DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-0012-20**	**Applicant:**	**Mr R Swan**
Proposal:	Temporary change of use for a period of 3 years to multiple occupation/hostel - approved under H06-0186-17. Modification of Condition 1 to allow a further 3 years		
Location:	Cardwell Lodge Dawsmere Road Dawsmere		
Terminal Date:	10th March 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 8, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Permission is sought to use buildings for a further 3 years - formerly occupied as staff accommodation in connection with a previous nursing home use at the site - as temporary hostel accommodation for seasonal workers employed by a local farm (Jepco - based at Norfolk House Farm).

The building requires no alteration to facilitate the proposed use and apart from Cardwell House itself there are no dwellings in the immediate vicinity of the site.

The use is required for a further period of 3 years to meet a short term accommodation need of the local farm.

Site Description

The proposal relates to a range of brick and slate outbuildings historically associated with Cardwell House, a former care/nursing home. There is an existing access to the site.

History

H06-0193-14 - Full - Temporary change of use for a period of three years to multiple occupation/hostel - Granted 17 April 2014.

H06-0186-17 - S73A - Temporary change of use for a period of 3 years to multiple occupation/hostel - approved under H06-0193-14. Modification of Condition 1 to allow a further 3 years - Granted 19 April 2017.

Consultation Responses

Gedney Parish Council - Supported.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Private Sector Licensing - No objections. Current standards in relation to the operation as a House in Multiple occupation being fulfilled.

Public - No representations received.

Applicant - The building is still being occupied by seasonal staff employed by Messrs Jepco on the same basis as defined in the supporting letter dated 25 February 2014 for the 2014 planning permission.

Policies/Constraints

The site is outside a settlement limit as defined in the South East Lincolnshire Local Plan, 2019.

Material Considerations

The main issues in this case are:

- Policy/principle;
- The likely effect upon the character of the area and amenity of nearby residents;
- Highway issues;
- Other material considerations such as flood risk and drainage.

Policy/Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed development is outside a defined settlement limit within the South East Lincolnshire

Local Plan, 2019. It is therefore within an area regarded as countryside. Policy 1 of the South East Lincolnshire Local Plan is therefore applicable. It states that development will be permitted in the countryside that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Paragraph 83 of the National Planning Policy Framework, 2019 stresses that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas. It should be recognised that sites to meet local business needs may have to be found adjacent or beyond existing settlements. This is especially considered to be the case in conjunction with agriculture.

Criteria that are commonly used to assess whether an application for transient agricultural workers accommodation is required include the following:

Essential and proven need - The applicant has previously provided information satisfactorily demonstrating that temporary accommodation is required to meet the needs of a nearby large scale farming enterprise (JEPCO);
Commensurate with the needs of the holding - The accommodation proposed is considered commensurate to the nearby agricultural holding that it currently serves;
Temporary accommodation - The accommodation proposed is for seasonal workers and is not permanent;
Character of the area - The proposal involves the conversion of existing outbuildings and would not materially harm the character of the countryside;
Satisfactory standard of accommodation - The standard of accommodation and facilities associated with it are considered sufficient to cater for the scale of the development proposed. Licensing has raised no objections;
Existing dwellings - There is not sufficient accommodation upon the farm to accommodate seasonal workers.

Amenity

The nearest residential property is Cardwell House which is owned by the applicants. No public objections have been received. It is considered that the amenity of nearby residents would not be materially harmed in terms of noise, disturbance, lack of privacy, etc. The proposal therefore complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Highway Issues

The site is served by an existing access and on site parking is available. Occupiers are normally transported to and from the farm by minibus. LCC Highways does not wish to restrict the grant of permission on highway safety grounds. The proposal accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, they do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area designed as "Danger for Most". However, the Framework states at paragraph 164 that minor development and changes of use applications should not be subject to the sequential or exceptions tests, unless falling within certain types of development. Given the nature of the scheme, neither the sequential or exception test is required in this case. However, paragraph 164 also stresses that proposals should still meet the requirements for site specific flood risk assessments. Concerning the latter, it is recommended that demountable defences be incorporated to 1 metre above finished floor level. The applicant is advised to sign up to the Environment Agency's free Floodline Warnings Direct Service and provide a warning and evacuation plan.

The proposal therefore satisfactorily complies with Policy 4 of the SELLP and advice within the National Planning Policy Framework, 2019.

Drainage

Facilities for the disposal of foul and surface water would remain the same as existing. If any problems were to arise they could be addressed through separate environmental legislation.

Conclusion

The proposal satisfactorily complies with Policy 1 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework. The proposal is considered acceptable on amenity grounds. LCC Highways has not objected to the scheme on highway safety grounds. Flood risk alleviation measures are recommended.

The proposal satisfactorily complies with Policies 1, 2, 3, 4, 23, 29, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and there are no material change of circumstances to justify an alternative decision to that previously.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.