

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager
To: Planning Committee - 04 September 2019
(Author: Polly Harris-Gorf - Principal Planning Officer)
Purpose: To consider Planning Application H06-0233-19

Application Number: H06-0233-19 **Date Received:** 01 March 2019

Application Type: FULL

Description: Change of use of land (part retrospective) to provide five additional gypsy/traveller pitches with one day room per pitch and existing stables converted to dayrooms. Also, erection of one new store and retention of sheds for pitch 1, with construction of internal road to facilitate separate ingress and egress to and from the site, including hardstanding

Location: GREEN ACRES PARK ROPERS GATE GEDNEY

Applicant: Ms C Bushby **Agent:** Parkin Planning Services

Ward: Gedney **Ward Councillors:** Cllr J L Reynolds

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H06-0233-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 At the Planning Committee meeting on 24 July this application was deferred in order that further information be provided to assist in the consideration of the application.
- 1.2 The information sought relates to sewerage arrangements, vehicle access and the quality of the access road, arrangements for management of refuse collection, issues relating to the site being in Flood Zone 3, and Sequential and Exception tests, identifiable need for this development and definition of a "reasonable travelling distance" for residents and sustainability and the impact of the development on the character and setting of the nearby listed building.
- 1.3 The above are the matters for Member consideration and no other issues can now be raised.
- 1.4 In addition the formal consultation responses are also set out below and the planning conditions have been clarified, as per the Members' requests.

2.0 PROPOSAL

- 2.1 This Full planning application proposes the change of use of paddock land to provide 5 additional gypsy/traveller pitches, extending the existing, established gypsy/traveller site, which currently accommodates three traveller pitches, with paddock to the rear.
- 2.2 Each proposed pitch would consist of sufficient land to accommodate two mobile homes (static caravans), space for 2 touring caravans, a day room which is used to house facilities such as washing machines, and provide washing facilities, garden space and parking, together with a

domestic size storage shed.

2.3 In addition, a revised and upgraded road is proposed. The road is to be constructed in accordance with the LCC Highway requirements, and will remain as a private access and road.

2.4 The application is supported by a Design and Access Statement, Flood Risk Assessment, including a sequential test consideration, and a Flood Evacuation Plan. A letter of support from an adjoining neighbour was included at submission and this is discussed below.

2.5 Since submission the application has been revised to reduce the number of touring caravans to be kept on the site.

3.0 SITE DESCRIPTION

3.1 The application site is outside of defined settlement limits and is, therefore, designated as being located in the open countryside. Vehicular access is gained to the site from Ropers Gate.

3.2 The land is bounded to the south by a field drain. The site and the surrounding land is located within Flood Zone 3.

3.3 Hallgate Cottage, which is a detached dwelling in substantial gardens, stands to the west of the site.

3.4 Currently the land accommodates three traveller pitches, each with room for one or two motorhomes and touring caravans, and the plots are gravelled. There is also a partially built day room and several stables on the wider site. The current use of the site is controlled by conditions appended to previous decisions and not more than 4 touring caravans and 4 mobile homes can be sited on the land at any one time, and no storage or sales of materials, machinery, vehicles, waste or other commercial uses or processes, can take place on the site. A maximum of 2 additional touring caravans may be sited on the land for no more than 28 days in any one calendar year.

3.5 In addition occupation of the development is limited to a person or persons who meet the definition of a gypsy or traveller as defined by national guidance and any resident dependants.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

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.

4.2 South East Lincolnshire Local Plan, March 2019

4.3 Policy 1 Spatial Strategy
Policy 2 Development Management
Policy 3 Design of New Development
Policy 4 Approach to Flood Risk
Policy 11 Distribution of New Housing
Policy 17 Providing a Mix of Housing
Policy 19 Rural Exception Sites
Policy 20 Accommodation for Gypsies, Travellers and Travelling Showpeople
Policy 28 The Natural Environment
Policy 36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

4.4 National Guidance

- 4.5 National Planning Policy Framework (NPPF), 2019
- 4.6 2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
- 4.7 DCLG Planning Policy for Traveller Sites. August 2015.
- 4.8 Policy A: Using evidence to plan positively and manage development
Policy B: Planning for traveller sites
Policy C: Sites in rural areas and the countryside
Policy D: Rural exception sites
Policy H: Determining planning applications for traveller sites
Policy I: Implementation
Annex 1
- 4.9 The Housing and Planning Act, 2016
- 4.10 Communities and Local Government's documents, Designing Gypsy and Traveller Sites Good Practice Guide and Model Standards 2008 for Caravan Sites in England - Caravan Sites and Control of Development Act 1960 - Section 5.
- 4.11 Planning Practice Guidance (PPG)
- 5.0 RELEVANT PLANNING HISTORY**
- 5.1 H06-0226-18 - Erection of day room - Approved 22-June 18
- 5.2 H06-0022-17 - Green Acres Park, Ropers Gate - Erect fencing around the site with associated landscaping and planting - Approved 7 March 2017
- 5.3 H06-0558-15 - Green Acres Park, Ropers Gate - Change of use of paddock to gypsy/traveller site comprising of 2 pitches, including alterations to existing accesses and construction of roadways and hardstanding - Approved 21 October 2015
- 5.4 H06-0105-15 - Provision of three stable blocks, animal feed/supply store and alterations to existing accesses - Approved 15 May 2015
- 5.5 H06-0145-13 - Change of use of paddock to gypsy/traveller site comprising 2 pitches, including alterations to access and construction of roadway and hardstanding - Approved 6 September 2013.
- 5.6 H06-1091-13 - Details of landscaping, surface materials and Flood Risk Assessment 'safe haven' (Conditions 5, 6 and 7 of H06-0145-13) - Approved 4 March 2014.
- 6.0 REPRESENTATIONS**
- 6.1 Gedney Parish Council

Object to the scheme, as follows:

- Work has commenced on this site without the necessary planning permission being given.
- The new SELLP has adopted the existing site as an effective settlement area regardless of the

previous Parish Council objections to all of the planning applications relating to this site.

- This new large scale application exceeds these adopted geographic boundaries by a considerable margin and would result in development within the open countryside.
- Council consider the Flood Risk Assessment as inadequate given the proposed style of living accommodation within the site and that there is a danger to life in the event of flooding.
- Council request that this application is brought before the Planning Committee and that the SELLP background papers and policies are considered.
- Current and long-term safety of the occupants of this site.

6.2 SHDC Environmental Protection Officer

No comments or objections with respect to land contamination

6.3 SHDC Environmental Health Officer

No objection

6.4 SHDC Emergency Planning Officer

No objections to the proposal to provide 5 additional gypsy/traveller pitches at this site provided that the occupants are made fully aware of the implications of residing on ground that is liable to flood. As there are already a number of other residents residing on site I feel that this would not cause any potential issues.

6.5 SHDC Private Sector Housing Service

No objections, however residents/owners need to be reminded that they must apply for a site licence.

6.6 SHDC Conservation Officer

The Conservation Officer has visited the site and assessed the proposals and potential impact to the nearest listed building - Hallgate House. He concludes that that from a conservation perspective, does not raise any objections to these proposals. The proposed site sits a decent distance away from the nearest listed building - Hallgate House (Grade II). Therefore, does not believe that the proposals would have an impact upon the listed significance of Hallgate House.

6.7 LCC Traveller Liaison Officer

Made comment on the original scheme, that the layout was poorly designed, the access road not adequate, the pitches large in size, the build quality of the mobile homes, the design and construction of amenity buildings/day rooms and the provision of Electrical, Water and Drainage Services.

These points have been considered by the applicant and addressed by the revised plans.

6.8 LCC Highways & SUDS Support

No objection subject to a condition controlling the construction of the accesses from Ropers Gate.

6.9 Environment Agency

Based on current policy, permanent residential use for caravans on this site would be contrary to national policy and the Environment Agency standing advice, however, if the Council is minded to give weight to this use, then the Environment Agency would not pursue an objection but would strongly recommend mitigation be included, ie, raising of the caravans by 1.0 metre and ensuring that the site has a robust warning and evacuation plan.

6.10 The Flood Risk Assessment submitted with the application indicates the provision of the raising of the caravans, and a warning and evacuation plan has been provided.

6.11 Anglian Water

No response received at the time of writing.

6.12 South Holland Internal Drainage Board

Comment that the consent of the IDB would be needed for any discharge in to a watercourse.

6.13 County Fire Officer

No response received.

6.14 Police Crime Prevention Design Advisor

No objections.

6.15 Public

Three objections have been received:

- Original applicant and justification is no longer apparent
- Suggest that the site has been occupied by non-travellers not related to the original applicants
- The site is already overdeveloped
- Increase in traffic on a small country lane
- Noise increase
- The horses on site were a part of the need for the original planning permission, they are long gone
- It is an eyesore in line of sight of a Listed Building
- Site is viewable from nearby dwellings
- Is in an isolated location
- The size of the proposed site is like an estate
- It will also blur the boundary between Gedney and Lutton and is out of keeping with the rest of the area
- Touring caravans on the site do not look roadworthy
- Not in keeping with the surrounding area
- The proposed scale will devalue the area.

6.16 One letter of support from a nearby neighbour:

- Completely support this improvement to the site
- Site is always clean and tidy and the owners friendly
- Have made many improvements to the site including the planting of trees.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 As a result of the planning application being deferred from the last planning committee meeting, the following matters are addressed below in greater detail - sewerage arrangements, vehicle access and the quality of the access road, arrangements for management of refuse collection, issues relating to the site being in Flood Zone 3, and Sequential and Exception tests, identifiable need for this development and definition of a "reasonable travelling distance" for residents and sustainability and the impact of the development on the character and setting of the nearby listed building.

7.3 The above are the matters for Member consideration and no other issues can now be raised.

7.4 Principle of Development

7.5 The principle of this proposal is to be considered in the light of the NPPF, the policies of Planning Policy for Traveller Sites. August 2015, published by DCLG and the policies of the

South Lincolnshire Local Plan.

- 7.6 In addition detailed matters relating to the impact of the development on neighbouring residents, visual impact, impact on a Listed Building, highway matters and flooding are to be considered. The National Planning Policy Framework (NPPF) is read in conjunction with the Government's Planning Policy for Traveller Sites. The DCLG document, Planning Policy for Traveller Sites, sets out that in determining planning applications for such sites, applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.
- 7.7 Policy C of the DCLG document sets out that:
- When assessing the suitability of sites in rural or semi-rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community.*
- Policy H sets criteria for determining planning applications for traveller sites and in particularly paragraph 24 states:
- Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*
- a) the existing level of local provision and need for sites*
 - b) the availability (or lack) of alternative accommodation for the applicants*
 - c) other personal circumstances of the applicant*
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
 - e) that they should determine applications for sites from any travellers and not just those with local connections*
- 7.8 The Communities and Local Government's Designing Gypsy and Traveller Sites Good Practice Guide gives as a general guide that an average family pitch must be capable of accommodating an amenity building, a larger trailer and touring caravan, (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc.), parking space for two vehicles and a small garden area.
- 7.9 The South Lincolnshire Local Plan (SELLP) acknowledges there is both a 'known' and 'unknown' unmet need for additional Gypsy/Traveller residential accommodation within its district between the period 2011-36.
- 7.10 At 3.2.17, the SEELP states *Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople)..*
- 7.11 Below, Policy 20, Accommodation for Gypsies, Travellers and Travelling Showpeople, is set out in full.
- 7.12 *The redevelopment or change of use of an Existing Residential Gypsy/Traveller Site or Existing Residential Travelling Showperson's Site (as identified on the Policies Map) will be permitted only if an assessment has been undertaken which has clearly shown that the site is no longer required to meet the accommodation needs of the Gypsy/Traveller or Travelling Showpersons communities.*
- Between 2011 and 2036, evidence suggests that, in South East Lincolnshire, there will be a need for the provision of:*
- 4 new permanent residential pitches for gypsies and travellers; and*
 - 1 new permanent residential plot for travelling showpeople.*
- This need will be met through the development of the sites identified on the Policies Map and listed below:*

Land at The Stables, Baulkins Drove, Sutton St James allocated as a 'Proposed Residential Travelling Showperson's Site', to provide accommodation for one additional household; and

Land at Bleu Raye Farm, Mill Gate, Whaplode Fen allocated as a 'Proposed Residential Gypsy/Traveller Site', to provide accommodation for four households.

Planning permission will be granted for the development of these sites, provided that proposals:

- 1. will be adequately provided with appropriate infrastructure such as electricity, drinking-water, waste-water treatment and recycling/waste management;*
- 2. will not have a significant adverse effect on the amenities of existing local residents or adjoining land users (and proposals must therefore give careful consideration to layout, landscaping, external lighting schemes, and the type of business uses that would be appropriate (if mixed residential and business use is proposed); and*
- 3. will be successfully assimilated into both their immediate environs and the wider landscape. the SELLP identifies 4 new permanent residential pitches for gypsies and travellers; and 1 new permanent residential plot for travelling showpeople, subject to criteria relating to appropriate infrastructure such as electricity, drinking-water, waste-water treatment and recycling/waste management; no significant adverse effect on the amenities of existing local residents or adjoining land users; and will be successfully assimilated into both their immediate environs and the wider landscape.*

Additional needs which may arise during the Local Plan period will be met through the determination of planning applications on other, unallocated sites. Planning permission will be granted for proposals on such sites, provided that they meet criteria 1 to 3 above, and they:

- a. provide occupants with an acceptable standard of amenity;*
- b. are not located adjacent to uses likely to endanger the health of occupants, such as a refuse tip, water recycling centres or contaminated land;*
- c. respect the scale of the nearest settled community;*
- d. will not place undue pressure on local infrastructure;*
- e. will not adversely affect heritage assets or areas of importance to nature conservation;*
- f. will not prejudice highway safety or give rise to problems of parking or highway access;*
- g. for sites for permanent residential use they:*
 - i. provide occupants with access to education, health care and recreational facilities, shops and employment within reasonable travelling distances, preferably by walking, cycling or public transport;*
 - ii. are suitable (or capable of being made suitable) for mixed residential and business use;*
 - iii. are not located within Flood Zone 3a or 3b and, if located in Flood Zone 2, the Sequential and Exception Tests have been passed; and*
- h. for sites for transit or stopping place use, are not located within Flood Zone 3b and, if located within Flood Zone 3a, the Sequential and Exception Tests have been passed.*

7.13 It is considered that this application proposal meets all points of this policy and is therefore acceptable in principle.

7.14 Identifiable need for this development

7.15 As part of the SELLP work, an independent Gypsy and Traveller Accommodation Assessment was undertaken on behalf of the Joint Planning Unit, and the report published in November 2016. At the time of the report In South Holland there were no public sites; 10 private sites with a total of 57 pitches; 1 unauthorised site with 10 pitches; and 3 Travelling Showpeople yards with 14 plots. There was no other provision for Gypsies, Travellers or Travelling Showpeople.

7.16 This report concluded that at the time of publication there are 5 Gypsy or Traveller households

identified in South Holland that meet the government definition and 37 'unknown' households that may meet the definition. This approach is consistent with the outcomes of a recent Planning Appeal where access to a site was not possible but basic information was known about the number of households residing there. (Planning Inspectorate Ref: APP/Z6950/A/14/2212012).

- 7.17 The components of future need are as follows:
- Older teenage children in need of a pitch of their own.
 - Households living on sites with temporary planning permissions.
 - New household formation.
 - In-migration.
- 7.18 Need for 4 additional pitches for the household that meets the definition is made up of new household formation based on the demographics of household members - this allocation has been set as the land at Bleu Raye Farm.
- 7.19 In addition, the report goes on to set out that there may be a need across the plan period for up to 13 additional pitches for 'unknown' households.
- 7.20 It is considered that the proposed increase in the number of pitches on this site would contribute to the future need for pitches within the local plan period, in accordance with the policies set out above.
- 7.21 Sustainability
- 7.22 The principle of the use of part of this site has been accepted and the land has been used as three pitches since circa 2015. The existing site is well maintained and is not generally viewed as a significant feature in the area.
- 7.23 With regard to the principles of sustainability as well as the policy criteria above, the proximity to other settlements and services needs to be considered. Within Policy 20 of the SELLP a site called Bleu Raye Farm is allocated as a 'Proposed Residential Gypsy/Traveller Site' to provide accommodation for four households. This site was considered to be acceptable and in a sustainable location for the purposes of the plan and the policy. In addition the policy and the allocation of Bleu Raye Farm was within the remit of the wider sustainability appraisal undertaken on the plan as a whole.
- 7.24 Comparing the application site to Bleu Raye Farm, PE12 6RY, the application site is has very comparable distances to services, schools and settlements as Bleu Raye Farm. Specifically, Bleu Raye Farm is 1.6 miles from Whaplode St Catherine, 4.3 miles from Holbeach, 2.2 miles from Whaplode and 4.1 miles from Moulton.
- 7.25 The application site, PE12 0GA, is 1.1 miles from Lutton, 2.3 miles from Long Sutton, 4.6 miles from Holbeach and 1 mile from Gedney Dyke.
- 7.26 As Bleu Raye Farm is considered to be in a sustainable location with regard to accessibility of services, then it is reasonable to conclude that the application site has a comparable sustainability credential, given the proximity of the site to settlements with shops, health services and schools.
- 7.27 The layout being proposed would provide occupants with a high standard of amenity, given that the pitches would be spacious and include private amenity space. The site is not located adjacent to uses likely to endanger the health of occupants, such as a refuse tip, water recycling centres or contaminated land.
- 7.28 The proposed development respects the scale of the nearest settled community; the hamlet adjacent to the site at the junction of Ropers Gate with the B1359 and Kingsgate consists of a handful of detached dwellings, and there are detached dwellings and farms further to the north, along the B1359 and Kingsgate. Chapelgate and Gedney are located to the south west, accessed from Hall Gate.

- 7.29 The proposals would not place undue pressure on local infrastructure, and a package treatment plant would be installed to process foul sewerage, with soakaways being used for surface water drainage. Refuse collection is by the Council, as per current arrangements.
- 7.30 The site has been specifically considered by the Conservation Officer, and his views are set out above. The proposal would not impact on the setting of the Grade II Listed Hallgate House, which is located to the south west of the road junction. The listed property sits within its own gardens and is not related to the application site.
- 7.31 No issues of nature conservation have been identified, as the land is a paddock, put to grass. It is not proposed to alter the hedging around the site.
- 7.32 The revised access details would not prejudice highway safety or give rise to problems of parking or highway access, and this is confirmed by the LCC Highways service.
- 7.33 The site has been acceptable for a permanent residential use and would provide further occupants with access to education, health care and recreational facilities, shops and employment within reasonable travelling distances, preferably by walking, cycling or public transport.
- 7.34 The site is suitable (or capable of being made suitable) for mixed residential and business use, however it is proposed to restrict business use of the site by conditions, in order that the Council retains an element of control of the site, in order to protect the residential amenities of neighbouring residents, which would be consistent with the restrictions placed on the existing use of the site.
- 7.35 The site is located within Flood Zone 3a or 3b, however, a sequential test has been submitted and measures put in place to ensure residents' safety. The sequential test is brief, however, this site is to accommodate for an identified shortfall, and on this occasion, given the existing use of the site, the proposal is considered to be an acceptable extension of this site.
- 7.36 Impact on Neighbouring Residents
- 7.37 The application site has a boundary with Hallgate Cottage and is separated by a mature hedge. It is considered that other properties in the area, such as Hallgate Bungalow or Hallgate House are not going to be impacted unduly by this development.
- 7.38 Visual Impact
- 7.39 The site is set back from Ropers Gate, and is glimpsed from the surrounding area. On balance it is not considered that an increase in the number of pitches on the site would have such a negative impact on the visual amenity of the area that permission could be refused.
- 7.40 Impact on a Listed Building
- 7.41 The impact on the setting of the Grade II Listed Hallgate House, which is located to the south west of the road junction is addressed above. The listed property sits within its own gardens and is not related to the application site. The property sits as an entirely independent dwelling unrelated to the application land.
- 7.42 The Conservation Officer has visited the site and concludes that no objection is to be raised.
- 7.43 It is considered that the proposed development would not have an impact on the setting or character of the listed building.
- 7.44 Highway matters, vehicle access and the quality of the access road
- 7.45 The proposed road surface would be formed of road planings with a suitable base and

bituminous surface to the edge of each pitch.

7.46 The LCC Highway service do not raise objection to the proposal, subject to a condition, which is set out below. The road quality and layout would be acceptable for the development.

7.47 Sewerage Arrangements

7.48 The applicant is very willing to work with the Council and Anglian Water to provide either package treatment plants or septic tanks with the water draining into to dykes surrounding the land or if septic tanks are installed they would be emptied and waste taken away from site.

7.49 As the views of Anglian Water have still not been received, the details of sewerage treatment are to be agreed by condition, as set out below.

7.50 Flooding, and Sequential and Exception tests

7.51 The application is supported by a Flood Risk Assessment prepared in Feb 2019. Whilst the site is located within Flood Zone 3, the site is protected against both the 1 in 200 year return period for tidal events, and the 1 in 100 year return period for fluvial event, meeting the requirements of the National Planning Policy Framework. The land is not within a functional flood plain, but is located within a passive flood plain. In addition, consideration has been given to the floor heights of the caravans and the safety of residents. It is to be noted that the Environment Agency raise no objection.

7.52 The site is already used as a travellers site, and as flood mitigation measures have been incorporated in to the proposal in the form of raising floor levels and evacuation plans, the proposals pass Part 2 of the Exception Test with an adequate exclusion strategy.

7.53 Management of refuse collection

7.54 The site has domestic refuse collected by the Council, in the usual way. It is intended refuse would continue to be collected by the council. The applicant intends to ensure that a person already living on the site will act as a maintenance person to help with any issues that may arise moving refuse to the front of the site for collection.

In order to ensure acceptable refuse collection arrangements being put in place, condition 5 is set out below to achieve the arrangements for storage of refuse off the public highway and verge, and arrangements for presentation of refuse for collection.

7.55 **Additional Considerations**

7.56 Objection has been raised that the proposed scale of the development will devalue the area. It is not clear whether this relates to the visual quality of the area, which is discussed above, or an impact on land and house values. If it is the latter, this is not a planning concern and can be given no weight.

7.57 Public Sector Equality Duty

7.58 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.

- 7.59 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.60 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.
- 7.61 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.62 Human Rights
- 7.63 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).
- 7.64 It is not considered that the recommendation to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report. The principle of the proposal is to be considered in the light of the policy advice set out within the NPPF, Planning policy for traveller sites, prepared by DCLG in August 2015 and policies set out in the South Lincolnshire Local Plan.
- 7.65 For the reasons set out above it is recommended that planning permission is granted.

8.0 RECOMMENDATIONS

- 8.1 **Grant planning permission subject to the conditions listed in Section 9.0 of this report.**

9.0 CONDITIONS

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

Dwg. No's. Lee/01 & Lee/02 and the approved Flood Risk Assessment (completed by Geoff Beel Consultancy, June 2015)

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

2. Occupation of the development hereby permitted shall be limited to a person or persons who meet the definition of a gypsy or traveller as defined by national guidance set out in 'Planning policy for traveller sites'(August 2015)(or as may be amended) and any resident dependants.

Reason: Permission has only been granted for this development in the open countryside on the basis of an identified need for gypsy/traveller pitches. Occupation of this site by non-gypsy/traveller individuals or families would be contrary to established national and local policies of rural restraint.

This Condition is imposed in accordance with Policies 1, 2 and 20 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in both the National Planning Policy Framework 2019 and 'Planning policy for traveller sites, March 2015'.

3. Prior to the commencement of use of the development hereby permitted, the accesses to the site shall be constructed and reconstructed with a sealed bituminous surface in accordance with the Local Highway Authority's vehicular access specification.

Reason: In the interests of highway safety and to ensure the provision of safe and suitable access for all users.

This Condition is imposed in accordance with Policy 2 the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in the National Planning Policy Framework 2019.

4. Not more than 2 touring caravans and 2 mobile homes shall be sited on each of the five additional gypsy/traveller pitches hereby approved, and no storage or sales of materials, machinery, vehicles, waste or other commercial uses or processes, shall take place on the site. A maximum of 2 additional touring caravans may be sited on each of the five additional gypsy/traveller pitches hereby approved for no more than 28 days in any one calendar year.

Visiting touring caravans shall be logged in and out of the site. This information will be available in writing for the Council to view on request at any time.

Reason: In the interests of the appearance of the development, levels of residential amenity and the visual amenity of the area in which it is set, and to provide for short term family gatherings.

This Condition is imposed in accordance with Policies 1, 2 and 20 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in both the National Planning Policy Framework 2019 and 'Planning policy for traveller sites, March 2015'.

5. No part of the development hereby permitted shall be occupied before details of the means of storage and disposal of refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the pitches hereby approved are occupied and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

6. 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), none of the following developments or alterations shall be carried out.
- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
 - ii) the erection of walls, fences or other means of enclosure.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity, and the visual amenity and character of the area within which it is set.

This Condition is imposed in accordance with Policies 2 and 20 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in both the National Planning Policy Framework 2019 and 'Planning policy for traveller sites, March 2015'.

7. No touring caravan or day room on the site shall be used to provide permanent residential accommodation.

Reason: To reduce the risk of flooding to the proposed development and future occupants. This Condition is imposed in accordance with Policies 2 and 20 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in both the National Planning Policy Framework 2019.

8. The development permitted by this planning permission shall be carried out in accordance with the approved FRA (completed by Geoff Beel Consultancy, June 2015) including the following mitigation measures detailed within the FRA:

- the finished floor levels of the permanent residences are set a minimum of 1m above existing ground levels
- The caravans will be securely anchored to solid concrete plinths.

The mitigation measures shall be fully implemented prior to occupation and shall subsequently remain in place for the duration of the occupation of the site.

Reason: To reduce the risk of flooding to the proposed development and future occupants. This Condition is imposed in accordance with Policies 2 and 4 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in both the National Planning Policy Framework 2019.

9. 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 by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

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

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

