

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 20 July 2022

(Author: Lucy Buttery - Principal Planning Officer)

Purpose: To consider Planning Application H06-0426-22

Application Number: H06-0426-22

Date Received: 21 April 2022

Application Type: FULL

Description: Proposed roadway linking B1359 and existing private road giving access to Roman Bank at Hovenden Golf Club.

Location: Hovenden House, Fleet Estate Office Fleet Bank Fleet

Applicant: Jepco

Agent: Maceo Design & Management Ltd.

Ward: Gedney
Holbeach Hurn

Ward Councillors: Cllr J L Reynolds
Cllr C N Worth

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H06-0426-22>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 The application is linked to a separate live planning application to be given Committee consideration (H06-0960-21).

2.0 PROPOSAL

- 2.1 This is a full planning application for a proposed private roadway linking the B1359 (north-east of Gedney Dyke) and the existing private road at A H Worth's, giving access to Roman Bank at Hovenden Golf Club, Fleet Bank.
- 2.2 The intention is for the roadway to be used by commercial and agricultural traffic to bypass the village of Gedney Dyke in order to reach the A17.
- 2.3 The road proposal is related to the delivery of the proposed hydroponic growing ('agri-tec') facility that is currently the subject of a separate live planning application - ref. H06-0960-21 (Norfolk House Farm, Main Road, Gedney Drove End).

3.0 SITE DESCRIPTION

- 3.1 The application site is part of an agricultural field and extends east west from the B1359 north-east of Gedney Dyke, as far as the private road at A H Worth's to the west. It follows the route of an existing drain, which runs along the northern boundary. The overriding character of the area is agricultural in nature.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy

Policy 2 - Development Management

Policy 3 - Design of New Development

Policy 4 - Approach to Flood Risk

Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 6 - Building a strong, competitive economy

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H06-0960-21 - Full - Proposed glasshouse containing hydroponic growing system, glasshouse annex containing seeding & germination processes, main pack building, admin & welfare building, main plant room, external roads & hardstandings and landscaping (undecided)

6.0 REPRESENTATIONS

6.1 Holbeach Parish Council

No objection.

6.2 LCC Highways/SUDS

Does not wish to restrict the grant of permission. This initiative is welcomed by the highway authority, for its potential to reduce the number of commercial vehicles and Heavy Goods Vehicles having to travel through the village of Gedney Dyke. The roadway will not in itself generate or attract additional vehicle movements on the highway network, but will offer a safer and less disruptive, but no less commodious option, for drivers than to travel through an established settlement. The proposed roadway will join the B1539 Marsh Road where there is sufficient visibility for drivers to see any approaching vehicles. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed roadway would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the capacity of the local highway network and does not wish to object to this planning application.

6.3 Lincolnshire Police

No objections.

6.4 SHDC Environmental Protection

No objection.

6.5 Environment Agency

No detailed comments to make.

6.6 Public (5 comments in support, summarised)

- Anything that helps take large lorries off the main road and side roads of Gedney Dyke is great news
- Best thing that could happen for Gedney Dyke

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 Principle

7.3 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal will therefore be assessed on this basis.

7.4 The site is located outside of any settlement boundary within the South East Lincolnshire Local Plan, 2019 (SELLP). It is therefore in the countryside in planning policy terms.

7.5 Policy 1 of the SELLP states that development in the countryside will only be permitted where it 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. The proposal is considered to be necessary to its location in the countryside in order to meet the objective of alleviating the impact of agricultural and commercial vehicles travelling through the village of Gedney Dyke. The principle of the development is therefore considered to be acceptable.

7.6 Highway Considerations

7.7 Whilst the proposed agri-tec development adjacent to Norfolk House Farm is only expected to have a neutral impact on the road network in the area (as per the Transport Statement submitted in support of application ref. H06-0960-21), the following rationale has been provided for seeking consent for this roadway:

7.8 *"Although the operational traffic volumes generated by the completed development are not considered to be onerous, the routing of same through small villages such as Gedney Dyke will serve only to compound an already difficult situation traffic movement ... Jepco and its local partners are conscious of the effects of their operations on the local community at Gedney and are determined to minimise the detrimental effects of any further development in the local area. The construction of this new road development across privately owned land will serve to provide direct access for commercial and agricultural traffic only and remove same from Gedney Dyke thus restricting the village solely to private vehicles and traffic originating from the village itself."*

7.9 It is intended that the road shall be available for all commercial and agricultural users and the intention is that it will be completed in its entirety prior to commencement of operations at the agri-tec development. This would be secured by means of a Grampian condition. In terms of construction, the proposed road shall be constructed of reinforced concrete, similar to the existing private road to which it shall join.

7.10 In order to ensure that the road is used for the purpose for which it is intended, signage will be installed to direct traffic at either end. In addition to the signage, JEPCO and their partners will introduce an induction for all of their own drivers and all sub contract and haulage contractors to ensure their compliance with the proposed arrangements. A webcam located on signage at either end remotely linked to the Farm Office will record traffic passing into the village and any unauthorised traffic entering shall be reported and disciplinary action taken.

- 7.11 The Highway Authority have raised no objection, commenting that:
"This initiative is welcomed by the highway authority, for its potential to reduce the number of commercial vehicles and Heavy Goods Vehicles having to travel through the village of Gedney Dyke. The roadway will not of itself generate or attract additional vehicle movements on the highway network, but will offer a safer and less disruptive, but no less commodious option, for drivers than to travel through an established settlement."
- 7.12 On this basis, the proposal is considered to satisfactorily accord with Policy 2 of the Local Plan. This requires it to be demonstrated, amongst other matters, that access and vehicle generation levels will be acceptable.
- 7.13 Character and Appearance
- 7.14 The proposal is for a 7.0m wide reinforced concrete roadway across agricultural land, with minimal alteration to ground levels. Whilst it will have a visual impact, this would be minimal and restricted to very short distance views from the B1359.
- 7.15 In light of the above, the proposal is considered to satisfactorily comply with the aims and objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of landscape and character impact.
- 7.16 Residential Amenity
- 7.17 The application site is approximately 200m from the closest residential property. At such a distance, it is unlikely that noise generated by vehicles using the road would have a material adverse amenity impact. Rather, construction of the road would have a positive benefit in removing a significant proportion of commercial and agricultural traffic from Gedney Dyke village.
- 7.18 On this basis, the proposal is considered to satisfactorily accord with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in amenity terms.
- 7.19 Ecology
- 7.20 As the application site is adjacent to a watercourse (a potential habitat for water voles and otters), survey work to ascertain the presence (or otherwise) of any protected species prior to commencement of development will be required. A condition will be added to this effect to ensure there is no significant harm to protected species, which would be contrary to Policy 29 of the Local Plan.
- 7.21 Planning Balance
- 7.22 The principle of constructing a private roadway to accommodate the traffic of commercial and agricultural businesses in the area and to alleviate traffic through Gedney Dyke village is acceptable in policy terms. There are no character or amenity concerns and the Highway Authority have raised no objection. Survey work should however be undertaken prior to commencement of development to ascertain the presence of any protected species and any mitigation measures that may be required.
- 7.23 Overall, the planning balance is considered to be in favour of the proposal.
- 7.24 Conclusion
- 7.25 In light of the above, the proposal is considered to satisfactorily accord with Policies 1, 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6, 9, 12 and 15 of the National Planning Policy Framework, 2021.
- 7.26 **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.

7.27 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.

8.0 RECOMMENDATIONS

8.1 Grant Permission subject to the Conditions listed at Section 9.0 of the report.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
22006-20-DR-0000
22006-20-DR-0010
22006-20-DR-0011
22006-20-DR-0012
22006-20-DR-0013
22006-20-DR-0014
22006-20-DR-0015
22006-20-DR-0016
22006-20-DR-0017
22006-20-DR-0018
22006-30-DR-0101
22006-30-DR-0102
22006-30-DR-0103
22006-30-DR-0104
22006-30-DR-0105
22006-30-DR-0106
22006-30-DR-0107
22006-30-DR-0108
22006-30-DR-0109
22006-30-DR-0110
22006-30-DR-0111
22006-30-DR-0112
20008-20-DR-00
Planning Statement (prepared by Maceo Design & Management Limited, dated 9th May 2022)
Transport Statement (prepared by Maceo Design & Management Limited, dated 9th May 2022)
Construction Management Plan (prepared by Maceo Design & Management Limited, dated 14th April 2022)
Drainage Strategy Document (prepared by Maceo Design & Management Limited, dated 15th April 2022)
Flood Risk Assessment (prepared by Maceo Design & Management Limited, dated 15th April 2022)
Ecological Assessment Report (prepared by Avian Ecology Ltd, dated 24th August 2021)
Letter by Avian Ecology Ltd, dated 25th May 2022
- Reason: For the avoidance of doubt and in the interests of proper planning.
3. The development hereby permitted shall have been constructed and certified complete by the Local Planning Authority prior to the development that is the subject of planning application ref. H06-0960-21 becoming operational.
- Reason: To minimise the impact of traffic movements associated with the permitted development on Gedney Dyke village.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.
4. The development hereby permitted shall not be brought into use until the proposed directional signage has been erected. Once erected it shall be retained and maintained thereafter.
- Please note: The signage shall only be erected on private land as it does not comply with The Traffic Signs Regulations and General Directions 2016.
- Reason: To ensure that the new private roadway is used for the intended purpose.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.
5. The development hereby permitted shall not be commenced until details of construction hours have been submitted to, and approved in writing by, the Local Planning Authority.
- Reason: In the interests of the amenity of local residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6. The development hereby permitted shall not be commenced until survey work has been carried out to ascertain whether water voles, badgers or otters (where relevant) utilise and/or are present in either the drain immediately to the north of the site or within the appropriate buffer zones for each species, and that the survey results have been submitted to, and approved in writing by, the Local Planning Authority.

Mitigation measures shall be proposed which show how any negative effects to these protected species will be avoided, reduced or managed.

N.B. Survey(s) should be consulted by an ecologist experienced in water vole ecology.

Please see the relevant standing advice for water voles at: <https://www.gov.uk/guidance/water-voles-protection-surveys-and-licences>

Reason: In the interests of avoiding harm to protected species.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

7. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

8. 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 approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

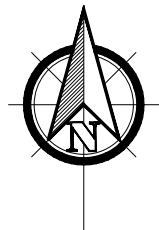
Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A - Plan A



Produced on 18 January 2022 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
This map shows the area bounded by 540875 328476,542675 326476,542675 327666,540875 327666,540875 326476
Production in whole or part is prohibited without the prior permission of Ordnance Survey.
© Crown copyright 2022. Supplied by copla ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (100054135).
Data licence expires 17 January 2023. Unique plan reference: b2893/2399

PROJECT No.		22006	CLIENT DRG No.	
A1	SCALE	1:2500	DRG No.	22006-20-DR-0000

THIS DRAWING IS COPYRIGHT © ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE PRIOR WRITTEN PERMISSION FROM MACEO DESIGN & MANAGEMENT LIMITED