

[6] Full Planning Permission

S/153/01503/ 23

APPLICANT: Mr. D. Scott,

VALID: 28/07/2023 **AGENT:** Andrew Clover Planning and Design,

PROPOSAL: Planning Permission - Change of use of land from former amusement park and arcade to a holiday lodge showground, siting of a mobile lodge to use as an office and construction of a vehicular access.

LOCATION: EX FUN CITY SITE, NORTH PARADE, SKEGNESS, PE25 1DB

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application has been subject to a call-in request by Councillor Danny Brookes for the reason that this area of Skegness needs regeneration and the potential granting of a temporary permission would result in reduced investment in the site which would impact on the success of the business. The proposed development would also not fully accord with adopted policy.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site consists of a vacant piece of land at the northern end of the Foreshore on North Parade in Skegness. The site is long and relatively narrow and rectangular in shape. It is currently vacant and has a rubble surface. It is fenced off with heras fencing. Adjoining the site to the south are public toilets and the Skegness waterway, separated from the site by a line of mock castle walling. North Parade and a wide pavement is to the front of the site and the East Lindsey North Parade car park adjoins the site to the north. On the opposite side of the road lies the former Skegness Town Hall which is a Grade II listed building with the frontage walls also being listed. The site is flat, lies in Flood Zone 3 and lies within the Skegness Foreshore as designated in the East Lindsey Local Plan. To the east are vegetated sand dunes with the beach beyond.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 The proposal seeks to change the use of land to use as a caravan display area for the sale of static caravans. The submitted block plan indicates that the caravans would be laid out in a line along the northern and eastern boundaries of the site with a site office being provided at the entrance. Trees are proposed along the northern and eastern boundaries.

3.2 It is proposed to build a 0.5m wall along all boundaries (with the exception of the southern) with a two metre wide planting bed set within the walling and to the rear of this would be a paladin fence for security. Only the paladin fence would be provided along the southern boundary. The aim of this fence is to provide security

but to also allow views into the site when it is closed.

3.3 A gate will also be provided which will be set back from the road.

3.4 The proposal also includes the provision of a dropped kerb off North Parade to allow vehicular access into the site.

4.0 CONSULTATION

4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

Publicity

4.2 The application has been advertised by means of a press notice and site notice and neighbours have been notified in writing. The application has been advertised as development affecting the setting of a listed building and also as a potential departure from the East Lindsey Local Plan.

Consultees

4.3 PARISH COUNCIL - Object. The scheme is not appropriate for a Foreshore location and is out of character and not in keeping with the area.

4.4 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - Request conditions are attached to any permission regarding the timing of deliveries of lodges and that gates should be set back a suitable distance to accommodate the largest of vehicles/holiday homes from the nearside of the footway edge to ensure any calling vehicles do not block the free passage of pedestrian movements.

4.5 ENVIRONMENTAL SERVICES (Environmental Protection) - No response received at the time of writing this report

4.6 ENVIRONMENTAL SERVICES (Drainage) - No response received at the time of writing this report

4.7 ENVIRONMENTAL SERVICES (Contamination) - No response received at the time of writing this report

4.8 ENVIRONMENT AGENCY - No comments

Neighbours

4.9 27 letters of support (including 8 standard letters) received on the grounds of:
- Would be an improvement;

- Further empty sites can only be detrimental to Foreshore;
- Would create employment in the town;
- Current site looks unsightly;
- Skegness is struggling for investment;
- Lack of investment in Foreshore area;
- Will encourage tourists to area which in turn would increase trade in the area;
- Site has been actively advertised for sale for a number of years with the only investment put forward for a hotel or caravan sales forecourt;
- No multinational corporation or national company is prepared to invest in this narrow slice of land at the quiet end of the promenade;
- Leaving site undeveloped would seriously affect the viability of the Arnold Palmer Putting Course on North Parade;

4.10 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

5.1 S/153/1302/20 - Outline planning permission granted for the erection of 64no. apartments, retail units, restaurants/bars, conference/function/meeting rooms and provision of parking.

5.2 S/153/1288/11 - Outline planning permission granted for the erection of a hotel and leisure complex, in accordance with amended plans and an addendum to the Design and Access Statement received by the Local Planning Authority on 26th and 20th September 2011 respectively.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

East Lindsey Local Plan

SP1 - A Sustainable Pattern of Places - Confirms Skegness as a town in the adopted settlement hierarchy.

SP2 - Sustainable Development - mirrors the NPPF position of a presumption in favour of sustainable development.

SP10 - Design - seeks to ensure good design outcomes

SP11 - Historic Environment - seeks to ensure that heritage considerations are fully considered and addressed

SP17 - Coastal East Lindsey - confirms the extent of coastal East Lindsey and supports employment diversification amongst other things

SP20 - Visitor Economy - advises that support will be given for

development on the Skegness Foreshore which builds on holiday attractions and confirms other suitable uses
SP22 - Transport and Accessibility - supports accessibility and reduced isolation in the district.

Skegness Neighbourhood Development Plan (NDP)

National Planning Policy Framework (NPPF)

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

- 7.1 The main planning issues in this case are considered to be:
- **Principle of this type of development in this location;**
 - **Visual Impact;**
 - **Neighbour amenity;**
 - **Impact on listed building;**
 - **Flood risk;**
 - **Highway safety.**

Principle of this type of development in this location

- 7.2 The application site lies in the Coastal Zone to which the coastal policies of the Local Plan apply. In addition, the site is located in the Skegness Foreshore as designated in the East Lindsey Local Plan Settlement Proposals Maps. This designation is also set out in the Skegness Neighbourhood Plan.
- 7.3 The supporting text to Policy V1 in the Skegness Neighbourhood Plan sets out that the Neighbourhood Plan recognises the cultural heritage of the town alongside the need to support regeneration and meet the needs of the modern visitor economy, including opportunities to diversify the appeal of the town and extend the season. It also explains that a key objective of the Plan is to realise the full potential of the Foreshore for the benefits of all visitors and residents. Policy V1 goes on to set out that the Plan will support applications for tourism-related development where it can be demonstrated that they promote the built and natural environment of the Skegness Foreshore; maintain and enhance the quality of the public realm; are of an appropriate scale and reflect the principles of good design. It also states that the design principles should reflect those set out in the Skegness Foreshore Design Code. (This design code is in relation to the design of public realm in the Foreshore area rather than uses that will be permitted so is not of direct relevance to this proposal as no public realm is proposed as part of the scheme).
- 7.4 The proposed development effectively seeks permission for a retail use, as opposed to tourism related development and as such, it is considered would not resonate with the NDP objective for realising the tourism potential of the Foreshore area. It is noted that

Skegness Town Council has objected to the proposal on the grounds that the scheme is not appropriate for a Foreshore location and is out of character and not in keeping with the area.

- 7.5 SP17 of the Local Plan is concerned with Coastal East Lindsey and Clause 1 sets out that the Council will give a high priority to development that extends and diversifies all-year round employment opportunities, contributes directly to the local economy, infrastructure and diversifies the tourism market. The applicant was contacted for information regarding the employment opportunities at the site and advised that the proposal would result in an initial 6-7 full time staff which would include jobs in cleaning, maintenance and sales. He has suggested that there would be a knock on effect for the surrounding caravan parks with increased activity and gone on to state that it is expected within three years that the proposal would create 10-15 jobs.
- 7.6 SP20 of the Local Plan is concerned with the visitor economy in the coastal zone. Clause 1 sets out that:
- "The Council will support development in the Skegness Foreshore that builds on the holiday attractions. In addition to holiday amusements it will support the following uses A3, food and drink, C1 hotels and hostels, D1, non-residential institutions (d,e and g) and D2, assembly and leisure."
- 7.7 The proposed development is not one of the uses supported by SP20.
- 7.8 Furthermore, Clause 2 of SP20 sets out the following:
- "A1 (non-food) retail may be supported where it involves ancillary uses to uses on the Skegness Foreshore. Retail development must demonstrate that the proposed development would not affect the viability of the existing town centre."
- 7.9 Although the proposed use is not a high street retail use due to the land area required, it would still constitute a retail use and so the potential impacts of a retail use in this location is a material consideration.
- 7.10 As noted above, with respect to Clause 1, the proposed use of a caravan sales area does not fall within any of the specified use classes stated as being acceptable in this Foreshore location and as such the proposal is contrary to this element of SP20. Equally, the retail use proposed would not be ancillary to any use on the Skegness Foresore area and so would not satisfy policy expectations in that respect.
- 7.11 However, it is acknowledged that the site is vacant and has been for a number of years now and also that it has been actively marketed for more prestigious commercial use (see planning

history above) but with no apparent buyer coming forward. This is a material consideration but it is not considered, given the comparatively short period since the last permission was granted and the current economic uncertainties, that the evidence confirms that more suitable development proposals are not likely in the future. The policy expectations and aspirations for the Foreshore seek more appropriate uses for the land, because of the prominent position and the particular opportunities that it offers for ensuring a vibrant place and enhancement of the visitor offer to the town. Established uses in the vicinity of the site include restaurants, cafes, and a bingo hall confirming a tourism character area that, delivers on the vibrant place requirements of policy. The proposed use would not be commensurate in character terms with these uses and equally would not comply with adopted policy.

- 7.12 Another material consideration is the previous planning permission (reference S/153/1032/20) on the site which the agent has confirmed is extant. There is still one year left for reserved matters to be submitted for approval. This outline permission provides for the erection of apartments, retail units, restaurants and bars, meeting rooms and parking in the form of a 'landmark' building. This proposal provided restaurants and bars which better satisfied objectives of SP20 and also SP18 in delivering housing within the central area of the town on a brownfield site.
- 7.13 In considering the detail of the extant permission, it was recognised that strong regeneration and urban design benefits would accrue from the development of this site and which could not be achieved on any more central site. The previous approved development equally offered wider defining regeneration benefits by virtue of the range of proposed uses, visual enhancement (locally and in townscape terms), job creation. That permission also included the provision of tourism related uses. It is considered that the proposed development would not provide any of the range of benefits proposed through the previous permissions and if granted, may undermine any imperative and impetus in seeking to progress the permitted development or explore more policy compliant proposals.
- 7.14 In terms of the retail use of this site, this type of retail use could not be offered in a town centre and the retail offer is not directly related to a main town centre use. It is considered that this type of retail use in this location, therefore would not directly impact on the vitality of the town centre, but nevertheless, it must be noted that the provision of a retail use in this location would still be contrary to the aims of SP20.
- 7.15 To summarise the above, officers are mindful of the vacant and unkempt nature and appearance of the application site but regard must be had for the adopted policies of the Council's Local Plan and Clause 1 of SP20 in particular, which calls for uses that build on the holiday attractions in the area to be permitted in the

Foreshore. The applicant argues that the proposed use would bring tourists into the area and the sales would help other caravan sites in the area and encourage more people to stay. It is acknowledged that it is proposed to open the sales area all year round but the suggestion that the proposal would be a tourism attractor, is not accepted.

Officers are therefore proposing a temporary permission to ensure that this unused site becomes occupied but that it does not jeopardise any future potential development of the site for a use that is more suited to this locality, as per the requirements of SP20.

Visual impact

- 7.16 SP10 of the East Lindsey Local Plan states that the Council will support well-designed sustainable development which maintains and enhances the character of the area and uses high quality materials. The layout, scale, massing, height and density should also reflect the character of the surrounding area.
- 7.17 It is acknowledged that the existing site is vacant and poorly maintained in what is a prime tourist location. The site is adjacent to a busy public car park so there are prominent views of it from two directions, the north and the front, from North Parade. The site is also visible when approaching from the south and there is public walkway along the eastern boundary. The proposal includes the provision of landscaping, low walling, paladin fencing and the siting of caravans. The proposed low walling acknowledges a character detail of the area as there are examples of different walls in the locality. There is generally not a lot of landscaping around sites nearby although there is a wooded area to the north, beyond the car park. The proposed landscaping would therefore help to soften the overall appearance of the site. Paladin fencing as proposed, is not a feature of the area and is more traditionally found on industrial estates or around schools as it is used for security. This fencing has the potential to appear incongruous in the street scene and potentially harmful to the wider character of the area. However, if permission were granted, it is acknowledged that some form of security fencing would be required.
- 7.18 It is considered that the siting of caravans in this location would appear at odds with the general character of the area. It is accepted that caravans are an established and common feature in Skegness generally, but they are mostly found on the edges of the town or on the main approach roads and are there for reasons of providing an accommodation offer. They are not currently found in the Foreshore area or seen as a defining characteristic of the central area of the town, and although they are used for holiday purposes, they are not tourist attractions in themselves and as such would appear out of place in this location.

7.19 As set out, the landscaping may help to soften the appearance of the development to some extent, but the caravans will still be visible in the context of the wider area. It is acknowledged that there are some localised visual benefits in bringing this vacant site back into better managed use, but the overriding impact would be to harm the character of this prominent and important area with further potential to undermine the stated policy objectives for developing the Foreshore as a vibrant and active part of the town.

Neighbour amenity

7.20 SP10 of the East Lindsey Local Plan sets out that development will be supported if it is designed to or unacceptably harm any nearby residential amenity.

7.21 The nearest residential properties are found to the south west and north west of the application site. These are a considerable distance away, (approximately 70 metres to the south west) and approximately 120m to the north west. There also appears to be a residential flat above Raff 55, opposite the site. This flat is significantly higher than the application site, at second floor level. The proposed caravan sales area is at ground floor level and the proposed use would not result in overlooking or loss of privacy to nearby properties. There would be no adverse increase in noise levels, particularly when taking into account the surrounding land uses. Deliveries of caravans would occur early in the morning or late in the evening to avoid the busiest times, but the site lies on a main road along the seafront and close to a pub, restaurant and bingo hall which will attract various movements late in the day. It is therefore considered that the proposal will not result in an adverse impact on neighbour amenities. No neighbour objections have been received to the development.

Impact on listed building

7.22 Opposite the site lies the former Skegness Town Hall which is a Grade II listed building. The wall along the frontage of the site is also listed. The proposed sales area will be seen in the same context as this listed wall. SP11 of the East Lindsey Local Plan is concerned with the historic environment and states that proposals should have particular regard to the special architectural or historic interest and setting of the District's Listed Buildings. Furthermore, legislation requires that in considering any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. The Council's Conservation advisor has been consulted on the application, but comments have not been received at the time of writing this report. Councillors will be updated on the supplementary agenda of any comments received although it is anticipated that the nature of impact is likely to be assessed as 'less than

substantial' at worst. Such impact would require the harm to be weighed against the public benefits of the proposal.

Flood risk

- 7.23 The application site lies in Flood Zone 3 and mostly within the Danger for All hazard zone, with the front part of the site lying in the Danger for Most hazard zone. Paragraph 159 of the National Planning Policy Framework (NPPF) states that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."
- 7.24 The proposal is for the change of use of land to a caravan sales area. The caravans will not be used for occupation. The proposal is being put forward as a commercial use, and is intended to help regenerate a currently vacant site. The sequential and exception tests, as required by paragraphs 161-165 of the NPPF, do not need to be applied to changes of use such as this. However, the proposals do still need to comply with the site specific flood risk requirements of the site, which need to be addressed in a Flood Risk Assessment (FRA).
- 7.25 A Flood Risk Assessment has been submitted with the application outlining various mitigation measures that the proposal will adhere to such as securing the lodges to concrete pads when on site. A Flood Warning and Evacuation Plan has also been drawn up for the site.
- 7.26 The Environment Agency has stated that they have no comments to make on the proposal. It is therefore considered that the proposal would be acceptable in terms of flood risk.

Highway safety

- 7.27 A dropped kerb is proposed off North Parade and a vehicular access would be formed into the site. This access would only be used for the delivery of caravans onto the site. No visitor parking is proposed and the supporting statement accompanying the application sets out that visitors will be encouraged to use the adjoining public car park. This car park is large and would be able to accommodate any additional vehicles visiting the application site. This will limit the amount of vehicles needing to cross the pavement into the site. The application also confirms that the deliveries of caravans would be permitted only in the early morning or late evening. Deliveries will generally be low in number as the site is being used as a showground as opposed to a high-density sales and storage area.
- 7.28 LCC Highways have been consulted on the application and have raised no objections but have requested that a condition is attached to any permission restricting the deliveries of caravans to early morning or late evening to reduce impact with pedestrian and vehicular movements in the interests of highway safety. Additionally, LCC Highways have requested that any gates must be set back a suitable distance to accommodate the

largest of vehicles/holiday homes from the nearside of the footway edge to ensure any calling vehicles do not block the free passage of pedestrian movements.

- 7.29 It is therefore considered that the proposed development would not result in an adverse impact on highway or pedestrian safety.

8.0 PLANNING BALANCE & CONCLUSION

- 8.1 The proposal is for the change of use of a vacant piece of land in the Skegness Foreshore. The Foreshore allocation means that SP20 of the Local Plan supports developments that build on the holiday attractions in the area. The proposed caravan sales area would not comply with the requirements of SP20 and as such the proposal is considered contrary to the aims of this policy.
- 8.2 The application site lies in an area of Skegness where there is a mix of uses, with most reflecting the tourism character of the seafront. The provision of caravans on this site would not reflect this established and defining character and would appear at odds with the surroundings, harmful to wider character and objectives of SP10 of the East Lindsey Local Plan. That character impact would be further harmed by the proposed security type fencing contrary to aims of SP10.
- 8.3 The permanent development of the site as a sales area may also prejudice attempts to market the site for more suitable uses and also undermine those longer term SP20 policy objectives by setting an unhelpful precedent for non policy compliant uses to become established. It is noted that the proposal would not result in any undue adverse impact on neighbour amenity, on flood risk or on highway and pedestrian safety.
- 8.3 However, notwithstanding the above position, regard needs to be had for the vacant nature of the site and it's deteriorating condition. It is also accepted that there is no current indication that the permission for a prestigious development on the site is likely to be taken up, but that permission is extant and alternative, equally suitable development proposals may still come forward against that planning history position.
- 8.4 Notwithstanding the requirement and commitment through this application to invest in security fencing and landscaping, it is considered that a caravan sales area requires a comparative modest level of investment and could be considered to be an easily 'reversed' type of development. This has been acknowledged by the applicant in the supporting statement accompanying the application and in subsequent discussion.
- 8.5 Consequently, mindful of that situation, the current circumstances for the alternative, policy compliant development scenario and also the current condition of the site, it is considered that a short

term permission could be considered as acceptable given the short term visual benefits that would result. It is however suggested that these benefits would be modest and not appropriate in the longer term, mindful of other policy requirements. Furthermore, a short term permission would better ensure that alternative future uses for the site were not jeopardised or circumstances created that may reduce any desire to explore more suitable development outcomes.

- 8.6 It is therefore considered that a temporary period planning permission be considered. In formal discussion with the applicant indicated that this would be a possible acceptable outcome for them. This practical, balanced approach would ensure that the site is used and is no longer left vacant but the permission would not preclude any future, more appropriate and better quality tourism/commercial development of the site such that longer term policy objectives would not be compromised.
- 8.7 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

9.0 OFFICER RECOMMENDATION

- 9.1 Approve with conditions

RECOMMENDATION: Approve

subject to the following conditions:

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

Reason: In order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall only be undertaken in accordance with the following approved plans;

Plan No. 48323-01 Received by the LPA on 25/7/23
Plan No. 48323-02 Received by the LPA on 25/7/23

Reason: For the avoidance of doubt and the interests of proper planning.
- 3 The use hereby permitted shall be discontinued on or before five years after the date on which the development is first brought into use, in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: The use hereby permitted is being permitted to ensure a vacant site in a prominent position in the Foreshore is brought back into use. The

use hereby permitted however, is not compliant with SP20 of the East Lindsey Local Plan and so a temporary permission will ensure that the permitted use does not preclude any permanent/future use for the land which would be in compliance with SP20 of the East Lindsey Local Plan.

- 4 The boundary treatments at the site shall be in accordance with the details shown on plan number 48323-02 which was received by the Local Planning Authority on 25th July 2023. The boundary treatments shall be provided on site prior to the first caravan being placed on the site and retained thereafter while the caravan sales area is in use.

Reason: In the interests of the character of the area in accordance with SP10 of the East Lindsey Local Plan.

- 5 Deliveries of caravans to the site shall not take place between the hours of 08:00 and 18:00 on any day.

Reason: To ensure deliveries occur at the quietest times of the day to avoid conflict with pedestrians. This condition is imposed in accordance with SP22 of the East Lindsey Local Plan.

- 6 Any entrance gates into the site must be set back the minimum length of any delivery lorry from the nearside of the footway edge of North Parade at all times that the caravan sales area is in use.

Reason: To ensure calling vehicles are clear of the highway and to ensure the free passage of pedestrians is not affected. This condition is imposed in accordance with SP22.

- 7 The caravans placed on the application site shall be for sale purposes only, and shall not be occupied either permanently or for holiday use.

Reason: The application is for a change of use of land for the purposes of caravan sales and has been assessed as such. To occupy the permitted caravan sales for residential or holiday purposes would need to be tested against other policies of the Local Plan. This condition is imposed in accordance with SP20 of the East Lindsey Local Plan.

- 8 The development shall proceed and be used in accordance with the following mitigation measures as set out in the Flood Risk Assessment carried out by Andrew Clover Planning and Design, submitted with the application:

- Any lodges on site for display shall be securely anchored to a concrete pad using ground anchors and chains;
- The site owner/manager should register with the Environment Agency flood warning service;
- The site shall be occupied in accordance with the Flood Warning and Evacuation Plan accompanying this planning application.

Reason: To reduce the risk and impact of flooding at the site. This condition is imposed in accordance with paragraph 159 of the National

Planning Policy Framework.