

BOSTON BOROUGH COUNCIL

Planning Committee - 06 June 2023

Reference No: B/22/0491

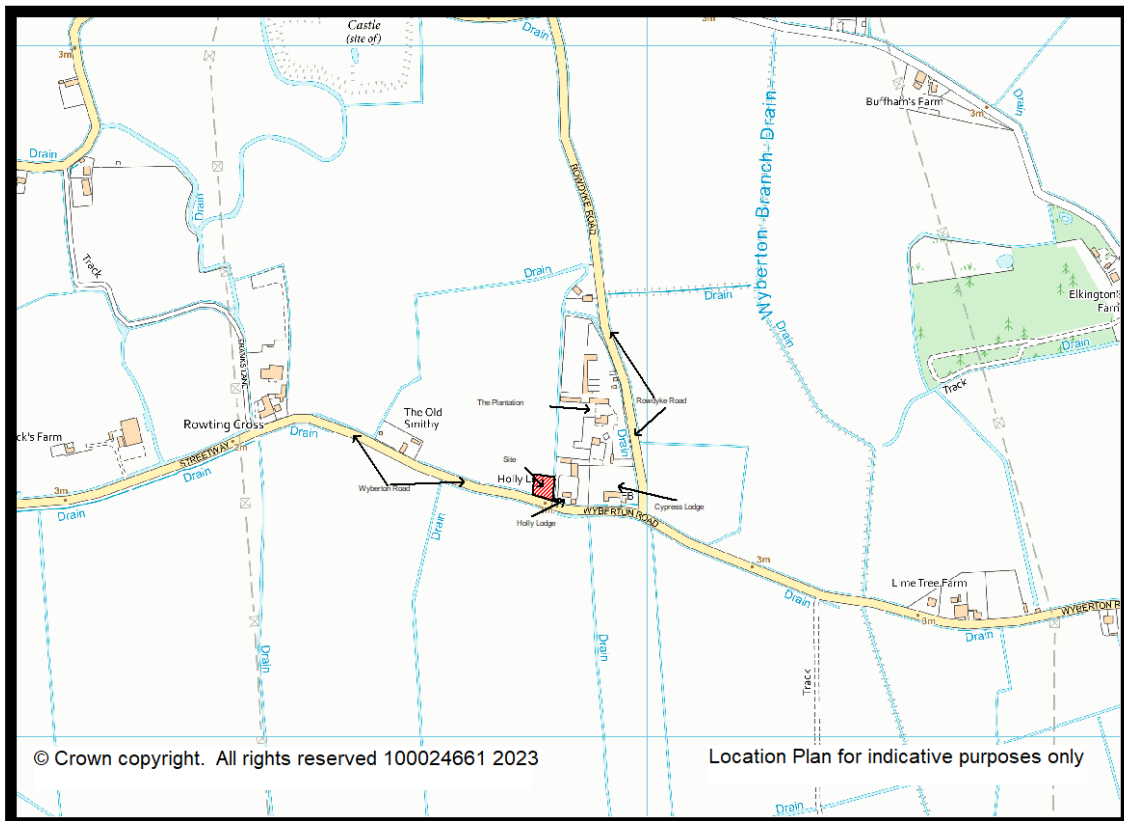
Application Type: Full Planning Permission
Proposal: Proposed two storey dwelling for an essential worker
Site: Lincolnshire Firewood & Coal, The Plantation, Rowdyke Road, Wyberton, Boston PE21 7AQ

Applicant: Mr Evan Jenkins, Lincs Firewood Company Ltd
Agent: Dean Morley, Misura Architectural Design

Ward: Wyberton Parish: Wyberton Parish Council

Case Officer: Lauren Birkwood Third Party Reps: 0

Recommendation: Refusal



1.0 Reason for Report

1.1 The application was deferred at Planning Committee on the 18th July 2023. Members noted that they were not comfortable in determining the application when key information was not available, including sight of a business plan, sight of a Flood Risk Assessment, reference to the accident noted and that Members felt

more justification for the dwelling was needed in respect of the operation of the business and alternatives that had been explored and/or discounted, including the identification of other sites within the business grounds. Furthermore Members sought further clarification on the siting of the shed on the adjacent site within the ownership of the applicant in relation to a separate farming enterprise under application B/22/0196.

- 1.2 Therefore, this is a supplementary report providing additional information as requested by the Members. This report should be read in conjunction with the Committee Report of 18th July 2023.

2.0 Application Site and Proposal

- 2.1 The proposal is for a two storey dwelling for an essential worker for Lincolnshire Firewood and Coal on Rowdyke Road in Wyberton.
- 2.2 The application site consists of a section of land located on the northern side of Rowdyke Road in Wyberton which is located within the countryside. The site is located within the ownership of Lincolnshire Firewood and Coal which consists of various industrial buildings and biomass boilers. The site is located to the west of Holly Lodge. Access would be taken from Rowdyke Road via an existing access which runs down the side of Holly Lodge. The site is located within Flood Zone 3.

3.0 Relevant Policy

South East Lincolnshire Local Plan 2019

- 3.1 The following policies contained within the South East Lincolnshire Local Plan (2019) (i.e. SELLP) are relevant to this application:
- Policy 1 – Spatial Strategy
 - Policy 2 – Development Management
 - Policy 3 – Design of New Development
 - Policy 4 – Approach to Flood Risk
 - Policy 10 - Meeting Assessed Housing Requirements
 - Policy 17 - Providing a Mix of Housing
 - Policy 28 – The Natural Environment
 - Policy 30 – Pollution
 - Policy 31 - Climate Change and Renewable and Low Carbon Energy
 - Policy 36 - Vehicle and Cycle Parking

National Planning Policy Framework

- 3.2 At the heart of the 2023 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:
- Section 4 - Decision-making
 - Section 5 - Delivering a sufficient supply of homes
 - Section 9 - Promoting sustainable transport
 - Section 11 - Making effective use of land
 - 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

4.0 Additional Representations

4.1 No additional representations received.

5.0 Further Consultations

5.1 Environment Agency – Subject to a condition requiring the development to accord with the submitted Flood Risk Assessment, the Environment Agency withdraw their previous objection, dated 16 August 2023.

6.0 Planning Issues and Discussions

6.1 The key planning issues in the determination of this application are set out in the Committee Report of 18th July 2023. The key issues in relation to this supplementary report relate to a range of additional information requested by Members as follows:

- Turnover of the Business, Activities on site and Need for a permanent dwelling
- Character and Appearance
- Other Options
- Agricultural Shed on Adjoining Site
- Flood Risk

Turnover of the Business, Activities on Site and Need

6.2 The previous committee report concluded that insufficient justification for a dwelling had been provided. At the Planning Committee meeting Members requested that further information be provided by the applicant on this point.

6.3 As a result, account details have been provided by the applicant which includes the turnover of the company in the 2022 tax year. This outlines that the company has a sound financial footing.

6.4 The applicant has also provided further information in relation to the activities and processes undertaken on site which states:

“The site currently takes in arboricultural arisings from tree surgeons and highway maintenance within a 50 mile radius of the site. Fuel wood and hardwood logs in 2.4 meter bars are purchased from woodlands within a 50 mile radius of the site. We do not transport timber in from further afield as we feel it is environmentally unsavoury to do so, nor do we transport finished product (firewood) more than 50 miles away from our site for the same reasons.

Once the raw material reaches the site, it is stored and graded and then processed into the most appropriate wood fuel. The fuel is then loaded straight from the processor into 2 cubic metre crates which are then stored outside for a period of time to allow the wood to die. After this, the wood is then loaded into kilns which are fired by logs, arboricultural arisings or straw bales, baled within a 10 mile radius of the site. The kilns dry the timber to meet the ready to burn standard (domestic), or similar Woodsure standard (commercial), depending on which market they are being sold into.

The boilers used to fire the kilns need to be filled on a regular basis depending on the heat required: this can vary from 2-4 hours. The fuel is loaded into the boilers

using either a telehandler or counter balance forklift, depending on which fuel is burnt.”

- 6.5 In terms for the need for the essential workers accommodation, the applicant has provided further justification. This includes certain general business management, and health and safety incidents that have occurred on their Norfolk work site which occurred due to lone working. They have stated that:

“Until the time of the accident, one worker would attend to the boilers and kilns, which need attention out of normal working hours. We changed this policy immediately after the accident at the Norfolk yard. Should an employee lone work, and be involved in an accident, they would not be discovered until the following day, or even, a Monday should the accident occur any time after 5pm on a Friday.

The tasks of loading fuel into boilers, adjusting airflow or temperature do not take very long at all. If someone were living in Wyberton village, for instance, it would probably take them longer to get into their car, drive to the yard, park up and return home again than it actually would to do the task in question. For the most part we are able to cover two workers, out of hours, who live in tied houses to perform. However, people fall ill, get tired and sometimes will go on holiday, have a bereavement in their family or maybe they just want a few days off checking the boilers, during the night.

These are the times when it is extremely difficult to get two people on the yard together, at the right time. And this is the reason we need, so desperately, this extra on site accommodation.”

- 6.6 This information is noted. However, the information states that for the most part the applicant can cover operations through the two employees that already live on site in the existing 2no permanent dwellings. The applicant has stated that the proposed dwelling is for covering holiday absence or sickness etc, and not a regular need of the business.

- 6.7 It is therefore considered that this ad-hoc need for an additional worker would not justify an additional permanent dwelling in this countryside location within Flood Zone 3. Whilst the risks of lone-working and the need for two workers are acknowledged, it is considered that alternative ways to provide sickness and holiday cover can be achieved, for example temporary changes to shift patterns, short-term overtime options or the provision of temporary accommodation within the site to provide temporary additional cover if someone is ill or on holiday etc.

- 6.8 It is therefore considered that a justifiable need for a third permanent dwelling at the site within the countryside and within Flood Zone 3 has not been demonstrated and the proposal does not accord with the requirements of Policy 1 of the Local Plan or the NPPF 2023.

Character and Appearance

- 6.9 It was previously recognised that the application site is located adjacent to a small, loose group of dwellings in the countryside, and it is considered that the introduction of a new dwelling will not appear totally alien. There are three existing dwellings within the vicinity that do not have a unified character. Although two are similar, ultimately the dwellings vary in size, age, design, and materials, and also show significant variation in their plot sizes

- 6.10 The dwelling would be situated within the adjacent western field, which has a defined boundary and rural in character. Therefore, it is considered that the development would encroach into the agricultural field and countryside, which in turn would have a detrimental impact upon the character and appearance of the area and openness of the countryside.
- 6.11 Further justification as to why the development is situated in this location, other areas within the site that have been considered, and why the dwelling is the size and scale have been presented by the applicant. The applicant has stated:
- “I have considered greatly the character and there really isn’t any other location which is suitable, or more to the point, isn’t already in use for a purpose that is required on site. If we were to build a house, where we store the logs at their intake, then we would have to store our intake of logs outside of the yard. This would then mean, they would have to be transported on a public road, only for a few hundred meters, but this would then mean that all loads would have to be strapped. The trailer would not be able to be pulled with a tractor: it would have to be a lorry and none of my staff have class one HGV licenses. So, the only practical place is the location we have suggested.”*
- 6.12 The applicant’s justification is noted. However, it is still considered that a large two storey dwelling that encroaches into the adjacent field would impact the openness of the countryside and would therefore not accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 in terms of character and appearance.

Other Options

- 6.13 It was discussed at the planning meeting that other options should be reviewed that would enable a third essential worker be available when needed and to cover the periods of time when the existing two members of staff who live within the site are not available. Other alternatives such as shift patterns, worker amenities/overnight accommodation within existing facilities and/or a static caravan on the site that can be occupied for temporary periods of the year to allow for shift patterns and employee holiday days should be explored before the option of a permanent dwelling. It was suggested at the meeting that a ‘pinch point’ for the need for the dwelling was due to periods when members of staff may be on holiday. Therefore, further information has been requested to demonstrate that other control measures (such as provision of temporary accommodation during these periods) would be insufficient.
- 6.14 Further information has been provided by the applicant which states:
- “I have considered other options and again it comes down to practicality and enjoyment of life. Would a member of staff who has a wife and children wish to come and spend every night for however long a period of time in an overnight accommodation repurposed somehow in the existing facility? Well, firstly there isn’t anywhere really suitable to do that anyway. Secondly, if we were to request a worker to do that, how long would it be before he got fed up and left? People want to be at home of an evening with their loved ones. They don’t mind popping out to complete a 10 or 15 minute task, even if they do that a number of times during the night. But when you ask them to go and spend night after night in the canteen or static caravan (whatever facility you may be providing), in the middle of winter (when it’s cold and often wet), it won’t take long for a member of staff to become*

disgruntled. Then, not only are you a member of staff down once again, but you have also lost the wealth of knowledge and training that you have put into them.

All members of staff are trained in emergency first aid to either the one day basic first aid or if they are willing to do so, the St Johns Ambulance First Aid 3 day course, which is much more in depth. On top of this, all members of staff due to the machinery and chainsaws we use receive one day catastrophic bleed and trauma training.

We invest heavily in staff training on further training also. Members of staff who are of this ability don't just wander in off the street every day. As you are well aware, Boston has a severe shortage of competent staff and it is incredibly difficult to encourage knowledgeable employees to move to this area. Therefore, we have to retain the staff that we have been able to recruit and train through good pay, good working conditions, and good accommodation where required."

- 6.15 The further information stated is noted, including that competent employees are required. However, as previously noted, there are a range of existing dwellings for sale or rent under 2 miles from the development which could provide suitable accommodation capable of housing employees and their families, including Wyberton Church End, Wyberton village, Heron Park housing development at Wyberton Low Road and The Quadrant housing development at Wallace Way, all within 5 minutes' drive of the site. An initial search on property website Rightmove demonstrates at least 61 dwellings for sale within 1.5 miles of the site as of November 2023. 60 of these properties are 2no. beds or more and 52 properties are 3no. beds or more. It is considered that the need for additional workers accommodation within 5 minutes' drive of the site could adequately be provided through the existing available housing and developments. It is also considered that the justification provided still does not demonstrate that a worker would be needed to live permanently at the site, given the nature of the business and that the need is for holiday and/or sickness cover as and when this occurs periodically throughout the year.
- 6.16 Furthermore, as confirmed above, it is considered there are other ways that this cover can be achieved, for example shift patterns/overtime or a type of temporary accommodation within the site to provide additional cover if someone is ill/away etc.
- 6.17 It is therefore considered that a justifiable need for another permanent dwelling at the site has not been demonstrated and the proposal does not accord with the requirements of Policy 1 of the Local Plan 2019 or the NPPF 2023.

Agricultural Shed on Adjoining Site

- 6.18 Discussions were undertaken at the planning committee meeting around the agricultural shed that was accepted under a prior notification application that is situated within the western agricultural field under application B/22/0196.
- 6.19 The details within the application stated that the building measures 30m in length, 18m in width with an eaves height of 6m and ridge height 8m. The building was erected for the purpose of storing machinery for agriculture.
- 6.20 The building is for agricultural use in an agricultural landscape setting located in the open countryside. On this basis, it is considered that the introduction of a proposed two storey dwelling would appear alien in this agricultural location, and although

there would be an agricultural building nearby, it would not reduce the harm the dwelling would have on the character and appearance of the open countryside area and is therefore still considered contrary to Policies 2, 3 and 28 as set out in the Local Plan.

Flood Risk

- 6.21 Policy 4 of the Local Plan states that a proposed development within an area at risk of flooding (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding (through passing the sequential test), and appropriate flood mitigation measures have been put in place. This is in line with Paragraph 161 of the NPPF 2023 which states that all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.
- 6.22 Since the application was presented to planning committee and was deferred for further information, the applicant submitted a revised Flood Risk Assessment. This has been reviewed by the Environment Agency and they have withdrawn their previous objection. The Flood Risk Assessment now indicates appropriate mitigation measures including that the finished floor levels would be set no lower than 4.8m above Ordnance Datum (AOD) and the development would have at least two storeys for safe refuge.
- 6.23 However, whilst the submitted Flood Risk Assessment sets out mitigation measures intended to make the proposal safe from flooding in accordance with the Exception Test, it is not accompanied by a successful Sequential Test to demonstrate that sites at lesser risk of flooding are unavailable. The submitted Assessment confirms a search radius of approximately 3 miles and that there are few areas in that vicinity which are not with Flood Zone 3.
- 6.24 However, it is considered by the LPA that there are available plots and allocated plots within the development boundaries that are of less of a risk of flooding within a suitable sustainable location. This is in line with Paragraph 162 of the NPPF 2023 which states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 6.25 On this basis, as there is no successful Sequential Test presented within the application, the development does not accord with Policy 4 of the South East Lincolnshire Local Plan 2019 or the NPPF 2023 and is unacceptable in flood risk terms.

7.0 Summary and Conclusion

- 7.1 The proposal is for the erection of a two storey dwelling for essential workers at Lincolnshire Firewood and Coal on Rowdyke Road in Wyberton. In accordance with the previous committee report, it should be reiterated that it is considered that although the business is in a rural location, it is considered that this business does not constitute a farm or agricultural business. The development does not accord with the requirements of Paragraph 80 of the NPPF 2023 and the NPPG as the dwelling is not for a farm business as there are no livestock or birds on the site and there is only a need for mechanical servicing and longer working hours.

- 7.2 Further information has been provided as requested at the planning committee meeting. However, it is still considered that the proposal does not meet the requirements of Policy 1 of the South East Lincolnshire Local Plan 2019. The evidence presented does not demonstrate that the proposal is 'necessary to its location', or that the development would not have a detrimental effect on the open countryside character and appearance of the area by virtue of encroachment in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.
- 7.3 Furthermore, the application site is located within Flood Zone 3, and the requirements of Policy 4 of the South East Lincolnshire Local Plan 2019 and Section 14 of the NPPF 2023 require a successful Sequential Test to demonstrate that no sites at lesser risk of flooding are available. No such Sequential Test has been submitted. Therefore, the proposal, by virtue of its location within the countryside and within Flood Zone 3, would be harmful and conflicts with fundamental elements of the South East Lincolnshire Local Plan 2019 and National Planning Practice Framework 2023. It is therefore recommended for planning permission to be refused.

8.0 Recommendation

- 8.1 It is recommended that Committee refuse the planning application on the following grounds:
- The application site lies in the countryside, outside of any defined settlements listed in Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan 2019. The site is remote and physically and functionally separate from any settlement. It has not been demonstrated that the proposal is necessary to the location or that the proposal would meet the sustainable development needs of the area and as such the proposal is contrary to Policy 1. Future occupiers of this proposed dwelling would be highly reliant on the use of a motor vehicle to carry out essential tasks. As a result the proposal is contrary to the provisions of Policy 1, 2 and 3 of the South East Lincolnshire Local Plan 2019 and the aims of sustainable development in the National Planning Policy Framework 2023.
 - The application site is located within Flood Zone 3 of the Environment Agency Maps and the proposal is within the 'Danger for All' flood risk vulnerability category. The application is not accompanied by a successful Sequential Test, and therefore fails to demonstrate a necessity for the development in this location or that sites at lower risk of flooding are unavailable. As such the proposal is contrary to Policy 4 of the South East Lincolnshire Local Plan 2019 and Section 14 of the National Planning Policy Framework 2023.
 - The application site would be located within an agricultural field and the countryside. It is considered that the development would represent a linear encroachment into the openness of the countryside that as a result would detrimentally effect the character and appearance of the area. Therefore, the proposal is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and the aims of achieving well-designed places in the National Planning Policy Framework 2023.