

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H06-1046-19	Applicant:	Miss Carrie-Anne Bushby
Proposal:	Details of foul and surface water disposal (Condition 4 of H06-0233-19)		
Location:	Green Acres Park Ropers Gate Gedney		
Terminal Date:	1st January 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
20	Accommodation for Gypsies, Travellers and Travelling Showpeople

National Guidance

National Planning Policy Framework 2019

National Planning Policy Framework (NPPF), 2021

DCLG Planning Policy for Traveller Sites. August 2015

The Housing and Planning Act, 2016

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.

Representations:

	Object	Support	No Obj.	Comments
ENVIRONMENT AGENCY	0	0	1	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of foul and surface water disposal (Condition 4 of H06-0233-19).

Since submission the details have been revised.

Site Description

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.

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

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

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.

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.

History

H06-0233-19 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. APPROVED 05-09-19.

H06-0226-18 - Erection of day room - Approved 22-June 18

H06-0022-17 - Green Acres Park, Ropers Gate - Erect fencing around the site with associated landscaping and planting - Approved 7 March 2017

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

H06-0105-15 - Provision of three stable blocks, animal feed/supply store and alterations to existing accesses - Approved 15 May 2015

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.

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.

Consultation Responses

SHDC Environmental Protection

No objection.

LCC Highways & SUDS

Does not wish to restrict the grant of permission.

No objection to the revised details for the sewage treatment plant of foul and surface water disposal for the discharge of condition 4 of H06-0233-19 as this is not highway related.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Anglian Water

The foul water is to be disposed via a treated in a sewage treatment plant, the clean treated water will be discharged into the dyke out of the same outlet as the surface water, and the foul water and solids will be collected in the sewage treatment plant and then taken away from site using a licenced sewage company. Therefore this is outside of Anglian Water jurisdiction to comment.

Environment Agency

No observations.

South Holland Internal Drainage Board

Do not have any initial concerns with the application, however the IDB has not yet determined the application fully and will need the approval of the IDB catchment engineer. The IDB is currently waiting for further detail from the applicant to support the licencing application.

IDB do not wish to hold up the planning process . Content with an informative/proviso that if the Board's consent is not granted a further discharge of conditions can be sought.

Planning Considerations

Sewerage Arrangements

The details that have been submitted have been considered by the various relevant bodies, and the responses are set out above.

The details are considered to be acceptable and it is recommended that the details be approved, with an informative.

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.