DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0965-19**	**Applicant:**	**Naylor Flowers Ltd**
Proposal:	Use of land for the stationing of agricultural workers' accommodation		
Location:	Vickers Park Washway Road Moulton Marsh		
Terminal Date:	20th November 2019		

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	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for the use of land for the stationing of seasonal agricultural workers' accommodation (2 no. lodges and 6 no. static caravans, plus laundry room). The proposed 9-month occupancy period is from 1st Feb - 31st October during each year.

The application is accompanied by a flood risk assessment.

Site Description

The site is part of a farmyard located on the eastern side of the A17. It is currently occupied by polytunnels. A new agricultural building is located to the east and other buildings to the south-east.

An associated house is situated to the south and a dwelling further to the north-west.

Consultation Responses

Moulton Parish Council - No response.

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

South Holland Internal Drainage Board - We note that the applicant intends to dispose of surface water via infiltration; however, we cannot see that the viability of the proposed drainage strategy has been evidenced. The proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater.

Anglian Water - No comments.

Environment Agency - Classified as "More Vulnerable" due to the seasonal occupancy of the caravans/log cabins. Falls within Cell F8

Private Sector Housing - No objections to the revised plans. The proposed development will be required to be licenced and as such must adhere to the Model Conditions for Caravan Sites 2008 England : Caravan Sites and Control of Development Act 1960 Section 5, concerning roadways, lighting, footpaths and fire
protection provision etc.

Public - Comments received (summarised):
The Council needs to start looking at a speed limit in this area or build a new road. The reason for this is traffic on the A17 is too heavy.

Applicant (summarised):
Naylor Flowers Limited grows cut flowers and potatoes on approximately 202 hectares of land in a 16km radius of Moulton Seas End. The products are all grown for supermarkets, including Aldi, the Co-operative Group and Waitrose, on a contracted basis through partners and agents including JZ Flowers, Nene Potatoes and the Butters Group. The business produces over 50 million stems of flowers each year and is a leading producer in the British flower industry.

Cut flower production is a major industry in South Holland and the exit of the UK from the EU will

have a significant impact on this sector. The UK imports 85% of the cut flowers that consumers buy and the demand for home-grown production is likely to increase now that the value of Sterling has weakened.

Having workers based on the farm represents an established method of providing a well-managed, cost effective and sustainable work force enabling the farming business to operate and plan effectively.

Policies/Constraints

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

It is within Flood Zone 3 on the Environment Agency Flood Maps and within an area of "no hazard" within the South East Lincolnshire Strategic Flood Risk Assessment, 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 provided information satisfactorily demonstrating that temporary accommodation is required on site to meet the needs of the business;
Commensurate with the needs of the holding - The accommodation proposed is considered commensurate to an agricultural holding of this scale and nature;
Temporary accommodation - The accommodation proposed is for seasonal workers and is not permanent;
Character of the area - The site is partially screened from public view by existing buildings/hedgerows, etc. The statics/lodges 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;
Existing dwellings - The proposal is in addition to existing accommodation for agricultural workers within the associated dwelling to the south.

Amenity

The nearest residential property to the south is associated with the farm and is also used to accommodate agricultural workers. A dwelling is located further to the north-west and is separated

by the busy A17 and other buildings. It is considered that the amenity of nearby residents would not be materially harmed in terms of noise, disturbance, lack of privacy, etc.

Highway Issues

An existing access and parking area would be utilised. Comments have been raised concerning traffic issues on the A17. However, LCC Highways has raised no objections on highway safety grounds.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. The map has 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 EA mapping does 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)(SFRA) as a basis to apply the sequential test.

The statics and lodges are temporary seasonal accommodation. The hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defences were to occur. The proposal therefore satisfies the sequential test. Concerning the exceptions test, it is recommended that finished floor levels be set no lower than 300mm above ground level and the static caravans be securely fastened to the ground. The lodges and statics would not be occupied between 31 October and 1 February in the succeeding year.

Drainage

Foul sewage would be disposed of to a package treatment plant, with an outfall to a drain. This matter can be addressed by means of a condition, along with disposal of surface water.

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. Drainage can be addressed by means of a condition.

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.

Recommendation

A temporary permission of 5 years is considered appropriate in this particular case.