

Development Management Delegated Decision Report

B/24/0036



SUMMARY OF APPLICATION			
Application Reference	B/24/0036		
Application Type	Major - Full Planning Permission		
Proposal	Application under s73 to vary Condition 2 (Plans) of planning permission B/22/0192		
Location	Land off Fellands Gate, Old Leake, Boston PE22 9PN		
Applicant	Mr Paul Wilkinson, Wilkinson Properties Boston Ltd		
Agent	Mr Ben Gibson, BG Planning		
Received Date:	29-Jan-2024	Consultation / Publicity Expiry Date:	28/3/24
Valid Date:	02-Feb-2024	Statutory Expiry Date:	03-May-2024
Date of Site Visit:	7/3/24	Extension of Time Date:	n/a
Objections received?	No		
5 day notification record: N/A			
Recommendation:	Approve with Conditions		
Report by:	Abbie Marwood		
Date:	28/3/2024		

OFFICER REPORT

SITE AND SURROUNDINGS:

The site is an area of approx. 2.95ha previously used as arable agricultural land to the north-east of Fellands Gate and no is use as a fishing lake and glamping pods, granted under permission B/22/0192.



There is a watercourse that runs north-east to south-west through the site and drains to the boundaries. The surroundings are predominantly agricultural fields, however, to the west of the site are residential dwellings - Field View and Belvedere. The property known as The Bungalow and the field to the rear of this is within the ownership of the applicant. To the south are residential properties known as Greenfields, Ings Cottage, Ings Farm and Ings House. Approx 300m to the north is the settlement of Leake Commonside.

DETAILS OF PROPOSAL:

The proposal seeks an amendment to the previously approved B/22/0192 to increase the size of a communal building providing facilities such as customer service office, seating and pizza oven. The amendments relate to an increase in footprint, and proposals to completely enclose the building to make it weatherproof.

RELEVANT HISTORY:

B/22/0192 – The siting of up to 36 no. glamping pods with fishing lakes, amenity space, landscaping, parking, access roads and associated other development. Approved 28/9/2022

B/22/0192/CD1 - Application to discharge Condition C3 (Construction Management Plan) of permission B/22/0192. Agreed

B/22/0192/CD2 - Application to discharge conditions C6 (Lighting), C7 (Biodiversity) and C8 (Site Management Plan) of permission B/22/0192. Agreed.

B/22/0192/CD3 - Application to discharge Condition C4 (Highway Passing Places) of permission B/22/0192. Agreed

B/22/0192/NMA - Application for Non-Material Amendment following approval B/22/0192 to facilitate changes to the approved Floor Plan and Elevations. Approved 13/6/2023

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2019)

The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy
- Policy 2: Development Management
- Policy 3: Design of new Development
- Policy 4: Approach to Flood Risk
- Policy 9: Promoting a Stronger Visitor Economy
- Policy 28: Natural Environment
- Policy 30: Pollution
- Policy 31: Climate Change, Renewable and Low Carbon energy
- Policy 32: Community, Health and Wellbeing
- Policy 36: Vehicle and Cycle Parking

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2023)

At the heart of the 2023 Framework is a presumption in favour of sustainable development.

The following sections are relevant to this scheme:

- Section 2 - Achieving sustainable development;
- Section 4 - Decision-making;

- Section 8 - Promoting healthy and safe communities;
- Section 9 - Promoting sustainable transport;
- Section 11 - Making effective use of land;
- Section 12 - Achieving well-designed places;
- Section 14 - Climate change, flooding & coastal change
- Section 15 - Conserving and enhancing the natural environment.

National Planning Practice Guidance (PPG) National Design Guide 2021

CONSULTATION RESPONSES:

Old Leake Parish Council

Support this application

Witham Fourth IDB

Comments in relation to the board maintained watercourse and 9m bylaw. Informatives proposed.

Environmental Health

No objection in principle

Environment Agency

No objections, informatives.

Highways and Lead Local Flood Authority

No objections

THIRD PARTY REPRESENTATIONS RECEIVED:

None received.

EVALUATION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination of an application must be made in accordance with the Plan unless material considerations indicate otherwise.

Section 73 of the Town and Country Planning Act instructs a Local Planning Authority to consider only the question of the planning conditions subject. If it is considered acceptable, the LPA can grant permission accordingly, i.e with or without the imposition of a condition. If the LPA decides that planning permission should be granted subject to the same conditions as those to which the previous permission was granted it should refuse the application.

Planning permission was previously granted under B/22/0192 for 36no glamping pods, fishing lake, access and associated development, including an outdoor structure to provide shelter for a picnic area, pilates or other activities. This permission has been substantially implemented and the glamping pods are currently being occupied for holiday use.

This application seeks amendments to the shelter, to increase the footprint and to include walls and windows to make the building weatherproof and useable in all weathers. The

main considerations are therefore impacts on character, appearance and visual and residential amenity.

Character and Appearance

The proposed change would result in a larger building than previously approved, however, the design and proposed materials would remain in keeping with the surrounding area and would not have adverse impacts on the character or appearance of the area, in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan 2019.

Visual and Residential Amenity

The proposal would result in a building to provide an enclosed space to undertake activities ancillary to the wider site as a fishing lake and holiday lodge site. The alteration to a closed building would result in less impacts from noise or disturbance and Environmental Health have raised no objections to the proposals.

It is therefore considered that the proposal would not increase detrimental impacts on visual or residential amenity and would be in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan 2019.

Other Matters

Highways

The proposal would not alter or increase highways impacts or internal access routes. It therefore considered to be in accordance with Policy 2, 3 and 26 of the South East Lincolnshire Local Plan 2019.

Flood Risk

The amendments would not increase the risk to occupants and the submitted Flood Risk Assessment demonstrates the building would comprise suitable floor levels and mitigation measures. No objections have been received from Witham 4TH IDB, LCC or the Environment Agency on Flood Risk grounds.

CONCLUSION:

When compared to the existing proposal B/22/0192 the proposed changes are relatively minor, and are considered to be of no materially greater detriment to the character and appearance of the area or the visual or residential amenity of the area.

The works to the wider site have already been undertaken, however, there are a number of conditions attached to B/22/0192 that remain relevant and should therefore be reinstated.

RECOMMENDATION: Approve with Conditions

CONDITIONS / REASONS			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
1	The development hereby permitted shall only be undertaken in accordance with the following approved plans;		

	<ul style="list-style-type: none"> • Drawing No. P21-0483.006 Landscape Masterplan • Drawing No. P21-0483.007 Floor Plan and Elevations (19.05.23) • Location Plan P21-0483.005 • Proposed Layout and Elevations 23/FGPC/01 <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
2	<p>The development hereby approved shall be undertaken in accordance with the Construction Management Plan approved under B/22/0192/CD1.</p> <p>Reason: In the interests of the amenity of local residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.</p>
3	<p>The passing places provided as approved under B/22/0192/CD3 shall thereafter be maintained and retained in perpetuity.</p> <p>Reason: To ensure the provision of safe and adequate access to the development in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
4	<p>All obstructions exceeding 0.6m high shall be cleared from the land within the visibility splays illustrated on drawing number SK01 dated 18 July 2022 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6m in height.</p> <p>Reason: In the interests of ensuring sufficient visibility when accessing and 11 egressing the site, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>
5	<p>The development hereby approved shall be undertaken in accordance with the lighting scheme agreed under B/22/0192/CD2.</p> <p>Reason: In the interests of the character and amenity of the locality, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.</p>
6	<p>The development hereby approved shall be undertaken in accordance with the biodiversity measures approved under B/22/0192/CD2 and shall be maintained thereafter.</p> <p>Reason: In the interest of biodiversity and in accordance with policy 28 of the South East Lincolnshire Local Plan 2019.</p>
7	<p>The development hereby approved shall be undertaken in accordance with the Site Management Plan agreed under B/22/0192/CD2.</p> <p>The holiday accommodation shall only be operated at times when the Site Management Plan is in force and the Site Management Plan shall be adhered to in perpetuity.</p> <p>Reason: To ensure that the use of the site for tourism purposes would not cause undue noise and disturbance to neighbouring properties, and to ensure that any paraphernalia</p>

	associated with the tourism use would not have any adverse visual impact, in line with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019.
8	<p>The accommodation hereby permitted shall only be occupied between 15 March and 31 October in any year.</p> <p>Reason: To ensure the glamping pods are not occupied during winter months when the risk of tidal flooding is at its highest, to reduce the risk of loss of life during a flood event, in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019 and paragraph 167 of the National Planning Policy Framework 2021.</p>
9	<p>The accommodation hereby permitted shall not be used for purposes other than as holiday accommodation. The accommodation shall not be used as the main residence of any occupant.</p> <p>Reason: To ensure that the development is restricted to holiday use only and that the accommodation is not used for residential purposes in accordance with the National Planning Policy Framework, 2021 and to Policy 1 of the South East Lincolnshire Local Plan 2019.</p>
10	<p>The owners/operators of the holiday lodges shall maintain an up-to-date register of the names of all occupiers of the accommodation on the site, length of stay (including details of arrival and departure dates) and of their main home addresses, and shall make this information available to the Local Planning Authority on request.</p> <p>Reason: To ensure the development is in accordance with what has been applied for, that it is restricted to holiday use only and the accommodation is not used for permanent residential accommodation. This condition is imposed in accordance with Policy 1 and 9 of the South East Lincolnshire Local Plan 2019</p>
11	<p>The development hereby approved shall be undertaken in complete accordance with the Flood Risk and Drainage Assessment and Flood Warning and Evacuation Plan received 3 May 22, unless otherwise agreed in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan, drainage scheme and flood mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: In the interest of reducing flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019.</p>
12	<p>The development hereby permitted shall be undertaken in full accordance with the Protected Species and Ecology Report produced by Inspire Ecology dated Feb 2022. Should any protected species be found during the development work shall cease immediately and details of protection measures shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the protection of protected species during the development, in 13 accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.</p>
13	<p>The scheme of landscaping and tree planting shown on Drawing No. P21- 0483.006 Landscape Masterplan shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained for the period 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.</p>

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

Caravan site licencing

The holiday lodges at this site are subject to caravan site licensing therefore if the applicant is successful in this application they would be required to apply for a caravan site licence. This licence would come with conditions based upon the national model standards, and the applicant would need to comply with the accompanying conditions. These conditions can be found at <https://www.mybostonuk.com/environmental-protection-and-services/caravancamping/>

The applicant should be advised to contact us in regards to applying for a caravan site licence. The application will need to be completed as soon as the permission is granted.

Witham Fourth IDB

1. A Board maintained watercourse exists on the east boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT applies:

No person may erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow, or other similar growth within 9 metres of the top edge of the watercourse/edge of the culvert without the prior consent of the Board.

Please note the Board will not consent any permanent or temporary construction within the 9 metres BYELAW easement. Please refer to the Board's Nine Metre Easement Policy for further information: <https://www.w4idb.co.uk/resources/documentlibrary/consent-forms-and-guidance/>

2. Board's Byelaw consent is required to directly discharge surface water to a watercourse (open or piped). A surface water development contribution (SWDC) will be charged on all rates of discharges. Please refer to the Board's Development & Consent Control Guidance for more information: <https://www.w4idb.co.uk/resources/document-library/consent-formsand-guidance/>

3. Board's Byelaw consent is required to discharge treated water to a watercourse (open or piped).

4. Board's Section 23 consent is required to culvert, pipe, or bridge any watercourse riparian or Board maintained.

5. If there is any change to the surface water or treated water disposal as stated in the application, please contact the Board to discuss the new arrangements.

Highways

The highway improvement works referred to in Condition 3 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing

apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary.

Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.