

[05] Full Planning Permission

S/090/00929/ 24 **APPLICANT:** East Lindsey District Council,

VALID: 13/06/2024 **AGENT:** Marrons,

PROPOSAL: Planning Permission - To use land for holiday caravan park.

LOCATION: KINGFISHER CARAVAN PARK, SEA LANE, INGOLDMELLS,
SKEGNESS, PE25 1PG

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The site owner and applicant of the site is East Lindsey District Council and therefore in the interest of transparency in the decision-making process, determination by committee process is required.

2.0 THE SITE AND SURROUNDINGS

2.1 The site is currently used as the Kingfisher Holiday Caravan Park. This is a large static caravan site north of Sea Lane in Ingoldmells

2.2 The site is surrounded on all four boundaries by other caravan holiday parks, with a collection of buildings comprising BJ's Leisure Arcade, the Pie Palace, Sea lane Indian Takeaway and Chunky Chip (sui generis leisure arcade/hot food takeaways) also located on the south-eastern boundary of the site at Sea Lane. Fantasy Island, one of the largest tourism attractions within the East Lindsey District, is located circa. 350m south-east of the site entrance.

2.3 The entirety of the site is located within flood zone 3, in an area which benefits from flood risk defences which are located circa. 650m east of the site at Ingoldmells seafront. Access into the site is located along the southern boundary of the site, taken from Sea Lane.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 East Lindsey District Council granted planning permission on 27 February 1992 to extend the operating season to open on 1st March and close on 30th November each year at Kingfisher Caravan Site (ref. 090/00142/92). Given that the applicant and determining body was both ELDC it was a specific type of application known as a 'deemed' approval and the nature of the regulations it was determined under states that it is personal to the authority applicant. As such the permission does therefore not currently "enure for the benefit of the land", i.e. qualify as a planning permission that "runs with the land" in the event of the land being sold in the future, or otherwise disposed of. Only the Local Authority can benefit from it.

- 3.2 The proposals are for the use of land at Kingfisher Caravan Site as a holiday caravan park. No additional operational development is proposed at the site, nor are any changes proposed to the site layout or how the site operates currently regarding services, deliveries nor flood risk warnings.
- 3.3 This application has been prepared so as to enable the proposed planning permission to “enure for the benefit of the land” rather than be limited to solely ELDC who can benefit from the use.

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.

Consultees

- 4.3 PARISH COUNCIL – No reply
- 4.4 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY – No objection. With various comments to justify its position.
- 4.5 ENVIRONMENTAL SERVICES (Environmental Protection) -
- 4.6 ENVIRONMENTAL SERVICES (Drainage) -
- 4.7 ENVIRONMENTAL SERVICES (Contamination) –
- 4.8 ENVIRONMENT AGENCY - As there will be no changes in the site layout or the current occupancy of 01 March to 30 November we have no objection to this application.
- 4.9 ELDC CARAVAN SITE LICENSING – various advisory comments.
- 4.10 HERITAGE LINCS (as advisors to LPA) (Archaeology) – no comment (Built environment) – no comment
- 4.11 LINCS POLICE – No objection
- 4.12 LCC EDUCATION, ANGLIAN WATER, ELDC WASTE SERVICES, ELDC WELLBEING, DRAINAGE BOARD, NHS CLINICAL COMMISSIONING, LINCS TRUST FOR NATURE CONSERVATION, NATURAL ENGLAND.
– All no reply

Neighbours

- 4.13 None Received
- 4.14 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

- 5.1 S/90/142/92 - Deemed Planning Permission - To extend season (currently 15th March to 20th October each year) to open on 1st March and close on 30th November each year.

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

SP17 - Coastal East Lindsey
SP19 - Holiday Accommodation

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:
- 7.2 This is an unusual application insofar that whilst the proposal is to use the land as a caravan park, it currently already operates as this and has operated in this way for several decades. This is an authorised use, but only ELDC can benefit from it. This current application effectively seeks to broaden that and if approved the use would go with the land, rather than being limited to ELDC.
- 7.3 The proposals will not result in any changes to the site layout, nor the amount of caravans on-site at any time, nor will any changes occur in how the site operates currently.
- 7.4 The site and surroundings are within Flood Zone 3 and 'Danger for All' Coastal Flood Hazard Maps. As such policies SP17 and SP19 of the Local Plan are therefore of key relevance.

- 7.5 Policy SP17 gives a high priority to extending and diversifying all year-round employment, improvements to sea defences and supports new and replaced community buildings. It also states that development will need to demonstrate that it satisfies the sequential and exception tests as set in annex 2 of the Local Plan.
- 7.6 This approach accords with paragraph 165 (Dec 2023) of the NPPF which seeks to ensure that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk'. Through paragraph 167 it seeks to achieve this by applying the sequential test and then, if necessary, the exception test which to be passed it needs to be demonstrated (via paragraph 170) that:
- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 7.7 Both elements of the exception test should be satisfied for development to be allocated or permitted (para 171, NPPF).
- 7.8 Paragraph 168 states that the 'aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding...'
- 7.9 Annex 2 of the Local Plan lists a number of development types which are deemed to have passed the sequential test when applying Local Plan Policies SP17, SP18, SP19, SP20 and SP21. This includes caravans, camping, log cabins, chalets, hotels and bed and breakfast. As such the proposal passes the test.
- 7.10 Annex 2 of the Local Plan also lists a number of developments which are deemed to have passed the 1st part of the Exception test (namely, the development would provide wider sustainability benefits to the community that outweigh the flood risk). Again, this includes caravans, camping, log cabins, chalets, hotels and bed and breakfast. As such the proposal passes the test.
- 7.11 Therefore the proposal passes the sequential test and the 1st part of the exception test as required by SP17 (4).
- 7.12 In addressing the 2nd part of the exception test the LPA are guided by the Environment Agency (EA).
- 7.13 Details submitted with the application show the existing seasonal restriction limits the use of the site to the period between 1st March and 30th November. The proposal is to repeat this restriction.

- 7.14 Local plan policy SP19 is relevant. Sub 7 states
'Occupancy of caravan, log cabin, chalets, camping and touring sites will be limited to between 15th March and 31st October in any one year, or the following Sunday, if the 31st does not fall on a Sunday, except where it is proposed to extend the area of or redevelop an existing site that currently has a different occupancy period, but where no net increase or an overall reduction by an improved layout or density in the number of caravans, log cabins or chalets would result. In such cases, the existing occupancy period will continue to be applied to the whole site'.
- 7.15 Therefore, for new sites the 15th March to end of October restriction would ordinarily apply. However, in this case, the 2nd part of the policy applies. Although the proposal doesn't 'extend' the area or 'redevelop' an existing site, it does relate to an existing site where there is no net increase proposed to the number of caravans. In addition, the unusual site circumstances and nature of the existing permission are relevant.
- 7.16 The Environment Agency, in its consultation response, agree with this approach. Therefore it's reasonable to allow the existing restriction will be carried forward, should the application be approved.
- 7.17 SP19 (5) relates to new holiday accommodation sites that adjoin a town, large or medium village. In this case, clearly the established use is a material consideration, but in any case the site is part of the main tourist area of Ingoldmells and satisfies the locational requirements of SP19 (5).
- 7.18 In conclusion on this issue, the NPPF requires local planning authorities, when determining planning applications, to ensure that flood risk is not increased elsewhere and to only consider development appropriate in areas at risk of flooding where, informed by a site-specific Flood Risk Assessment (FRA) following the Sequential Test, and if required the Exception Test, further measures specified in paragraph 173 of the Framework, can be demonstrated. The proposal however is for coastal holiday accommodation, where the sequential and exceptions test are deemed to be passed. A Flood Risk Assessment has been submitted with the application and is considered the circumstances of the site allow for continued use.

Other issues

- 7.19 No changes are proposed to the site layout nor the amount of holiday caravans on site, and therefore the proposal accords with policies SP10 (Design), SP19 and SP23 (Landscape) of the Core Strategy.
- 7.20 The highways impacts of the proposals are known and understood by the Local Highway Authority, and there will be no changes arising on how the site is currently accessed by visitors or service vehicles. The site is also located within walking distance of Ingoldmells Village Centre and the seafront tourism area, enabling and encouraging sustainable patterns of movement throughout this area of East Lindsey. The proposals therefore accord with Policy SP22 of the Core Strategy.

7.21 Regarding matters of archaeology, amenity and biodiversity, as the proposals do not alter the existing site layout in anyway, nor will any changes arise in how the site currently operates, the proposals are considered to accord with Policy SP10 of the Core Strategy and the relevant paragraphs of Sections 8, 12 and 16 of the NPPF.

8.0 CONCLUSION

8.1 Its an unusual application insofar that it seeks planning permission that already legitimately operates. The only difference being that the existing use of the site is limited to it being operated by ELDC, whilst the proposal is to broaden this so that the use goes with the land, rather than restricted to the Council.

8.2 The existing use is a material consideration given significant weight in the determination but in any case, the proposal is acceptable under key policies SP17 and SP19.

8.3 The report is prepared on the basis of presenting to committee in a timely fashion and should any conditions be considered reasonable, in addition to those recommended below then they will be proposed on the supplementary agenda.

8.4 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: Conditional approval

RECOMMENDATION: Approve

Subject to the following conditions:

1. Full planning permission
The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings and other documents and any drawings approved subsequently in writing by the local planning authority pursuant to any conditions on this decision letter.

Site Location Plan	Received by the LPA on 13/06/2024.
Site Layout Plan	Received by the LPA on 13/06/2024.

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

- 3 The caravans hereby permitted shall only be occupied between the 1st t

March and 30th November in any year.

Reason: To reduce the risk of harm from flooding to the proposed development and future occupants in accordance with SP19 of the East Lindsey Local Plan.

- 4 The accommodation 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 caravans are not used for permanent residential accommodation. This condition is imposed in accordance with SP19 of the East Lindsey Local Plan.