

Officers Report

Planning Application No: 144171

PROPOSAL: Planning application for change of use from holiday park to 9no. retirement homes for the over 50s resubmission of 143250,

LOCATION: Blyton Ponds Station Road Blyton Gainsborough DN21 3LE

WARD: Scotter and Blyton

WARD MEMBER(S): Cllr Mrs M Snee, Cllr Mrs L Clews and Cllr Mrs L A Rollings

APPLICANT NAME: Mrs A Forrest

TARGET DECISION DATE: 08/04/2022

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

Planning Committee:

The application is being presented to the planning committee because the applicants' partner is a relative of a ward member.

Description:

The application site is currently a holiday park site currently comprising:

- 5 static holiday caravans
- 3 holiday lodges
- 2 holiday cabins
- 2 holiday chalets
- 3 ponds
- Permeable Hardstanding roads/paths and grassed areas

The applicant additionally owns, adjacent the site in the north west corner:

- 1 brick built dwelling (lived in by the applicant)
- 1 brick built holiday let (permission for holiday let and dwelling above)

The site is set just off Station Road and rises gradually from west to east. The site has one wide vehicular access. The boundaries of the site are screened by a mix of trees, hedging, walls and fencing. To the north is a residential dwelling with open countryside in all other directions. The lower front third/half of the site is in flood zone 2 (medium probability) and flood zone 3 (high probability). The site is in a Sand and Gravels Minerals Safeguarding Area.

The application seeks permission for change of use from holiday park to 9no. retirement homes for the over 50s.

Relevant history:

M02/P/0319 – Planning application to site 2 static caravans for the purpose of short holiday let – 03/07/02 - Granted time limit and other conditions

M04/P/0497 – Planning application to site two static caravans and two log cabins for short term let holiday accommodation – 28/06/04 - Granted time limit and other conditions

M04/P/0882 – Retrospective planning application to use land for storage of up to 50 touring caravans – 10/12/04 - Granted time limit and other conditions

123392 – Planning Application for change of use of caravan storage area for use as area for the siting of touring caravans for holiday accommodation, use of additional land for touring caravans, siting of further static caravans, erection of 3 log cabins and alterations to roof over existing welfare facilities – 09/02/09 - Granted time limit and other conditions

127673 – Planning application for erection of proposed dwelling house & change of use of existing dwelling to short term holiday let only – 25/10/11 - Granted time limit and other conditions

127930 – Planning application for erection of a detached timber double garage – 22/12/11 - Granted time limit and other conditions

143250 - Planning application for change of use from holiday park to 9no. retirement homes for the over 50s – Refused (Planning Committee Resolution) – 04/11/21

Reason for refusal:

“The settlement of Blyton is categorised as a “medium village” under policy LP2 of the Central Lincolnshire Local Plan. The proposed development, in combination with other extant permissions and development built (since April 2012) would increase the number of dwellings over the 10% growth level set out in LP4 and would undermine the spatial strategy of the Central Lincolnshire Local Plan. The site is not promoted within a Neighbourhood Plan and the application does not provide evidence to demonstrate clear local community support. The proposal is therefore contrary to policies LP2 and LP4 of the Central Lincolnshire Local Plan.”

Pre-application:

142174 - Pre-application enquiry for change of use from holiday park to up to 15 retirement homes – 24/02/21

Extract 1:

“The site would be highly likely to be considered within the developed footprint of Blyton and as the built form on the site would not drastically change the development would be expected to meet the appropriate locations definition. The site would be considered a brownfield site on the edge of the settlement therefore would be likely to have a medium priority for housing development.

The development would exceed the 9 dwelling limit and no evidence or justification of meeting the exceptional circumstances requirement for developments between 10 and 25 residential units has been submitted. It is unlikely that the exceptional circumstances requirement can be met. The housing growth for Blyton has already been met therefore an application for housing development in Blyton would be required to complete a proportionate community consultation to demonstrate if clear community support has been achieved. This must be completed prior to submission and submitted with an application though a comprehensive community consultation report (with evidence of procedure undertaken/responses)."

Extract 2:

"It is therefore considered that the proposal as a whole would be highly unlikely to pass the flood risk sequential test or exceptions test given the amount of available land in flood zone 1 within the district."

Extract 3:

"It is therefore considered that the principle of the proposal is highly unlikely to be supported as the development is highly likely to be considered an inappropriate location for housing due to the flood risk and is highly unlikely to pass the flood risk sequential test. If you were to demonstrate the application of a sequential test, the FRA would be needed to ensure the development can be made safe."

Representations:

Cllr M Snee: Declaration of Interest

I will not be making any observations on this planning application, I am declaring an interest as the applicant is the partner of a relative.

Blyton Parish Council: Objections

Blyton Parish Council wishes to reiterate its concerns raised in previous applications for this site that it has grave concerns about the potential of the development to exacerbate flooding in the village. Despite the applicants assurances that there is no flood risk, local knowledge and recent history show this is not the case.

Surface water flooding is already a big problem in Blyton with houses and businesses on the High Street and Station Road having to be pumped out on a number of occasions over the past few years. Surface water from Station Road drains into the Wash Dyke which runs close by this development and already floods the village higher up on the High Street.

The potential of change of use for this site from holiday to permanent residences could pose further problems. Should the Planning Dept decide to approve the application, Blyton Parish Council requests that conditions be used to negate further risk.

Local residents: Representations received from:

Supports

2 Kirton Road, Blyton:

I think this would be good for the village and for people of my age or above. The area is well looked after and is in a quiet area on the edge of the village.

4A High Street, Blyton:

I am happy to support this application. It is less visible than the approved development of Grace Park, holiday park and should have no further impact on the village than the existing units.

10 Gainsborough Road, Blyton:

I have no objection to this going ahead

6 Sandbeck Lane, Blyton:

This can only be beneficial to the village & its residents. The site is currently well kept and I can't see that this would change.

15 Station Road, Blyton:

As the immediate neighbour to the south of the property I have no reason to object to this proposal. I have read the objection from the parish council and as one of the houses that have been flooded in the past I want to reassure the planning committee that the ponds have nothing to do with it. Run off from the fields behind the properties near the railway line and poor management of the washdyke (the local name of the stream across the road) are the reasons for it. At no time since 1983 when I bought my property has there been a problem of any description with the pond site.

It can be noted that out of these five resident representations made during the application consultation period only 15 Station Road, Blyton commented during the community consultation period undertaken by the applicant.

Objections

None Received

LCC Highways/Lead Local Flood Authority: No objections

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 is acceptable and accordingly, does not wish to object to this planning application.

Environment Agency: No representations received to date

Previous representation received on application 143250:

Whilst the application site is partially within Flood Zone 3, the proposed retirement homes are to be located entirely within an elevated section of the site, within Flood Zone 1.

Whilst the residential properties themselves will be safe and dry during an extreme flood event, access to them may be difficult. Given the potential elevated level of vulnerability of the proposed occupants, we recommend that consideration is given to the adequacy of rescue or evacuation arrangements, by consulting with emergency planners, prior to determining this application.

LCC Emergency Planner: No objections with advice

The Environment Agency are the lead on flooding and if they have no objections then there is no reason for us to have any. The only advice I would offer is that they recommend that residents sign up to Environment Agency FWD.

WLDC Environmental: No representation received to date

Previous representation received on 143250:

If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Lincolnshire Police: No objections

WLDC Strategic Housing Officer: No representations received to date

Lincolnshire Fire and Rescue: No representations received to date

LCC Archaeology: No representations received to date

WLDC Economic Development: No representations received to date

LCC Education: No representations received to date

NHS: No representations received to date

IDOX checked: 15th March 2022

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

• ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP4 Growth in Villages

LP10 Meeting Accommodation Needs
LP13 Accessibility and Transport
LP14 Managing Water Resources and Flood Risk
LP16 Development on Land Affected by Contamination
LP17 Landscape, Townscape and Views
LP21 Biodiversity and Geodiversity
LP25 The Historic Environment
LP26 Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- **Neighbourhood Plan (NP)**

There is currently no neighbourhood plan to consider

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is in a Sand and Gravels Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/88170.article>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021.

Paragraph 119 states:

"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."

Paragraph 219 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Guide (2019)**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Code (2021)**

<https://www.gov.uk/government/publications/national-model-design-code>

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)**

The consultation on the Draft Central Lincolnshire Local Plan which ran for 8 weeks from **30 June to 24 August 2021** has now closed. In regards to paragraph (b) consultation responses to the first (regulation 18) draft have now been published. The Summary document sets out the extent to which there were any Objections/Support/General Comment in regards to each policy. The Key Issues Report sets out a summary of the issues being raised, per policy.

Relevant Policies:

- S1 The Spatial Strategy and Settlement Hierarchy
- S2 Growth Levels and Distribution
- S4 Housing Development in or Adjacent to Villages
- S20 Flood Risk and Water Resources
- S22 Meeting Accommodation Needs
- S46 Accessibility and Transport
- S48 Parking Provision
- S52 Design and Amenity
- S55 Development on Land Affected by Contamination
- S56 The Historic Environment

The draft plan review is at its first stage (Regulation 18) of preparation and is open to alterations so may be attached **very limited weight** in the consideration of this application.

<https://central-lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome>

Other:

Central Lincolnshire Developer Contributions Supplementary Planning Document adopted June 2018
Strategic Housing Market Assessment (SHMA) by Turley Economics dated July 2015
West Lindsey Housing Strategy 2018-2022

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Community Consultation
Permanent Residential Units
Definition of a Caravan
Housing Supply
Over 50's Restriction
Concluding Statement
- Flood Risk
- Minerals Resource
- Visual Impact
- Residential Amenity
- Highway Safety
- Contamination
- Drainage
Foul Water
Surface Water

Assessment:Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 of the CLLP provides a hierarchy of settlements and a definition of the developed footprint and an appropriate location. It is important to initially assess where the site sits within this hierarchy. Is it within Tier 5 (medium village) or tier 8 (Countryside).

The developed footprint is defined in LP2 as "*throughout this policy and Policy LP4 the term 'developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes:*

- a) *individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*
- b) *gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*

- c) *agricultural buildings and associated land on the edge of the settlement; and*
- d) *outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.*

The application site is adjacent 11 Station Road with all structures on the site closely clustered together in the north section of the site. The site is not dispersed from the continuous built form of the settlement. The developed footprint definition does not exclude caravan or holiday structures from being part of the developed footprint. Therefore the site is considered to be part of the developed footprint of Blyton and Tier 5 (medium village) applies.

Tier 5 of local policy LP2 sets out the criteria and restrictions for residential development in Medium Settlements including “*in appropriate locations, development proposals will be on sites of up to 9 dwellings*” or “*in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances*”. The definition of an appropriate location in LP2 is:

‘throughout this policy, the term ‘appropriate locations’ means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an ‘appropriate location’, the site, if developed, would:

- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement’s character and appearance; and*
- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement’.*

Policy LP4 additionally requires a sequential approach to be applied to prioritise the most appropriate land for housing within medium villages. LP4 states that:

‘In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:

1. *Brownfield land or infill sites, in appropriate locations, within the developed footprint of the settlement*
2. *Brownfield sites at the edge of a settlement, in appropriate locations*
3. *Greenfield sites at the edge of a settlement, in appropriate locations*

Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list’.

The site is currently a permanent holiday park with infrastructure such as roads and parking therefore is considered as previously developed land (Brownfield Site) at the edge of the settlement.

An updated table of remaining growth (dated 4th March 2023) for housing in medium villages sits alongside the adopted CLLP. Blyton has 562 dwellings which equates to a remaining growth of 56 (10%) dwellings. Due to completions and extant planning permission Blyton has a remaining growth of 2 dwellings.

Community Consultation:

Given that there is only two dwellings of allocated growth left for Blyton the 9 residential unit development as a whole to accord with local policy LP2 and LP4 needs to be '*promoted via a neighbourhood plan or through the demonstration of clear local community support*'. There is currently no designated neighbourhood area for Blyton which is required in order to prepare a Neighbourhood Plan.

Local policy LP2 defines clear local support as a '*demonstration of clear local community support*' means that at the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise. If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council'

The application has included details of the Community Consultation process in the submitted Planning Statement by JR Consultants. Page 4-5 of the Planning Statement states:

- 375 letters were posted within the village of Blyton.
- Social Media were posted online (Facebook and other local community sites)
- Written to the Blyton Parish Council

The planning statement concludes that "*the applicant has demonstrated community support for the proposal.*"

To demonstrate and evidence this statement the application included a copy of all the representation received and a consultation plan outlining the letter drop area. After going through all the responses the consultation generated 66 responses. This included three comments from different occupants of 1A Laughton Road, Blyton and two different occupants from 1B Laughton Road, Blyton.

Of these comments:

- 53 were from within the village of Blyton
- 4 were not addressed
- 2 were not addressed precisely enough
- 6 were from outside the village
- 1 did not confirm whether they supported or objected

Therefore 65 of the 66 comments were supportive with 1 comment not confirming if they supported or objected to the development.

In addition the social media comments submitted which were again all supportive did not include any postal addresses.

Therefore for the purposes of demonstrating community support only the 53 fully completed and addressed comments received can be taken into consideration.

The consultation period of the application has included five comments from residents. All of these support the development and only one of the addresses had commented through the applicant's community consultation process.

It is acknowledged and understood that the COVID-19 pandemic restricts the scope of a community consultation exercise by making face to face meetings difficult to organise and also attract attendance. It is considered that the letter drop and posts on social media is an acceptable community consultation exercise carried out prior to submission, and proportionate to the scale of development that is proposed. The community consultation exercise received a good amount of responses resulting in 100% support from the response received.

Definition of a Caravan:

The definition of a caravan is set out in section 29(1) of the Caravan Sites and Control of Development Act 1960¹. Section 29(1) states that caravan means:

“Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include —

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or*
- (b) any tent.”*

Section 13(1) and (2)² of the Caravan Sites Act 1968 sets out the definition of a twin unit caravan and the dimensional restrictions. Section 13(1) states that a twin unit caravan is:

“A structure designed or adapted for human habitation which —

- (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and*

¹ <https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62>

² <https://www.legislation.gov.uk/ukpga/1968/52/section/13>

(b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),

shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the M1 Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a [F1highway] [F1road] when assembled.”

Section 13(2) restricts the dimensions to which the caravan (single or twin unit) cannot exceed. These are:

- (a) length of 20 metres
- (b) width of 6.8 metres
- (c) overall height of 3.05 metres

Site Plan BP/21/04 Rev A dated 16th April 2021 lists that the development would provide 9 residential park Homes.

However no floor plans or elevations drawings have been submitted with the application or any description of the park homes in the submitted documents to determine whether the proposed future park homes would meet the definition of a caravan or not.

It is therefore considered relevant and necessary to attach a condition to the permission requiring elevations and floor plans to be submitted which meet the definition of a caravan as described in section 13(1) and (2)³ of the Caravan Sites Act 1968

Permanent Residential Units:

Paragraph 6.9 of the Central Lincolnshire Developer Contributions Supplementary Planning Document adopted June 2018 states that:

*“Residential development is considered to be a development of accommodation for use as a dwelling. A dwelling includes any unit of residential accommodation such as, detached, semi-detached, terraced, apartments, flats, and **permanent park homes** (emphasis added).*

Residential development includes

- *Development under Use Class C3 (a-c).*
- *Self-contained accommodation in a block for a specific client group, such as older persons.*
- *Extra care or retirement living will be treated as C3*
- ***Park home accommodation** (emphasis added).”*

In accordance with this definition it can only be concluded that the proposed development would provide permanent residential accommodation (use class C3 of the UCO) in the form of park homes on this site.

³ <https://www.legislation.gov.uk/ukpga/1968/52/section/13>

Housing Supply:

As determined above the park homes would be considered as permanent residential units therefore the distinct residential use proposed would count towards the housing supply of Central Lincolnshire.

Paragraph 35 (Reference ID: 68-035-20190722) of the Housing Supply and Delivery section of the NPPG gives further supporting guidance on counting housing for older people in the housing supply. Paragraph 35 advises:

“Local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply. This contribution is based on the amount of accommodation released in the housing market.”

Over 50's Restriction:

The application has suggested restricting the occupation of the park homes to the over 50's (although they have not committed to this through a S106 unilateral undertaking). It is acknowledged that there is a genuine need for suitable permanent residential housing for older persons in Central Lincolnshire (West Lindsey and North Kesteven in particular) which would accord to local policy LP10 of the CLLP. However this site is located in an appropriate location within the developed footprint of Blyton therefore there would be no need to restrict the occupation of the site to the over 50's and could be sold as open market permanent park homes.

Discussion:

The application proposes to introduce 9 park homes for the over 50's on a site which is considered to be within the developed footprint of the settlement. The site is predominantly previously developed land on the edge of these settlement therefore it has medium priority on the land availability sequential test in local policy LP4. The site is currently a holiday caravan park therefore introducing park homes would not harm the character of the settlement or the rural setting and would retain the core shape and form of the settlement. The site is therefore considered an appropriate location for housing development.

The application has included site layout plan BP/21/04 Rev A dated 16th April 2021 which demonstrates that the site can accommodate the proposed amount of dwellings alongside access road, parking and external amenity areas.

It is unknown whether the proposed structures meet the definition of a caravan as no elevations and floor plans have been submitted with the application. The proposed park homes are considered as permanent residential units in accordance with the CLLP and the 9 units would count towards the housing supply in Central Lincolnshire.

West Lindsey and Central Lincolnshire has an evidenced identified need for suitable permanent residential accommodation for older persons whether for independent or supported living.

Blyton has only 2 dwellings left to meet its housing growth target for the duration of the CLLP therefore only two of the park homes would be acceptable. Policy LP4 is engaged for all 9 park homes to be acceptable and there is a requirement for a demonstration of clear local community support. A proportionate community consultation process has been completed prior to submission of the planning application. A clear demonstration of community support has been demonstrated from the responses received as part of the community exercise.

It is therefore considered that the principle of the development is acceptable and accords to local policies LP2 and LP4 of the CLLP, local policy S1 and S4 of the DCLLPR and the provisions of the NPPF.

It is considered that policies LP2 and LP4 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Flood Risk

As previously acknowledged the lower front third/half of the site is in flood zone 2 and flood zone 3. The areas in flood zone 2 and 3 would not be an area occupied by living accommodation. All of the permanent residential park homes would be located within the higher part of the site in flood zone 1.

As part of the site sits within flood zone 2 and 3 local policy LP14 and the National Planning Policy Framework (NPPF) requires a sequential approach towards locating development to areas at lower risk of flooding and the submission of a Flood Risk Assessment (FRA). The application has included an FRA dated June 2021 by EWE Associates Ltd.

The proposed use of the site for nine additional dwellings (park homes) is classed under Table 2 (Flood Risk Vulnerability Classification) of the NPPG as being highly vulnerable. The FRA is incorrect in classing the proposed use as more vulnerable on page 6. Given consideration to table 3 (Flood risk vulnerability and flood zone 'compatibility') of the NPPG the site would be required to pass the exceptions test if the sequential test is passed. The Sequential Test should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3.

The sequential test is applied by the Local Authority. Paragraph 33 (Ref ID: 7-033-20140306) of the NPPG states that *"the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development propose"*.

Page 6 of the submitted FRA gives minimal reference to the sequential and exceptions test referring to table 3 of the NPPG and the siting of the residential units in flood zone 1. The FRA highlights the location of the residential units as being appropriate in accordance with table 3 (see table 1.1 of the FRA). Again table 1.1 of the FRA is incorrect in the section of the table it has highlighted. It should highlight the tick (development is appropriate) in flood zone 1 in the high vulnerable column.

Market Housing normally requires a district wide search and not just to the parish or village for more appropriate sites with a lower risk of flooding unless there are justifiable reasons to suggest otherwise. A district wide search would result in a considerable amount of more suitable land on sites of this size which are available in West Lindsey. However in this particular case an extremely high proportion of the developed part of the site and the access road/parking would be in flood zone 1. Therefore the location of the residential park homes does not require the sequential test to be triggered. It is therefore considered that the location of the residential park homes are acceptable and are not required to pass the sequential or exceptions test.

The Environment Agency have not commented on this application but had no objections to the same development in refused planning application 143250. The Environment Agency in refused planning application 143250 advised that given the flood risk on the access to the site it is advised to consult the Emergency Planner. The Emergency Planner is based at Lincolnshire Fire and Rescue and have confirmed that they have no objections to the development but advise the site to be signed up to the Environment Agencies flood warning system.

The FRA on page 15 provides mitigation measures including the signing up to the Environment Agencies flood warning system. The mitigation measures will be conditioned on the permission.

Whilst the flood risk of the immediate access to the site is acknowledged the residential units are located entirely within flood zone 1 and are considered acceptable.

Therefore the development would not have an unacceptable flood risk on the site or the surrounding area therefore would accord with LP14 of the CLLP, local policy S20 of the DCLLPR and the provisions of the NPPF.

It is considered that policies LP14 is consistent with the flood risk guidance of the NPPF and can be attached full weight.

Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies 'to support sustainable economic growth and our quality of life'.

Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

“Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:

- *the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or*
- *the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- *there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or*
- *the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or*
- *the development is, or forms part of, an allocation in the Development Plan.*

Exemptions

This policy does not apply to the following:

- *Applications for householder development*
- *Applications for alterations to existing buildings and for **change of use of existing development, unless intensifying activity on site** (emphasis added)*
- *Applications for Advertisement Consent*
- *Applications for Listed Building Consent*
- *Applications for reserved matters including subsequent applications after outline consent has been granted*
- *Prior Notifications (telecommunications; forestry; agriculture; demolition)*
- *Certificates of Lawfulness of Existing or Proposed Use or Development (CLEUDs and CLOPUDs)*
- *Applications for Tree Works”*

The site is within a Sand and Gravels Minerals Safeguarding Area but a Minerals Assessment has not been submitted. On assessment this application is a change of use that would not intensify activity on the site which is currently used for holiday purposes. In accordance with bullet point 2 of the development is considered exempt from providing a Minerals Assessment.

The proposal will therefore not sterilise a mineral resource in West Lindsey and accords with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

It is considered that policy M11 is consistent with the minerals guidance (chapter 17) of the NPPF and can be attached full weight.

Visual Impact

An objection has been received in relation to the impact of the development on the character of the area.

Local policy LP17 states that ‘*To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals*

should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements’.

Developments should also *‘be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas’*

Local policy LP26(c) states *‘All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

(c) Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;’

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

As previously states the application form (section 16) lists the proposed 9 residential park homes as two bedroom dwellings but no elevation and floor plans have been submitted.

The site is currently well screened to all boundaries and comprises caravans and lodges permitted for holiday use. The introduction of park homes onto the site would therefore not visually alter the appearance or character of the site.

No elevation and floor plans have been submitted with the application but they will be conditioned to be submitted prior to any occupation on the site. The condition would include the requirement to meet the definition of a caravan and be a maximum two bedroom in size.

The proposed site is more than big enough to accommodate the proposed 9 units whilst providing sufficient off street parking. Each unit would have a modest private garden space to allow space for sitting out in and hanging washing. Site Plan BP/21/04 Rev A dated 16th April 2021 does not include any landscaping details including landscaping to provide some external privacy space for the residents. The garden spaces are modest but this is normal for residential park homes and any residents occupying the site would do so knowing the size of the plot and the modest garden sizes.

The site is not within an areas designated for its special landscape or scenic quality such as an Area of Outstanding Natural Beauty or an Area of Great Landscape Value.

It is therefore considered that the proposed development would not have an unacceptable harmful visual impact on the site, the street scene or the surrounding area. Therefore subject to a comprehensive landscaping plan the proposal would accord to local policy LP17 and LP26 of the CLLP, local policy S52 of the DCLLPR and the provisions of the NPPF and the National Design Guide.

It is considered that policies LP17 and LP26 are consistent with the visual amenity guidance of the NPPF and can be attached full weight.

Residential Amenity

The application site shares its north boundary with 11 Station Road, Blyton. There are additionally two dwellings within Blyton Ponds. These are the Cottage which is occupied by the applicant and 17 Station Road which fronts the highway.

Site Plan BP/21/04 Rev A dated 16th April 2021 identifies that only proposed unit 6 to 9 would be close to the north boundary and the two existing dwellings on Blyton Ponds. The rear elevation of proposed units 6 to 9 would be approximately 2.7 to 6.5 metres from the north boundary.

Proposed unit 9 is the closest to the existing dwellings on Blyton Ponds but is approximately 12.7 metres from the garden of The Cottage and approximately 28 metres from 11 Station Road and 40 metres from 17 Station Road. The position and scale of the proposed units would not be expected to harm the living conditions of The Cottage, 11 Station Road or 17 Station Road.

Each unit would have a modest private garden space which with some landscaping should allow space for sitting out without being overlooked by the neighbouring unit(s).

Therefore the development would not have an unacceptable harmful impact on the living conditions of neighbouring or future residents and accords to local policy LP26 of the Central Lincolnshire Local Plan 2012-2036, local policy S52 of the DCLLPR and the provisions of the National Planning Policy Framework.

It is considered that policy LP26 is consistent with the Residential Amenity guidance of the NPPF and can be attached full weight.

Highway Safety

Paragraph 111 of the NPPF states 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.”*

The proposed units would be accessed via the existing vehicular access which serves Blyton Ponds Holiday Park. Each unit would have two parking spaces with an additional 9 guest parking spaces. The proposal would not have a harmful impact on the parking currently serving the two existing

dwellings on the site. No objections have been received from the Highways Authority at Lincolnshire County Council.

Therefore the development would not have a severe impact on highway safety and accords to local policy LP13 of the Central Lincolnshire Local Plan 2012-2036, local policy S46 and S48 of the DCLLPR and the provisions of the National Planning Policy Framework, particularly paragraph 111.

It is considered that policy LP13 is consistent with the Highway Safety guidance of the NPPF and can be attached full weight.

Contamination

The Authority's Contamination Officer has not commented on this application but requested a pre-cautionary contamination condition in refused planning application 143250. This condition is considered necessary and relevant and will be attached to the permission in case contaminants are found during the course of the development. The development subject to a condition accords to local policy LP16 of the CLLP, policy S55 of the DCLLPR and the provision of the NPPF.

It is considered that policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight.

Drainage

Foul Water:

The application form states that foul water is proposed to be discharged to the mains sewer. This is the preferred option and is acceptable. No foul water drainage plan has been submitted identifying connectivity to the mains sewer.

Surface Water:

Paragraph 80 (Reference ID: 7-080-20150323) of the Flood risk and coastal change section of the NPPG states that "*Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer."*

The application form states that surface water would be disposed of to soakaways. Appendix E of the Flood Risk Assessment provides a surface water drainage strategy plan with indicative connectivity to the existing ponds on the site. Either soakaways or disposal to the existing ponds would be considered as an appropriate form of sustainable urban drainage.

Therefore it is considered that foul and surface water is capable of being addressed by condition. Subject to the condition the development accords to

local policy LP14 of the CLLP, policy S20 of the DCLLPR and the provision of the NPPF.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

Other Consideration:

M4(2) of Building Regulations (Accessible and Adaptable Dwellings)

Local policy LP10 of the CLLP states that “*proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations, **unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical** (emphasis added)”.*

The requirement of 30% of the units meeting M4(2) of the Building Regulations requires a common sense approach. A park home site is not subject to building control regulations in the same manner as a site which comprises standard bricks and mortar dwellings.

It is considered that the characteristics of the development constitute an exceptional reason. The development falls outside the scope of building regulations and would therefore not be liable to provide units to M4(2) of the Building Regulations.

It is considered that policy LP10 is consistent with the accessibility guidance of the NPPF and can be attached full weight.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036, policy M11 of the Lincolnshire Minerals and Waste Local Plan and local policies S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S20 Flood Risk and Water Resources, S22 Meeting Accommodation Needs, S46 Accessibility and Transport, S48 Parking Provision, S52 Design and Amenity, S53 Health and Wellbeing, S56 The Historic Environment of the Draft Central Lincolnshire Local Plan Review in the first instance. Consideration has additionally been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, the National Design Guide and the National Design Code. In light of the above assessment it is considered that the proposed development has completed an acceptable community consultation exercise prior to submission which has demonstrated

clear community support for the proposed development. The development is additionally in an appropriate location for permanent residential units therefore is acceptable in principle. The proposed development would not have an unacceptable harmful visual impact on the site or the surrounding area. It would not cause unacceptable harm to the living conditions of neighbouring dwellings or have an unacceptable harmful impact on highway safety, flood risk, drainage or contamination. This is subject to a number of conditions.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Representors to be notified -

(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

Prepared by: Ian Elliott

Date: 15th March 2022

Recommended Conditions:

Conditions stating the time by which the development must be commenced:

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

Reason: To confirm with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

NONE

Conditions which apply or are to be observed during the course of the development:

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:

- AF/20/01 received 7th January 2022 – Location Plan

- BP/21/04 Rev A dated 16th April 2021 – Site Plan

The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and local policy LP4, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. No occupation must take place on site until full elevation and floor plans details for all 9 park homes have been submitted to and approved in writing by the Local Planning Authority. The development must be completed in accordance with the approved details.

Reason: To safeguard the character and appearance of site and the surrounding area to accord with the National Planning Policy Framework and local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. No occupation must take place on site until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation of each individual park home must occur until the park home has been fully connected in accordance to the approved drainage scheme.

Reason: To ensure adequate drainage facilities are provided to serve each park home, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

5. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) must be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination must then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment to accord with the National Planning Policy Framework and local policy LP16 of the Central Lincolnshire Local Plan 2012-2036.

6. No occupation must take place until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Landscaping used to provide an area of privacy for the occupants of each Park Home.
- Material finish of all new or retained hardstanding

The development must be completed in strict accordance with the approved landscaping scheme.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site and provide some privacy for the occupants to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52, S59, S60 and S65 of the Draft Central Lincolnshire Local Plan Review.

7. No occupation of each individual park home must take place until the visitor vehicle parking area and the park homes individual vehicle parking spaces identified on BP/21/04 Rev A dated 16th April 2021 have been fully completed and retained for that use thereafter.

Reason: To ensure each park home has sufficient off street parking prior to occupation in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

8. The development must be completed in strict accordance with the mitigation measures described in section 5 (page 15) of the Flood Risk Assessment by EWE Associates Ltd dated June 2021. The mitigation measures must retained thereafter.

Reason: To prevent flooding and protect the future residents to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.