

**Open Report on behalf of
Executive Director, Environment & Economy**

Report to:	Planning and Regulation Committee
Date:	5 November 2018
Subject:	County Council Development - N/089/01901/18/3

Summary:

Planning permission is sought to carry out improvement works including the resurfacing and development of the overspill car park, remodelling of the existing roundabout and resurfacing of the carriageway and its drainage system at Overflow Car Park & Roundabout, off Sandy Lane, Anderby Creek.

The proposed development would result in the loss of four mature trees and the existing palm leaf shaped roundabout which is valued by some members of the local community and therefore its loss is opposed. The palm leaf shaped roundabout is said to represent a former Dance Hall which existed on the site in the 1930's and therefore is of local interest and heritage. Whilst opposition to the loss of this feature is noted it is not afforded any specific protection such as being a designated heritage or community asset. The proposed development includes proposals to resurface the access road leading to the car park as well as the resurfacing and formalisation of the overspill car parking area and would therefore improve access and parking provision in the area.

The key issue to be considered in the determination of this application is whether the enhancements to the car parking area(s) which support the tourist community who visit Anderby Creek throughout the year and which benefit the area economically, outweigh the harm or impacts that the development would have in terms of the loss of four trees and the change to the current design and unique palm leaf shape of the roundabout.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

1. Anderby Creek sits on the east coast of the County and continues to be a popular tourist destination throughout the year. Although there is an existing car park and overspill area which provide parking at the site, these are in

need of improvement and therefore planning permission has been sought to formalise the overspill car park and to carry out maintenance works on the carriageway leading to this car park.

The Application

2. Planning permission is sought to carry out the improvement works to the overspill car park, existing roundabout and small car park at Anderby Creek. A brief outline of the works proposed as part of the application is summarised as follows:

- **Improvements to the carriageway/road** - the carriageway leading to the car parking area(s) is in poor condition having suffered damage from the elements and as a consequence of large numbers of vehicles visiting the site annually. Although the access road is owned and maintained by Countryside Services, it does not form part of the adopted public highway and so is proposed to be resurfaced so as to eliminate the potholes and loose concrete.



Existing carriage way

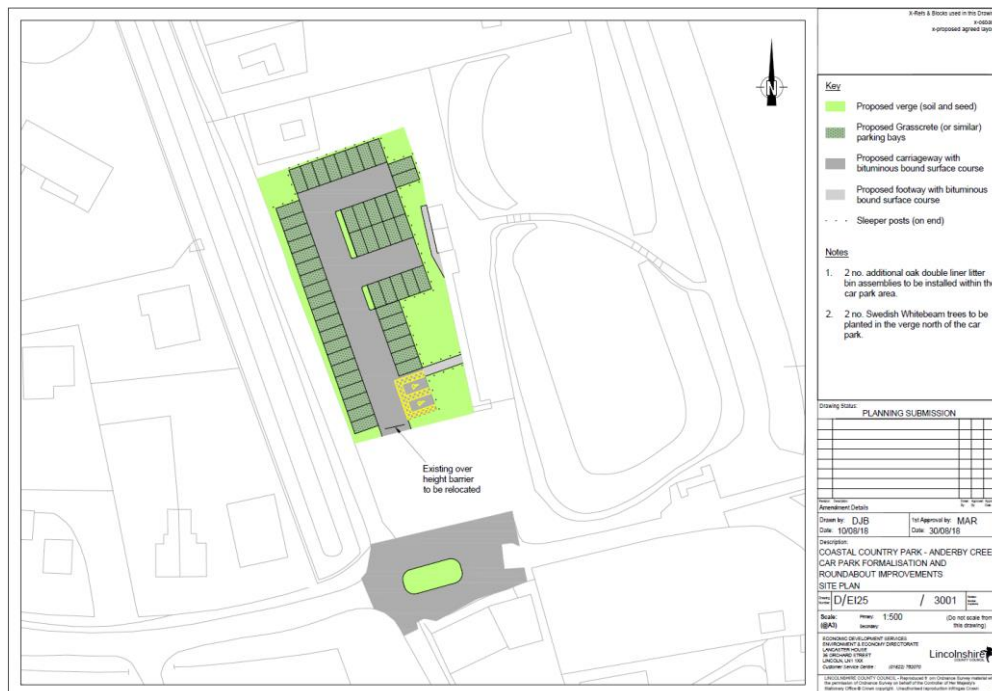
- **Improvements to the car parking areas** - the existing car park and overspill car parking area is adjacent to the carriageway and roundabout. It is proposed to formalise the overspill car park by laying a new bituminous bound running lane/footpath and creating grasscrete parking spaces. These works would create spaces to accommodate around 50 standard cars and two additional disabled spaces. Four trees would be lost as a result of the works however some

compensatory planting would be undertaken within the site. Finally, the existing height restriction barrier would be retained.



Existing overspill car park

- Roundabout improvements** – it is proposed to remodel the existing roundabout and to make it smaller to improve vehicle turning manoeuvres. The current roundabout is in a palm leaf configuration which is in poor condition. The alteration of its shape would allow enhancements to the drainage around the roundabout and also assist in improving maintenance of this feature.



Proposed Site Plan

3. The applicant submits that the proposed development would deliver the benefits of improving and maintaining this area for tourism and local use. Improving the way in which water drains, vehicles park and access is gained to and from the area will increase enjoyment throughout the year for visitors and locals. The roundabout is valued by the residents of Anderby Creek and therefore the preservation of the island will allow the memory of the 1938 Palm Leaf Dance Hall to live on. Changing the kerbing is important to the preservation and maintenance of the island. The formalised overspill car park will attract visitors and increase tourism prospects due to ease of access and parking. Improving the car parking area will increase the number of vehicles in the area which will mean the roundabout is used more. Currently the shape and size of the roundabout make manoeuvres difficult for large vehicles such as motorhomes; the changes will decrease chances of the planting being damaged by vehicle movements.

Site and Surroundings

4. The site is located in the Coastal Conservation Area which lies to the east of the village of Anderby Creek. The identified car park lies between the sand dunes and sea defences which run along the sea front and Sandy Lane. Sandy Lane forms the western boundary of the site and the sea defences form the eastern boundary. A public footpath (reference: 964/1) also runs along Sandy Lane, neither the lane nor footpath would be impacted by this development. A wooden boardwalk footpath leads from the existing overspill car park through the sand dunes to the beach. There is a bin area, picnic benches and public toilets situated adjacent to the entrance of this walk, all of which will not be affected by the proposal but will be made more accessible for disabled users.
5. The overspill car park is a worn grassed area and in poor condition. Boundaries are identified by a stumped fence along the west boundary and metal fencing with a height restriction barrier lie along the southern boundary. The north east corner is home to many mature trees, some of which are in poor condition. Two Goat Willow trees in this corner are in poor condition and are to be replaced with two Swedish Whitebeam trees. Two other trees will be removed as part of the development. A historical Ordnance Survey Pillar (Trig. Point) which will not be affected by the proposal.
6. The existing car park is in poor condition, consisting of many large potholes and loose concrete. The kerbing of the existing roundabout has been severely weathered by sand and prevailing winds. Planting on the roundabout is in good condition and will therefore be kept in place and will be preserved by the renewal of kerbing.

Main Planning Considerations

National Guidance

7. The National Planning Policy Framework (NPPF) (July 2018) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraph 8 - Core planning principles

Paragraph 11 - Plans and decisions should apply a presumption in favour of sustainable development

Paragraph 83(c) - sustainable rural tourism and leisure developments which respect the character of the countryside

Paragraph 92 - Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services

Paragraph 124 - Good design is a key aspect of sustainable development, as it creates better places in which to live and work and helps make development acceptable to communities

Paragraph 127 - The way in which decisions should achieve well designed places

Paragraph 156 - Flood risk should not be increased elsewhere as a consequence of the development

Paragraph 166 - In coastal areas, planning policies and decisions should take account the protection of the coastal environment

Paragraph 213 - weight should be given to relevant local plans.

Local Plan Context

8. East Lindsey Local Plan (ELLP) adopted July 2018 - the following policies are relevant to this proposal:

Policy SP10 (Appropriate Design) this policy states that well-designed, sustainable development will be supported

Policy SP17 (Coastal Conservation Area) in the East Lindsey District high priority is given to development that diversifies all-year round employment opportunities and extends the tourism market

Policy SP15 (Leisure and Tourism) this policy states Council will support quality tourism facilities and attractions

Policy SP16 (Flooding) the Council will support development in areas of inland flood risk where it can be demonstrated that siting the development on a sequentially safer site would undermine the overall commercial integrity of the existing area

Policy SP22 (Highways) the Council will support applications which improve accessibility.

Results of Consultation and Publicity

9.
 - (a) Anderby Parish Council – have confirmed that they support the development and are content with the project to move forward.
 - (b) Environment Agency (EA) – have no objection.
 - (c) Highway & Lead Local Flood Authority (Lincolnshire County Council) – have no objection.
 - (d) Historic Environment (Lincolnshire County Council) – have confirmed that the proposal would have no impact on the historic built environment and therefore have no objection to this application.

The following have been consulted but no comments had been received within the statutory consultation period or by the time this report was prepared:

- Local County Council Member, Councillor C Davie
- Public Rights of Way (Lincolnshire County Council).

10. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 4 October 2018) and letters of notification were sent to the nearest 33 neighbouring residents. A total of eight representations have been received as a result of this publicity/notification and a summary of the objections/comments received are set out below:

- The palm leaf design of the roundabout dates back to 1938 and represents the Palm Court Dance Hall which was once located in the area. Rather than the roundabout being replaced with a changed shape it should be reinstated as it is unique and has heritage which characterises the area and so should not be taken away from the village.
- Although the car park and road require attention, there is no justification to change the shape of the roundabout. Its removal will change the quaintness of the area for residents and holiday makers.

District Council's Observations

11. East Lindsey District Council have confirmed they have no objection.

Conclusions

12. The key issue to be considered in the determination of this application is whether the enhancements to the car parking area(s) which support the tourist community who visit Anderby Creek throughout the year and which benefit the area economically, outweigh the harm or impacts that the development would have in terms of the loss of four trees and the change to the current design and unique palm leaf shape of the roundabout.

Tourism and Leisure

13. Anderby Creek continues to be a popular tourist destination throughout the year. At peak times a large number of tourists and cars visit the area which supports local businesses and amenities. The existing overspill car park does provide additional parking capacity however its current informal nature means that the number of vehicles that can use the site may vary. Consequently it is evident that there are parking issues at the site and the existing car park areas and access road need improving in order to accommodate the vast number of cars which frequently visit the area.
14. The formalisation of the overspill car park would create 50 clearly defined parking places and therefore enhance the existing level of parking provision which would be of benefit to visitors and the village. The improved surfacing and drainage of the access road would also improve access to the site and prevent further deterioration and damage which is caused by the weather and windblown sand. The proposed works would therefore be of benefit to visitors and make the area more accessible for all cars and enable better access to the public toilets which would again enhance the public enjoyment of this area. The development is therefore in line with Policies SP15 and SP17 of the ELLP and paragraph 84 of the NPPF which supports developments that are designed to enhance tourist facilities and footfall into an area and therefore should be supported.

Design and Amenity

15. Good design is paramount to establishing sustainability and a stronger community. The NPPF emphasises good and robust design. Adding and maintaining development which is not detrimental to the character of the area defines the importance of good design.
16. The design of the car park has been sympathetic to the area and would result in modest changes to the visual appearance of the site and the wider setting. The materials to be used are those expected of a car park and the incorporation of grasscrete rather than standard tarmac reduces the visual impact of the development and helps it to assimilate with the greenery surrounding the car park. The works to the overspill car park would

therefore benefit both tourists and locals with very minimal detriment to the character and aesthetics of the area. Although four mature trees would be removed these are in a poor condition and have been surveyed as benefiting from being felled. Compensatory planting is nevertheless proposed as part of the development and this would help to off-set the impact of their loss.

17. In respect of the roundabout, objections have been received to the proposed reshaping and permanent loss of the palm leaf shaped roundabout. The roundabout is said to represent the Dance Hall which stood in its place during the 1930s and is therefore of both local interest and heritage. Whilst the change to the shape and current design of the roundabout is regrettable, it is not afforded any formal or specific protection and is not a registered or designated heritage or community asset. No objection has consequently been received from our Historic Environment team, the Parish or District Councils. The applicant has indicated that maintaining the current shape of the roundabout would be difficult due to many weak points in the curbing and this is evident from the state the current kerbing is in. Although altering the shape of the roundabout would mean it no longer reflects that of a palm leaf, it would allow easier manoeuvres for large vehicles, benefit from better drainage and be easier to maintain than it is in its current form. The shape and configuration of the new roundabout is considered to be visually acceptable and therefore appropriate in terms of its design and appearance. As such, despite the objections received I am satisfied that the development would accord with Policies SP10 and SP22 of the ELLP.

Coastal Environment and Flooding

18. Paragraph 166 NPPF states that in coastal areas, planning policies and decisions should take account the protection of the coastal environment. The site is situated within a Coastal Conservation Area and therefore this should be taken into account. The works proposed are modest and would not significantly change the character of the area. The works would enhance access and therefore use of the coastal environment which is key element of tourism offer in the east coast area of the County. Within the ELLP, high priority is given to development that extends the tourism market and this development would be in accordance with this policy and is in the best interest of the area and community.
19. As both the NPPF and ELLP suggest, development in flood zones are acceptable if it is unreasonable to position them elsewhere. In this instance it would be detrimental to the tourist trade and community to place the car park further from the seafront, making it harder for people to enjoy and access the coastal area.
20. The use of grasscrete ensures the car park is permeable and allows infiltration in peak times of water flow. This ensures there will be no increased flooding in other areas as a result of this development. Flood defences are already in place and work efficiently for the area. Again there

is ample greenery in the area and the trees removed will be replaced to encourage the permeation of water.

21. Improvements to drains and kerbing will decrease the chances of stagnant volumes of water in the area. These improvements are again considered essential to the maintenance of the area for the benefit of the community. The Environment Agency has been consulted and has raised no concerns regarding this development. I am therefore satisfied that the development would accord with Policy SP16 & SP17 of the ELLP.

Final Conclusion

22. Notwithstanding the location of the development, within both a flood zone and Coastal Conservation Area, the works would not be detrimental to the environment and are considered necessary in order to improve the existing infrastructure which supports the number of tourists visiting the area. The loss of the mature trees and palm shaped roundabout is regrettable however, whilst the roundabout may be of some local interest and heritage, it is not afforded and specific protection or a recognised designated asset. Consideration has been given to the representations and comments received however, on balance, it is considered that the benefits and positive impacts afforded by this development outweigh any negative impacts and the development is in accordance with relevant policies of both the NPPF and ELLP and so deemed appropriate and positive for the future of the area of Anderby Creek.
23. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development must be begun no later than the expiration of the three years beginning within the date of this planning permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the details and drawings as contained within the application for planning permission (date stamp received (6 September 2018):

- Location Plan D/E125/3000
- Site Plan D/E125/3001.

Reason: To ensure that the development is carried out in acceptable manner and for the avoidance of doubt to the development that is permitted.

3. In the first available planting season following the date the development hereby permitted is brought into use, the replacement planting as detailed within the Planning Support Statement (date stamped 6 September 2018) shall be carried out and thereafter maintained in accordance with those details. If these trees die, are removed or become seriously damaged or diseased within five years they shall be replaced in the next planting season with others of a similar size unless the County Planning Authority agrees in writing to any variation.

Reason: To secure the compensatory planting proposed to replace that which would be lost as a consequence of the development in the interests of the visual amenity of the area.

4. No tree felling, site clearance or ground disturbance works shall take place between March and September, inclusive unless otherwise agreed in writing with the County Planning Authority. If these works cannot be undertaken outside this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

Reason: To reflect the recommendations contained within the Ecological Assessment supporting the application.

Appendix

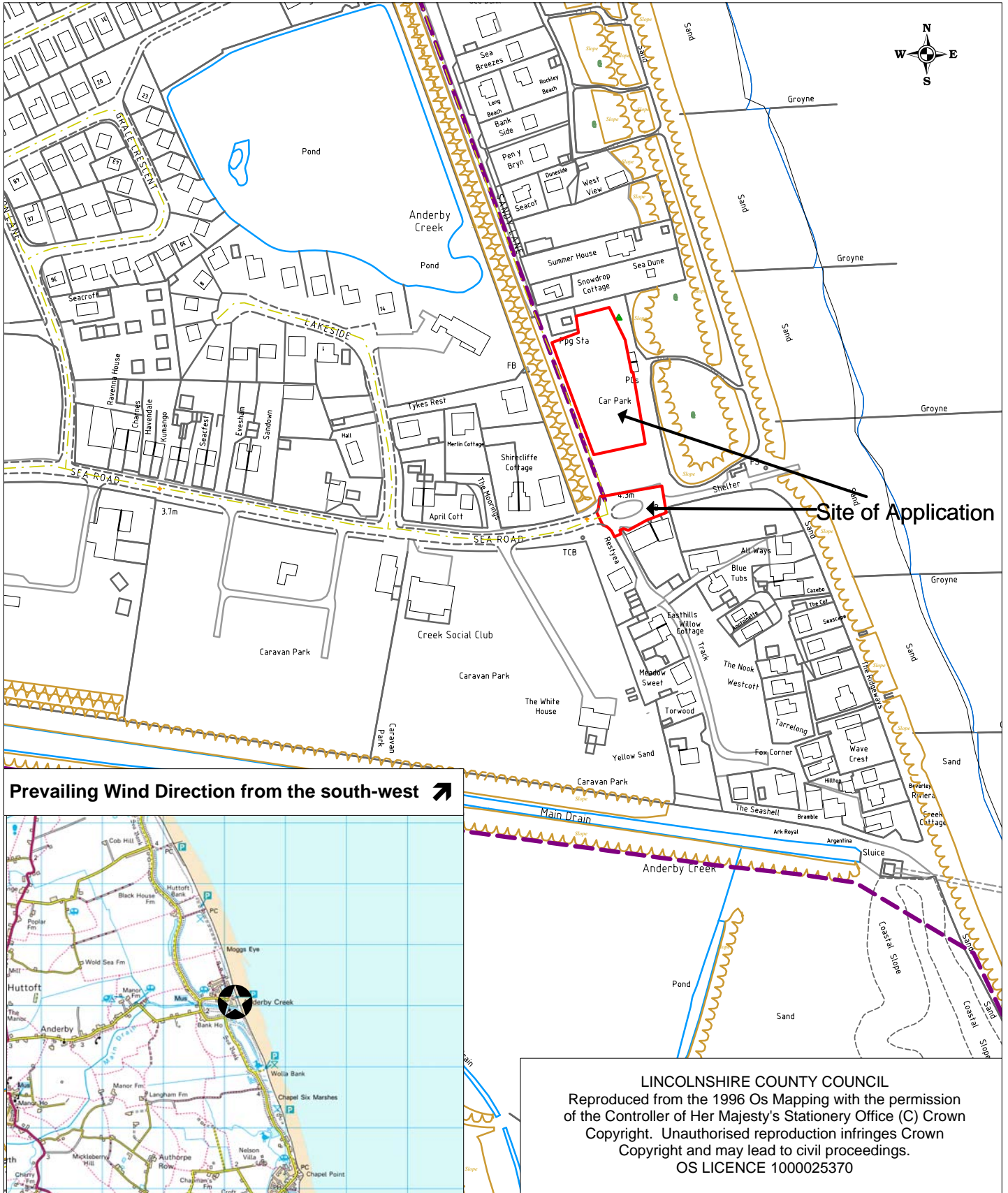
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File N/089/01901/18/3	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website www.gov.uk
East Lindsey Local Plan (2018)	East Lindsey District Council's website www.e-lindsey.gov.uk

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Location:
 Overflow Car Park & Roundabout
 off Sandy Lane
 Anderby Creek

Application No: N/089/01901/18/3

Scale: 1:2500

Description:

To carry out improvement works including the resurfacing and development of the overflow car park, remodelling of the existing roundabout and resurfacing of the carriageway and its drainage system