

[05] Full Planning Permission

S/046/01613/23 **APPLICANT:** Mr. & Mrs. Warman,

VALID: 08/09/2023 **AGENT:** LPC Architectural Design,

PROPOSAL: Planning Permission - Change of use of land for the siting of 4no. static caravans, 15no. touring caravan pitches and 14no. camping pitches, erection of an amenity block, erection of a storage/laundry building, change of use of building to 1no. holiday let and toilet facilities, provision of a play area and lighting and construction of internal roads (some works already completed).

LOCATION: THE RED LION, FEN ROAD, EAST KIRKBY, SPILSBY, PE23 4DB

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application has been referred for determination by the planning committee following a call-in request from Councillor Terry Taylor in response to public objections being raised at previous parish council meetings that he has attended.

2.0 THE SITE AND SURROUNDINGS

2.1 The application site consists of an L-shaped type area to the rear of The Red Lion Public House which lies in the centre of East Kirkby. The site is accessed via the side of the existing pub and this access leads through the pub car park. The site consists of a field to the rear of the car park. There is a barrier in place separating the site from the car park. The field has already been changed to a touring caravan park and a static caravan is already in situ in the northern part of the site. The site stretches along the rear eastern boundaries of a number of residential properties on Fen Road and this part of the site is currently used as a touring caravan site. There are fences and hedges and trees along this boundary. The site then projects further east into an area which is more countryside in character. This area is a grassed field with roped off areas indicating camping pitches. There is existing hedging and some trees along parts of the boundaries of this rear field. There are fields to the north and south of this part of the site. There are some views across towards the site from the main road which runs to the north and further to the east is the East Kirkby Aviation Centre. The site is flat and lies outside of a flood zone. The site amounts to 1.1 hectares in area.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 The proposal is for the change of use of land for the siting of 4no. static caravans, 15no. touring caravan pitches and 14no. camping pitches along with the erection of an amenity block, erection of a storage/laundry building, change of use of a building to 1no. holiday let and toilet facilities, provision of a play area and

provision of lighting and construction of internal roads. Some of the works have already been completed.

- 3.2 The proposed static caravans are in a line along the northern boundary of the site with the eastern most caravan being a longer unit with decking. This caravan is already in place on the site. To the south of these is a circular type arrangement of touring caravan pitches with parking with the children's play area in the middle. In the eastern field is proposed 14 camping pitches and a toilet and shower block to serve these pitches.
- 3.3 In the northern part of the site, adjacent to the static caravans is a storage building which has already been constructed and another proposed building which will house a store and a laundry.
- 3.4 To the rear of the public house, beyond the barrier into the caravan site, is a range of single storey buildings and part of these has already been changed into a holiday let and toilet facilities for users of the caravan site.
- 3.5 Some of the works have already been completed because planning permission was granted for a similar development in 2017 (but excluding the eastern field) and according to information submitted with the application, the current applicant who has now taken on the site has discovered some of the conditions on the 2017 permission have not been complied with and some of the development has not been done in accordance with the approved plans.
- 3.6 This current application therefore seeks to regularise the situation at the site, as well as secure permission for some additional elements.

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, site notice and neighbours have been notified in writing.

Consultees

- 4.3 PARISH COUNCIL - Object. The Parish Council supported the previous application and all the conditions attached to the

permission. The applicant has not complied with conditions 3, 4, 5 and 6 on the original planning approval and the Parish Council feel these are important conditions. Pitches 20 - 34 will be very visible from the A155 thus impacting on the visual amenity of the area. Noise from the children's playground impacting on neighbouring properties. Rear field should only be available as a 'rally field'. No details of surface water drainage system has been submitted. There has been a marquee sited on the car park for over 12 months, immediately to the rear of the pub which has resulted in the loss of car parking spaces which has seen the overspill of vehicles onto Fen Road.

- 4.4 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - No objections.
- 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 ELDC CARAVAN LICENSING - Response sets out a number of conditions that the site will have to comply with.
- 4.9 NHS INTEGRATED CARE BOARD - No comment.

Neighbours

- 4.10 Six letters of support received from the following addresses on the grounds of:
 - The pub and shop are an asset to the village;
 - The landlord lets children of the villagers use the playground;
 - I live a short distance from pub and I occasionally hear children playing which is not an unpleasant sound;
 - Appalled at comments of Parish Council;
 - The village shop, pub and campsite have helped village grow;
 - The campsite does not have a negative impact on the village;
 - The Parish Council comments are not in line with what is on site and do not reflect the views of people on Fen Road;
 - Cars do not park on Fen Road;
 - Has brought jobs to the community;
 - My property backs onto site and is the only one with an upstairs. The campsite is well kept, the view is a nice one and the lighting does not infringe into my life. I have no complaints about noise levels;
 - The campsite makes my property feel secure as there are barriers into the field and CCTV.
- 4.11 1 letter of objection received raising the following concerns;

- Too large a development for a small village with sewage and road drainage problems;
- It will give legitimacy to a 6-metre-high building marked as storage but used for industrial use.

4.12 A further letter of representation received, raising the following general points;

- There are no parking restrictions on Fen Road, and it is used by existing clients of businesses without much disruption;
- Have not seen users of the pub park on Fen Road;
- Children using the playground would be fewer in number and so cause less noise than the nursery on Fen Road;
- Proposal will not have a visual impact because of character of approach into village;
- The grain stores and agricultural buildings will still be visible beyond the caravans;
- The influx of visitors could be beneficial to village.

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

5.0 RELEVANT SITE HISTORY

5.1 S/046/1833/17 - Planning Permission granted for the change of use of land for the siting of 7 no. static caravans, 12 no. touring caravan pitches and the construction of internal roads. Change of use of a building formerly used for storage to provide 2no. holiday lets, provision of an amenity block, and the provision of parking on the site of 2no. garages which are to be removed. This permission included the field that runs along the back of the residential properties and did not include the field stretching eastwards.

5.2 S/046/2724/09 - Appeal dismissed for the change of use, conversion of existing Public House to provide a dwelling to include the change of use of land to domestic, in accordance with amended application form received by the Local Planning Authority on the 8th of January, 2010.

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

SP2 - Sustainable Development

SP10 - Design

SP15 - Widening the Inland Tourism and Leisure Economy

SP16 - Inland Flood risk

SP22 - Transport and Accessibility

National Planning Policy Framework

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 development in this location;**
 - **Impact on neighbours;**
 - **Impact on character of area;**
 - **Highway safety;**
 - **Other matters (including Parish Council objection and drainage)**

Principle of development in this location

- 7.2 The application site lies in/adjoining the centre of East Kirkby which is defined as a Medium village in SP1 of the East Lindsey Local Plan. SP15 of the Local Plan is concerned with widening the inland tourism and leisure economy. Clause 3 of this policy sets out that the Council will support new and extensions to caravan sites where sites are in close proximity to a town, large or medium village. It also states that developments need to demonstrate that they add to the built and natural environment by the provision of extensive landscaping, do not cause unacceptable harm to the wider landscape, protected or important habitats, heritage assets and have safe access to the relevant settlement with vehicles and pedestrians being segregated.
- 7.3 The application site adjoins the village of East Kirkby so the proposal is considered to comply with the locational requirements of this policy. The site is accessed via the access and car park of The Red Lion, and it is possible to walk through the car park, onto Fen Road where there is a pavement and from where the rest of the village can be accessed.
- 7.4 The site as a whole already has some landscaping around the boundaries of the site but it is considered that this could be strengthened in places and additional landscaping provided to meet the aims of SP15 in terms of adding to the natural environment. A plan has consequently been submitted indicating additional landscaping both along the boundaries of the site, and within the site itself. The details of this landscaping can be controlled by condition. There would be some views of the site

from the A155 but these would be glimpsed views and with additional landscaping, it is considered that the finished development would not be visually prominent. Due to the surrounding character and landscape, it is further considered that the proposal would not cause unacceptable harm to the wider landscape.

- 7.5 No evidence has been submitted to indicate that any protected or important habitats would be affected by the proposal. There are three heritage assets in the locality, a former mill to the west, the war memorial to the northwest and a building at the Aviation centre. All of these buildings are sufficient distance away, with intervening buildings present for their setting to not be affected by the proposal.
- 7.6 It is therefore considered that the proposal complies with SP15 and the provision of the caravans and camping pitches is acceptable in principle.
- 7.7 The amenity blocks, in terms of principle, are considered ancillary to the caravan site and are usual features for these types of developments. The conversion of an existing building to form a holiday let in this location should also be considered against SP15. In that respect, the site is considered to lie in a sustainable location where a holiday let would be considered acceptable. Furthermore, it is relevant to note that the principle for the holiday let was effectively established previously as part of the 2017 permission referenced in the planning history section of this report.

Impact on neighbours

- 7.8 SP10 of the East Lindsey Local Plan indicates that development will be supported if, amongst other things, it does not unacceptably harm any nearby residential amenity.
- 7.9 Three residential properties back onto the site on the western boundary on the application site. These are 3, 5 and 7 Fen Road. The resident of 5 Fen Road has written in support of the application and no comments have been received from 3 and 7 Fen Road. These properties are generally well screened from the application site by existing fencing and vegetation. The principle of the caravans on the site has been previously established, albeit the development was implemented unlawfully with non-compliance of planning conditions. At the time of the Planning Officer's site visit, there were caravans on site, along with play equipment in the playground. Therefore, the use has been established for some time with a consequential likelihood that any unacceptable issues associated with the use would have become clear by now. Although concerns about noise from the playground, and lighting at the site have been raised by the Parish Council these are not raised as concerns by residents who adjoin the site. With regards

to the playground, it is not uncommon for public houses to have beer gardens with play areas, so existence of this play area is not considered to be out of place. Furthermore, it is fairly limited in scale so would only attract a limited number of children at any one time. There is a nursery further to the south on Fen Road which has an outside play area. This nursery will have a higher number of children on the premises than this play area could accommodate and so result in potentially more noise. It is therefore considered, that when considering the nearby uses of the site, the play area would not result in an adverse impact on neighbouring properties.

7.10 As observation, experience indicates that caravan and camping sites are regularly found adjacent to residential properties but generally do not generate high levels of noise. The properties on Fen Road have quite deep rear gardens, and along with the landscaping along the western boundary of the site, there is a reasonable separation distance between the properties and the caravans and play area, and the existing landscaping will also help to reduce noise and any perception of intensity of use.

7.11 The lighting on the site is downlighters attached to bollards. These should not result in any unacceptable light spillage outside the site and will generally keep the site fairly dark. Such outcomes would ensure compliance with SP10 of the Local Plan.

7.12 The proposed development is likely to generate additional vehicular movements but not a significant amount or to a level that would be unacceptable in highway terms or in terms of amenity impacts. The context of the site and its relationship to the public house at the entrance into the site and its associated car park is also a relevant consideration, in that the additional traffic movements are unlikely to result in any noticeable or adverse impact on character.

7.13 The proposed buildings that house stores and facilities for the site are located away from the boundaries with the residential neighbours. Adjoining the site to the north is a dog training centre. There is an existing storage building on this boundary which has already been erected without the benefit of planning permission. This building is high but is an appropriate distance away from the nearest dwelling so as to not result in an adverse overbearing effect or loss of light. This building is for storage so will not result in an adverse level of noise.

7.14 Overall, it is therefore considered that the proposals will not result in an adverse impact on neighbours.

Impact on character of area

7.15 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.

- 7.16 The proposal consists of a number of elements. The main element is for the change of use of the site to a caravan and camping site. Both statics and touring caravans would be present in the western part of the site with the camping pitches being in the eastern field. The site lies in a backland position, to the rear of the public house and three residential properties on Fen Road. There would be very limited views of the caravans due to the surrounding residential properties and vegetation.
- 7.17 Additional landscaping is proposed and the details of this can be addressed by condition to ensure that the site assimilates into this edge of settlement location. This additional landscaping would help to minimise any views across into the eastern field from the main road to the north. Any views would be at a distance and would be diminished by existing and proposed landscaping.
- 7.18 The proposed buildings to be constructed, and those that have already been constructed, are of designs that are appropriate for the site and will not result in an adverse impact on the character of the area by virtue of the limited views into the site. The high storage building that has already been constructed on the northern boundary of the site is not ideal in terms of design but due to the lack of wider views of the site, it is considered that it would not result in an adverse visual impact. The buildings are to be timber clad to match the existing storage building which will result in them not being prominent structures.
- 7.19 Overall, due to the surrounding character, and presence of existing buildings around the site, along with existing and proposed landscaping, it is considered that the proposed development would not result in an adverse impact on the character of the area.

Highway Safety

- 7.20 The access into the site would be through the existing public house car park, which is accessed off Fen Road. Car parking spaces are provided on the caravan site for the pitches. The Parish Council has raised comments about users of the public house parking on Fen Road. This planning application is not dealing with the public house, but for a site at the rear of the public house. However, notwithstanding this, the neighbour comments received disagree with this being an issue.
- 7.21 LCC as Lead Local Highway Authority have been consulted on the application and have raised no objections to the scheme. They have concluded that the proposed development would not be

expected to have an unacceptable impact upon highway safety or a severe residual impact upon the local highway network.

- 7.22 It is therefore considered that the proposal would not result in an adverse impact on highway safety.

Other matters

- 7.23 The Parish Council has objected to the scheme. The main reason for their objection appears to be the lack of compliance with the previous planning permission (reference S/046/1833/17). The applicant is a new owner of the site, and he has submitted this application to regularise the situation at the site. He is aware that conditions have not been complied with and has stated that he wishes to address this. The lack of compliance with conditions on an existing planning permission is not a valid reason to refuse a new application. An applicant has the right to submit an application to address this issue, as has been done here.
- 7.24 The Parish Council raise concerns about fencing erected around one of the caravan pitches which is out of character. As already set out in this report, there are limited views into the application site. Additional landscaping can be obtained through the imposition of a landscaping condition to help soften this fence. They raise concerns about a pole mounted lamp shining into an adjoining property. No objection has been received from any adjoining property raising issues of lighting. The submitted plans show only downlighters are proposed on bollard type structures so these lights would not shine into adjoining properties. A condition can be attached to ensure no additional lighting is provided at the site. Concerns are also raised regarding the scale of the development and that the scheme would dominate the locality. It is accepted that the current scheme is for more pitches than the previously approved scheme because the current application includes the eastern field also. However, with appropriate landscaping in place, it is considered that the site would not dominate the locality. SP15 of the Local Plan does not restrict any caravan site to specific numbers or scale. Provided a proposal does not result in an adverse impact on the landscape and surrounding area, as is considered to be the case here, the proposal would comply with policy.
- 7.25 Another concern raised by the Parish Council is that the existing caravans on the site are not being used for holiday purposes and are being used for extended occupation. A condition can be attached restricting the occupation of the caravans to holiday use only and if this condition is not complied with, the Council's Enforcement department would need to investigate. Noise from the playground is also raised but as already set out in a previous section of this report, this has not been evidenced by neighbour objections. It is possible that some neighbours may prefer to use the Parish Council as their voice and notwithstanding the lack of

objections raised regarding noise from adjoining neighbours, an assessment has still been made of the impact of the playground and this has been addressed elsewhere in this report.

- 7.26 Whilst the concerns of the Parish Council are noted, it is considered that the lack of compliance with the previous planning application can be addressed through the imposition of new and additional conditions on this current application, and with additional landscaping it is considered that the proposed development would not result in an adverse impact on the character of the area.
- 7.27 Concern has also been expressed by the Parish Council at the lack of information submitted in relation to surface water drainage. LCC as Lead Local Flood Authority has assessed the application and commented that the surface water will infiltrate into the ground as existing, which is common on caravan sites. They have concluded that the proposal would not increase flood risk in the immediate vicinity of the site, and they have raised no concerns regarding surface water drainage.

8.0 CONCLUSION

- 8.1 The proposal is for the change of use of land to provide a caravan and camping site to the rear of The Red Lion Public House in East Kirkby. The site adjoins the village. There are a number of residential properties adjoining the site. There are limited views of the site and any views available are at a distance and will be significantly reduced with additional landscaping, in time.
- 8.2 It is put forward that conditions can be attached to address the majority of the concerns raised by the Parish Council.
- 8.3 The proposal, with appropriate conditions in place, would not result in an adverse impact on neighbouring properties, or on the character of the area.
- 8.4 It is therefore considered that the proposal complies with the Local Plan, and it is recommended that the proposal is approved.
- 8.5 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.

10.0 OFFICER RECOMMENDATION

- 10.1 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. LPC-352-01	Received by the LPA on 14/08/2023.
Plan No. LPC-352-02 B	Received by the LPA on 16/11/2023.
Plan No. LPC-352-03 A	Received by the LPA on 16/11/2023.
Plan No. LPC-352-04	Received by the LPA on 04/09/2023.

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

3 Prior to the first occupation of any of the camping pitches hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the entire site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within the first planting season following the date on which development is commenced or in line with a phasing strategy agreed in writing by the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for a minimum of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that appropriate landscaping is provided to integrate the site into the local area. This condition is imposed in accordance with SP10 and SP15 of the East Lindsey Local Plan.

4 Only the lighting shown on the approved plans shall be installed at the site and no further external lighting shall be installed unless details of such lighting, including design, location, the intensity of illumination and fields of illumination, have been first submitted to, and approved in writing by, the Local Planning Authority. Any external lighting that is installed shall accord with the details so approved.

Reason: In the interests of the amenity of local residents. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan.

5 The caravans, camping pitches and holiday let hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation on site, and of their main home addresses, and shall make

this information available to the Local Planning Authority upon request.

Reason: To ensure the development is restricted to holiday use only and the accommodation is not used for permanent residential accommodation. This condition is imposed in accordance with SP15 of the East Lindsey Local Plan.

- 6 No more than 4 static caravans, 15 touring caravans and 14 camping pitches shall be present on the area outlined in red on the approved site location plan, at any one time and the caravans and tents shall be sited in accordance with the layout shown on the approved Proposed Block Plan.

Reason: To control the number of caravans on the site to ensure that the development does not adversely affect the character of the local area. This condition is imposed in accordance with SP10 and SP15 of the East Lindsey Local Plan.

- 7 All the buildings hereby permitted shall be used for ancillary uses to the caravan and camping site or The Red Lion Public House, or for private use of the owner of the site and shall not be used for any other business purposes.

Reason: In the interests of the amenities of adjoining neighbouring properties. This condition is imposed in accordance with SP10 of the East Lindsey Local Plan.
