 and 20 provide a more appropriate (fluid) assessment tool for allowing such permission as and when the need/demand arises.

7.19 It is therefore considered in this instance that material considerations do exit that would support a departure from the local plan.

7.20 Holiday Park within the Open Countryside

7.21 SELLP Policy 1 sets out the Spatial Strategy for the district. Of the open countryside it states:

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.

7.22 The policy justification under Paragraph 3.2.15 sets out that "Agriculture and forestry are clearly uses which must function in the Countryside but other uses which may diversify from agriculture and forestry, e.g. recreation and tourism, can meet the broad sustainable objectives of the Local Plan".

7.23 SELLP Policy 9 is concerned with 'Promoting a Stronger Visitor Economy'. In part the policy states:

Outside these settlements, 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

7.24 The policy justification under Paragraph 4.4.3 in part states "However, 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 that 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."

7.25 NPPF Paragraph 88 is concerned with supporting a prosperous rural economy, it states that "Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
b) the development and diversification of agricultural and other land-based rural businesses;
c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

7.26 In general principle terms then the proposal is considered acceptable. An assessment on character and relationship with existing land uses is made later in this report under the environmental issues section and character sections. One point where the submission is limited is in its ability to demonstrate a functional link between this proposal and an existing rural attraction or farm enterprise. It is considered that despite this given the site has had permission for caravan pitches and associated infrastructure, the site is accessible to the wider locality for future tourists, this is an element however of SELLP Policy 9 where the submission is not in full accordance.

7.27 In terms of NPPF Paragraph 88 the proposals would contribute to supporting a prosperous rural economy and as regards SELLP Policy 1 the proposal is for both tourism and recreational activities.

The proposal is therefore in part in accordance with SELLP Policy 9 and in accordance with SELLP Policy 1 as well as NPPF Paragraph 88, subject to the assessment set out within this report.

7.28 Highways Safety

7.29 SELLP Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

7.30 SELLP Policy 3 details that development proposals will demonstrate how accessibility by a

choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

7.31 Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. It advises 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.

7.32 The proposal is to utilise a previously approved access to the site. Highways have made comments that this access, and shown on plan, does not comply with current highway authority specifications. Notwithstanding this, the works require approval from the Highway Authority and so mitigation is in place to make this good. Aside from the access comments Highways consider that the proposed use of this site is unlikely to be greater than those of the previously consented development and have no issues as regards the sites ability to then absorb the proposal, with all things being considered.

7.33 The authority does state that it is likely that visitors will use their own cars to travel for amenities however confirm that this is not considered in itself sufficient cause for the withholding of planning consent.

7.34 Internally the roads shown on the site plan allow for the navigation of vehicles to individual lodges where ample parking provision is provided. Refuse points are also shown on site for customers to access. A condition will be attached that would require the applicant, prior to the first occupation of the lodges to submit and have agreed a strategy for the management of waste and its removal from site.

7.35 On this basis it is considered that the proposal would accord with SELLP Policies 2, 3 & 9.

7.36 Flood Risk and Drainage

7.37 Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk.

7.38 SELLP Policy 4 sets out South Holland's approach to Flood Risk. The application site lies within Flood Zones 1 and 2 and is identified as being at low to medium risk for tidal and fluvial flooding on the Environment Agency's flood mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to have no hazard rating on both the South Holland District present day and 2115 flood maps.

7.39 The applicant has provided an FRA as well as drainage proposals. As regards flooding principle, the application site is shown by the SFRA modelling to be located in an area of low risk. Given the nature of the district the site represents a highly sustainable location in flooding terms and sequentially is therefore acceptable. The proposal would also result in economic benefits supporting the rural economy including tourism. On balance the economic benefits and the limited socio-environmental benefits results in a sustainable scheme.

7.40 South Holland Drainage Board have been consulted and have stated that:

7.41 *The applicant has indicated within their application form that surface water will be discharged to an existing watercourse. However, within the drainage strategy (drawing number JDA/2023/885/DRAINAGE.001 - John Dickie Associates, April 2023) it appears that a strategy using soakaways, as well as discharging surface water to the two new lakes on site is proposed. Some infiltration testing has been evidenced - although not to BRE Digest 365 standards. If the applicant does intend to use this dual strategy, we would recommend that infiltration testing is done to BRE Digest 365 standards. We would also recommend that the applicant satisfy themselves that the new lakes have sufficient capacity to hold surface water discharge from high rainfall events. If the applicant intends to discharge surface water to a watercourse, consent will be required under Byelaw 3*

7.42 At this point then it is not clear which drainage solution would be proposed by the applicant.

Should the applicant wish to utilise soakaways then the ability of acceptable infiltration will be demonstrated. If this was the only strategy, then this information would be required prior to determination. However, there is also the option to divert into a watercourse, this is governed by IDB Byelaws.

7.43 In terms of foul water sewage the applicant proposed that package treatment plants are discharged into a water course, this again is controlled by the IDBs consenting process. It is considered that justification does exist to apply pre-commencement planning condition as regards the disposal of both surface water and waste water.

7.44 In terms of flooding principle the application site is located in a sufficiently low flood risk zone in accordance with South East Lincolnshire SFRA to support such a proposal. On this basis the proposal is considered to adhere to SELLP Policy 4.

7.45 Environmental Issues/Amenity

7.46 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.

7.47 SELLP Policy 2 sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

7.48 SELLP Policy 30 is concerned with 'pollution' and places any impacts from development in relation to noise, disturbance and air quality as important considerations when considering proposals for planning.

7.49 The application site is served by a separate access to the south of Holme Farm, a permission has been achieved on this site for the use of this site, as well as access for 4 number Gypsy/Traveller pitches.

7.50 This proposal would see the site being use as a holiday park and the coming and going of a high number of vehicles is likely, it is also likely there would be an increase in noise across the site once the lodges are in use. Environmental Protection have been consulted but have no comments to make.

7.51 The impact upon neighbouring properties would increase through general use (noise and disturbance) during the operational stage, however given the previous approvals on this site it is considered that the additional impact would not warrant refusal. The construction impacts are satisfactorily mitigated through supporting information contained within the Construction Environmental Management Plan.

7.52 It is considered that there would be a requirement to control any additional site lighting above what is shown on 'site layout lighting plan' through planning conditions and as previously stated the methods for removing waste from site.

7.53 In terms of occupancy firstly the managers accommodation will be controlled as such to prevent a market dwelling be approved within the open countryside, the lodges will also be subject to occupancy related conditions ensuring that they cannot become permanent residence.

7.54 The proposed reception/tearoom will be conditioned to provide details of opening hours. The removal of the ability to play amplified music will also form a planning condition.

7.55 It is considered that subject to such conditions the proposal would accord with SELLP Policies 2 & 30 as well as NPPF Paragraph 135.

7.56 Character and Landscape

7.57 Policy 2 of the SELLP states 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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

7.58 Policy 3 sets out the 'Design of new development' in part it states 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".

7.59 The application site is located within the open countryside and to the west of Millgate. The site whist mainly laid to grass is bordered by planting and trees. The proposal is for a 19 number of single storey lodges arranged around two lakes. Periphery planting is shown on the landscaping plans, there is also some planting in and around the site close to parking areas and refuse collection points. The scheme shows a mix of native species that would soften the proposed development.

7.60 There are two types of lodges, a two bed and a three-bedroom lodge. Both are single storey, a pitched roof is located over the primary living spaces which includes kitchen and dining areas along with bi-folding doors that lead out to a decked area that has a pergola roof (brise soleil as descripted on the plans). They all have both stepped and ramped access.

7.61 The elevation plans show that the main external material seen will be the timber cladding (made up of feather edge oak). Roofs are Proprietary Sedum or seam Zinc. The schedule of materials set out within the elevation's plans are considered acceptable.

7.62 The manager accommodation is of a similar appearance, and this is a three-bedroom property, single storey in scale and made up of a similar palate of materials to the lodges. The reception/tearoom again is single storey, pitched roofing with some outside seating areas. The shed which is to contain ancillary equipment is also single storey. The materials again are commensurate with the lodges.

7.63 It is considered that the proposed appearance of the onsite structures as well as the landscaping scheme whilst clearly having some impact over the existing scenario, would on balance represent (when considering pervious permissions) an acceptable development in this countryside location. The proposal whilst having a localised impact would not have a wider impact upon the open countryside and this is by virtue of the scale of the buildings proposed, the control over additional lighting and the size of the holiday park.

7.64 Materials will be controlled through the approved plans, landscaping conditions will ensure that the landscaping is planted in accordance with the plans as well as mechanisms to replace any lost planting, these are described within the soft landscaping proposals. The maintenance and management of external areas will be continued to accord with the management plan/work plan set out within the biodiversity management document.

7.65 Whilst there would be an increase in form across the site that would have implications for local countryside character, these impacts when considering permissions that have been approved across the site as well as the well-designed scheme put forward under this submission which is condensed and low in scale, is on balance acceptable.

7.66 On this basis it is considered that the proposal would accord with SELLP Policies 2 & 3.

7.67 <u>Ecology</u>

7.68 NPPF Paragraph 186 sets out a criteria-based approach for LPAs to apply when considering development proposals. The criteria in part includes methods to protect and encourage bio-diversity as well as preventing development resulting in the loss of priority habitats.

7.69 NPPF Paragraph 180d is also relevant requiring net gains for biodiversity, including by

establishing coherent ecological networks that are more resilient to current and future pressures.

7.70 SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally-designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

7.71 Lincolnshire Wildlife Trust have been consulted and have on file a holding objection, which states:

Lincolnshire Wildlife Trust wishes to register a holding objection on this application until baseline ecological surveys have been undertaken, mitigation measures put in place to compensate for any loss of biodiversity. We also require that Biodiversity Net Gain is delivered to a minimum of 10% and a management and monitoring plan for a minimum period of 30 years has been produced.

7.72 Whilst the applicant has not submitted a preliminary ecological assessment, they have provided a Biodiversity Mitigation and Enhancement Plan, the document uses the 'Living England Habitat Map' which shows Countryside Stewardship Water Quality Priority Areas (England) and Priority Habitat Inventory - Deciduous Woodland (England). The application site does not affect any of these. Furthermore whilst 4 years old a PEA was completed for this application site under an older submission. It was considered that whilst precautions as regards bats must be taken, the development of the site would not impact upon protected species. Therefore, whilst this document is dated the site is still laid to semi-improved grass land and semi-mature trees and no much has changed in the interim period. Therefore, in this instance it is considered that the mitigation provided by legislation as well as Natural England Standing Advice on protected species represents sufficient mitigation.

7.73 Given that the site which semi-mature grassland and shrubs, it is not likely that there would be an abundance of existing bio-diversity. Whilst there is a requirement for the developer to provide a net gain, because of the existing scenario there is confidence that this can fairly be achieved and has been demonstrated by the Biodiversity Mitigation and Enhancement Plan. The application was submitted in 2023 before the 10% net gain became mandatory and so the requirement for net gain is policy based and not legislative.

7.74 The Biodiversity Mitigation and Enhancement Plan as well as landscaping proposals detail that hedgerows will be strengthened, it sets out a work programme for 5 years following planning permission. Under Section 5 this states that this programme can be extended to 15 years post permission. The methods include bird boxes, bat boxes, tree/hedgerow inspection, pruning and border control. Mitigation measures include lighting to be used on site as well and encouragement routes for hedgehogs.

7.75 It is considered that the enhancement plan, landscaping and ponds given the existing site scenario would create a net gain for bio-diversity. The requirement is for a net gain only, and not a 10% gain, this is enforced by policy and not legislation due to the time when the application was submitted.

7.76 On this basis it is considered that the proposal would accord with the policy requirements for BNG under SELLP Policy 28.

7.77 <u>Archaeology</u>

7.78 NPPF Paragraph 200 requires developers to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

7.79 SELLP Policy 29 is concerned with the historic environment, it states that "Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced. Opportunities to identify a heritage asset's contribution to the economy, tourism,

education and the local community will be utilised".

7.80 The applicant has provided an archaeological evaluation report this is both desk-based as well as involving trial trenching. The report concludes that *'evidence e suggests a negligible archaeological potential for the proposed development area'.* The Historic Places team have received this document and have stated that:

7.81 *The archaeological evaluation report submitted as amendment 2 is satisfactory. On the basis of the results of the evaluation I can recommend that no further archaeological input is required*

7.82 On this basis it is considered that the proposal would accord with SELLP Policy 29.

7.83 **Planning Balance**

7.84 The proposal involves the loss of an allocation for Gypsy/Travellers. Having considered the need identified within the GTAA and the permissions for pitches that SHDC have approved since that study as well the ability to apply SELLP Policies 1 and 20 (which do not restrict future sites coming forward) as a more appropriate mechanism for meeting need/demand than this application, the loss of the allocation is considered acceptable. These represent material considerations that would suggest a departure from plan is appropriate in this instance.

7.85 The holiday park would encourage local tourism and is largely in accordance with SELLP Policy 9, the element it fails to demonstrate is the functional link to an existing rural enterprise. Notwithstanding this the proposal would meet with NPPF Paragraph 88 and SELLP Policy 1. On balance the proposed development is considered to be appropriate to this location.

7.86 LWT have issued a holding objection, however the existing site which is mainly semi-improved grassland with semi-mature trees and scrub to the periphery is not considered to offer favourable conditions for an abundance of biodiversity. The requirement for BNG is policy based and not legislative (mandatory), that said the formulation of ponds and the retentions of trees and strengthening of landscaping along with mitigation measures outlined within the biodiversity management plan are more than likely to result in a healthy net gain. Lastly protected species are legislatively protected and Natural England standing advice on protected species also applies.

7.87 It is therefore considered that the merits of the scheme which would contribute to a prosperous rural economy as well a support local tourism offer sufficient material weight to support the proposed development on this site. This impact to character, highways, flood risk, amenity and ecology are mitigated by conditions contained within the end of this report.

7.88 **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.

8.0 RECOMMENDATIONS

8.1 On balance the recommendation is that the proposal is considered acceptable subject to planning conditions.

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 and/or documents:

JDA/2023/885/SITE/A2.001
JDA/2023/885/OS.001
JDA/2023/885/MANAGERS.001
JDA/2023/885/BUILDINGS.001
JDA/2023/885/LODGESA2/.001
JDA/2023/885/LIGHTING.001
JDA/2023/885/LANDSCAPING/A2.001
JDA/2023/885/BIRD BAT BOXES.001
JDA/2023/885/CEMP.001

BIODIVERSITY MITIGATION AND ENHANCEMENT PLAN John Dickie Associates, April 2022
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN John Dickie Associates, April 2022
Archaeological Evaluation Report prepared by Allen Archaeology dated October 2023
Archaeological Evaluation Report - Geophysical Survey prepared by Allen Archaeology dated July
Schedule of Renewable Energy Assets & Energy Efficiency Measures - John Dickie Associates, April 2022
Landscaping Specification John Dickie Associates, April 2022

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

3. Notwithstanding the submitted drainage plans and before the commencement of the development hereby granted beyond oversite, 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 there are any flows into the receiving systems.

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 Section 14 of the National Planning Policy Framework, December 2023.

4. Prior to the first use of any holiday unit, full details of the arrangement for private refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any accommodation and thereafter retained for the lifetime of the development.

Reason: This application has been approved on the basis that waste collection will be carried out by a private company and to ensure appropriate arrangements are in place for the collection of refuse/recycling.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

5. The development hereby permitted shall be undertaken in accordance with a Construction environmental Management Plan CONSTRUCTION John Dickie Associates, April 2022 and JDA/2023/885/CEMP.001 unless otherwise agreed in writing with the LPA.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

6. 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

7. The management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points shall be carried out in accordance with Landscaping Specification and Biodiversity mitigation and enhancement plan, both by John Dickie Associates, April 2022. Thereafter these areas shall be maintained in accordance with the approved details.

Reason: To ensure that adequate provision is made for the management and maintenance of the those areas.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

8. The accommodation hereby permitted shall not be used for purposes other than holiday letting purposes. The accommodation shall not be used as the main residence of any occupant. No resident/group shall stay on site for more that 28 consecutive days. The manager of the site shall keep a record of all booking which will be made available to the LPA upon request.

Reason: To ensure that the development is restricted to holiday use only and that the accommodation is not used for residential purposes. Residential use would be contrary to the provisions of national guidance contained in Section 5 of the National Planning Policy Framework, December 2023 and to Policy 1 of the South East Lincolnshire Local Plan, 2019 which seeks to restrict residential development in the open countryside to that which 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. This Condition is imposed in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019 and Section 5 of the National Planning Policy Framework, December 2023.

9. The occupation of the managers accommodation hereby permitted shall be limited to a person solely employed in the business occupying the site edged red on the plan forming part of this Decision Notice. It shall not be occupied until the lodges are complete.

Reason: To ensure that the accommodation is occupied only in association with that business. Occupation independent of the business would be unacceptable by virtue of Policy 1 of the South East Lincolnshire Local Plan 2019.

10. Prior to the first use of the reception area, amenities and tea room opening hours of this building shall be submitted to and agreed with the Local Planning Authority. The use hereby permitted shall operate within them hours thereafter.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

11. Prior to the commencement of the use hereby permitted full details of the design, appearance and location of any extract ventilation equipment including any external flues contained within the tea room and reception shall be submitted to and approved in writing by the Local Planning Authority. No other equipment other than that so approved shall be installed without the prior written consent of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the character and appearance of the development, the visual amenity of the area in which it is set and the amenities of nearby residents. This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

12. Finished floor levels of the lodges, manager accommodation and reception shall be set at 300mm above average ground levels unless otherwise agreed in writing with the LPA. They shall be retained that way thereafter.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding and to protect surrounding amenity.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2023.

13. Other than the 'Site Layout - Lighting Plan' there shall be no external illumination erected across the site. Any additional lighting would require prior written consent of the LPA.

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, 28 and 30 of the South East Lincolnshire Local Plan, 2019.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), the site shall be used only as holiday accommodation ONLY and for no other purpose (including any other purpose in Class(es) C3 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any Order or Statutory Instrument revoking and re-enacting that Order).

Reason: To ensure that the Local Planning Authority retains control over the future use of the site in the interests of the spatial strategy
This Condition is imposed in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

15. The scheme of landscaping and tree planting shown on dwg. no. JDA/2023/885/LANDSCAPING/A2.001 shall be carried out and completed in its entirety during the first planting season following practical completion of the development. 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 five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

16. Prior to the first occupation details of the arrangement for the removal of waste from site shall be submitted to and agreed in writing with the LPA. The agreed methods shall thereafter be adhered to.

Reason: To ensure that amenity is protected.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

17. Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

18. The applicant is reminded that it is an offence under the Wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

19. Highway Informative
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. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on

the highway authority website, accessible via the following link:
https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb.

Background papers:- Planning Application Working File

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Email	

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:2500
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