

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 24 June 2020

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

Purpose: To consider Planning Application H23-0848-19

Application Number: H23-0848-19

Date Received: 27 August 2019

Application Type: FULL

Description: Proposed residential gypsy/traveller site

Location: Bleu Raye Farm Millgate Whaplode

Applicant: Mrs M A Compton

Agent: Robert Doughty Consultancy Ltd

Ward: Whaplode and Holbeach St Johns

Ward Councillors: Cllr A C Beal
Cllr P A Redgate

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-0848-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 This application was deferred from the Planning Committee meeting on 12 February 2020 in order that officers seek further information and details as follows:

- 1.2
1. The location of the pitches and relocation of the caravans in order to assess impact on neighbouring residents;
 2. The relocation of the day rooms in order to reduce the impact on neighbouring residents;
 3. A detailed landscaping scheme to be provided to demonstrate how this development would be assimilated visually into the area;
 4. Details of the management strategy for the site going forward;
 5. Submission of an ecology survey;
 6. Revisit the provisions for commercial vehicles and reconsider the 3.5 tonne limit condition in order to preclude commercial activities on the site;
 7. The percentage comparison of the application site and the allocation in the SELLP.

1.3 The February Planning Committee report is attached to this report as **Appendix B**.

1.4 As a result of the deferral and request for further information, the agent on behalf of the applicant has submitted a statement, which is attached to this report as **Appendix C**.

1.5 Each of the matters are addressed below.

2.0 PROPOSAL

2.1 Full application for a residential gypsy/traveller site for four pitches, with access from Millgate. Occupation of the development is proposed to be limited to a person or persons who meet the

definition of a gypsy or traveller as defined by national guidance and any resident dependants.

- 2.2 In addition a landscaping scheme and ecology survey have been submitted, as requested. The landscaping scheme is available for view on the Council's website in the usual way. The ecology survey is held as confidential, in line with the Council's usual practice.

3.0 SITE DESCRIPTION

- 3.1 The application site is described in the Planning Committee report at Appendix B.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

- 4.2 The policy framework for consideration is set out in the Planning Committee report at Appendix B.

4.3 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 The planning history of this site and wider planning decisions are set out in the Planning Committee report at Appendix B.

6.0 REPRESENTATIONS

- 6.1 The original consultation responses are set out in the original Planning Committee report considered by the Planning Committee in February 2020, which is attached to this report as Appendix B.

- 6.2 As a result of the additional information that has been received further reconsultation exercises were undertaken, and the responses are set out below.

6.3 Whaplode Parish Council

The view of Whaplode Parish Council is and always will be that the site is unsuitable in this location for any form of residential development.

These cosmetic proposals do not change our objections around access, sustainability and lack of services.

6.4 Ward Councillor - Cllr AC Beal

I ...wish to register my previous objections to this application as I fail to understand how a site can be unsustainable for one single family residential dwelling but then becomes sustainable for four families with the associated buildings and likely business!

6.5 South East Lincolnshire Joint Policy Unit - updated response

The South East Lincolnshire Local Plan makes provision for accommodation for Gypsies within Policy 20, Accommodation for Gypsies, Travellers and Travelling Showpeople, which indicates this site specifically.

The Policy refers to Land at Bleu Raye Farm, Mill Gate, Whaplode Fen, and allocates it as a 'Proposed Residential Gypsy/Traveller Site', to **provide accommodation for four households**.

The Plan goes on to state that planning permission will be granted for the development 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.

In considering the above issue from a Policy perspective, note that whilst currently no business uses are proposed, consideration should be given as to whether conditions should be attached to cover such future eventualities.

In terms of recycling and waste management, the agent states:

"As the driveway into the site will not be an adoptable highway, refuse collection will be made available at the entrance to the site, close to the junction with Millgate".

The application statement says that there is significant planting along the eastern boundary of the site, but neither the plans, nor the aerial photograph, show this. The planting to the east appears to be around the western boundary of the dwelling and a distance from the site's eastern boundary, this should also be addressed in order to protect the character and amenities of the area.

Comparing the allocation as shown on Inset Map 72, to the details submitted, the main part of the site appears larger and seems to extend eastwards along the access track more than the allocation. However, overall I do not consider this is significant but it does raise the importance of ensuring that the eastern boundary is well delineated and landscaped to address criteria 2 and 3.

Overall, this is in accordance with the Local Plan allocation and there are no policy objections in principle.

It is important to note that refusal of this proposal is not only likely to lead to a loss on appeal, but could well bring forward other ad-hoc sites throughout the district which would be difficult to refuse or defend on appeal if we had actually refused the allocation to meet our needs within the Local Plan.

6.6 SHDC Trees and Nature Conservation Officer

Comments as follows on the landscaping plan that has been submitted:

A good selection of native species.

Under maintenance it mentions watering; this cannot be stressed too strongly; particularly in the first summer. When sufficient water combined with the long daylight hours enables newly planted trees/ hedging to really establish their roots enabling them to thrive rather than fighting to survive under the hot sun.

The proposed post and rail fence line will form a barrier around the site whilst the hedgerow is becoming fully established; and help to protect the hedgerow. The fence line being on one side of the hedgerow should not form a major obstacle for the hedgerow to be maintained by regular trimming as long as access is available from outside of the site. Until the hedgerow is substantial it may be difficult to maintain with the fence line, if access was not forthcoming from off site.

Positioning of structures in the site should take into account hedgerow maintenance.

The trees as well as the hedging will need rabbit/ deer protection (evidence of muntjac on site), as well as strimmer guards for the trees.

Tree ties must be regularly checked also guards, and stakes, to prevent damage as the trees grow; until fully established when such planting aides can be removed.

There may already be some trees at the western end of the site which could be retained in the vicinity of the first proposed oak, there should be some flexibility allowed in planting positions if this is the case.

6.7 SHDC Legal Services

The application has not been refused. It is quite clear from the minutes that no decision was taken; rather the decision has been deferred at the Member's request in order to request further information from the applicant. As a result, additional information has been requested from the applicant and their response has been consulted.

Currently, the Council is not aware of any threat of legal action in relation to this application.

As the Planning Committee sitting on 12 February 2020 did not exercise its statutory duty to grant or refuse planning permission no decision was taken. It was within Member's power to request further information in order to assist them with their determination of the application. As a result, all options remain available when the application is reconsidered.

6.8 SHDC Environmental Health Officer

No objection to additional information supplied.

6.9 The responses of the following bodies and services are set out in the February Planning Committee report at Appendix B and are to be considered.

SHDC Environmental Protection Officer
LCC Highways & SUDS Support
LCC Historic Environment Officer
Environment Agency
Anglian Water
South Holland Internal Drainage Board
NHS England
Police Crime Prevention Design Advisor

6.10 Public/Third Parties

As a result of the reconsultation exercise, 14 third party representations have been received from 10 households, raising the following matters (precised). If Members wish to see these objections in full, then officers can provide this if required.

- this site is not acceptable or required in Whaplode
- site not acceptable for housing, and would set precedent.
- infrastructure, access to the site is not up to standards expected for such a site.
- no footpaths, no street lights and no public transport runs past or near the site.
- local shops and amenities are more than 3 miles away.
- site abuts private property.
- there are no local schools and the doctors surgery is not big enough to cope with the added population.
- there is a purpose built site on the A16 at Clay Gate already
- larger vehicles needed for towing or commercial purposes would increase need for upkeep of the lane.
- contrary to Policy 20 as it does not 'respect the scale of the nearest settled community'.
- up to sixteen caravans and four day rooms is disproportionate.
- no intention on the applicant's part to appoint a site manager.
- increasing the area of the proposed site by 19.5% is a significant deviation from that described in the SELLP.
- rearranging the pitches does nothing to mitigate this impact on neighbouring properties
- presence of 3.5 tonne vehicles and commercial operations
- future decision making on the site.
- initial meetings would have only allowed one permanent caravan and one touring caravan per pitch.
- comparisons with other sites in the District not appropriate.
- why not extend capacity at existing sites.
- consideration should be given to the use of Moulton Country Park, as it is acceptable for residential purposes.
- landscaping inadequate and would not increase sustainability or minimise impact on near neighbours.
- can the retention of the landscaping be guaranteed.
- will wildlife survey be made public?
- condition monitoring will fall to SHDC, including monitoring of occupation of amenity blocks.
- visibility due to removal of screening to form the access.

- impact on local wildlife.

Other matters not related to planning policy have been raised as follows:

- application has been refused and it is unreasonable to accept additional details.
- non-specific threat of legal action (no notice of action).
- question of process to defer on night of SHDC Planning Committee in February.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle of Development, Planning Policies, and identified need

7.3 These matters are addressed in the Planning Committee report forming Appendix B. There has been no planning policy change at national or local level since the consideration of these matters in February.

7.4 Effect on the amenities of existing local residents or adjoining land users

7.5 This matter is addressed in the Planning Committee report forming Appendix B. In addition the specific matters raised for further consideration by Members on the Planning Committee in February are addressed in more detail below.

7.6 Immediate environs and the wider landscape

7.7 This matter is addressed in the Planning Committee report forming Appendix B. In addition the specific matters raised for further consideration by Members on the Planning Committee in February are addressed in more detail below.

7.8 Sustainability

7.9 This matter is addressed in the Planning Committee report forming Appendix B.

7.10 Comparison to previous planning decisions on the site

7.11 This matter is addressed in the Planning Committee report forming Appendix B.

7.12 Loss of agricultural land

7.13 This matter is addressed in the Planning Committee report forming Appendix B.

7.14 Highway safety and access arrangements

7.15 This matter is addressed in the Planning Committee report forming Appendix B.

7.16 Flooding Matters

7.17 This matter is addressed in the Planning Committee report forming Appendix B.

7.18 Natural Environment and Wildlife

7.19 This matter is addressed in the Planning Committee report forming Appendix B. In addition the specific matters raised for further consideration by Members on the Planning Committee in February are addressed in more detail below.

- 7.20 Further expansion of the site
- 7.21 This matter is addressed in the Planning Committee report forming Appendix B.
- 7.22 Fear of crime and antisocial behaviour
- 7.23 This matter is addressed in the Planning Committee report forming Appendix B.
- 7.24 This application was deferred from the Planning Committee meeting on 12 February 2020 in order that officers seek further information and details as follows. For each of these matters, the response sent on behalf of the applicant is set out in italics, and can be seen at Appendix C, and is then addressed by officers.
- 7.25 1. The location of the pitches and relocation of the caravans in order to assess impact on neighbouring residents
- 7.26 *The development comprises of four pitches as prescribed in your local plan and each pitch contains the elements required for each family. The touring caravans, the mobile homes and brick-built day rooms are all single storey. There is no room within the red line to relocate the pitches and we question the logic of relocating single storey development within the red line. The result of the suggested relocation exercise is the same pieces of development within the same area which will have no greater or lesser impact on whichever local residents the committee is concerned about.*
- There is no good planning reason for what is being required and we are not therefore prepared to put our client to further unnecessary expense.*
- 7.27 The proposed layout of the pitches is shown in the planning application submission, and the impact of the proposals was set out in the Planning Committee report of February 2020,(Appendix B). Specifically, looking at the proposed layout, the relationship to Home Farm, the bedroom windows at the first floor of Home Farm would look towards the site at a distance of approximately 80 metres, and sufficient landscaping can be provided and maintained within the site and the wider landholding to protect the amenities of this neighbouring dwelling.
- 7.28 The landholding of Home Farm does not have a contiguous boundary with the application site, and there is land within the applicant's ownership that separates the application site from Home Farm.
- 7.29 The relationships to other dwellings within the area are explained in the February 2020 Planning Committee report.
- 7.30 It is not considered that the layout of the proposals, nor the location of the day rooms would cause such harm to residential amenity of any nearby dwellings that a refusal of planning permission could be supported on that basis.
- 7.31 2. The relocation of the day rooms in order to reduce the impact on neighbouring residents
- 7.32 *We would reiterate the points made above in relation to the other single storey elements on the site.*
- 7.33 As can be seen for the officer comments above, it is not considered that the layout of the proposals, nor the location of the day rooms would cause such harm to residential amenity of any nearby dwellings that a requirement for resiting or a refusal of planning permission could be supported on that basis.
- 7.34 3. A detailed landscaping scheme to be provided to demonstrate how this development would be assimilated visually into the area

- 7.35 *We have provided a detailed planting scheme and have enclosed a copy here. We would reiterate the point that the site is already well screened from all significant public vantage points and this single storey development will therefore be very well assimilated into the existing landscape. The existing screening is also under the control of our client. We would draw members attention to the site off the A16 at Spalding and the site off the A151 at Holbeach, neither of which have hardly any landscaping around them.*
- 7.36 A landscaping scheme has been submitted and the assessment of the Council's Trees and Nature Conservation Officer is set out above.
- 7.37 The landscaping scheme is considered to be acceptable and would provide sufficient supportive planting to augment the existing landscaping, and in turn would protect the amenities of the adjoining neighbours.
- 7.38 It is therefore considered that this landscaping scheme is acceptable and can be controlled by condition, including maintenance provisions within the conditions, in the usual way.
- 7.39 4. Details of the management strategy for the site going forward
- 7.40 *We are not sure what a management strategy is designed to manage. The occupation of the site will be limited by virtue of proposed planning conditions 3 (number of families), 4 (restricted occupation to gypsy or traveller), condition 5 (no touring caravan or day room used for permanent residential occupation), 6 (restriction of caravans and mobile homes per pitch), 7 (construction management), 8 (external illumination), 9 (refuse collection) 11 (implementation of the landscaping scheme), 12 (access road construction), 13 (removal of permitted development rights), 14 (external materials) and 15 (no walls or fences other than those proposed). These conditions comprehensively ensure the management of the site.*
- 7.41 It is considered that the conditions recommended within the Planning Committee report of Feb 2020 (Appendix B) are sufficient to provide guidance on maintenance, use and management of this site. The conditions set out have been used elsewhere within the District and are considered to be reasonable and proportionate to the use.
- 7.42 5. Submission of an ecology survey
- 7.43 *We attach the survey here, you will note that there is the requirement to erect a Barn Owl box which our client is happy to do.*
- 7.44 The ecological appraisal was undertaken by CGC Ecology and prepared in March 2020, following a site visit and appraisal by a suitably qualified person. This appraisal takes in to account statutory and non-statutory sites in a 2km buffer of the site. This resulted in the additional consideration of Little South Holland Drain, which is a local wildlife site.
- 7.45 No protected species of flora or fauna were found on the site, and the impact of the planning application was assessed for impact on local wildlife resources. As a result of the appraisal the report lists a number of recommendations, including precautionary measures in relation to bats, appropriate timings of works with regard to nesting birds and vigilance and best practice with regards to badgers and ground mammals Also, ecological enhancements are suggested, to ensure no net loss of biodiversity.
- 7.46 These matters can be controlled and advised by conditions and informatives. The erection of a barn owl box can be controlled via condition.
- 7.47 6. Revisit the provisions for commercial vehicles and reconsider the 3.5 tonne limit condition in order to preclude commercial activities on the site
- 7.48 *The requirement to include space for the parking of commercial vehicles on each plot was at the suggestion of the planning officer. The need to park such vehicles within the site is commonplace on such sites. This does not mean commercial activities will take place on site.*

7.49 With regard to the parking of personal vehicles on the site it is considered reasonable to enable future occupants of the site to have the same benefits as the settled community. It would be quite normal for an individual to be able to park a work related vehicle, such as a van or pick up truck, on their residential property.

7.50 For this reason the condition recommended in the Planning Committee report of February 2020 (Appendix B) is fair and proportionate.

7.51 7. The percentage comparison of the application site and the allocation in the SELLP

7.52 *We attach a plan here showing the comparison between the application site boundary and the land allocated in the local plan. The boundaries numbered 2, 3 and 4 are not fixed by physical features on the ground. Boundary 1 is characterised by tree planting, 5 is the site frontage and boundary 6 is the southern boundary characterised by an existing line of conifer trees in our client's ownership. There is a 19.5% difference in areas, however, the application site boundary allows for the same development as prescribed in the local plan allocation and crucially, a more spacious layout which ensures the retention of as many trees on site as possible.*

7.53 The application site is an increase of 19.5% over the site allocated in the SELLP. With the exception of the point of access from the public highway, there are no fixed features such as hedges or ditches that provide a clear boundary to the site allocation within the SELLP.

7.54 The application follows the intention of Policy 20 of the SELLP Accommodation for Gypsies, Travellers and Travelling Showpeople, and it not considered to be so out of kilter with the spirit and intention of the policy that a reason for refusal could be sustained on that basis, given the lack of physical boundaries to the SELLP allocated site.

7.55 Other matters

7.56 Issues relating to works of layout and construction, property values, either for private purchase and rental income, the rights of the original vendor and/or security costs and matters relating to the processing of the application that were raised prior to February 2020 are addressed in the Planning Committee report forming Appendix B.

7.57 With regard to the more recent matters of the processing of the application that have been received, the opinion of the Council's Legal Service are set out above.

7.58 Conclusion

7.59 The application proposal is in accordance in principle with Policy 20 of the SELLP and the provisions of the other SELLP policies, the NPPF and government guidance set out above.

7.60 The additional information requested by the Planning Committee in February 2020 as well as the original planning application and supporting documents and plans is assessed above.

7.61 The details of the application, which set out the extent of development that would be required, and the landscaping proposals, are considered to be acceptable and would mitigate against undue impact on neighbouring residents. Other material considerations that have been raised are addressed in the report above.

7.62 Officers consider that subject to the conditions, this development is acceptable and it is appropriate to grant consent, for the reasons set out above.

7.63 **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.

8.0 RECOMMENDATIONS

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

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Application form
Planning Statement 1365 1 PS/FRA GF LMS
1365-1-PL-BP02 C
1365-1-PL-BP01
1365-1-PL-SP01 C
1365-1-PL-LP01
1365-1_PL_GA01
1365-1_PL_GA02
1365-1_PL_GA03
1365-1_PL_PP01
1365-1_PL_SP02
CGC ECOLOGY PRELIMINARY ECOLOGICAL APPRAISAL March 2020

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

3. The maximum number of gypsy/traveller households to be accommodated upon each of the four pitches within the red line boundary shall be limited to one household.

Reason: In the interests of residential amenity and the character of the surrounding area. This Condition is imposed in accordance with Policies 2, 3 and 20 of the South East Lincolnshire Local Plan (2019)

4. 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'.

5. 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.

6. Not more than 2 touring caravans and 1 mobile home shall be sited on each of the gypsy/traveller pitches hereby approved, and no storage or sales of materials, machinery, commercial vehicles weighing over 3.5 tonnes or other vehicles weighing over 3.5 tonnes, waste or other commercial uses or processes, shall take place or be stored on the site.

A maximum of one additional touring caravan may be sited on each of the 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'.

7. A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Millgate and residential amenity.

Reason: In the interests of the amenity of local residents. 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 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework 2019.

8. Prior to the occupation of any part of the development details of the external illumination of the access road, all buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework 2019.

9. The refuse and recycling storage facilities at the rear of the property as shown on Drawing No BP02 C and approved under this Decision Notice, shall be provided before any part of the development is brought in to use and shall thereafter be so maintained.

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 Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework 2019.

10. The scheme of landscaping and tree planting shown on dwg. no. 1365-1_PL_PP01 shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes 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 that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

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

11. No part of the development hereby permitted shall be occupied, until the landscaping required by condition 10 within and on the adjoining land currently within the applicant's ownership is installed and has been certified complete by the Local Planning Authority. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes 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 provision of the landscaping of the development, in order to protect the amenities of adjoining residents.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework 2019.

12. The erection of a Barn Owl box as required by the CGC ECOLOGY PRELIMINARY ECOLOGICAL APPRAISAL March 2020, shall be installed on the site prior to the occupation of the first pitch to be occupied, in accordance with details to be submitted to and approved by the Local Planning Authority in writing.

The Barn Owl box shall be retained on the site and replaced as necessary, for the duration of the use of the site.

Reason: In the interest of nature conservation and in accordance with the provisions of the Wildlife & Countryside Act. 1981.

This condition is imposed in accordance Policy 28 of the South East Lincs Local Plan, 2019 and the provisions of the NPPF 2019.

13. Before each pitch is occupied, the access road shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses.

Reason: To ensure that a safe and suitable standard of vehicular access is provided for residents.

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

14. 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'.

15. Before the commencement of the development hereby permitted beyond oversight a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

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

16. 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), no walls, fences or other means of enclosure other than those illustrated on the plans forming part of the application hereby approved shall be erected on the site.

Reason 1: To ensure that the Local Planning Authority retains control over means of enclosure, in the interests of the appearance of the development 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.

17. The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

18. Flood resistance and resilience

The Environment Agency strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods
<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>.

Floodline

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. F

or practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>.

19. The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070 or e-mail developmentmanagement@lincolnshire.gov.uk.

20. Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

21. 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

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

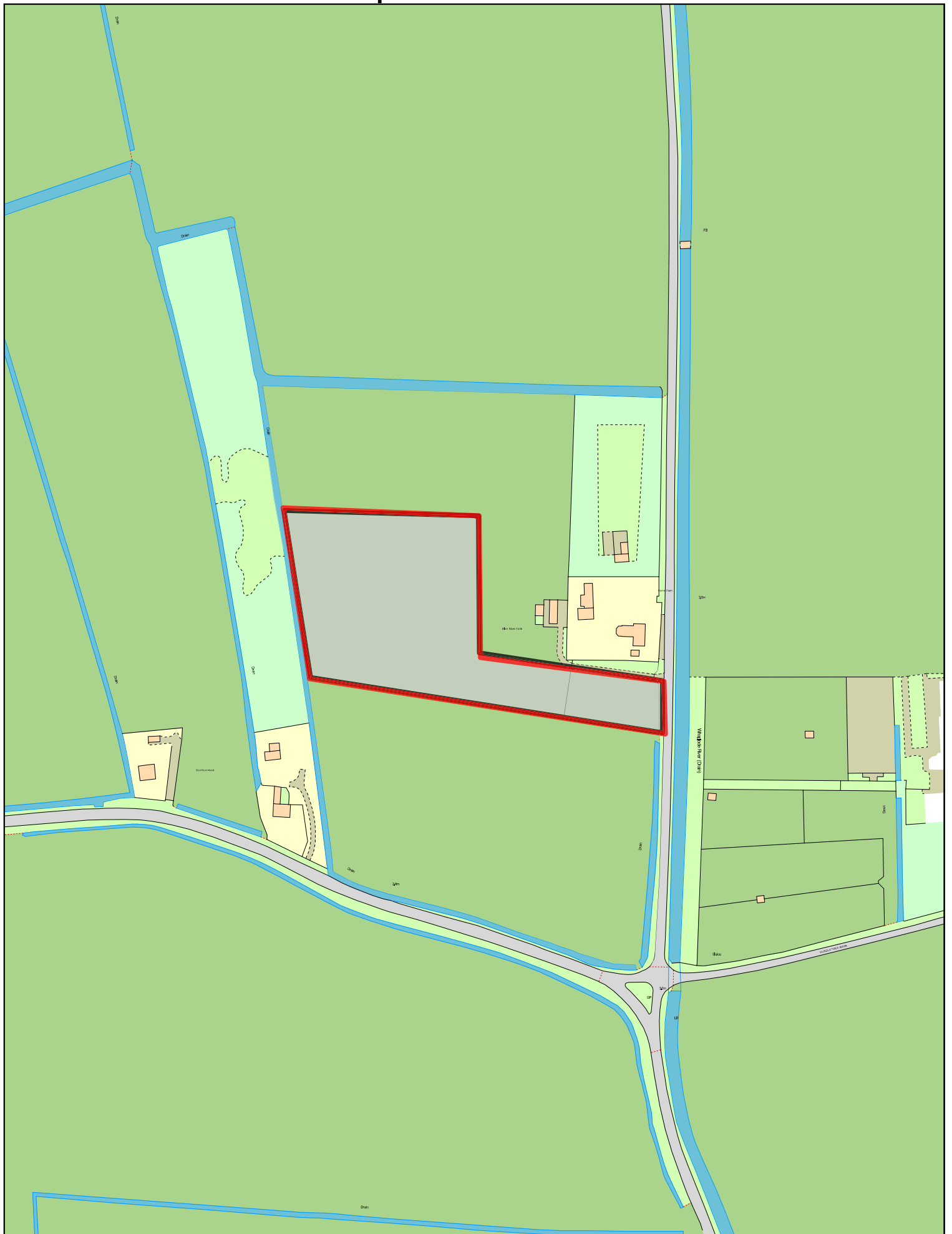
Appendices attached to this report:

Appendix A Plan A

Appendix B 12 February 2020 Committee Report

Appendix C Additional Information Dated 19 March 2020

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 12 February 2020

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

Purpose: To consider Planning Application H23-0848-19

Application Number: H23-0848-19

Date Received: 27 August 2019

Application Type: FULL

Description: Proposed residential gypsy/traveller site

Location: Bleu Raye Farm Millgate Whaplode

Applicant: Mrs M A Compton

Agent: Robert Doughty Consultancy Ltd

Ward: Whaplode and Holbeach St Johns

Ward Councillors: Cllr A C Beal
Cllr P A Redgate

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-0848-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application raises matters of planning policy worth committee consideration.

2.0 PROPOSAL

2.1 Full application for a residential gypsy/traveller site for four pitches, with access from Millgate. Occupation of the development is proposed to be limited to a person or persons who meet the definition of a gypsy or traveller as defined by national guidance and any resident dependants.

2.2 Since submission additional information has been submitted to indicate the nature of development and structures proposed to be installed and a landscaping proposal has been provided. This additional information was sought by the case officer to ensure that the Council has a complete picture of all structures and activities proposed and envisaged to be accommodated on site.

2.3 The submitted revised layout indicates each pitch accommodating a single household, and utilising the following structures:

2.4

- A static caravan
- Space for the location of two smaller touring caravans
- Day room with laundry and store facilities
- A domestic shed
- Location for the parking of domestic and commercial vehicles (No businesses planned to be located upon the site as part of this proposal)

2.5 The application proposes to move the existing field entrance to the land further to the south,

away from the boundary with the existing dwelling and add to the existing landscaping with further planting.

- 2.6 The access road to the site would be finished in tarmac. The road would be constructed in accordance with the LCC Highway requirements, and would remain as a private access and road. A refuse collection point would be provided at the site entrance.
- 2.7 Within the "blue line" land, which is owned by the applicant, the planting of trees and a copse of trees is proposed.
- 2.8 The application is supported by a Flood Risk Assessment and Planning Statement.

3.0 SITE DESCRIPTION

- 3.1 The application site consists of a site of approximately 1.1 hectares, which forms part of a larger unused agricultural field, accessed via Millgate. The site is outside of defined settlement limits and is, therefore, designated as being located in the open countryside. There is sporadic residential development within Millgate, however the character of the wider area is open and rural.
- 3.2 The eastern, southern and western boundaries are defined by mature planting, providing screening to the application site. The northern boundary of the site is presently open as it forms part of a larger field which is under the applicant's ownership.
- 3.3 The application site lies within Flood Zones 1 and 2 and is identified as being at low to medium risk for tidal and fluvial flooding on the Environment Agency's flood mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to have no hazard rating on both the South Holland District present day and 2115 flood maps.
- 3.4 The dwelling of Home Farm is located to the east of the main area of the application site and north of the access track application site. There is open agricultural land to the north, south and west.
- 3.5 At this point Millgate is a quiet and straight rural road with good visibility on both directions. There are no pedestrian footways however.
- 3.6 The village of Whaplode lies approximately 3km to the north and Whaplode St Catherine lies approximately 3.2km to the east.
- 3.7 The greater part of this site is allocated in Policy 20 of the South East Lincs Local Plan as a 'Proposed Residential Gypsy/Traveller Site', to provide accommodation for four households. There is a difference between the application site and the boundary of the site within Policy 20 in the form of a minor variation to the northern boundary as it would appear that the plan in the Gypsy and Traveller local plan paper differs from the actual local plan allocation. The northern site boundary line from Policy 20 does not follow a feature on the ground, it is no more than a line across the field.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

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.

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

4.2 All of the above policies are important to the assessment of this application, however for ease Policy 1 and Policy 20 are set out below in full:

4.3 Policy 1 Spatial Strategy

Sets out a hierarchy of areas in which development would be directed, and states of open countryside the following -

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

4.4 In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

4.5 Paragraph 3.2.17 of the South Lincolnshire Local Plan, adopted in March 2019, sets context to Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople as follows -

4.6 *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)*

4.7 This is discussed in greater detail below.

4.8 Policy 20 Accommodation for Gypsies, Travellers and Travelling Showpeople

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.

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.

4.9 The policies in the SELLP that deal with other detailed matters are set out above, and the development has been considered in the light of these policies and the national guidance within the National Planning Policy Framework.

4.10 **National Guidance**

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

Particular note is to be taken of para 61 of the NPPF -

Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

4.11 Although para 61 has been quoted, all relevant sections and guidance within the NPPF are of

relevance and have been considered.

4.12 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

The definition of gypsies and travellers is clarified within the Annex to this document, as follows
-

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Planning Practice Guidance (PPG)

National Design Guide

5.0 RELEVANT PLANNING HISTORY

- 5.1 H23-0880-16. Change of use of stable to dwelling (retrospective). Refused. 05-10-16. Appeal dismissed. 28-03-17.
- 5.2 H23-0407-16. Certificate of Lawful Use or Development. Use of building as dwelling. Refused. 25-07-16.
- 5.3 ENF-152-16-E23. Retrospective change of use of stable to dwelling. Enforcement Notice served. 18.03.2011.
- 5.4 H23-0222-10. Proposed stable block. Refused. 02-07-10. Appeal dismissed. 20-04-11.
- 5.5 H23-0647-03. (Land adjacent to Home Farm). Change of use from agricultural land to paddock for horses and erection of stable block. Approved. 25-07-03.
- 5.6 H23-0123-78 (Oaktree Farm, Millgate) Use of land for the siting of a mobile home. One year permission. Approved. 3.07.78.
- 5.7 Recent planning decisions within the District preceding the adoption of the SELLP
- 5.8 H16-0190-16. Land off Drain Bank North - Provision of gypsy and traveller caravan site with 10 pitches each accommodating up to 3 caravans (permanent site) - approved under H16-1003-13. Amendments to road surfacing. Approved. 09-03-16.
- 5.9 H23-0440-17. Eccles Place Hurdletree Bank. Use of land for siting of caravan. Approved. 22-01-18.
- 5.10 Recent planning decisions within the District post adoption of the SELLP (March 2019)
- 5.11 H06-0233-19. Green Acres Park, Ropers Gate. 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.

- 5.12 H16-0734-19. Akita Place Clay Lake. Siting of mobile home (retrospective) - re-submission of H16-0030-17. Approved. 20-09-19.

6.0 REPRESENTATIONS

6.1 Whaplode Parish Council

Objections submitted.

- The previous application which was refused by SHDC and SOS on appeal for one dwelling - this application is for 4 and the previous reason for refusal remain that the development is not a suitable location for residential development as there would be total reliance on private cars as there is no bus service and is not in accord with SG1, SG2 and H7 of the SHDC local plan and also conflict with para 17 of the National Planning Policy Framework there will also be considerable adverse reaction from the nearest local population.

- The application is totally unsuitable for this location.

- No services.

6.2 Ward Councillor - Cllr AC Beal

SHDC refused permission for a single residence on this site under reference H23-0407-16 stating "The proposed development is considered to be inherently unsustainable given its location in the open countryside outside of the development boundary of any settlement."

Upon the applicant appealing, this was refused (upholding SHDC' decision) with the Secretary of State concurring that the location is unsustainable given its location to the nearest facilities and being in a rural location. The SoS also emphasised the need to protect the character and appearance of the rural landscape.

The previous application and appeal were for a single residence whereas the new application is for 4 family sites/units; thus substantially increasing the need to rely on motor vehicles. This means that it would be even more detrimental with regards to being unsustainable and prejudicial to the rural nature of this location.

The location has not moved, neither have the nearest settlements; accordingly unless SHDC now wishes to go against its previous policy and the SoS refusing the appeal, this application must be refused.

6.3 South East Lincolnshire Joint Policy Unit

- 6.4 The South East Lincolnshire Local Plan makes provision for accommodation for Gypsies within Policy 20, Accommodation for Gypsies, Travellers and Travelling Showpeople, which indicates this site specifically.

The Policy refers to Land at Bleu Raye Farm, Mill Gate, Whaplode Fen, and allocates it as a 'Proposed Residential Gypsy/Traveller Site', to provide accommodation for up to four households.

The Plan goes on to state that planning permission will be granted for the development 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.

In considering the above issue from a Policy perspective, note that whilst currently no business uses are proposed, consideration should be given as to whether conditions should be attached to cover such future eventualities.

In terms of recycling and waste management, the agent states:

"As the driveway into the site will not be an adoptable highway, refuse collection will be made available at the entrance to the site, close to the junction with Millgate".

The application statement says that there is significant planting along the eastern boundary of the site, but neither the plans, nor the aerial photograph, show this. The planting to the east appears to be around the western boundary of the dwelling and a distance from the sites eastern boundary, this should also be addressed in order to protect the character and amenities of the area.

Comparing the allocation as shown on Inset Map 72, to the details submitted, the main part of the site appears larger and seems to extend eastwards along the access track more than the allocation. However, overall I do not consider this is significant but it does raise the importance of ensuring that the eastern boundary is well delineated and landscaped to address criteria 2 and 3.

Overall, this is in accordance with the Local Plan allocation and there are no policy objections in principle.

It is important to note that refusal of this proposal is not only likely to lead to a loss on appeal, but could well bring forward other ad-hoc sites throughout the district which would be difficult to refuse or defend on appeal if we had actually refused the allocation to meet our needs within the Local Plan.

6.5 SHDC Legal Services

On the basis that the Council did not have an adopted local list at the time the application was validated, I am content that the application was validated correctly on the procedures in place at the time it was received. As Local Planning Authority we can at any time ask the applicant/agent for such additional information as maybe required to enable the application to be determined.

The Council can request additional information if it will assist in the determination of an application. The additional information was sought, so that the Council could understand what would physically be on site for the occupiers of each pitch. I consider that the amendments have been consulted on correctly, as they generated further objections, which are set out below. Therefore, the application has been dealt with appropriately.

6.6 SHDC Environmental Protection Officer

No comments or objections.

6.7 SHDC Environmental Health Officer

No objection.

6.8 LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

6.9 LCC Historic Environment Officer

6.10 Environment Agency

No objections, and suggest an informative setting out standard advice regarding flooding.

6.11 Anglian Water

The applicant has indicated on their application form that their method of foul and surface water drainage is not to an Anglian Water sewer. Therefore, this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency, Internal Drainage Board and Local Lead Flood Authority to gauge whether the solutions

identified are acceptable from their perspective.

6.12

South Holland Internal Drainage Board

No objection.

6.13

NHS England

No request for funding.

Officer note - It is to be noted that the application is below the numerical threshold for contributions.

6.14

Police Crime Prevention Design Advisor

No objection.

6.15

Public

There have been a significant number of objections from members of the public, which are summarised in the report in the usual way. However if Members wish to see these objections in full, then officers can provide this in full if required.

With regard to the original submission, 24 objections have been received from and on behalf of local residents and individuals from 18 properties located in Whaplode, Whaplode St Catherines, Spalding and Holbeach raising the following matters -

- Scope and transparency of the Proposed Development
- The site area for the application within the submission appears to differ from that identified in inset 72 of the South East Lincs local plan in that the access appears wider and the site appears to extend further north than the inset plan.
- No ecological assessment, landscaping proposals, light assessment or tree survey has been submitted
- Although this site has 'accordingly' met specifications for standards as detailed in accordance with Policy 20, it is in original plans and proposals for this site that there has been a failure to acknowledge further dwellings located in close proximity.
- Assessment of the need for the Proposed Development and policy 20 of the Local Plan
- The proposal fails to address points 2 and 3 of the policy included by the inspector explicitly to overcome residential amenity and landscape concerns.
- Not an effective use of current agricultural land.
- If the proposal is intended to include any commercial or industrial usage, then it is essential that this is specified and quantified in order to provide a clear assessment of impacts.
- The application is short on information and additional information and clarification must be sought.
- Would not meet Paragraph 8 of the NPPF's environmental objective.
- Isolated location in open countryside.
- Incongruous use in the open countryside.
- Assimilation into immediate Environs.
- Not in a sustainable location.
- Contrary to one of the core planning principles of paragraph 17 of the National Planning Policy Framework to make the fullest use of public transport.
- Is contrary to Policies of the South Holland Local Plan the National Planning Policy Framework, 2012.
- This new development would not be sympathetic to and maintain an area's prevailing character or contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside as it falls outside of any settlement development boundary and is a greenfield development.
- Would be even more detrimental than other decisions of refusal on this site with regard to being unsustainable and prejudicial to the rural nature of this location.
- Incongruous form of development that would materially harm the character and appearance of the area and amenity of neighbouring residents.
- Would not be an 'enhancement' to the area in the development of a natural landscape
- Would be a permanent site.
- Use of large vehicles during construction.

- Would dominate the settled community.
- Impact on local residents.
- Would not fit in with village or agricultural life in Whaplode.
- Impact on wooded areas adjoining which host to numerous bird, animal and plant species.
- Would be detrimental to the habitat and maintained environment that resides in close proximity.
- Would affect this tranquil environment.
- People may stray into local agricultural fields.
- Personal safety for adults and children.
- Antisocial behaviour would be caused by a temporary site.
- Fear of crime and antisocial behaviour.
- Recording who is staying on the site.
- Potential for wildlife crimes.
- Access Arrangements.
- The entrance is on a very quiet narrow country lane.
- Development reliant on cars..
- No local services.
- Limited public transport.
- Whaplode is unsuitable for many reasons ie roads, doctors, dentists, schools and police.
- No pathways or public lighting.
- Increase in traffic.
- Other developments and permissions in Crane Gate Bank North and also Spalding need to be taken in to account.
- Already other sites that surround Spalding area.
- History of refusal, appeals and local objection to development on the site.
- Located in a flood area.
- Location of commercial ventures not appropriate.
- Is the size of the site adequate for 8 dwellings.
- Locations of cess pits.
- Should be no roadside parking.
- Reduce property values - private purchase and rental income.
- Rights of the original vendor.
- Added security costs will have to borne by residents if this application goes through.
- Ecology and biodiversity.

6.16

As a result of the additional information and plans that were submitted a further consultation exercise was undertaken and as a result, 10 objections have been received from local residents and individuals raising the following matters -

- Reiteration of objections already raised.
- Questioning why other applications elsewhere in Millgate and the wider District have been refused.
- Development in this location is wholly unsuitable.
- The road is already under pressure from excessive traffic and the site is too far away from local amenities to be viable.
- Application proposes permanent structures.
- Impact on local residents would be severe.
- Impacts of reducing views of open countryside from gardens.
- Buildings would be in contravention to the Council's building policy.
- How can the reasons for the declinature to convert one dwelling now be overturned to support the erection of four amenity blocks in addition to their associated hard standing areas, spaces for numerous vehicles, treatment plants and so on now become a viable proposition?
- Further expansion of the site to accommodate children wishing to 'leave' the family home but still live within the family environment. May result in overcrowding or additional 'residents' living on site.
- does this now mean, all local residents to the site will be permitted to build brick properties with basic facilities on their property.
- There are no immediate amenities for people with children or older relatives.
- Adjacent woodland and trees are used by wildlife and specifically roosting owls.
- A buffer zone of scrub and trees should be retained to the western boundary.
- Foraging owls use the site. Future management of the site should build in the future management of the rough grassland.
- There is a pole mounted owl box nearby that should not be disturbed.
- Location of the site notice on a road sign.
- Whaplode have not been satisfactorily informed of the application.
- Process matters regarding the receipt and processing of the application.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Identified need for this development

7.3 Paragraph 3.2.17 of the South Lincolnshire Local Plan, adopted in March 2019, sets context to Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople as follows -

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) or to meet the specific housing needs of a settlement (see Policy 19: Rural Exceptions Sites).

7.4 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.

7.5 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).

7.6 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.

7.7 Need for 4 additional pitches for households 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.

7.8 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.

7.9 The South Lincolnshire Local Plan (SELLP) acknowledges there is unmet need for additional Gypsy/Traveller residential accommodation within its district between the period 2011-36.

7.10 Principle of Development and Planning Policies

7.11 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 wider, and more detailed policies of the South East Lincolnshire Local Plan.

7.12 In addition detailed matters relating to the impact of the development on neighbouring residents, visual impact, highway matters and flooding and other matters are to be considered in the usual way, taking in to account the guidance of the NPPF and the SELLP, and these are addressed below.

7.13 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.

- 7.14 Policies A and B of the DCLG document set out the requirements for Local Planning Authorities to use evidence to plan positively and manage development and specific Planning for traveller sites. Policy B is particularly helpful in advising the production of local plans, stating that Local planning authorities should, in producing their Local Plan:
- a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets
 - b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15
 - c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
 - d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density
 - e) protect local amenity and environment.
- 7.15 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.
- 7.16 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
- 7.17 The Communities and Local Government's Designing Gypsy and Traveller Sites Good Practice Guide, has been superseded but gives helpful general guidance 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.
- 7.18 It is considered that Policy 20 of the South Lincolnshire Local Plan (SELLP), which has been subject to considerable public consultation and scrutiny, the scrutiny and amendment of the Planning Inspectorate and adoption by South Holland District Council and Boston Borough Council, is sound and in accordance with the DCLG advice, and gives sound and clear criteria for the assessment and consideration of applications for gypsy and traveller sites.
- 7.19 With regard to the principles of development of this site, the current application extends slightly beyond the boundary of the site identified within Policy 20 of the SELLP, but not to such an extent that the Policy would be prejudiced or negatively impacted. As explained above, the boundary indicated in Policy 20 of the SELLP does not follow a feature such as a boundary line or hedge on the site.
- 7.20 Within the SELLP the application site at Bleu Raye Farm is identified to provide pitches for four households, subject to the following criteria, which is already set out, along with the rest of the policy, above:

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.

7.21 Appropriate infrastructure and servicing

7.22 Looking at each of these matters in turn, the site has the benefit of an electricity supply and a supply of drinking water.

7.23 The submitted plans show the provision of foul and surface water drainage being provided to each pitch in the form of soakaways and package treatment plants. These facilities are considered to be appropriately located. The Environment Agency, Internal Drainage Board and Anglian Water have no objections to the arrangements within the application.

7.24 Provision for recycling/waste management can be provided on each plot, with a shared collection point at the frontage of the site, adjacent to the public highway of Millgate. This arrangement, which is accepted on other recently approved schemes, shall require refuse and recycling to be presented on the due days of collection. As this proposal is for four households, it is considered that the refuse collection point to be provided is acceptable, and its retention can be controlled via condition as suggested below.

7.25 Effect on the amenities of existing local residents or adjoining land users

7.26 The impact of four households on this site, together with the associated vehicular movements, is not considered by officers to represent a form of development of a nature and intensity that would warrant refusal of planning permission on the grounds of having a significant adverse effect on the amenities of existing local residents or adjoining land users. The proposed development respects the scale of the nearest settled community, being sporadic residential dwellings within the countryside.

7.27 Specifically, looking at the layout of the site, the pitches would be sited at the widest part of the site and away from the adjoining dwelling Home Farm. The distance of eastern boundary of the site to the Home Farm is approximately 42m, and the distance between the dwelling of Home Farm and the first pitch would be approximately 80 metres.

7.28 The dwelling of Home Farm is to the north of the application site, and was approved as a replacement dwelling in 2004, (H23-1269-04 refers), and has in the side elevation, facing the access road to the site, a landing window and a secondary bedroom window, with two other windows serving the bedroom in the rear, or western elevation. These windows would be a minimum of 25 metres from the edge of the site adjacent to the access road.

7.29 It is considered that a landing is not a habitable room. A bedroom is considered to be a habitable room, however the bedroom in question has primary windows in the western elevation, and would not be impacted by reason of privacy, overlooking or undue noise by the site and the access road. The bedroom windows at the first floor would look towards the main part of the site, at a distance of approximately but sufficient landscaping can be provided and maintained within the site and the wider landholding to protect the amenities of this neighbouring dwelling.

7.30 The proposed access, which is to be of tarmacadam, is to be sited away from the nearest dwelling of Home Farm, rather than using the existing field access to the site which is to be retained, which would remove the vehicular movements as far as possible within the applicant's ownership from the adjoining occupier of Home Farm. There is also a fall back position that the existing field access could be utilised by agricultural and associated vehicles and trailers if an

agricultural use were to recommence, that although sporadic in use, could be a source of noise and disturbance, which is the norm in such rural locations.

- 7.31 The dwelling to the north, which was approved as a replacement dwelling in 2004, (H23-1269-04 refers), as a two storey replacement dwelling, has in the side elevation, facing the access to the site, a landing window and a secondary bedroom window, with two other windows serving the bedroom in the rear, or western elevation.
- 7.32 It is considered that a landing is not a habitable room. A bedroom is considered to be a habitable room, however the bedroom in question has primary windows in the western elevation, and would not be impacted by reason of privacy, overlooking or undue noise by the site and the access.
- 7.33 The bedroom windows at the first floor would look towards the site at a distance of approximately 80 metres, and sufficient landscaping can be provided and maintained within the site and the wider landholding to protect the amenities of this neighbouring dwelling.
- 7.34 Within Hurdletree Bank are the dwellings of Longacres and Southernwood. The house of Longacres is at distance from the closest edge of the site of approximately 70 metres, with the nearest point of the domestic garden boundary being approximately 25 metres.
- 7.35 The dwelling of Southernwood is approximately 100 metres from the closest boundary of the application site with the nearest point of the domestic garden boundary of approximately 75 metres.
- 7.36 As well as considering the criteria of Policy 20, the criteria of Policies 2: Development Management and Policy 3: Design of New Development of the SELLP have been used to assess the development impact on the wider area as well as local residents.
- It is considered that due to the distances involved and the landscaping and nature of the site and surrounding area, the development would not be detrimental to the residential amenities of Home Farm, Longacres or Southernwood nor to dwellings in the vicinity of greater distance to the application site than these dwellings, and would be in accordance with national guidance in the NPPF and with Policies 2 and 3 of the SELLP, as well as Policy 20 of the plan.
- 7.37 Objection has been raised that the development would impact on views of the open countryside, however the right a view is not in statute, and the amenities of residents in the area have been considered.
- 7.38 A condition is recommended below in order that a lighting scheme be submitted and approved by the Council and maintained as approved, in order that light does not become an issue to impact negatively on the residents of the area and the wider countryside.
- 7.39 Immediate environs and the wider landscape
- 7.40 The landscaping of the application site proposes the formation of hedging and post and rail fencing along the northern and western boundaries, which would serve to shield the development from the adjoining dwelling and from wider views from the north.
- 7.41 The southern boundary, which will be altered by the formation of the access road, is to be augmented by planting to fill existing gaps. This could be resolved by utilising the line of the existing access and laying a wider running surface over it.
- 7.42 The area of rough grassland within the site is not to be built upon and the land within the ownership of the applicant (within the blue line), is to have an area planted with trees, what would soften the edge of the site and the access road when viewed from the adjoining dwelling.
- 7.43 Once the existing landscaping on the site is augmented by the landscaping proposed, this site would only be glimpsed from neighbouring dwellings and the wider rural area, and would not be an incongruous feature in the landscape.

- 7.44 An external lighting scheme has not been submitted in detail, however it is envisaged that a detailed scheme could be approved and controlled by condition, to provide low level lighting and retain the rural character of this part of the District, as well as protecting the amenities of the occupiers of the site and adjoining dwellings.
- 7.45 The application does not propose businesses to be sited on the site, and it is considered that this site would not be an appropriate location for businesses relying on significant noise, outdoor storage, outdoor working or the movement of significant numbers of business vehicles. It is reasonable to provide a parking space of business vehicles within each pitch, and these vehicles can be restricted to the parking area proposed and be no greater than 3.5 tonnes in weight. These matters can be controlled by conditions, set out below.
- 7.46 It is not considered that the provision of four pitches on this site would have a significant adverse effect on the amenities of existing local residents or adjoining land users and could be successfully assimilated into both their immediate environs and the wider landscape. The development for this reason would be in accordance with national guidance in the NPPF and with Policies 2, 3 and 28 of the SELLP, as well as Policy 20 of the plan.
- 7.47 Sustainability
- 7.48 The principle of the use of this site has been accepted through the consideration and examination of the SELLP and Policy 20 is adopted; the SELLP, 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.
- 7.49 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. Bleu Raye Farm is considered to be in a sustainable location with regard to accessibility of services, hence the adoption of Policy 20 in the SELLP.
- 7.50 The application site is not close to public transport routes and would rely on the use of the private car, however this site is considered to be acceptable on balance for the purposes of the use proposed within the SELLP, and in the light of para 3.2.17 of the SELLP, set out above.
- 7.51 Comparison to previous planning decisions on the site
- 7.52 There is planning history on this site including the refusal of development for residential purposes by the stable to dwelling. This was upheld at appeal. If such an application were forthcoming in 2020, or a proposal to develop the land for residential purposes not within the remit of the Policies 10, 11, 19 and/or 20 of the SELLP, then it is very likely that refusal would be recommended by officers for clear planning reasons.
- 7.53 This application however is to be considered for the use it proposes, in the light of Policy 20 which sets criteria for the consideration of sites for gypsy and travellers, and allocates this site for development.
- 7.54 Loss of agricultural land
- 7.55 The greater part of the application site is allocated within the SELLP as an allocated site for the provision of 4 pitches for gypsy and traveller use. It has been accepted in principle that the use of this site would be subject to change away from agriculture and it is considered that there will be sufficient agricultural land remaining in the District that permission could not be refused on this basis.
- 7.56 Highway safety and access arrangements
- 7.57 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. The details of the access road are recommended to be controlled by condition.

- 7.58 Millgate is a rural road without footways or lighting, however it is considered that it would be prohibitive to expect the proposed development to provide a footway or lighting outside the site.
- 7.59 It is not considered that the development would lead to on road parking, as residents of the site and visitors to the site would enter via the access road and drive in to the site.
- 7.60 Flooding Matters
- 7.61 The application site lies within Flood Zones 1 and 2 and is identified as being at low to medium risk for tidal and fluvial flooding on the Environment Agency's flood mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to have no hazard rating on both the South Holland District present day and 2115 flood maps.
- 7.62 The Environment Agency has no objections to this application and suggests standard informative advising of flood warning, with no other special measures. It is therefore considered that the application accords with national guidance in the NPPF and with Policies 2, 3 and 4 of the SELLP.
- 7.63 Natural Environment and Wildlife
- 7.64 The application site is disused agricultural land, and as such has value as open land for wildlife, however, it has not been suggested that the site is home to protected species, although mention is made of foraging owls using the site. There are adjacent areas of tree planting and wider open countryside that accommodates wildlife, as well as the existing trees that are to be kept, and augmented.
- 7.65 A boundary treatment would be removed to enable the new access, and replacement planting is proposed.
- 7.66 A number of conditions are suggested below, to ensure that if approved an up to date ecological assessment is submitted.
- 7.67 Issues of wildlife crime have been raised and this is covered by the Wildlife and Countryside Act and any future harm to wildlife on adjoining land would be a Police matter. There is a pole mounted owl box nearby that would not be disturbed by the proposals.
- 7.68 It is considered that the development, when supported by the conditions set out below, would be in accordance with national guidance in the NPPF and with Policies 2, 3 and 28 of the SELLP.
- 7.69 Further expansion of the site
- 7.70 If in the future a proposal is made to extend this site, then the formal planning application would be considered in the light of the prevailing national and local planning and relevant policies of that time.
- 7.71 Fear of crime and antisocial behaviour
- 7.72 Objections have been received regarding the potential for crime and antisocial behaviour. In addition the possibility of antisocial behaviour being caused by a temporary site has been raised. It is to be noted that this application does not propose a transit site, and the Police have been consulted and have not raised objection.
- 7.73 Other matters
- 7.74 By its nature, works of layout and construction are temporary, and although builders vehicles would be used, this can be controlled via a condition as set out below to require a construction

management plan, to reduce the impact of the laying of the road and wider development during building on the neighbouring residents and any impacts on highway safety.

- 7.75 Issues relating to property values, either for private purchase and rental income, the rights of the original vendor and/or security costs are not planning matters and as such can be given very little weight.
- 7.76 Objection has been raised to the location of the site notice, which was placed on a traffic sign on the same side of Millgate to the proposal, and adjacent to open land. The siting of this site notice, together with the consultation by letter of local residents, and the consultation of Whaplode Parish Council is considered to be in accordance with the Council's usual practice and has resulted in a significant number of representations to the application.
- 7.77 With regard to matters of the processing of the application that have been received, the opinion of the Council's Legal Service are set out above.
- 7.78 **Additional Considerations**
- 7.79 Public Sector Equality Duty
- 7.80 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.
- 7.81 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.82 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.
- 7.83 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.84 Human Rights
- 7.85 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).
- 7.86 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.
- 7.87 Conclusion

- 7.88 The application proposal is in accordance in principle with Policy 20 of the SELLP and the provisions of the NPPF and government guidance.
- 7.89 The details of the application, which set out the extent of development that would be required, and the landscaping proposals, are considered to be acceptable and would mitigate against undue impact on neighbouring residents. Other material considerations that have been raised area addressed in the report above.
- 7.90 Officers consider that subject to the conditions set out below, this development is acceptable and it is appropriate to grant consent, for the reasons set out above.
- 8.0 RECOMMENDATIONS**
- 8.1 **Grant permission subject to the conditions listed in Section 9.0 of this report.**
- 9.0 CONDITIONS**
1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
- Application form
Planning Statement 1365 1 PS/FRA GF LMS
1365-1-PL-BP02 C
1365-1-PL-BP01
1365-1-PL-SP01 C
1365-1-PL-LP01
1365-1_PL_GA01
1365-1_PL_GA02
1365-1_PL_GA03
- Reason: For the avoidance of doubt and in the interests of proper planning.
3. The maximum number of gypsy/traveller households to be accommodated upon each of the four pitches within the red line boundary shall be limited to one household.
- Reason: In the interests of residential amenity and the character of the surrounding area. This Condition is imposed in accordance with Policies 2, 3 and 20 of the South East Lincolnshire Local Plan (2019)
4. 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'.

5. 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.

6. Not more than 2 touring caravans and 1 mobile home shall be sited on each of the gypsy/traveller pitches hereby approved, and no storage or sales of materials, machinery, commercial vehicles weighing over 3.5 tonnes or other vehicles weighing over 3.5 tonnes, waste or other commercial uses or processes, shall take place or be stored on the site.

A maximum of one additional touring caravan may be sited on each of the 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'.

7. A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Millgate and residential amenity.

Reason: In the interests of the amenity of local residents. 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 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework 2019.

8. Prior to the occupation of any part of the development details of the external illumination of the access road, all buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework 2019.

9. The refuse and recycling storage facilities at the rear of the property as shown on Drawing No BP02 C and approved under this Decision Notice, shall be provided before any part of the development is brought in to use and shall thereafter be so maintained.

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 Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework 2019.

10. Prior to the commencement of the development hereby approved, a scheme of landscaping for the site, to include all boundaries and that area of planting identified on plan number 1365-1_PL_BP02 RevC as "indicative planting" beyond the fencing around the site, shall be submitted to and approved in writing by the Local Planning Authority.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

Reason: To ensure the provision of the landscaping of the development, in order to protect the amenities of adjoining residents.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework 2019.

11. No part of the development hereby permitted shall be occupied, until the landscaping required by condition 10 above is installed and has been certified complete by the Local Planning Authority. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes 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 provision of the landscaping of the development, in order to protect the amenities of adjoining residents.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework 2019.

12. Before each pitch is occupied, the access road shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses.

Reason: To ensure that a safe and suitable standard of vehicular access is provided for residents.

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

13. 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'.

14. Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

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

15. 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), no walls, fences or other means of enclosure other than those illustrated on the plans forming part of the application hereby approved shall be erected on the site.
- Reason 1: To ensure that the Local Planning Authority retains control over means of enclosure, in the interests of the appearance of the development 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.
16. The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).
17. Flood resistance and resilience
- The Environment Agency strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:
- Department for Communities and Local Government: Preparing for floods
<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>
- Department for Communities and Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>.
- Floodline
- The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. F
- or practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.
- To get help during a flood, visit <https://www.gov.uk/help-during-flood>.
- For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.
18. The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070 or e-mail developmentmanagement@lincolnshire.gov.uk.
19. Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

20. 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>

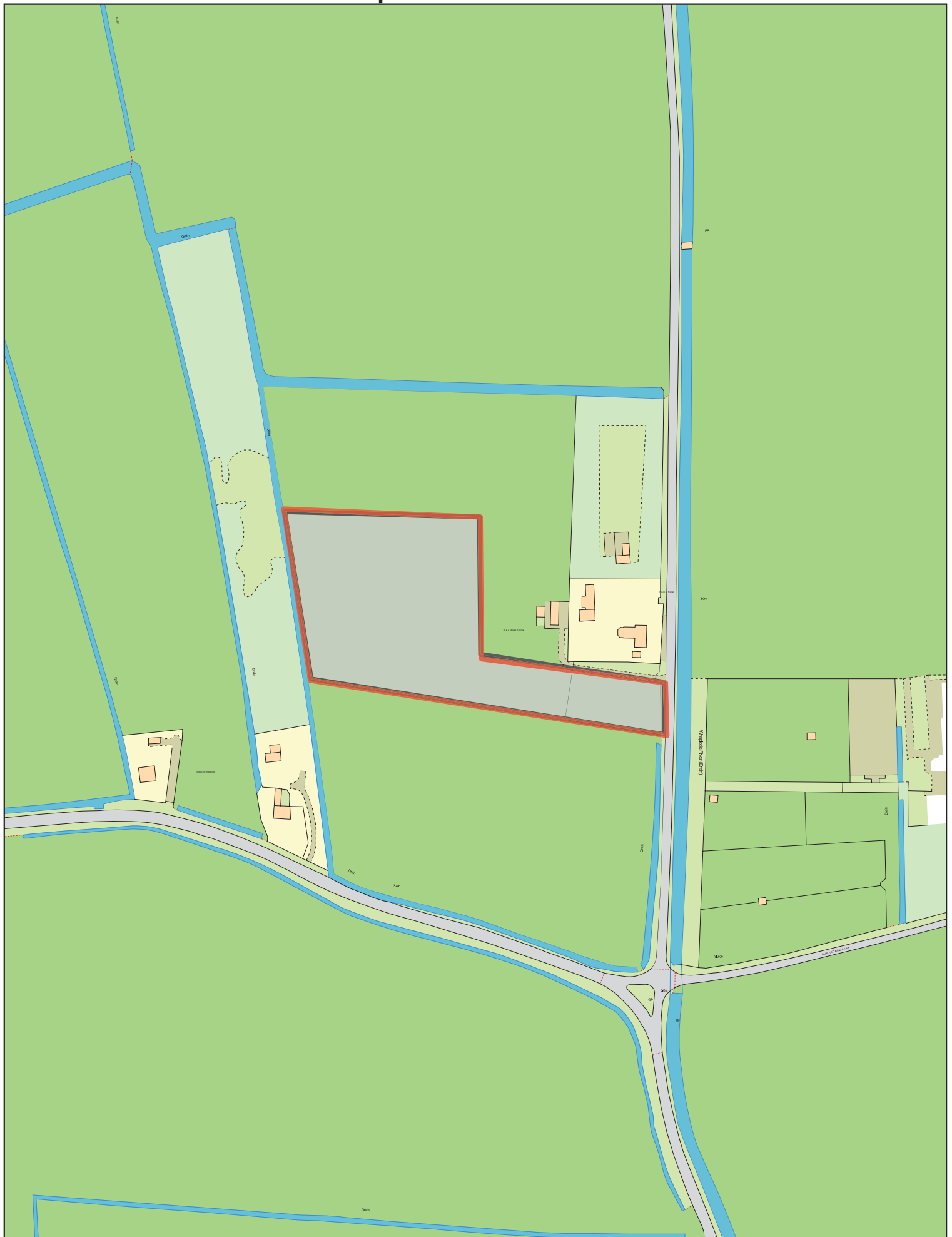
Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A	Plan A
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Your ref: H23-0848-19
Our ref: 1365 1 LMS EC

19 March 2020

rdc
Robert Doughty
Consultancy

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Sleaford, Lincolnshire NG34 0RA
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Email: admin@rdc-landplan.co.uk
Web: www.rdc-landplan.co.uk

Submitted via email only

Polly Harris-Gorf
Principal Planning Officer
South Holland District Council
Council Offices
Priory Road
Spalding
PE11 2XE

Dear Ms Harris-Gorf

MRS M A COMPTON
H23-0848-19 FULL PLANNING APPLICATION
PROPOSED RESIDENTIAL GYPSY/TRAVELLER SITE
BLEU RAYE FARM, MILLGATE, WHAPLODE, SPALDING, PE12 6RY

Following consideration and deferment of the above application at the 12th February Planning Committee, we provide the following in response to the matters raised by the committee.

1. The location of the pitches and relocation of the caravans in order to assess impact on neighbouring residents.

The development comprises of four pitches as prescribed in your local plan and each pitch contains the elements required for each family. The touring caravans, the mobile homes and brick-built day rooms are all single storey. There is no room within the red line to relocate the pitches and we question the logic of relocating single storey development within the red line. The result of the suggested relocation exercise is the same pieces of development within the same area which will have no greater or lesser impact on whichever local residents the committee is concerned about.

There is no good planning reason for what is being required and we are not therefore prepared to put our client to further unnecessary expense.

2. The relocation of the day rooms in order to reduce the impact on neighbouring residents.

We would reiterate the points made above in relation to the other single storey elements on the site.



town planning



landscape architecture



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19 March 2020

Polly Harris-Gorf
Principal Planning Officer

3. A detailed landscaping scheme to be provided to demonstrate how this development would be assimilated into the area.

We have provided a detailed planting scheme and have enclosed a copy here. We would reiterate the point that the site is already well screened from all significant public vantage points and this single storey development will therefore be very well assimilated into the existing landscape. The existing screening is also under the control of our client. We would draw members attention to the site off the A16 at Spalding and the site off the A151 at Holbeach, neither of which have hardly any landscaping around them.

4. Details of the management strategy for the site going forward.

We are not sure what a management strategy is designed to manage. The occupation of the site will be limited by virtue of proposed planning conditions 3 (number of families), 4 (restricted occupation to gypsy or traveller), condition 5 (no touring caravan or day room used for permanent residential occupation), 6 (restriction of caravans and mobile homes per pitch), 7 (construction management), 8 (external illumination), 9 (refuse collection) 11 (implementation of the landscaping scheme), 12 (access road construction), 13 (removal of permitted development rights), 14 (external materials) and 15 (no walls or fences other than those proposed). These conditions comprehensively ensure the management of the site.

5. Submission of an ecology survey.

We attach the survey here, you will note that there is the requirement to erect a Barn Owl box which our client is happy to do.

6. Revisit the provisions for commercial vehicles and reconsider the 3.5 tonne limit condition in order to preclude commercial activities on site.

The requirement to include space for the parking of commercial vehicles on each plot was at the suggestion of the planning officer. The need to park such vehicles within the site is commonplace on such sites. This does not mean commercial activities will take place on site.



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Your ref: H23-0848-19

Our ref: 1365 1 LMS EC

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7. The percentage comparison of the application site and the allocation in the SELLP.

We attach a plan here showing the comparison between the application site boundary and the land allocated in the local plan. The boundaries numbered 2, 3 and 4 are not fixed by physical features on the ground. Boundary 1 is characterised by tree planting, 5 is the site frontage and boundary 6 is the southern boundary characterised by an existing line of conifer trees in our client's ownership. There is a 19.5% difference in areas, however, the application site boundary allows for the same development as prescribed in the local plan allocation and crucially, a more spacious layout which ensures the retention of as many trees on site as possible.

Should you require any further information please do not hesitate to contact us.

Yours sincerely



Lewis Smith MRTPI

Enclosures: Proposed Planting Plan 1365-1_PL_PP01
Area Comparison 1365-1_PL_SP02
Preliminary Ecological Appraisal CGC Ecology



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