

<b>APPLICATION NO</b>	<b>PA/2016/1389</b>
<b>APPLICANT</b>	Mr J Riley, J & S Metals Ltd
<b>DEVELOPMENT</b>	Planning permission for change of use of land for a 13-pitch static caravan holiday park with ancillary infrastructure including site road and drainage with the demolition of existing buildings on site
<b>LOCATION</b>	Former Garden Centre, Sandtoft Road, Westgate, Belton, DN9 1PN
<b>PARISH</b>	Epworth
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	James Roberts
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Belton Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 12 sets out the core principles that should be used to underpin the planning system including the promotion of sustainable development, high quality design, the protection of the countryside and the re-use of brownfield land.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development including rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 100 states that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Sequential and Exception Tests should be carried out to justify development, reduce the risk from flooding and steer development to those areas at lowest risk.

### **North Lincolnshire Local Plan:**

Policy RD2 (Development in the Open Countryside)

Policy RD5 (Alternative uses of Industrial and Commercial Sites in the Open Countryside)

Policy R12 (New Caravan and Camping Facilities)

Policy T2 (Access to Development)

Policy DS1 (General Requirements)

### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS 5 (Delivering quality design in North Lincolnshire)

Policy CS15 (Culture and Tourism)

Policy CS19 (Flood Risk)

## **CONSULTATIONS**

**Highways:** No objections subject to conditions.

**Environmental Health:** Require further information in relation to contaminated land.

**Environment Agency:** No objections subject to a condition.

**Drainage Team:** No objections subject to conditions.

## **PARISH/TOWN COUNCILS**

**Belton Parish Council:** Objects on the grounds that previous applications at the site have contained inaccurate information, that there are a significant number of local objectors, and that the proposal will result in light pollution, noise, foul sewage and additional traffic.

**Epworth Town Council:** No objections subject to conditions.

## **PUBLICITY**

Neighbouring properties have been notified and a site notice posted. Nine letters of objection have been received raising the following concerns:

- There is no need for the proposal given that the adjacent site has vacant plots.
- The proposal would be detrimental to highway safety.
- The proposal would not benefit the local community.
- The application has not been satisfactorily advertised.
- The information available is insufficient.
- The site may be used as permanent residential accommodation.
- The proposal may be harmful to biodiversity.

Five letters of support have been received on the following grounds:

- The future residents would benefit the local community.
- The proposed use would have less impact on highway safety than the established use.
- The proposal would result in visual betterment.
- The proposal would not harm biodiversity.
- There is demand for this type of accommodation in the area.

## **ASSESSMENT**

This application was deferred at the last meeting of the Planning Committee to enable members to visit the site prior to making a decision.

### **Principle**

Full planning permission is sought for the redevelopment of the existing site for use as a 13-pitch static caravan holiday park with ancillary infrastructure, including site road and drainage with the demolition of existing buildings on site. The site was last used as a garden centre but is currently vacant. The application site is located outside development limits.

## **Main issues**

**The main issues in the consideration of this application are:**

- **the principle of the development;**
- **impact on character**
- **impact on residential amenity**
- **highway safety**
- **land contamination**
- **flood risk/drainage.**

Policy RD2 of the North Lincolnshire Local Plan sets out the types of development which would be considered appropriate in the open countryside and the criteria against which all applications outside development boundaries will be assessed. It will be noted that one such form of appropriate development is described as:

“...employment-related development appropriate to the open countryside.”

Policy R12 sets out the specific criteria when new caravan sites will be accepted. Dealing with each of these in turn:

- i) the development is closely associated with existing or proposed recreational and tourist attractions and is of an appropriate scale having regard to the size and type of attraction with which it is associated

The applicant has provided supporting documentation which details existing recreational and tourist facilities in the area. These include Lincolnshire Golf Course, Lindholme Lakes Fishing complex, Hirst Priory and Crowle and Thorne Moors Wetland Reserve. The council is actively promoting tourism throughout North Lincolnshire, as set out in policy CS15 of the Core Strategy, and it is considered that the addition of further holiday accommodation would boost such objectives. The proposal would contribute towards economic growth objectives in the area and this should also be afforded planning weight.

The scale of the proposal (13 units) is not considered excessive and can be controlled by condition.

- ii) the site can be suitably screened by existing land forms and/or the provision of a scheme of landscaping

It is considered that appropriate screening can be implemented at the site which is visually sympathetic to the area. Full details of this can be controlled by condition. It is considered that the proposal will result in visual betterment when compared with the existing garden centre which has remained vacant for a significant period of time and is now detrimental to the character of the area.

- iii) the provision of any built development is restricted to those essential facilities which are required to service the site.

The proposal includes 13 caravans, parking facilities, access road and bin store. The proposed facilities and built form are not considered excessive in this instance.

It is therefore considered that the proposal satisfactorily meets the requirements of policies RD2, R12 and CS15. The principle of development is therefore considered acceptable. It is recommended that any permission includes a condition ensuring the site be used for holiday accommodation only.

### **Impact on the character of the area**

As previously discussed, the proposal would result in visual betterment: the site is currently vacant and detracts from the character of the area. The proposed re-development at the site would be in keeping with the adjacent holiday park and appropriate boundary treatments and landscaping can be controlled by condition. The proposal is therefore considered acceptable in this regard.

### **Residential amenity**

The site is located opposite residential properties on Sandtoft Road and it is considered that the low level structures, combined with appropriate boundary treatments, would ensure that levels of light and privacy at neighbouring dwellings would be adequately protected. Notwithstanding some disturbance during the construction period, it is considered that the proposal would not have an adverse impact on residential amenity.

### **Highways**

Vehicular access to the site would be provided off Sandtoft Road with parking provided within the site (two spaces per caravan and four visitor spaces). The council's Highways team has offered no objections to the proposal subject to conditions.

It is considered that the use of the site for holiday accommodation would not result in a significant intensification in vehicular movements in the area. Furthermore, the indicative layout clearly demonstrates that sufficient space exists within the site to provide adequate parking and turning facilities. It is therefore considered that the scheme could be developed for tourism purposes without resulting in unacceptable harm to vehicular or pedestrian safety.

### **Contaminated land**

The site is previously developed but there is no evidence that it contains contaminants. It is acknowledged that the council's Environmental Health team has requested further information in relation to potential contaminants. However, given that this matter could be adequately controlled by condition, it is considered that any request for a full contaminated land survey at this stage would be overly onerous. This proposal is therefore considered acceptable in this regard.

### **Flood risk/impact on drainage**

It is noted that the application site is located within an area known to be at risk of flooding (zone 2/3a according to the council's Strategic Flood Risk Assessment (SFRA)). The applicant has provided a flood risk assessment with the application which concludes that the proposal can be accommodated within the site without resulting in an unacceptable increase in flood risk. Measures such as raised floor levels and a flood evacuation plan are

recommended. The Environment Agency has confirmed that it is satisfied with the submitted documentation and has offered no objections subject to a condition.

The applicant has indicated that there are no comparable sites available in the locality which are at lower risk of flooding. Given the nature of the site, that the high risk flood zone covers much of the surrounding area, and that it is located adjacent to an existing facility, this is considered a reasonable conclusion in this instance. Furthermore, the proposal would result in wider benefits (additional economic activity, visual betterment, etc) which would outweigh the low level of flood risk. It is therefore considered that the proposal would satisfactorily pass the sequential and exceptions tests.

The council's Drainage team has offered no objections to the scheme and the proposal is not of a scale which would place excessive strain on existing infrastructure. It is recommended that a condition be attached to any approval ensuring that full drainage details are agreed in writing prior to the commencement of development.

In light of the above, it is considered that the proposed development can be satisfactorily drained without placing unacceptable strain on existing drainage infrastructure. Furthermore, the proposal would not be at unacceptable risk from flooding and would not give rise to an unacceptable increase in flood risk in the locality.

### **Other issues**

The following issues, raised by the objectors, have not been directly addressed in the above report:

There is no need for the proposal given that the adjacent site has vacant plots – *the neighbouring site contains a separate business. The current proposal is to provide a complementary use that will aid tourism objectives. Competition between businesses cannot be afforded significant planning weight.*

The proposal would not benefit the local community – *the proposal is broadly in keeping with the spatial objectives of promoting economic growth and tourism-related development.*

The application has not been satisfactorily advertised – *the application has been advertised in full accordance with relevant legislation.*

The information available is insufficient – *the submitted information has been inspected and a site visit carried out. It is considered that sufficient information has been supplied to enable an accurate assessment to be carried out.*

The proposal may be harmful to biodiversity – *no technical information has been supplied to support this assertion.*

### **Conclusion**

For the reasons set out above it is considered that the proposal sufficiently accords with adopted planning policy and guidance subject to suitable conditions.

**RECOMMENDATION Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved documents: Application form signed 26 August 2016, Site plan 801 JSM (as amended 26 Sep 2016), Flood Risk Assessment dated 24 August 2016, Demolition method statement dated 24 August 2016.

Reason

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

3.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 24 August 2016, compiled by Howard J Wroot. Specifically, this includes the setting of finished floor levels no lower than 4.7 metres above Ordnance Datum (AOD).

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS19 of the Core Strategy.

4.

The mobile homes hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence.

Reason

To ensure the open countryside is protected from an unacceptable form of development and to accord with policies RD2 and R12 of the North Lincolnshire Local Plan.

5.

The site operator shall maintain an up-to-date register of the names of all occupants of the mobile homes and of their main home addresses, and shall make this information available, at all reasonable times, to the local planning authority.

Reason

To ensure the open countryside is protected from an unacceptable form of development and to accord with policies RD2 and R12 of the North Lincolnshire Local Plan.

6.

No more than 13 static homes shall be sited within the site boundaries at any one time.

Reason

To ensure the open countryside is protected from an unacceptable form of development and to accord with policies RD2 and R12 of the North Lincolnshire Local Plan.

7.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

8.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

- 7am to 7pm Monday to Friday
- 7am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

In the interests of residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

9.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

### **Part 1: Site Characteristics**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:



- human health
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### **Part 2: Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### **Part 3: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

### **Part 4: Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

10.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the change of use takes place, and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

11.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

12.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

13.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

14.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

15.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

16.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

17.

No development shall begin until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

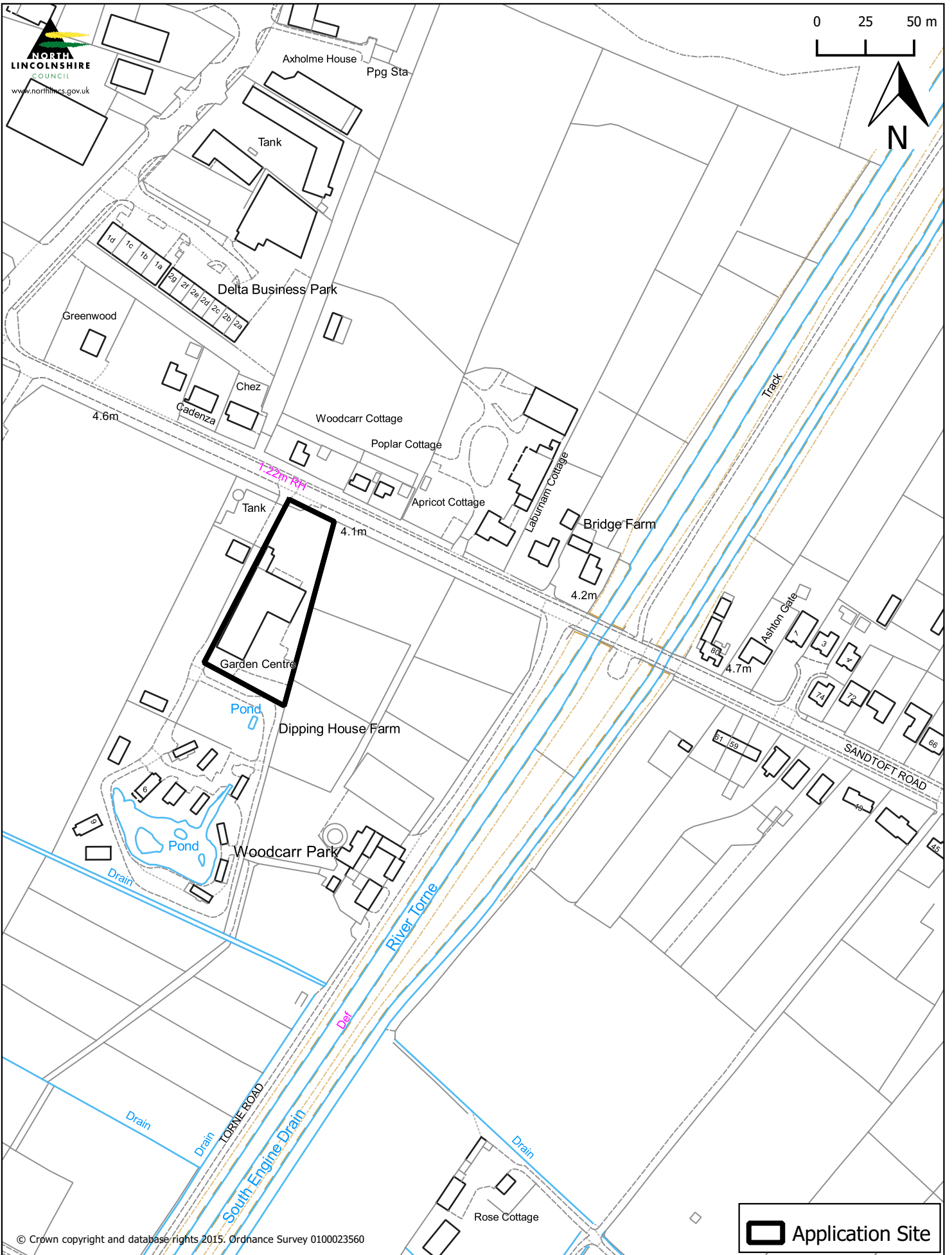
### **Informative 1**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



 Application Site

