

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H18-0774-20	Applicant:	Roffes Transport Ltd
Proposal:	Temporary siting of caravans - retrospective		
Location:	Roffes Transport West Bank Sutton Bridge		
Terminal Date:	1st February 2021		

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
07	Improving South East Lincolnshire's Employment Land Portfolio

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development
 Section 6. Building a strong, competitive economy
 Section 12. Achieving well-designed places
 Section 14. Meeting the challenge of climate change, flooding and coastal change.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is an application that seeks retrospective planning permission for temporary siting of caravans at Roffes Transport Ltd, West Bank, Sutton Bridge, Spalding.

Roffes Transport Ltd is a long-established family-run business that supply haulage for warehousing and distribution of goods to other local and national companies.

Two caravans were first sited on the site back in 2013 and obtained a lawful development certificate under application ref. H18-0259-17. Subsequently, six further caravans have been sited over the last five or six years in breach of planning control.

The purpose of all caravans is the provision of on-site accommodation for HGV drivers that work for the haulage company.

Site Description

The site is a sizeable piece of land amounting approximately to 2.38 hectares. It is entirely dedicated to host the premises of Roffes Transport Ltd and forms part of the West Bank Industrial Estate. There are two vehicular accesses from West Bank, which runs in parallel with the River Nene.

The topography of the site is such that development across the land stand on two levels. The northern half is higher than the southern half. There is an office building off the southern vehicular access that leads to an open hardstanding area. A large workshop stands on the southern boundary of the site.

With a kiosk next to it, the northern vehicular access leads to storage buildings of considerable scale. A wide and long paved lane for HGVs dips into the site and descends to the southern half of the site.

Those two caravans approved by permission H18-0259-17 are to the rear of the office. The remainder of the caravans are sited on the southern half of the site forming a row along the long lane on higher land. Little separation is given between the caravans, especially those in the row.

History

H18-0259-17 - Siting of two mobile homes - Approved

Consultation responses

Sutton Bridge Parish Council

No objection.

Emphasises that permission should only be temporary, not permanent. Requests the application is determined by the Planning Committee.

Environment Agency

No comments.

LCC Highways/SUDS Authority

No objection.

SHDC Environmental Protection

No objection.

SHDC Private Sector Housing

No objection.

Reminds that the siting of caravans should require a licence in accordance with the Caravan Sites and Control of Development Act 1960 and meet conditions as laid out in the Model Standards 2008 for Caravan Sites in England.

Planning Considerations

Principle of development

The site is within the settlement boundary for Sutton Bridge as set out in the Policies Map of the South East Lincolnshire Local Plan (SELLP) 2019. Furthermore, the site is part of the West Bank Industrial Estate which is designated as one of the Established Employment Sites by Policy 7 of the Local Plan.

This policy is aimed to ensure that economic growth takes place in the most sustainable locations. For this reason, it provides a portfolio of employment land from strategic established sites to windfall sites for industrial/commercial purposes.

West Bank Industrial Estate (ref SB001) is classed as an Established Employment Site. As such, the application site "will be protected for new B1, B2 or B8 development and/or redevelopment in Class B1, B2 or B8, provided the proposed development is of a scale that respects the character of the area and/or neighbouring land uses". It goes on to say that "any non-B development will only be supported where the applicant can show that it is ancillary to the effective functioning of the Established Employment Site".

At the case officer's request, a Justification Statement has been provided to support the siting of the caravans. The agent on behalf of the applicant states that the caravans provide much needed on-site accommodation for the HGV drivers who are directly employed by the company. It is confirmed that one third of the drivers are foreign workers that need to stay temporarily in the area for work reasons. In principle, the siting of the caravans might be considered ancillary to the effective functioning of Roffes Transport Ltd. and therefore the development accords with Policy 7.

The extent to which the siting of temporary caravans is sustainable can be determined by assessing it against each dimension of sustainable development set out in Paragraph 8 of the National Planning Policy Framework (2019) as follows:

1. Economic

See above

2. Social

The provision of on-site accommodation for workers is not at odds with the convenience to deploy services and facilities for day-to-day needs. There is a local Co-op food store within a 8 minute walk. Likewise, there is a regular bus service that would allow the caravan occupiers to reach larger towns such as Spalding and Holbeach.

Should planning permission be approved, a site licence for caravan accommodation would be obtained and other requirements would be met. In doing so, minimum standards would be ensured to the occupiers to enjoy good living conditions.

3. Environmental

The caravans are sited in a fringe of land that has relatively low flood risk hazard ('Danger for Some') as per the South East Lincolnshire Strategic Flood Risk Assessment (March 2017). Short-let caravans are classed 'more vulnerable' to flood risk in accordance with Planning Practice Guidance.

New development having such flood vulnerability and located in 'Danger for Some' areas is permitted subject to appropriate mitigation. Amendment should be made to the proposed measures but it is feasible to do so at a later stage.

Therefore, it can be confirmed that the development would be acceptable in line with the Standing Advice contained in the South East Lincolnshire SFRA. Therefore, no significant exacerbation of flood risk would occur within the lifetime of development nor the safety of caravan occupiers be unacceptably undermined.

In summary, the principle of development for siting caravans for temporary accommodation is acceptable. On balance, the development would achieve sustainable development in accordance with Policies 1 and 7 of SELLP, 2019 and Paragraph 8 of NPPF, 2019.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments would function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of SELLP, 2019 goes on to say that considerations shall be met about size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, would not be acceptable.

The caravans are pre-fabricated structures that are visibly moveable. The internal floor levels are higher than the ground levels. The base of the caravans is boarded. External cladding is made of synthetic materials. UPVC is the material used for windows or doors. There is a variety of roof types, from double pitched to vaulted roofs. The appearance of the caravans is characteristic of such type of development and is not at odds with the industrial/commercial buildings within the site.

Two caravans are to the rear of the office building near the southern site access. Subsequent caravans have been sited forming a row along the lane on higher land within the site. Such position of the caravans does not obstruct HGVs movements on the hardstanding area.

The presence of short-let accommodation within an employment site is not ideal although it is acceptable given the functional needs of the business on site as described above. Therefore, the siting of the caravans is not significantly conflictive with the main use of the land on site and nearby.

Residential amenity

At the time of the case officer's site inspection, the caravans were poorly separated from each other. There is an overlooking effect through windows on side elevations unless blinds are used.

In partnership with SHDC Private Housing, it was requested to improve the siting of caravans in this respect. Revised plans were submitted showing 6 metres separation distance between the caravans. In doing so, the adverse impact upon residential amenity has been appropriately addressed and privacy is safeguarded for residents to an acceptable level.

Flood risk

The caravans are sited in a fringe of land that has relatively low flood hazard ('Danger for Some') as per the South East Lincolnshire Strategic Flood Risk Assessment (March 2017). Short-let caravans are classed 'more vulnerable' to flood risk in accordance with Planning Practice Guidance.

The Standing Advice contained in the South East Lincolnshire SFRA provides Environment Agency's guidance about how development should be upon flood risk vulnerability and flood hazard. Non-major 'more vulnerable' development located in 'Danger for Some' areas is permitted subject to appropriate mitigation. The Justification Statement states that finished floor levels (FFL) of the caravans are currently 600mm above ground level which is the anticipated flood depth in case flood defences breach.

Following the Standing Advice, single storey proposals must use the 0.1% event, 2115 scenario, for setting FFL. This scenario anticipates flood depths ranging between 0.5 and 1 metre for most of the

caravans. Therefore, the existing siting is not sufficient in this respect and finished floor levels should be increased from 600mm to 1 metre to protect development from the highest depths.

It is the case officer's opinion that the caravans can be feasibly raised to such height. The increase will not create any other detrimental effect on other material considerations (e.g, residential amenity other than caravan occupiers).

Planning balance

The siting of temporary caravans for business workers is in principle acceptable. It is in line with policy considerations about established employment sites, local spatial strategy and functional needs of the business. On balance, it is considered that the development complies with the achievement of sustainable development.

Residential amenity would be improved by the increase of separation distance between the units. The subsequent compliance with SHDC Private Housing licencing would safeguard the standards of the development in this respect. The caravans incorporate flood risk mitigation although finished floor levels will be raised further to fully comply with the local planning policies.

In summary, any adverse impacts of granting permission to the development would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

For the reasons above, this application is in accordance with Policies 1, 2, 3, 4, 7 of South East Lincolnshire Local Plan (2019) as well as Section 2, 6, 12 and 14 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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.