

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 22 June 2022

(Author: Christopher English - Planning Officer)

Purpose: To consider Planning Application H07-0192-22

Application Number: H07-0192-22

Date Received: 17 February 2022

Application Type: FULL

Description: Proposed Use of Land for the Stationing of Accommodation for Armed Forces Veterans to Create a Reintegration Facility

Location: TEREMOK STATION ROAD GEDNEY HILL

Applicant: Mr J Murray

Agent: Robert Doughty Consultancy Ltd

Ward: The Saints

Ward Councillors: Cllr M D Seymour

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H07-0192-22>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 A unique development proposal that merits Committee consideration.

2.0 PROPOSAL

2.1 This is a full planning application for the change of use of land for the stationing of accommodation for Armed Forces Veterans to create a reintegration facility at Teremok, Station Road, Gedney Hill. The proposal seeks to provide temporary, assisted accommodation for up to 6 individuals over a 12 month period, using portable buildings. The aim of the project is to help reintegrate Armed Forces Veterans into society by providing employment and accommodation as well as specialised assistance on hand, as it is proposed for the Manager(s) to reside in temporary accommodation on site.

3.0 SITE DESCRIPTION

3.1 The site approximately 0.34 hectares and is located on the west side of Station Road, Gedney Hill. The site is currently made up of temporary storage buildings and agricultural paraphernalia and is screened from Station Road by a row of dense mature trees.

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 28 - The Natural Environment
Policy 30 - Pollution
Policy 31 - Climate Change and Renewable and Low Carbon Energy
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 Site: Teremok, Station Road, Gedney Hill.

ENF-4-18-E07 - Unauthorised use of land - Enforcement Notice issued 14 October 2020. (The notice has not been complied with in full as residential occupation continues).

H07-0072-19 - Proposed agricultural storage building - Approved 22nd Feb 2019.

H07-0273-18 - Use of existing mobile home as temporary accommodation and use of business in connection with horses, bees, koi carp, goats, chickens, orchard and vegetable garden including growing crocus (retrospective) - Application Withdrawn 21st January 2019.

H07-0261-15 - Siting of mobile building as temporary dwelling, erection of 2 mobile stable blocks and feed room and 2 mobile field shelters (part retrospective) - Refused 7th September 2015.

H07-0260-15 - Proposed agricultural storage building - Approved 8th April 2015.

H07-0567-06 - Use of land as agricultural and erection of mobile home, polytunnels and container (part retrospective) - Not Determined.

5.2 Neighbouring Site South: Lionsbridge Stables, Station Road, Gedney Hill.

H07-1243-21 - Change of use of land for container storage and hard standing area - retrospective - Pending Consideration.

H07-0106-09 - Use of 2 mobile homes as temporary dwelling, office and wc, construction of 4 stables, tack room and wash room (retrospective) - Refused 16th April 2009.

H07-1412-07 - Proposed 2 mobile homes for use as dwelling, construct 6 stables, office wash room and WC (part retrospective) - Refused 18th January 2008.

5.3 Neighbouring Site North: The Chase, Station Road, Gedney Hill.

H07-0029-13 - Proposed stables for domestic use - Approved 6th March 2013.

6.0 REPRESENTATIONS

6.1 Gedney Hill Parish Council

Have not provided comments at the time of writing this report.

6.2 Lincolnshire County Council Highway and SuDS

No objection.

6.3 Lincolnshire Police

No objection.

6.4 Environment Agency

Whilst they have no objections, advises that the applicant should sign up for flood warnings and strongly recommend the use of flood resistance and resilience measures.

6.5 South Holland Internal Drainage Board

Have raised concerns over the viability of disposing surface water via infiltration.

6.6 Public (5 letters of support received, summarised)

- Overall benefit to the village;
- Commendable community work already undertaken;
- Vital support for Armed Forces personnel.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle

7.3 The site is located outside the defined settlement boundaries and is therefore designated as Countryside land as defined by the adopted South East Lincolnshire Local Plan.

7.4 Policy 1 of the adopted Local Plan states that "in the countryside, development will be permitted 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." Furthermore, paragraph 85 of the NPPF states that sites to meet local businesses and community needs in rural areas may have to be found adjacent to or beyond existing settlements and it is important to ensure such developments are sensitive to its surroundings.

7.5 Teremok, Station Road is an agricultural parcel of land situated along the west side of Station Road with an extant planning permission for the erection of an agricultural building toward to east side of the site. However, it is worth noting that on 14th October 2020, an enforcement notice was served on the site by South Holland District Council for the unauthorised change of use of land to include residential use and non-agricultural enterprises. The residential use continues in breach of the enforcement notice..

7.6 The proposal seeks to provide temporary accommodation to Armed Forces Veterans for 12 months. The aim of the project is to provide temporary accommodation for 6 homeless veterans where they can receive psychological, physical and emotional support as well as aiding them in finding employment. The proposal includes a managers' accommodation building on site to ensure on-hand assistance 24-7. The supporting Design and Access Statement states "A countryside location is essential to the success of the project and simply could not be achieved by accommodation even in a village as there would not be the essential combination of space, peace and quiet and the quality of the environment offered at the application site"

- 7.7 Given the proposal seeks to provide temporary, assisted accommodation in a quiet and safe environment with the aim of reintegrating homeless veterans into society with employment, it is considered that a countryside location is suitable in this instance. A full assessment of the proposals visual impact is undertaken in the Scale and Design section of this report, however, it is concluded that the proposed development would be sensitive to its rural surrounding, benefitting from existing mature trees and operating sites directly abutting the site to the north and south.
- 7.8 A condition would be imposed on any planning permission granted to ensure the occupiers of the temporary accommodation are those directly involved in the operation of the site and that the site is not used for any other purpose.
- 7.9 Overall, it is considered that the principle of development is acceptable, subject to all other planning matters being addressed.
- 7.10 Scale and Design
- 7.11 The proposed development involves the change of use of land for the stationing of accommodation for Armed Forces Veterans to create a reintegration facility. The proposal includes the erection of a managers' accommodation building, erection of an accommodation building, provision of off-street car parking spaces and landscaping works. The proposed buildings would be single storey in height, be of a flat-roof design and measure 13.4m by 5.1m with a height of 3m.
- 7.12 The proposed buildings are considered to be of an acceptable scale and design and would benefit from adequate screening from the public highway of Station Road afforded by mature, dense tree planting along the eastern boundary. Whilst the proposed development would be visible from the rear of the site, along West Drove South, given the proposal would replace existing buildings on site and would be approximately 350m from the highway of West Drove South, the proposal would not result in detrimental impacts on the character of the area.
- 7.13 Details of the proposed finishing materials, landscaping scheme and hardsurfacing for the parking/yard area have not been provided as part of the application. A condition would be imposed on any planning permission granted to secure these materials prior to works commencing.
- 7.14 Overall, the scale and design of the proposed development is considered to be acceptable and would safeguard the rural character of the area. As such, the proposal is considered to accord with Policies 1, 2 and 3 of the adopted South East Lincolnshire Local Plan, and the guidance within the NPPF.
- 7.15 Impact on Neighbouring Amenity
- 7.16 During the course of the application, no comments have been received by any neighbouring residential property. The closest neighbouring residential properties that are likely to be impacted upon as a result of this proposal are The Chase and Hillside, 41, Station Road, Gedney Hill.
- 7.17 Given the single storey nature of the proposed buildings to be constructed, the proposal is not considered to result in any detrimental overbearing, overshadowing or overlooking impacts on either neighbouring property. Furthermore, given the scale and nature of the proposal, the development is not considered to result in a significant number of comings and goings that would result in general noise and disturbance impacts on the neighbouring properties.
- 7.18 In 2019, permission was granted for the erection of an agricultural building necessary for the storage of animal feed, farm machinery and bee keeping equipment. The remainder of the site to the west is shown to be used as an existing paddock and apple orchard. Whilst the proposed accommodation would be in close proximity to the agricultural building, the amenity of the occupants are not considered to be at risk as the arrangement would not be dissimilar to a residential property on a working farm. Furthermore, the proposed accommodation for Armed Force veterans would be on a temporary basis only.

- 7.19 Overall, the proposal is considered to be acceptable in terms of impacts on neighbouring properties amenities and the amenity of the proposed occupiers of the development are considered to be safeguarded.
- 7.20 Highway Safety
- 7.21 The site is accessed via an existing access off Station Road, which is a classified B road. The proposal would utilize the existing access which is considered to be of an acceptable width with sufficient visibility splays in both directions.
- 7.22 Whilst the access itself is not hard surfaced, it is not considered essential that the access is made-up to the current Lincolnshire County Council vehicle access crossing standard in order to serve the proposed use.
- 7.23 The proposed use is not expected to be a high generator of vehicle movements and includes adequate off-street car parking provision.
- 7.24 As such, the proposal is considered to be acceptable in terms of highway safety.
- 7.25 Flood Risk and Drainage
- 7.26 The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps 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 Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.
- 7.27 The South Holland SFRA indicates that the site is located within an area identified as "No Hazard". The proposal therefore satisfies the sequential test.
- 7.28 The application details that surface water is proposed to be disposed via infiltration and foul water would be disposed via package treatment plan. Whilst South Holland Drainage Board have raised some concerns with these methods, this can be secured via a suitably worded planning condition. It is also worth noting that further clarification is being sought with the applicant regarding these matters.
- 7.29 Planning Balance
- 7.30 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.
- 7.31 On balance, the principle of development is considered to be acceptable given the nature of the proposed accommodation, would not visually harm the character and appearance of the streetscene or surrounding area, would not result in detrimental flooding impacts or have a detrimental impact on highway safety. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 30, 31, 32, 36 and appendix 6 of the adopted South East Lincolnshire Local Plan (SELLP) (2019), plus advice within the National Planning Policy Framework (NPPF).
- 7.32 Taking the above into account, there are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.
- 7.33 **Conclusion**
- 7.34 Approve, subject to conditions.

7.35 **Additional Considerations**

7.36 **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.

7.37 **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 those conditions listed at Section 9.0 of this report.**

9.0 **CONDITIONS**

1. The temporary accommodation buildings and any ancillary structures shall be removed from the site at or before 5 years from the date of this permission and the site reinstated to its former condition before that date.

Reason: Permission has been granted on grounds of providing temporary accommodation. Also, as the accommodation buildings are of a temporary nature and by reason of their materials may become dilapidated and cause injury to the amenities of the locality. A temporary permission enables the Local Planning Authority to review the situation with regard to these issues.

This Condition is imposed in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application form,
Site Location Plan, drawing number 1448-1-PL-LP01
Proposed Site Plan, drawing number 1448-1-PL-SP02 Rev A,
Accommodation Building, drawing number 1448-1-PL-GA01 Rev A and,
Manager Accommodation, drawing number 1448-1-PL-GA02 Rev A, received by the Local Planning Authority on 25th April 2022.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the commencement of the development hereby permitted beyond oversight a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. The temporary accommodation (Managers' Accommodation and Accommodation Building) hereby approved shall only be occupied by individuals directly involved with the operation of the approved use within the control of the applicant. The applicant shall maintain occupancy records of the accommodation buildings, which shall be made available for inspection by the Local Planning Authority at any time.

Reason: To prevent the temporary accommodation buildings being used as permanent, unrestricted residential accommodation.

This condition is imposed in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), the premises shall be used only as specified within the application and for no other purpose.

Reason: To ensure that the Local Planning Authority retains control over the future use of the site in the interests of protecting the countryside.

This Condition is imposed in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

6. Before the commencement of the development hereby granted beyond oversight, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

7. Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

8. 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 subsequently determining to grant planning permission.

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

9. We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

British Standard 85500 - Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

10. The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

