SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 13 January 2021**

(Author: **Polly Harris-Gorf - Principal Planning Officer)**

Purpose: **To consider Planning Application H16-0932-20**

Application Number:	H16-0932-20	**Date Received:**	19 October 2020
Application Type:	FULL		
Description:	Caravan site for one traveller family (3 caravans), with associated hardstanding, cesspit drainage and portakabin/dayroom (retrospective)		
Location:	Oak Tree Meadow, A16, Spalding		
Applicant:	Mrs E Hanrahan	**Agent:**	Dr R Home
Ward:	Spalding St Marys	**Ward Councillors:**	Lord Porter Cllr H T Drury

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0932-20

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Policy issues merit Committee consideration.

2.0 PROPOSAL

2.1 This full planning application proposes a caravan site for one traveller family (3 caravans), with associated hardstanding, cesspit drainage and portakabin/dayroom (retrospective- the portakabin and one caravan are on the site. The use has commenced and the site has been surfaced).

2.2 The application is accompanied by a supporting statement (includes design and access) and a Flood Risk Assessment. The development is intended to provide for three generations of the same family, who are all of traveller background. The children housed on the site are transferring to a local school. The family have ceased to travel temporarily because of the educational, health needs and advanced age of members of the family.

2.3 The floor levels of the caravans are proposed to be 600mm above ground level with flood resilient construction up to 300mm above finished floor level, offering additional protection against impacts arising from any extreme short duration, localised flooding events and will be securely anchored to the ground. Surface water drainage will be discharged to soakaways designed to BRE365 requirements and Building Regulations approval.

3.0 SITE DESCRIPTION

3.1 The application site is a plot of agricultural land of 0.60 hectares, with vehicular access directly from the A16. The land is fenced and there are sliding gates to the access point. Electricity,

water and foul drainage are available on the site.

3.2 To the east and south east of the site is a private gypsy and traveller site of 10 pitches called Evergreen Close, which has access from Drain Bank North. This was granted planning permission in May 2014 (H16-1003-13 refers).

3.3 The site is shown within Flood Zone 3 benefitting from defences of the Environment Agency's Flood Map for Planning. The site is also shown within a defended area of the South East Lincs. Council's Strategic Flood Risk Assessment Map and located in the South Holland Internal Drainage Board district.

3.4 Spalding, which is considered to be a sub-regional centre, is located to the North, with the most direct access from the site being via Spalding Drove.

There is another small site to the north-east, that was granted on appeal (H16-0772-04 refers).

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

National Guidance

4.2 National Planning Policy Framework (NPPF), 2019

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

4.3 DCLG Planning Policy for Traveller Sites (August 2015)

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

4.4 The Housing and Planning Act 2016

4.5 Caravan Sites and Control of Development Act 1960 - Section 5

4.6 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 Recent planning decisions within the District preceding the adoption of the SELLP

5.2 H16-0772-04. Caravan Site, Junction with A16/Drain Bank North. Change of use of agricultural land to caravan site (Retrospective). Granted on appeal.

5.3 H16-1676-07. Caravan Site, Junction with A16/Drain Bank North. Continuation of permission without complying with Condition 2 of H16/0772/04 (Appeal Ref: App/A2525/A/05/1174845) relating to occupation time. No further action taken regarding the fencing to the site.

5.4 H16-1003-13. Land off Drain Bank North, Spalding - Provision of gypsy and traveller caravan site with 10 pitches each accommodating up to 10 caravans (permanent site). Approved 20 May 2014.

5.5 H23-0440-17. Eccles Place, Hurdletree Bank, Whaplode St Catherine - Use of land for siting of caravan. Approved. 22 January 2018.

5.6 Recent planning decisions within the District post adoption of the SELLP (March 2019).

5.7 H06-0233-19. Green Acres Park, Ropers Gate, Gedney - 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 5 September 2019.

5.8 H16-0734-19. Akita Place, Clay Lake, Spalding - Siting of mobile home (retrospective) - re-submission of H16-0030-17. Approved 20 September 2019.

5.9 H23-0848-19. Bleu Raye Farm, Millgate, Whaplode - Proposed residential gypsy/traveller site. Approved 26 June 2020.

5.10 H20-0513-20. The Stables, Baulkins Drove, Sutton St James - Residential gypsy caravan site for one family with 2 caravans (retrospective) - approved under H20-0287-06. Modification of Condition 1 to allow the name on the planning approval to be changed to Ms West. Approved 25 August 2020.

5.11 H23-0841-20. Foxes Lowe. Change of use from paddock to travellers site for applicants' and family only (part retrospective) Approved 18-12-20.

6.0 REPRESENTATIONS

6.1 SHDC Environmental Protection

No comments or objections.

6.2 SHDC Private Sector Housing

If approved they will need to apply for a caravan site licence.

6.3 LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

As Lead Local Flood, Lincolnshire Council Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

The proposed development will not result in an unacceptable impact on highway safety.

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.

6.4 Environment Agency

If your authority is satisfied that this site can form part of the "Drain Bank" site, when considered against the flood risk identified and other sustainable development criteria, i.e. it passes the

sequential test, then suggest a condition to ensure that the development is carried out in accordance with the approved flood risk assessment (FRA) dated November 2020 and the mitigation measures.

6.5 South Holland Internal Drainage Board

Have sought information regarding the extent of the permeable hardstanding.

6.6 Police Crime Prevention Design Advisor

Lincolnshire Police do not have any objections to this application.

6.7 Third Parties

None received.

7.0 CONSIDERATIONS

7.1 Planning Considerations

Policy/Principle

7.2 The principle of this proposal is to be considered in the light of the NPPF, the Government's Planning Policy for Traveller Sites (August 2015, published by DCLG) and the policies of the South East Lincolnshire Local Plan, 2019.

7.3 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.

7.4 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 particular, 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

7.5 The South East Lincolnshire Local Plan, 2019 (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.

7.6 At 3.2.17, the SELLP 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)...*

7.7 Below, Policy 20, Accommodation for Gypsies, Travellers and Travelling Showpeople, is set out in full.

7.8 *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.

7.9 It is considered that this application proposal meets all points of this policy and is, therefore, acceptable in principle. The matters of flooding and impact on neighbouring properties is addressed further below.

7.10 Identifiable Need for this Development

7.11 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.

7.12 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).

7.13 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.

7.14 The 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.

7.15 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.

7.16 It is considered that the provision of a site for the applicant and their family would contribute to the future need for pitches within the local plan period, in accordance with the polices set out above.

7.17 Sustainability

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.
The applicant has submitted a justification that the family has ceased to travel temporarily because of educational and health needs and old age.

The application site is located adjacent to existing gypsy and traveller accommodation, and although within the open countryside, is part of a small enclave of similar development. It is not closely related to the Sub-Regional Service Centre of Spalding, although it does have road links. It would enable the school age children to continue to attend the local schools, since it is within the school catchment area. A settled site would enable the health needs of an elderly member of the household to be accommodated.

Taking into account that the proposal would contribute to the future need for pitches within the Local Plan period and the aforementioned social and health factors it is considered, on balance, that the proposed development is sustainable.

7.18 Impact on Neighbouring Dwellings

The caravans would be occupied by a single family.. It is considered that the amenity of nearby residents would not be materially harmed in terms of lack of overlooking, lack of privacy, noise and disturbance, etc.

Flood Risk

The Sequential Test and Exception Test is applied. 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.

7.19 Planning Balance

7.20 There is an identified need for the development, which is considered to be a sustainable form of development because of social, educational and health factors. The proposal satisfactorily complies with Policies C and H of the Government's Planning Policy for Traveller Sites (August 2015, published by DCLG) and Policy 20 of the South East Lincolnshire Local Plan, 2019. The amenity of neighbouring residents would not be materially harmed and the proposal satisfies the sequential test in flood risk terms. Whilst the site is not closely related to Spalding it does have road links. This alone is not sufficient in this case to indicate against the proposal and to outweigh factors in favour of the proposal.

7.21 **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

7.22 There is an identified need for the development, which is considered to be a sustainable form of

development because of social, educational and health factors. The proposal satisfactorily complies with Policies C and H of the Government's Planning Policy for Traveller Sites (August 2015, published by DCLG) and Policy 20 of the South East Lincolnshire Local Plan, 2019. The planning balance is in favour of the proposal.

8.0 RECOMMENDATIONS

8.1 **Grant permission subject to conditions outlined 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 and documents:

   Application form
   FLOOD RISK ASSESSMENT. GCB/HOME. NOVEMBER 2020
   Supporting Statement inc. Design & Access Statement. 30 November 2020
   Site Location Plan
   Block Plan

   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. The maximum number of gypsy/traveller households to be accommodated upon this site shall be limited to one household.

   No more than 3 static caravans and 3 touring caravans shall be sited on the land at any one time, not more than one vehicle exceeding 3.5 tonnes maximum gross weight shall be kept on the site and no storage or sales of materials, machinery, vehicles, waste or other commercial uses or processes, shall take place on the site.

   Reason: To define the terms of the permission, 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. Also, 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 3 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'.

4. 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 other than approved by virtue of this permission:

i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
ii) the erection of extensions including conservatories, garages, car ports, porches or pergolas;
iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;
iv) 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 3 of the South East Lincolnshire Local Plan, 2019.

5. The landscaping area along the southern boundary of the site, as shown on the Block Plan, shall be landscaped within the first planting season following the date of this consent, in accordance with a planting scheme approved by the Local Planning Authority, that shall be summited to the Local Planning Authority within 3 months of the date of this consent.

In the event of the landscaping being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new landscaping plants shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure the protection of the existing hedging on the site, in the interests of the amenities of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

6. The following flood mitigation measures shall be incorporated within the development within 3 months of the date of this consent:
- The static caravans shall be secured to the ground to prevent them becoming mobile during a flood event;
- The floor level of the static caravans and portakabin/dayroom shall be set a minimum of 600mm above the existing ground level.

Note: The applicants' are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Reason: To reduce the risk and impact of flooding on the development and future occupants. This Condition is imposed in accordance with advice within Section 14 of the National Planning Policy Framework, 2019.

7. 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 subsequently determining to grant planning permission.

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

8. The applicants' are advised of the requirement to apply for a site licence in accordance with the Caravan Sites and Control of Development Act, 1960.

Background papers:- Planning Application Working File

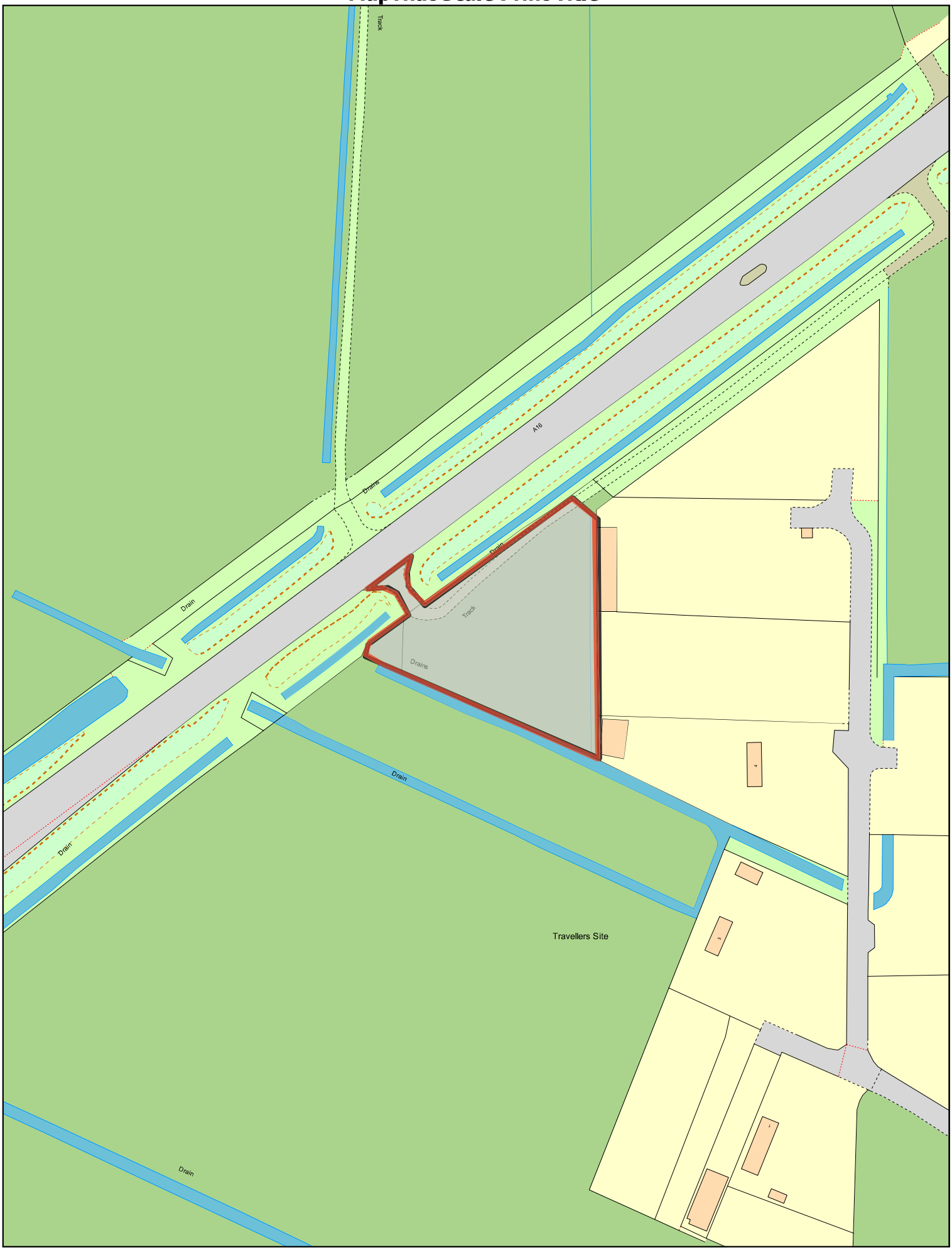
Lead Contact Officer

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Appendices attached to this report:

Appendix A	Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:1250
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