

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H20-0281-21 **Applicant:** Mr A W Ellis
Proposal: Use of land to site 20 static caravans for workers accommodation
Location: Land At Scalesgate Road Sutton St James Spalding
Terminal Date: 18th May 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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
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	1	2
OTHER STATUTORY BODIES	0	0	1	2
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application for the use of land off Scalesgate, Sutton St James, to site 20 static caravans for workers accommodation.

The proposal is intended to meet the needs of the adjacent flower business who advise that they have seen a decline in the number of workers from both the UK and overseas as a result of the lack of local accommodation available. The caravans would not be occupied all year round due to the nature of the flower industry. It has been advised that they will be in occupation for around 8-10 months of the year.

Site Description

The application site is grassed land located within the wider horticultural complex. It is located adjacent to two large existing buildings on site (east and south). Pallets are currently being stored at the rear of the site. A reservoir is located to the north-east. The site is fenced on the boundary with the road, which is single track. Trees line the western boundary and there is also a drainage channel on western side of the site. The character of wider area is rural.

Relevant History

None.

Consultation Responses

Sutton St James Parish Council - Whilst supporting the need for additional workers to enable a local business to continue to operate, we would like to see certain things taken into account if the application is successful. Must be employed on site. A limit to the maximum number of people per caravan. Strict controls to ensure unnecessary noise, litter pollution etc are continually reviewed. Road access to the site remains on Old Fendyke and not Scalesgate Road. Accommodation to be a temporary status until more permanent solutions for affordable housing can be found.

SHDC Private Sector Housing - If permission is approved application will be required for a site licence and conditions of the 2008 Model standards in relation to fire separation, access, spacing, bases etc will need to be adhered to.

Lincolnshire Police - No objections.

Anglian Water - Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

Environment Agency - No objection. We would advise that your authority review the flood risk

assessment (FRA) to ensure that it has correctly identified the proposed development in terms of its flood risk vulnerability classification. The proposed site is located within flood zone 2 and not affected by hazard mapping. We would recommended that static caravans are secured to the ground using an adequate mechanism such as chains and ground anchors and the finished floor level set at a minimum 300mm above ground level. Connection to mains foul drainage not feasible (no foul drainage assessment submitted) - Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

South Holland Drainage Board - We note that the applicant intends to re-use surface water from this new development using an existing storage reservoir in the north-east corner of the site rather than disposing of surface water by infiltration. Plan 1, showing the drainage route into the attenuation reservoir, does not appear to have been made available within the FRA for viewing. We recommend that the design of the reservoir provides sufficient capacity to store storm water as per national guidance as well as the water for re-use. The Flood Risk Assessment states that all circulation areas and accesses serving the site will be constructed with permeable materials (page 3) and the Drainage Statement within the FRA (page 11) states that no new concrete will be laid as part of this development. The legend on the Block Plan dated 24/03/2021 however, identifies a concrete path and the proposed materials in Section 7 of the application form gives concrete as being the principal material. The chosen material(s) need to be consistent across the application. Also reminds of any consents that may be required.

SHDC Environmental Protection - No comments or objections.

Public (1 comment in support) -

- Very successful business that deserves the support of the community
- Been assured there will be no new access from Scalesgate and that the existing car park will be used
- Suggest that a wooden fence alongside Scalesgate would conceal development and enhance security whilst new hedging matures, and would also muffle any noise

Planning Considerations

Principle

The site is not located within any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is, therefore, classed as being in the countryside in planning policy terms. Policy 1 of the Local Plan states that development in the countryside will only 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. The proposal is intended to meet the needs of the adjacent flower business.

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 transient agricultural workers accommodation is required include the following:

- 1) Essential and proven need - The applicant has advised that they have seen a decline in the number of workers from both the UK and overseas as a result of the lack of local accommodation available. It is argued that providing workers accommodation in this location will enable the business to sustain its current output levels, as well as the potential to increase its output throughout the year;
- 2) Commensurate with the needs of the holding - The application form indicates that the business currently employs 90 people and that the caravans would provide accommodation for an additional 25 employees. The proposed number of caravans would appear to be commensurate with the scale of the business overall and its aspirations.
- 3) Temporary accommodation - The accommodation proposed is for seasonal workers in the flower industry (which by its nature is limited to certain months by the weather) and is not permanent;
- 4) Character of area - A hedge is proposed to be planted along the Scalesgate Road side of the site which will act as screening and there are existing trees along the western boundary which obscure views from a westerly direction. Although the site is in a rural area, the caravans would be against the backdrop of two large agricultural buildings (east and south) and would not materially adversely impact the character and appearance of the area;
- 5) Satisfactory standard of accommodation and regular transport - It has been advised that laundry facilities are already available on site for use by the occupants. All individuals would have their own mode of transport to access services and facilities. The site is currently grassed and the area around the caravans will remain so for use by occupants, with the exception of the required pathways. There is scope to provide picnic tables adjacent to the caravans for the occupants. The standard of accommodation and facilities available are considered sufficient to cater for the scale of the development proposed;
- 6) Existing dwellings - There are presently no buildings on or adjoining the site that are available for use or suitable for conversion to residential use.

Flood Risk and Drainage

The site in question is located within Environment Agency Flood Zones 2 and 3. However, the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) indicates that the site is not subject to flood hazard or depth.

National Planning Practice Guidance (NPPG) sets out the flood risk vulnerability classification for a variety of uses. Caravans intended for permanent residential use are classed as 'highly vulnerable', whilst short-let caravans are classed as 'more vulnerable'. Given that the applicant's intention is to use the caravans for seasonal workers (thus not being 'permanent' residential accommodation), it is considered that the proposal could fall under the 'more vulnerable' classification - not 'less vulnerable' as indicated in the submitted flood risk assessment. The NPPG states that the Exception Test should be applied to more vulnerable uses proposed within Flood Zone 3a. There are 2 parts to the Test. The first part requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk. The second part requires the proposed development to show that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

In terms of the first part of the Test, Paragraph 8 of the National Planning Policy Framework (2019) sets out the overarching three sustainable development objectives for planning: economic; social; and environmental.

Economy:

The siting of the static caravans will enable the business to recruit employees that they otherwise would not have been able to due to problems with securing affordable accommodation in the area. This will assist with continuity, and potentially an increase, in output. This will clearly be beneficial to the local economy.

Social:

The proposal would meet the accommodation needs of seasonal horticultural workers. It has been advised that workers will have their own vehicles so will be able to access services and facilities to meet their day-to-day needs.

Environmental:

A hedge is proposed to be planted along the Scalesgate Road side of the site which will act as screening and there are existing trees along the western boundary, and hedging further along the Scalesgate Road frontage, which obscure views from a westerly direction. Although the site is in a rural area, the caravans would be against the backdrop of two large agricultural buildings (east and south) and would not materially adversely impact the character and appearance of the area. Siting the caravans in this local would reduce the distance travelled to work and thus associated carbon emissions.

Taking the above into account, on balance, it is considered that the wider sustainability benefits outweigh flood risk concerns in this instance. Part 1 of the Exception Test is therefore passed.

In terms of the second part of the Test, the Environment Agency advise that the caravans be set at a minimum of 300mm above ground level and that they be secured to the ground using an adequate mechanism such as chains and ground anchors. It is considered that Part 2 of the exception test is capable of being passed.

The proposal appears to satisfactorily accord with Policy 4 of the Local Plan in terms of flood risk.

The proposal is for surface water run-off to be discharged at a greenfield rate into the reservoir that adjoins the site. It has been confirmed that there is sufficient capacity within this to store any storm water for re-use and any water would be re-used quickly within the growing glass houses on site.

Foul water would be discharged to a package treatment plant(s).

The drainage proposals are considered to be appropriate for the site and therefore comply with Policies 2 and 3 of the Local Plan in this regard.

Residential Amenity

The closest property is approximately 130m away. At such a distance it is not considered that the proposal would have a material adverse impact on residential amenity in terms of noise, visual intrusion, loss of privacy, light etc.

As addressed earlier in the report, an acceptable standard of accommodation would be provided for the occupants.

The proposal is therefore considered to accord with Policies 2 and 3 in terms of ensuring an appropriate standard of residential amenity.

Highways and Parking

The Highway Authority have been consulted and raise no objection on highway grounds.

Parking is available in the main car park which is where workers would normally be expected to park their car during the day. There is a path through to the site from the parking area.

Planning Balance

The proposal is for 20 static caravans to act as workers accommodation to meet the needs of the adjacent flower business and is considered acceptable in principle in the context of Policy 1 of the South East Lincolnshire Local Plan (2019). There are no flood risk, drainage, highway or residential amenity concerns.

The planning balance is considered to be in favour of the proposal.

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.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (2019), as well as Sections 6, 12 and 14 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.