

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H06-1204-19 **Applicant:** J E Piccaver & Co
Proposal: Continuation of siting of temporary accommodation facilities for student and farm workers - approved under H06-1011-16 - Modification of Condition 1 to allow structures to remain on site for a further period of time
Location: Onslow Farm Onslow Lane Gedney Drove End
Terminal Date: 7th April 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
28	The Natural Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 6, 9, 12, 14 and 15.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Temporary planning permission was originally granted for agricultural workers accommodation and associated infrastructure back in the late 1990's. This has been renewed on a regular basis, most recently in January 2017 for a three year period (ref H06-1011-16). This application is to extend the period further.

Site Description

The site is located in countryside to the south of Gedney Drove End on the western side of Onslow Lane. It is currently occupied by cabins and agricultural buildings that are currently being used as a communal block. An associated recreational area is situated to the north and Onslow House to the north-east. Semi-detached houses are located to the south east. Tree/hedge planting exists along its northern, eastern and western boundaries.

Recent History

H06-0083-07 - Accommodation for agricultural contracted seasonal workers (Renewal of H06/1020/03) - Granted 15 March 2007.

H06-0131-10 - Continuation of use without complying with the Time Limit Condition (Condition 1 of H06-0083-07) - Granted 20 April 2010.

H06-0976-11 - Proposed toilet and shower block - Granted 15 March 2012.

H06-0576-13 - Siting of temporary contract workers portacabin accommodation (retrospective) - Granted 25 November 2013.

H06-1011-16 - Continuation of siting of temporary accommodation facilities for student farm workers - Granted 10 January 2017.

H06-0127-17 - Full - Additions to living quarters, plus toilet and shower facilities and extended/improved kitchen facilities for seasonal workers, split into 2 distinct stages:
1) Immediate term arrangements for the 2017 season, placing up to 9 temporary caravans at the South of the site, with enhancement to the sewerage system to accommodate increased volumes;
2) Longer term arrangements to replace 4 of the existing 5 berth cabins with 1 x 26 double berth cabin. In addition, to replace and extend the shower, wash and toilet facilities and increase kitchen areas - Granted 26 April 2017.

Consultation Responses

Gedney Parish Council - Supported.

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

Environment Agency - No objections subject to conditions.

Information from applicant - J. E. Piccaver & Co (Gedney Marsh). (JEPCO) are one of the largest outdoor Leafy Salad producers in the UK. The business employs close to 50 full time staff. In the main these all live in the South Lincolnshire area. The primary reason for our Accommodation facility requirement is that we require a large number of seasonal workers to plant, harvest & process Leafy Salads & Salad Onions during a period from Early March to early November each year.

These people are sourced from Concordia which are a charitable labour sourcing operation. It is also licenced by the Home office at present to manage the new Seasonal Agricultural workers pilot (SAWS) scheme. JEPCO are part of this scheme with a likely number of around 70 being from the scheme. All these seasonal staff are directly employed by JEPCO on short term contracts.

The site in question has been in operation since 1998. It has been a bench mark for suitable

accommodation housing seasonal workers. The business continues to develop and upgrade these facilities in conjunction with the seasonal staff feedback and required accommodation legislation.

The facility is a key element to the functionality of our business, without which we would not have a sustainable operation. Allowing us to have willing and able staff local to our fields also cuts down the need to bring in staff daily from long distances, creating a positive impact to the local environment.

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 - J. E. Piccaver & Co (Gedney Marsh). (JEPCO) are one of the largest outdoor Leafy Salad producers in the UK. The business employs close to 50 full time staff. In the main these all live in the South Lincolnshire area. The primary reason for the Accommodation facility requirement is that they require a large number of seasonal workers to plant, harvest & process Leafy Salads & Salad Onions during a period from Early March to early November each year.

These people are sourced from Concordia which are a charitable labour sourcing operation. It is also licenced by the Home office at present to manage the new Seasonal Agricultural workers pilot (SAWS) scheme. JEPCO are part of this scheme with a likely number of around 70 being from the scheme. All these seasonal staff are directly employed by JEPCO on short term contracts.

The applicant has satisfactorily demonstrated that temporary accommodation is still required to meet the needs of the business.

Commensurate with the needs of the holding - The accommodation proposed is considered commensurate to the nearby large scale agricultural business that it currently serves;

Temporary accommodation - The accommodation proposed is for seasonal workers and is not permanent;

Character of the area - Existing buildings are being utilised as part of the proposal and the cabins are sited close to them to reduce visual impact. Tree planting exists along the site's perimeter. The proposal is temporary. Taking the aforementioned into consideration it is considered that the proposal would not materially harm the character of the countryside;

Satisfactory standard of accommodation - The site has been in operation since 1998 and, according to the applicant, has been a bench mark for suitable accommodation housing seasonal workers. The business continues to develop and upgrade these facilities in conjunction with the seasonal staff feedback and required accommodation legislation. The proposal is considered satisfactory in this respect;

Existing dwellings - There is not sufficient accommodation upon the farm to accommodate this number of seasonal workers.

It is considered that the proposal satisfactorily complies with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Amenity

Onslow House is situated to the north-east and there are residential properties off Marsh Road beyond. Semi-detached houses are located to the south-east almost opposite the access to the site. No 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 off Onslow Lane and more than adequate on site parking is available. Moreover, 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 in terms of highway safety.

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 designated as "Danger for All". However, it is not possible, consistent with wider sustainability objectives, for the development to be located within an area of lower flood risk within the district because it needs to be located close to the existing agricultural business. Planning Practice Guidance indicates that "when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere."

The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk in the sense that it is providing essential seasonal workers accommodation

for an existing large scale agricultural business within the Gedney Drove End area

Concerning the second element, the Environment Agency have indicated that they are mindful that the application is for renewal of an existing development that has previously been granted planning permission and that an occupancy restriction condition has been applied to the previous permission. Therefore, they have decided not to formally pursue an objection in this instance, subject to a satisfactory flood warning and evacuation plan to manage the flood risks to the site, and ensure the safety of the development and future occupants. They also request a similar time restriction (expiration of a period of 3 years) seen in planning application H06- 1011-16 so that they can re-assess the flood risk in the future. Finished floor levels shall be set no lower than 400mm above existing ground level and all temporary facilities shall be securely fastened to the ground at all times.

The proposal therefore satisfactorily complies with Policy 4 of the SELLP and advice within Section 14 of the National Planning Policy Framework, 2019, subject to a condition.

Drainage

Facilities for the disposal of foul and surface water would remain the same as existing. A large foul water package treatment plant was installed in the south eastern corner of the site close to the toilet/shower block as part of a previous approval. 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.