

## **Officers Report**

### **Planning Application No: 145135**

**PROPOSAL:** Planning application for the change of use of land for the siting of 12no. gypsy/traveller residential caravan and the erection of 2no. amenity buildings.

**LOCATION:** Land Rear of Watering Dyke Cottages Grange De Lings  
Lincoln LN2 2LY

**WARD:** Nettleham

**WARD MEMBER(S):** Cllr Mrs A White, Cllr J Oliver

**APPLICANT NAME:** Mr Charlie Gaskin

**TARGET DECISION DATE:** 01/09/2022 (Extension agreed until 2<sup>nd</sup> December 2022)

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** Grant permission subject to conditions

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This application has been referred to the Planning Committee at the request of the Ward Member, and following objections from Riseholme Parish Council and other 3<sup>rd</sup> parties.

The planning committee at its meeting on 2<sup>nd</sup> November 2022 resolved to defer this planning application for a member site visit. The planning committee site visit took place on 10<sup>th</sup> November 2022 commencing at 11.30am.

#### **Description:**

The application seeks planning permission, retrospectively, for 12 gypsy/traveller residential caravan pitches and the erection of 2 amenity buildings with access of Hall Lane. The boundaries of the site have been landscaped and the ground has been landscaped by grass and loose hardstanding.

#### **Site:**

The application site is an area of land (0.40 hectares) to the east of the A15 and accessed off Hall Lane down a private track behind Watering Dyke Cottages. The site sits lower than the A15. The site comprises modest areas of grass and larger areas of loose hardstanding for vehicular access, manoeuvring and parking. At the time of the site visit (20<sup>th</sup> July 2022) there were 2 caravans and 1 campervan on the site along with 4 or 5 cars. The site has children's play equipment including a trampoline and a timber patio table and chair set with parasol. Four or five trees are within the boundaries of the site.

The site is screened by grey fencing and or hedging to each boundary. Neighbouring dwellings are adjacent to the north with open countryside to the east and south. To the west is the A15 and open countryside.

The site is in a Limestone Minerals Safeguarding Area. Public rights of way SCAR/190/2 in on the opposite side of the A15 with GDel/176/1 500 metres to the east.

### **Relevant history:**

120573 – Planning Application to erect two stables and tack room, existing stables are to be demolished – 04/09/97 - Refused

### **Representations**

**Cllr Mrs A White:** Call into committee

I am calling in this application because it is of concern to local residents. It is not a designated Traveller site. There was no prior consultation with the local community, so this has heightened tension between the occupants of the site and neighbouring residents.

The site was bought and development started without planning permission. So this is a retrospective planning application.

A particular concern for the residents of the adjacent properties is that their cess pit is on the site.

- Planning Policy for Traveller sites (Updated 31 August 2015) Introduction 1 -6: Decision taking: Policy H: Determining planning applications for traveller sites. To be considered in conjunction with the National Planning Policy Framework.
- Central Lincolnshire Local plan 2017: LP56: Pages 126 -128.
- Central Lincolnshire Local Plan for Regulation 18 Consultation: June 2022. Policy S82: Pages 182-84

### **Riseholme Parish Council:** Objections (summarised)

- 12 caravans in an area of 6-8 houses is contrary to Planning Policy for Traveller Sites policy C (sites in rural areas and the countryside) as they would dominate the nearest settled community.
- Draft Central Lincolnshire Local Plan Review need to 2024 has been met.
- Central Lincolnshire Local Plan 2017 Policy LP56 Gypsy Traveller and Travelling Showpeople Accommodation references the sites that have been allocated as Westrum Lane Brigg, Washingborough Road Lincoln and Trent Port Road Marton.
- In The [Draft] Central Lincolnshire Local Plan 2022 which was only consulted on revised and submitted in March 2022 to PINS, Policy S83 sets out clearly how the Planning Authority has met the legislative requirements of The National Planning Policy Framework and The Planning Policy for Traveller Sites.

- There are two allocated sites one on Washingborough Road in Lincoln and one at Trent Port Road at Marton. These are identified in Policy S83.
  - Therefore, it is clear that following that assessment there are sufficient sites already allocated to meet legislative requirements. Any further need can be met from existing sites. Therefore, this site is unnecessary and does not meet the required criteria.
  - Development has to meet criteria a-f of local policy LP56 and draft policy S83.
- b) The site with 12 proposed caravans will have in excess of 12 vehicles. The access is insufficient for 12 vehicles with deliveries and external visits. The access onto A15 is not suitable. It is certainly inadequate for emergency vehicles and large towing vehicles. (To note it is unclear as to who has a right of access to the site over a section of presumed privately owned land)
  - c) The site is too densely designed for safe manoeuvring of vehicles nor does it comply with government design guide for layout/design.
  - d) The site has already had a detrimental impact on nearby residents. It is understood that the settled residents have had to recourse to the Police for assistance. This is without all caravans in place. Should all caravans arrive then the settled residents will be far outnumbered by the travelling community. Apart from the two small blocks to be constructed there are no other amenities on site.
  - e) There is no mains drainage to the current properties. It is unclear how other services will be connected. (The nearby road surface has been dug up to connect water. However, this is for field use only and not for accommodation use. This is the basis of the connection by the Water Company. Any use for housing of any nature is not within the terms of the connection agreement).
  - f) There are no amenities in this location which are accessible by walking and cycling. The nearest village is Nettleham which is over 5 miles away. The bus service which is referenced in the application runs a minimal service of probably one service a day and not at weekends. There will be total reliance on car travel. The schools and medical facilities in the area are full. The nearest shop is approximately 7 miles distance.

Therefore, this submission sets out that although fully accepted that there should be Gypsy and Traveller sites in suitable and sustainable locations and sustainable development is supported, this proposed site does not meet the required criteria.

The Central Lincolnshire Local Plan 2017 referenced the need for an increase in site allocation. The correct studies were undertaken in 2020 and that report's findings have been appropriately included in the Central Lincolnshire Local Plan 2022. This latest plan was only in recent months circulated and consulted upon. There was no reference to this site as it is not necessary.

Therefore, this retrospective application has no merit and should be refused.

**Local residents:** Representations received from:

Objections:

1, 2, 3 Watering Dyke Cottages, Grange de Lings  
2, 4, 5, 6 Brigg Road, Grange de Lings  
3, 10, 14 Woodlands Edge, North Carlton  
Dambusters, 23 High Street, Scampton

#### Retrospective

- Works have already started and using as a caravan site
- Intentional unauthorised development is a material consideration by Written Ministerial Statement of 2015.

#### Infrastructure

- Extra pressure on health and schooling facilities which are overstretched.
- Electrics have already been installed on the site

#### Sustainability

- No facilities on the site or within walking distance
- Shops and schools are at Welton and Scampton which need access by car
- Not serviced by local public transport or local amenities
- Not in best location with showground opposite
- Site cannot be safely cycled or walked from
- No bus service

#### Residential Amenity

- Security lights remain on all night and remain intrusive in evening to 2 and 3 Watering Dyke Cottages
- Overlooking Watering Dyke Cottages
- Loss of peace and quiet to garden of Watering Dyke Cottages
- Stopping using garden as much
- Added noise and disruption to area
- Impact of vehicle movements has been significant
- Too close to residential homes
- Impact on residents health
- No mitigation measures proposed between sites
- Music playing until midnight
- Smell from horses kept adjacent Watering Dyke Cottages
- Dogs barking all day and night
- Add to rubbish, flytipping and anti-social behaviour
- Unsafe for children to play
- Threatening behaviour
- Incidents of loud arguments/swearing

#### Visual Amenity

- Site has industrial character and incongruous to surrounding rural landscape

- Materials used out of keeping with cottages and highly visible from surrounding area
- Not reflect local vernacular
- Impact on openness of character of area
- Urbanising impact
- Does not positively enhance the area
- No soft landscaping proposed
- Large industrial steel fencing
- Not comply to CLLP LP26, PTTTS and NPPF

#### Scale

- Site is likely to grow above 12 caravans as time goes by
- Site of 12 caravans with domestic paraphernalia and vehicle parking would be overdevelopment of the site
- Site would be overpopulated

#### Highway Safety

- More vehicles using A15 junction which is dangerous
- Accessing onto A15 causing danger to other vehicles
- Entrance to site is inadequate for up to 12 mobile homes at busy times accessing and egressing
- Safety impact on shared driveway to the site
- Visibility of site and distraction to A15 users
- Traffic already queues on Hall Lane to A15
- Significantly increases the number of vehicle trips in and out of development site
- Driveway will not cope with extra traffic on shared driveway
- Should be a road of adoptable standard
- Site already has 4 vehicles and a horse and cart
- Contrary to LP56 of CLLP and paragraph 110 of the NPPF

#### Drainage

- No mains connection for drainage
- Application lacks detail
- Watering Dyke Cottages have a legal right to use septic tank on development site and owner has said this will not be happening
- Damage to waste outlet pipe which runs underneath site and not made to withstand hardstanding and heavy vehicle use.

#### Ecology

- Application lacks information
- Loss of trees on the site
- Detailed ecological assessment should be submitted
- No tree survey

#### Landscaping

- Application lacks information including lighting

### Ownership

- Access is in the ownership of 1 Watering Dyke Cottages. The correct notices should be served.

### Other

- Does not meet criteria of policy LP56
- Landowner planning to install floodlights which could be intrusive and displeasing
- Impact on house prices
- Scared of criminal damage
- No provision for collection of household waste from site
- Scared of criminal damage to property
- Setting a precedent for development on all green spaces

### General Observation:

1 Brigg Road, Grange de Lings

- No increase in traffic or congestion of road
- Site and caravans are immaculate and do not dominate the area
- Noise from generator has now stopped
- School buses are on the school run route
- Majority of objections are from people I have never seen before and do not live in the area
- More traffic congestion and noise caused by the Lincolnshire Showground e.g. concerts/events
- Cannot see why peaceful life would change if they live on their own land and do the same.

**LCC Highways/Lead Local Flood Authority:** No objection subject to a condition and advisory notes

Representation received 21<sup>st</sup> October 2022:

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application

### Recommended Condition:

The development hereby permitted shall not be occupied before a footway (width to be agreed), to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

Representation received 29th July 2022:

Proposal will require the formation of a metalled access to Lincolnshire County Council's specification within the extents of the public highway, can the applicant revise the block plan to reflect this intention.

**LCC Archaeology:** No objections

**Anglian Water:** No comment to make.  
There is no connection to the Anglian Water sewers

**LCC Minerals and Waste:** No objections

**Ramblers Association:** No representation received to date

**Lincolnshire Agricultural Society, Lincolnshire Showground:** objections (summarised)

Contrary to policy LP55 and S5

Development is contrary to local policy LP56 a), b), d), e) and f) and S83.

- Adverse impact on landscape character and natural environment
- Does have some visual/landscape screening
- 12 caravans and 2 amenity blocks will create a significant urbanising features, particularly to the east and south of the site.
- It will have a significant adverse impact on the open character of the landscape.
- Application form has not been completed properly as trees have been affected within the site. A new application form should be completed a tree survey undertaken.
- Site has several trees, pond and watercourse running along its southern boundary. An ecology survey should be undertaken.
- The site does not have adequate or safe vehicular access for the types of vehicles accessing.
- Impact on 1-3 Watering Dyke Cottages from noise, overlooking and general nuisance with vehicles passing eastern boundary and lighting during hours of no daylight.
- Not close enough to Lincoln to be considered sustainable. 1 bus service is not sustainable. Occupants most likely to use a motor vehicles which should not be encouraged and of a time when climate change is becoming a greater concern.

National Planning Policy for Traveller Sites

- No information on how promote peaceful and integrated co-existence between the site and the community.

- Site is close to the A15 which is used by a vast number of vehicles per day including HGV's. Impact on sites occupants from noise, air quality. Application gives no consideration to this.
- No assessment on potential amenity impacts on occupiers of neighbouring dwellings.

Contrary too many of the 8 criteria for sustainability as set out in paragraph 13 of the PPTS. Site is not sustainable socially or environmentally.

Contrary to policy C of PPTS (sites in rural areas and countryside). 12 caravans will double the number of residential units and significantly dominate it.

Contrary to policy H (Determining Planning Applications for Traveller Sites). Paragraph 22 determine in accordance with development plan. Application is contrary to many criteria within the CLLP and DCLLPR. Paragraph 25 advises on a very strict limit for new traveller site development in the open countryside.

The application should be refused by West Lindsey District Council on the following grounds:-

- The site is situated within the countryside and the application for a gypsy/traveller site does not meet any of the circumstances in which development could be supported in policy LP55 or policy S5 of the adopted and emerging CLLP's;
- The site would have a significant adverse impact on the landscape character surrounding the site and on the existing natural/ecological value of the site, meaning it is considered contrary to criteria a of adopted policy LP56 and emerging policy S83 of the CLLP;
- The site does not have a suitable access for the types of vehicles and number of vehicular trips anticipated by the proposed development and is considered contrary to criteria b of adopted policy LP56 and emerging policy S83 of the CLLP;
- It is considered the proposed development on the site will have a significant adverse impact on the residential amenity of the neighbouring properties (specifically 1 to 3 Watery Dyke Cottages) and is, therefore, considered contrary to criteria c of adopted policy LP56 and emerging policy S83 of the CLLPs;
- The application has failed to demonstrate whether the site would have adequate services and is considered contrary to criteria e of adopted policy LP56 and emerging policy S83 of the CLLP's;
- The site is of a scale that would dominate what can only be classed as the nearest "settled community" (1 to 3 Watery Dyke Cottages and 1 to 6 Brigg Road) and, therefore, contrary to Policy C of the PPTS; and
- The site is situated within the open countryside where gypsy/traveller sites should be very strictly limited. No evidence has been provided to demonstrate a specific need for the development in its location and is of scale which is considered to dominate the nearest "settled community". Therefore, it is considered contrary to paragraph 25 policy H of the PPTS.



### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Development in the Countryside

LP56 Gypsy and Traveller and Travelling Showpeople Accommodation

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- **Neighbourhood Plan**

There is no neighbourhood plan to consider

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is in a Limestone Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

#### National policy & guidance (Material Consideration)

- **Planning Policy for Traveller Sites (2015)**

<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

- **National Planning Practice Guidance**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021.

Paragraph 111 states:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*

Paragraph 219 states:

*"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Guide (2019)**

<https://www.gov.uk/government/publications/national-design-guide>

- **National Design Model Code (2021)**

<https://www.gov.uk/government/publications/national-model-design-code>

Draft Local Plan/Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Submitted Central Lincolnshire Local Plan Review (SCLLPR)**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and has now been subject to a further round of public consultation which expired on 9th May 2022.

On the 8th July 2022 The Draft Local Plan Review was submitted to the planning inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown. Relevant Policies:

S1 The Spatial Strategy and Settlement Hierarchy

S5 Development in the Countryside

S20 Resilient and Adaptable Design

S21 Flood Risk and Water Resources

S47 Accessibility and Transport  
S49 Parking Provision  
S53 Design and Amenity  
S56 Development on Land Affected by Contamination  
S57 The Historic Environment  
S83 Gypsy and Traveller and Travelling Showpeople Accommodation  
The plan review submitted for examination is at an advanced stage but is still open to alterations so at this stage may be attached **some weight** in the consideration of this application.

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan-review/>

Other:

- Central Lincolnshire Consultation Draft Local Plan: Report on Key Issues Raised January 2022 (ROKIR)
- Summary of who commented against each policy in the Central Lincolnshire Draft Local Plan Consultation October 2021
- Natural England's Agricultural Land Classification Map 2010
- Central Lincolnshire Gypsy and Traveller Accommodation Assessment by RRR Consultancy Ltd (Final Report) dated February 2020 (GTAA)
- Central Lincolnshire: Meeting the Accommodation Needs of Gypsies and Travellers by RRR Consultancy Ltd dated April 2021 (MANGT)

#### **Main issues:**

- Principle of the Development  
*Central Lincolnshire Local Plan*  
*Submitted Central Lincolnshire Local Plan*  
*Planning Policy for Travellers Sites*  
*Assessment of local policy LP56 of the CLLP*  
*Concluding Statement*
- Need
- Minerals Resource

#### **Assessment:**

##### Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

##### *Central Lincolnshire Local Plan:*

Local policy LP56 of the CLLP sets out the need for Gypsy and Traveller and Travelling Showpeople Accommodation in Central Lincolnshire. Paragraph 10.3.8 states that “*annual need of 3.6 new permanent Gypsy and Traveller pitches from 2013 to 2033 (72 total over this period) to meet needs arising from overcrowding and from newly forming families on authorised sites.*”

The following sites are identified for the provision of Gypsy and Traveller pitches:

Ref	Location	District	Indicative number of pitches	Comments or specific requirements
CL4738	Westrum Lane, Brigg	West Lindsey District Council	6 (additional pitches to existing 11)	6 additional pitches have planning consent (2015)
CL4675	Washingborough Road, Lincoln	City of Lincoln	5	<p>Only land within flood zone 1 should be developed.</p> <p>Proposals should avoid significant adverse impact on the Cow Paddle East, Cow Paddle Railway Embankment, and Canwick Road and St Swithin's Cemetery Local Wildlife Sites.</p> <p>To be developed with consideration for existing Washingborough Road site: site should be delivered without compromising the amenities of the occupants of the existing site.</p>
CL1337	Trent Port Road, Marton	West Lindsey District Council	3-6	

Local policy LP56 carries on to state that “Detailed proposals for these sites, for sites coming forward in Sustainable Urban Extensions and for other Gypsy and Traveller and Travelling Showpeople proposals on non-allocated sites, will be considered against the following criteria:

- a) The proposal should not conflict with other local or national policies relating to flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and
- b) Must have adequate and safe vehicular access; and
- c) Must have sufficient space for vehicle manoeuvring and parking within the site; and
- d) Should provide an acceptable standard of amenity for the site’s occupants, and will not have an unacceptable impact on the amenity of nearby residents (in accordance with Policy LP26); and
- e) Should be adequately serviced, or capable of being adequately serviced, preferably by mains connections; and
- f) For non-allocated sites, should be located within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport. An exception to this may be allowed in the case of Travelling Showpeople, where there is a need to locate the development close to the primary road network: in such event, access to primary health care and schools should still be achievable.

*Submitted Central Lincolnshire Local Plan Review:*

Submitted local policy LP83 of the SCLLP is split into three parts:

Part 1 - Existing Sites

Part 2 – Allocated Sites

Part 3 – New Sites

The application site although retrospective is considered a new site therefore criteria a to f would carry some weight in the determination of this application. The criteria is worded differently in places to local policy LP56 of the CLLP but is fundamentally the same in terms of the material considerations to be assessed. The minimal differences in the wording to submitted local policy S83 are outlined in red below:

- a) *The proposal should not conflict with other local or national policies relating to flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and*
- b) *The proposal must have adequate and safe vehicular access **including for emergency vehicles, other large vehicles and towed loads likely to frequent the site; and***
- c) *The proposal must have sufficient space for vehicle manoeuvring and parking within the site; and*
- d) *The proposal should provide an acceptable standard of amenity for the site's occupants, and not have an unacceptable impact on the amenity of nearby residents (in accordance with Policy S53); and*
- e) ***The proposal** should be adequately serviced, or capable of being adequately serviced, preferably by mains connections; and*
- f) *For non-allocated sites, **the proposal** should be located within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport.*

The key issues report from the draft local plan consultation did not raise any objections or comments on part 3 of S82 or to its changed policy number of S83.

The summary report of who commented identifies three individuals objected to policy S82 (S83).

*Planning Policy for Travellers Sites (PPTS):*

The PPTS sets out the Government's planning policy for traveller sites and its content should be read in conjunction with the National Planning Policy Framework as stated in paragraph 4 of the NPPF. The PPTS is structured into different policy sections (A to I) including:

Policy C: Sites in rural areas and the countryside

Policy H: Determining planning applications for traveller sites

*Assessment of local policy LP56 of the CLLP:*

- a) *The proposal should not conflict with other local or national policies relating to flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality;*

*Flood Risk:*

The application is located within flood zone 1 (low probability), and therefore is sequentially preferable for development. It passes the sequential test within the NPPF and policy LP14.

*Contamination:*

Local policy LP16 of the CLLP states that *“Development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.*

*Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.*

There are no known contamination issues with the site.

*Heritage Assets:*

Local policy LP25 of the CLLP protects heritage assets and their setting, character and appearance from being harmed.

The site is not in a Conservation Area or within the setting of a Listed Building or a Scheduled Ancient Monument.






The Historic Environment Officer from Lincolnshire County Council Archaeology has no objections to the development.

*Agricultural Land Quality:*

The site is a small piece of land measuring 0.40 hectares. Natural England's Agricultural Land Classification Map identifies the land as being in an area of grade 2 agricultural land (see below extract).

It is however, a small scale (1:250,000) map, intended for strategic use, and that *“These maps are not sufficiently accurate for use in assessment of individual fields or sites and any enlargement could be misleading.”* It should therefore only be considered as indicative.



<u>Grade</u>		<u>Description</u>
1		Excellent
2		Very Good
3		Good to Moderate
4		Poor
5		Very Poor

Grade 2 is very good quality agricultural land which Natural England describes as:

*“Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1.”<sup>1</sup>*

Local policy LP55 Part F protects the best and most versatile agricultural land.

Guidance contained within Paragraph 170 of the NPPF states that ‘*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’*

Natural England guidance guides that when using the agricultural land classification maps “*you should take account of smaller losses (under 20ha) if they’re significant when making your decision. Your decision should avoid unnecessary loss of Best Most Versatile land*”.

The application site was a small area of grass land with trees and an area of hardstanding on the site enclosed by boundary treatments. This would appear to be unsuitable for modern farming machinery and have very limited use for growing crops. The development has led to a loss of 0.40 hectares of

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<sup>1</sup> <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

agricultural land (potential BMV land) but the scale of the land and its enclosed nature is not considered as a significant loss.

*Protection of the natural and built environment:*

The application site does not currently include any permanent built form and before the development commenced was an area of grass with some trees and hardstanding. The site is not located with an area for its special landscape and scenic beauty such as an Area of Outstanding Natural Beauty or an Area of Great Landscape Value.

It appears from historical maps (google maps pro) that some trees have been removed from the site and some have been retained as part of developing the site. It additionally appears that most if not all trees on the boundaries of the site have been retained. The application site did not and does not include any protected trees under a tree preservation order so any of the trees removed would not have required any permission from the Local Planning Authority. The removal of the trees would only have required the consent of the landowner.

Comments have been received about the need for an ecology survey and tree survey with the application. Local Policy LP21 of the CLLP states that '*All development should:*

- *protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity.*

The application site which is substantially complete is in the open countryside with surrounding vegetation and a watercourse adjacent the south boundary. There is also a very small pond to the south east boundary of the site. Table 1 (Where to expect protected species)<sup>2</sup> of the government's standing advice guidance sets out likely habitats for protected species. Following assessment of this guidance it is considered that whilst there is a watercourse and pond adjacent the site they are not linked to semi-natural habitats such as heaths or parks.

Therefore whilst the requests for an ecology and tree survey are acknowledged it is not considered that surveys of this nature are required in this case.

It is therefore considered that the development would not have an unacceptable harmful impact on the natural and built environment.

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<sup>2</sup> <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species>



*Landscape Character:*

Objections have been received in relation to landscape and visual character including the urbanising impact of the development.

Local policy LP17 states that *“To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements”*.

Developments should also *“be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas”*.

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

*c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;*

The application site is located on land which sits at a lower level than the A15 (50mph) and the pedestrian footpath to the east of the A15. Views of the site from the A15 and the pedestrian footpath are available and more readily so when the leaves have fallen from the trees. Some of this view has been reduced by the installation of fencing to the south and west boundaries. The site follows and respects the linear character of the dwellings to the north.

The main body of the site is on a level but set back from Hall Lane (60mph) down the private shared track. Views of the site as you travel east and west along Hall Lane are limited by the high level of existing boundary screening from vegetation and the fencing which has been installed.

The site is currently accommodated by a modest amount of caravans and associated vehicles which is intended to increase to a maximum of 12 caravans. Whilst the inclusion of 12 caravans onto the site would be quite alien and urbanising to its previous predominant grassed appearance it is considered that the site is set down from the A15 and is well screened from most directions by soft landscaping to external views from public vantage points. The development although adding numerous structures to the site would not on balance have an unacceptable harmful impact on the character of the neighbouring and wider landscape.

Comments have been received in relation to the use of security lighting on the site at night time. Any lighting allowed on the site would need to be positioned

and directed appropriately to minimise its impact on the character of the area. Lighting is present within close proximity to the site in the form of street lighting to the east and west of the A15. If the development is recommended for approval then a condition would be attached to the permission to ensure appropriate lighting is installed on the site.

*b) Must have adequate and safe vehicular access;*

Objections have been received in relation to the vehicular access, its safety and the safety implications of the junction of Hall Lane and the A15.

The application site is accessed via a private track off Hall Lane which is shared with the occupants of Watering Dyke Cottages. The access to the private drive is wide as shown on the photo below and would provide more than sufficient access to the site by vehicles towing a caravan or campervans.



The occupants of Watering Dyke Cottages have parking spaces to the rear of their properties. The application has included the submission of certificate B as the applicant does not own the vehicular access. The shared access is used for access and egress from the site only as all vehicles and caravans are parked off street within the enclosed site.

The Highways Authority have not objected to the development but recommended that the site plan was amended to demonstrate a commitment to upgrading the access to Lincolnshire County Council specification. This has been completed and submitted with the application to the acceptability of the Highways Authority.

The Highways Authority have additionally recommended the installation of a footpath between the west side of the sites vehicular access and the existing pedestrian footpath which exists to the east of the A15. This would require the installation of approximately 50 metres of pedestrian footpath along the south side of Hall Lane to a width agreed with by the Highways Authority. The introduction of the footpath would provide safe access to the existing A15 pedestrian footpath during hours of light only.

The Highways Authority have recommended a condition requiring details of the footpath to be submitted prior to occupation. This is a retrospective planning application where the site has already been developed and is occupied. It would therefore be more appropriate to attach a condition which required the submission of the footway and drainage details within a 3 month period from the date of permission and the installation of the approved footway within 6 months of the date of the details being formally approved in writing by the Local Planning Authority.

Comments have been made about the use of Hall Lane and queuing at the junction with the A15. The A15 is a very busy A road connecting Lincoln to Scunthorpe. The junction does dip lower than the level of the A15 to the north and south but the observation views are in the case officers opinion considered acceptable for a road with a 50mph speed limit.

The development is likely to increase the use of the junction by the occupants of the site but only to a modest degree. As stated earlier in this report the NPPF guidance is that to refuse the application on highway safety the “*residual cumulative impacts on the road network would be severe*”. Whilst the occupants of the site may at times have longer vehicles due to towing caravans it is not considered that the vehicular access or the cumulative impact on Hall Lane and the junction with the A15 would have an unacceptably severe highway safety impact.

*c) Must have sufficient space for vehicle manoeuvring and parking within the site*

The submitted site plan identifying the formation of the pitches and position of the amenity buildings would leave plenty of space for vehicles manoeuvring and parking within the site.

*d) Should provide an acceptable standard of amenity for the site’s occupants, and will not have an unacceptable impact on the amenity of nearby residents (in accordance with Policy LP26);*

Local policy LP26 of the CLLP protects the living conditions of neighbouring dwellings from unacceptable harm.

Sites Occupants:

The application site is of a size which can accommodate the number of caravan pitches, associated vehicles and amenity blocks whilst providing external space for children to play including fenced off and open grassed areas. The two modest amenity blocks would provide permanent bathroom and laundry facilities on the site.

3 Watering Dyke Cottages is the nearest dwelling to the site with its south elevation approximately 8.2 metres from the shared boundary. This boundary is well screened by very high hedging therefore no overlooking onto the application site occurs and 3 Watering Dyke Cottages does not have an overbearing impact or cause any loss of light on the occupants of the application site.

Paragraph 26 of Policy H of the PPTS attaches weight to *“not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community”*. The site is enclosed by fencing to a part of the north boundary and to the east, south and west boundary. The fencing apart from the section to the north boundary entrance is screened by adjacent vegetation. The installed fencing is therefore not obvious and the site in general appears to be screened by natural means. The development does not therefore deliberately isolate the site or its occupants.

Nearby Residents:

Objections have been received in relation to overlooking, noise, smell, disturbance from vehicle movements and lighting.

As previously stated the nearest dwelling to the site is 3 Watering Dykes Cottages with the access to the site running to the rear of 1, 2 and 3 Watering Dykes Cottages.

The site does and will accommodate single storey structures which are and would be at least 12 metres from the shared high hedged boundary with 3 Watering Dyke Cottages. The development does and would not therefore have an unacceptable overbearing impact, cause any loss of light or have an unacceptable harmful overlooking impact on the neighbouring dwellings.

The shared access track to the rear of Watering Dykes Cottages is and will be used for vehicles entering and leaving the site. The track is approximately 40 metres long from the Hall Lane access to the main access to the site. The site would have up to 12 caravans and any other vehicles used for towing and general use. The use of the site for gypsy and travellers would generate vehicle movements at low speed to the rear of Watering Dyke Cottages. The direction of the track would not project vehicle headlights in hours of darkness towards the rear elevations of Watering Dyke Cottages. The amount of vehicle movements generate would not unacceptably harm the living conditions of neighbouring dwellings including the use of their back gardens.

Concerns of odour from the site have been submitted which appears to be in relation to the keeping of horses on the site. Whilst this is a retrospective application the keeping of horses on the site for grazing could have occurred on this land as agricultural land. No horse(s) or odour were present or experienced on the site at the officers site visit although a single horse box was present and evidence of using a grassed part of the site for horing was observed. Any unacceptable nuisance coming from odour from the site would need to be dealt with through Environmental Legislation.

Concerns of noise from the site in various forms such as loud music and shouting would need to be dealt with as a civil matter or dealt with through Environmental Legislation.

The application has not included any details of lighting for the perimeter or within the site. Concerns have been raised in relation to lighting and the use

of security lighting on the site during the night. The introduction of lighting on the site has the potential to harm the living conditions of neighbouring dwellings if it is not appropriately positioned and directed. If the development is recommended for approval then a condition will be attached to the permission to ensure appropriate lighting is installed on the site.

Paragraph 14 of Policy C of the PPTS states 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.”*

Paragraph 26 of Policy H of the PPTS states that *“Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure”*

In this case the nearest settled community is Watering Dykes Cottages (1, 2 and 3) and Brigg Road (1, 2, 3, 4, 5 and 6). These two groups of dwellings are only separated by Hall Lane. The area additionally includes large build structures on the Lincolnshire Showground and Lincoln College Showground Campus. The nearest settled community therefore comprises 9 dwellings in a linear format to the north.

The site is smaller in floor space than the cumulative floor space of the 9 dwellings to the north but would accommodate more units in the form of 12 caravans and two permanent amenity buildings. The 12 caravans and two amenity buildings would be smaller in scale than the existing 9 dwellings to the north. Seven of the caravan pitches are identified for touring caravans therefore it is likely that the site would not always have 12 caravan units on the site.

It is therefore considered on balance that the site in its semi-rural setting does not unacceptably dominate the nearest settled community.

*e) Should be adequately serviced, or capable of being adequately serviced, preferably by mains connections*

It has been brought to the case officer's attention that electricity connection has recently been installed to the site.

The application form states that foul water is or would be discharged to a package treatment plant. This would be likely to be considered acceptable providing it can be evidenced that there is no mains sewer within reasonable proximity to the site. Planning Practice Guidance<sup>3</sup> states that *“Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered.”*

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<sup>3</sup> Planning Practice Guidance – Water Supply, wastewater and water quality Paragraph: 020 Reference ID: 34-020-20140306 <https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality#water-supply-wastewater-and-water-quality--considerations-for-planning-applications>

The application form states that surface water is or would be discharged to a sustainable urban drainage system (SuDs). No specific SuDs scheme has been submitted with the application. The use of a SuDs scheme is encouraged and there is a watercourse to the south of the site which is or could be utilised.

It is considered that details of foul and surface water drainage can be addressed through a condition if it is minded to approve.

f) *For non-allocated sites, should be located within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport. An exception to this may be allowed in the case of Travelling Showpeople, where there is a need to locate the development close to the primary road network: in such event, access to primary health care and schools should still be achievable.*

Objections have been received in relation to the sustainability of the site.

Paragraph 26 of Policy H of the PPTS states that “*Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.*”

The application site is a non-allocated site which sits within a semi-rural settings adjacent 9 dwellings to the north and the Lincolnshire Showground and its built form to the north west. Whilst the site is in the open countryside it is not in an isolated location away from built form and infrastructure. The site is:

- 1.8 miles from the northern edge of the City of Lincoln
- 2.2 miles from the western edge of the large village of Nettleham
- 3.2 miles from the western edge of the large village of Welton

As the nearest large village or City to the site Lincoln comprises all services and facilities including primary schools, secondary schools, College, University, hospital and doctors surgeries. Nettleham and Welton as large villages jointly comprise many services and facilities including primary schools, a secondary school (William Farr, Welton) and medical centres.

Hall Lane does not include any pedestrian footpaths but the east side of the A15 does. This pedestrian footpath travels all the way to Lincoln but is only lit by street lighting at certain points. Some areas of the footpath would not be lit in hours of darkness. Whilst this footpath is available it is not currently directly accessible from the vehicular access to the site by a connected footpath along Hall Lane. There is a wide grass verge to the south of Hall Lane which could be used but this cannot be considered as safe access by foot to the A15 footpath. However, as recommended by the Highways Authority a condition would be attached to a permission for details of a footpath to connect from the west of the sites vehicular access along the south of Hall Lane to the footpath to the east of the A15. The distance to Lincoln from this footpath besides a

50mph road would not be a very attractive proposition in terms of safety for an adult let alone an adult with a child. The footpath could not be used during hours of darkness due to the gaps between the street lighting.

Hall Lane is served by a bus stop on either side very close to the vehicular access to the site. These bus stops are only served by one bus service namely:

- N75S – PC coaches – Lincoln to William Farr Secondary School Bus Park, Welton (7.55am-8.40am and 15:50-16:32) <sup>4</sup>

This bus only operates on school days and not during school holidays.

There are in addition two bus stops outside the main entrance to the Lincolnshire Showground which is a 370 metre walk from the site. The A15 does have an east side pedestrian footpath to these bus stops but again this footpath is not currently connected to the site along Hall Lane. There is a wide grass verge to the south of Hall Lane which could be used but this cannot be considered as safe access by foot to the A15 footpath. However, as recommended by the Highways Authority a condition would be attached to a permission for details of a footpath to connect from the west of the sites vehicular access along the south of Hall Lane to the footpath to the east of the A15.

These bus stops are only served by one bus service namely:

- 103 – Stagecoach – Lincoln to Scunthorpe.<sup>5</sup>

This bus operates 7 services a day including:

- 5 services each way Monday to Saturday (excluding Bank Holidays)
- 1 service each way on college holidays and Saturdays only
- 1 service each way on college days only

Therefore a secondary school day public bus service is available to get to Welton and back but the bus service is dictated to by the start and end of the school day meaning an adult using the service would have to wait around all day in Welton to meet the bus for the journey back.

It is therefore highly likely that the occupants of the site do and will rely on the motor vehicle to access all services and facilities within Lincoln, Nettleham and Welton.

Criteria f) is clear in that non-allocated sites should be located “*within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport*”. In this case it is considered that the site is located within a reasonable distance to the City of Lincoln but the occupants would rely on a motor vehicle to access all services. The

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<sup>4</sup> [N75S - Lincoln - Welton – PC Coaches – bustimes.org](http://bustimes.org)

<sup>5</sup> [SC\\_103 Revised 050720.pdf \(tison-maps-stagecoachbus.s3.amazonaws.com\)](http://tison-maps-stagecoachbus.s3.amazonaws.com)

criteria states that access to services and facilities would be preferred by walking, cycling or public transport. As set out above, safe pedestrian cycle access, and public transport connections are limited. However, it does not state that it must be accessed via walking, cycling or public transport.

### *Concluding Statement*

The proposed development is considered to accord with criteria a), b), c) and e) of local policy LP56 of the CLLP. Criteria d) and f) is a more balanced assessment due to the scale, location and relationship with neighbouring dwellings.

The application site is and would be likely to introduce up to 12 units on the site at any one time but not all the time. The units are and will be single storey in height with good screening around the boundaries of the site. There are 9 dwellings to the north of the site covering a larger area than the application site therefore it cannot be considered that the site would overly dominate the nearest settled community or unacceptably harm their living conditions. Therefore, on balance, it is considered that the development does and would accord to criteria d) of local policy LP56 and does and would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings.

The site is located within 2 miles of the City of Lincoln and within 2 to 3 miles of the large settlements of Welton and Nettleham. Whilst there is a pedestrian footpath along the A15 to Lincoln it is not currently connected to the access to the site via a footpath along Hall Lane. Details of a connecting pedestrian footpath to the A15 has been recommended as a condition. The pedestrian footpath does and would not provide an attractive walk into Lincoln and would not feel a particularly safe journey to make given the busy nature of the A15 which has a 50mph speed limit. There are bus stops adjacent the vehicle access to the site but this provides an extremely limited service during school days but does provide transport to a local secondary school. There is also another bus stop within 400 metres away adjacent the Lincolnshire Showground main entrance off the A15 which provides a regular bus service between Lincoln and Scunthorpe. This can be walked to along the A15 pedestrian footpath but again there is no footpath currently connecting the site to the A15 pedestrian footpath. It is therefore acknowledge that whilst all facilities and services could be accessed via public transport or a long walk from the site it is considered that the occupants of the site do and would rely on a motor vehicle to travel to use all services and facilities. Criteria f) of local policy LP56 states that "*non-allocated site should be located within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport*". Criteria f) uses the words **should be** and **preferably**. These are not definitive words such as **shall** or **must**. The words used does therefore not automatically render the location of this site unacceptable and must be considered on a case by case basis. The site is located in a semi-rural location within a reasonable distance from a City and large settlements which could be accessed via public transport providing a footpath is installed to connect the site to the A15



footpath. It is therefore considered on balance that the development does and would accord to criteria f) of local policy LP56 of the CLLP.

In line with criteria a) to f) of LP56 of the CLLP the development does and would accord to local policy LP1, LP2, LP13, LP14, LP16, LP17, LP26 and LP55 of the CLLP. It would additionally accord to S1, S5, S21, S47, S49, S53 and S56 of the SCLLP and guidance within the PPTS and the NPPF

It is considered that policy LP1, LP2, LP13, LP14, LP16, LP17, LP26, LP55, S1, S5, S21, S47, S49, S53 and S56 are consistent with the sustainability, highway safety, flood risk, drainage, contamination, design, character and visual amenity and open countryside guidance of the NPPF and can be attached full weight.

### Need

Objections have been received in relation to there being sufficient sites already allocated to meet the legislative requirement and any further need can be met from existing sites.

Annex 1 of the PPTS 2015 defines gypsies and travellers as:

*“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.”*

Ethnic Identity is defined as:

*“a range of ethnic groups or people with nomadic ways of life who are not from a specific ethnicity”*

Policy H, Paragraph 24(a) states that a) the existing level of local provision and need for sites b) the availability (or lack) of alternative accommodation for the applicants are relevant planning matters when considering planning applications.

Section 7 (Conclusion and Recommendations) of the Central Lincolnshire Gypsy and Traveller Accommodation Assessment by RRR Consultancy Ltd (Final Report) dated February 2020 (GTAA) sets out additional accommodation needs for traveller sites within Central Lincolnshire and West Lindsey from 2019 to 2040 in five year periods.

Table 7.1 sets out the additional need for Central Lincolnshire:

Table 7.1: Summary of accommodation needs 2019-40 (pitches)		
Period	Ethnic definition	PPTS 2015 definition
Total 2019-24	5	-4
Total 2024-29	10	10
Total 2029-34	11	11
Total 2034-40	15	15
<b>Total 2019-40</b>	<b>41</b>	<b>32</b>

Table 7.4 sets out the additional need for West Lindsey District Council:

Table 7.4: Summary of accommodation needs 2019-40 (pitches)		
Period	Ethnic definition	PPTS 2015 definition
Total 2019-24	10	5
Total 2024-29	6	6
Total 2029-34	7	7
Total 2034-40	9	9
<b>Total 2019-40</b>	<b>32</b>	<b>27</b>

These tables demonstrate that West Lindsey has a clear need for gypsy and traveller pitches when compared to the overall need for Central Lincolnshire. Paragraph 1.9 (Table 1) of the Central Lincolnshire: Meeting the Accommodation Needs of Gypsies and Travellers (MANGT) April 2021 summarises the additional accommodation need for pitches within Central Lincolnshire.

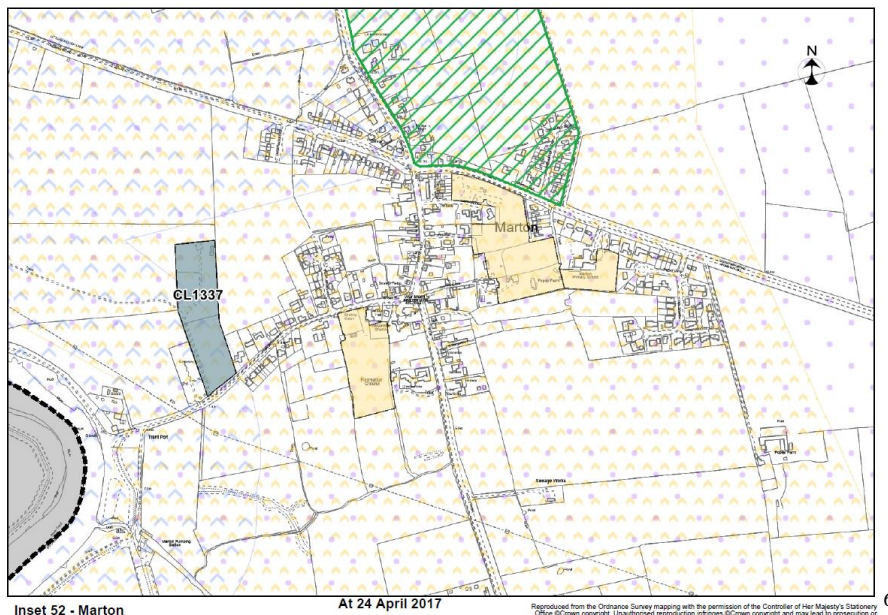
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Total 2024-29	10	10
Total 2029-34	11	11
Total 2034-40	15	15
<b>Total 2019-40</b>	<b>41</b>	<b>32</b>

This table reaffirms the need for 32 new pitches between 2019 and 2040 in Central Lincolnshire. Since the GTAA in 2020 5 pitches have been permitted in West Lindsey meeting the PPTS 2015 accommodation needs for 2019-2024 and lowering the Central Lincolnshire by 5 to 27 pitches by 2040 as shown in table 3 below from paragraph 1.11 of the MANGT.

Table 3: Summary of accommodation needs 2019-40 (pitches)		
Period	Ethnic definition	PPTS 2015 definition
Total 2019-24	0	-9 (0)
Total 2024-29	10	10 (1)
Total 2029-34	11	11 (11)
Total 2034-40	15	15 (15)
<b>Total 2019-40</b>	<b>36</b>	<b>27 (27)</b>

Local policy LP56 provides a list of allocated sites within Central Lincolnshire.

Ref	Location	District	Indicative number of pitches	Comments or specific requirements
CL4738	Westrum Lane, Brigg	West Lindsey District Council	6 (additional pitches to existing 11)	6 additional pitches have planning consent (2015)
CL4675	Washingborough Road, Lincoln	City of Lincoln	5	Only land within flood zone 1 should be developed.  Proposals should avoid significant adverse impact on the Cow Paddle East, Cow Paddle Railway Embankment, and Canwick Road and St Swithin's Cemetery Local Wildlife Sites.  To be developed with consideration for existing Washingborough Road site: site should be delivered without compromising the amenities of the occupants of the existing site.
CL1337	Trent Port Road, Marton	West Lindsey District Council	3-6	



Allocated site CL1337 (Trent Port Road, Marton) and Westrum Lane, Brigg are the only sites allocated within the district of West Lindsey for an indicative cumulative 9-12 additional pitches. Westrum Lane already has consent but no planning application has been submitted to date to develop the Trent Port Road allocated gypsy and traveller site.

The site at Trent Port Road, Marton is proposed to be retained as an allocated gypsy and traveller site in local policy S83 of the SCLLP under reference WL/GT/001

<sup>6</sup> <https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-policies-map-and-interactive-map-2017/>

Ref	Site name/address	Indicative no. of pitches	Comments or specific requirements
COL/GT/001	Washingborough Road, Lincoln	5	<p>Only land within flood zone 1 should be developed.</p> <p>Proposals should avoid significant adverse impact on the Cow Puddle East, Cow Puddle Railway Embankment, and Canwick Road and St Swithin's Cemetery Local Wildlife Sites.</p> <p>To be developed with consideration for existing Washingborough Road site – site should be delivered without compromising the amenities of the occupants of the existing site.</p> <p>Within or includes an area of Biodiversity Opportunity – proposals on this site should incorporate the relevant Principles for Development within Biodiversity Opportunity Areas set out in Appendix 4</p>
WL/GT/001	Trent Port Road, Marton	3-6	<p>Within or includes an area of Biodiversity Opportunity – proposals on this site should incorporate the relevant Principles for Development within Biodiversity Opportunity Areas set out in Appendix 4</p>

It is understood that West Lindsey and Central Lincolnshire has met its need for the period of 2019 to 2024. Paragraph 1.30 of the MANGT provides the potential for additional provision on an existing site on Summergangs Lane in Gainsborough but this is not an allocated site in the CLLP or the SCLLP and no applications have been submitted on the site to date.

Whilst the need for 2019-2024 has been met the need for the plan period has not been. The GTAA identifies West Lindsey as having the greatest need for gypsy and traveller sites. This site would provide 12 pitches broken down into 5 mobile home pitches and 7 touring caravan pitches. This does and would therefore help to provide the need for gypsy and traveller pitches within West Lindsey and Central Lincolnshire.

Even with these pitches West Lindsey would still have a shortfall for gypsy and traveller pitches over the plan period of the CLLP and SCLLP. The allocated site at Marton is for an indicative maximum of 6 pitches which again if it came forward with this development would not meet the need over the plan period.

It is therefore considered that whilst the need for gypsy and traveller pitches has been met for the 2019 to 2024 period West Lindsey still has an identified shortfall for the remainder of the plan period.

In accordance with Policy H this is a relevant consideration.

### Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies 'to support sustainable economic growth and our quality of life'. Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

*'Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding*

*Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:*

- *the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or*
- *the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- *there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or*
- *the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or*
- *the development is, or forms part of, an allocation in the Development Plan.*

The application has included the submission of a Minerals Assessment. The Minerals and Waste team at Lincolnshire County Council have no objections to the development. Therefore the proposal would not unacceptably sterilise a minerals resources in West Lindsey. The development therefore would accord with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

It is considered that policy M11 is consistent with the minerals guidance of the NPPF and can be attached full weight.

### **Other Considerations:**

#### Biodiversity

Comments have been received requesting the completion of ecology and tree surveys.

#### *Tree Survey:*

It is clear that some trees have been removed from the site during the retrospective work which has taken place. None of the trees removed were protected by a tree protection order therefore could have been removed with the landowners permission without any form of permission required from the Local Planning Authority.

#### *Ecology Survey:*

Significant works have already taken place on site which could potentially have impacted on protected species such as the loss of the trees and the disturbance to the boundaries caused by the works. Again the removal of the trees did not require any permission from the local planning authority and any harm that may have been caused to protected species would have been a criminal offence under the Wildlife and Countryside Act 1981.

It is considered that requesting an ecology survey at this point of the development is not necessary.

**Conclusion and reasons for decision:**

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Growth in Villages, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP25 The Historic Environment, LP26 Design and Amenity, LP55 Development in the Countryside and P56 Gypsy and Traveller and Travelling Showpeople Accommodation of the Central Lincolnshire Local Plan 2012-2036 and policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) in the first instance. Some consideration is additionally given to submitted local policy S1 The Spatial Strategy and Settlement Hierarchy, S5 Development in the Countryside, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S47 Accessibility and Transport, S49 Parking Provision, S53 Design and Amenity, S56 Development on Land Affected by Contamination, S57 The Historic Environment and S83 Gypsy and Traveller and Travelling Showpeople Accommodation of the Submitted Central Lincolnshire Local Plan Review. Furthermore consideration is given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide, National Design Model Code and Planning Policy for Travellers Sites.

In light of this it is considered on balance that the development as a non allocated gypsy and traveller site is acceptable in its semi-rural location within reasonable distance to primary health care facilities and schools. The introduction of a footpath along Hall Lane would provide access to public transport adjacent to and a short walk from the site. The development provides pitches to help meet the need identified for the plan period. The development has acceptable space for the onsite parking and manoeuvring of caravans and associated vehicles. The development does not have an unacceptable harmful landscape or visual impact or have an unacceptable harmful impact on highway safety, the amenity of the occupants of the site or the living conditions of the neighbouring settled community. It does not have an unacceptable harmful impact on flooding, contamination, the natural or built environment, heritage assets, agricultural land, ecology or a Minerals Resource

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

**Representors to be notified -**  
(highlight requirements):

**Standard Letter**

**Special Letter**

**Draft enclosed**

**Prepared by:** Ian Elliott

**Date:** 15th November 2022

**Decision Level** (tick as appropriate)

**Recommended conditions**

**Conditions stating the time by which the development must be commenced:**

NONE

**Conditions which apply or require matters to be agreed before the development commenced:**

NONE

**Conditions which apply or are to be observed during the course of the development:**

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:

- Proposed Site Plan and Pitch Layout received 19<sup>th</sup> October 2022
- Smaller Amenity Building Elevation and Floor Plans received 7<sup>th</sup> July 2022
- Larger Amenity Building Elevation and Floor Plans received 7<sup>th</sup> July 2022
- Post and Rail Fencing Elevation Plan received 7<sup>th</sup> July 2022

The works must be carried out in accordance with the details shown on the approved plans including the materials listed and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP26, LP55 and LP56 of the Central Lincolnshire Local Plan 2012-2036 and S5, S53 and S83 of the Submitted Central Lincolnshire Local Plan Review.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

2. Within three months of the date of this permission details of a scheme for the disposal of foul/surface water (including any necessary

soakaway/percolation tests and justification for not using a main sewer for foul water) from the site and a plan identifying connectivity and their position must be submitted to and approved in writing by the local planning authority. The development must be occupied in strict accordance with the approved drainage scheme and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the site to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 and LP56 of the Central Lincolnshire Local Plan 2012-2036 and S83 of the Submitted Central Lincolnshire Local Plan Review.

3. Within 3 months of the date of this permission comprehensive details of a footway (width to be agreed) to connect the development from the west of its vehicular access to the existing footway network to the east of the A15, must be submitted to the Local Planning Authority. The detail submitted must include appropriate arrangements for the management of surface water run-off from the highway. The approved footway and surface water run-off scheme must be installed within 6 months of the date of the formal written approval date of the Local Planning Authority. The footway must be retained thereafter.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property to accord with the National Planning Policy Framework and local policies LP13, LP55 and LP56 of the Central Lincolnshire Local Plan 2012-2036 and S5, S47 and S83 of the Submitted Central Lincolnshire Local Plan Review.

4. No external lighting must be installed on the site outlined in red on the proposed location plan received 7<sup>th</sup> July 2022 unless otherwise permitted through the submission of a full planning application with a detailed lighting scheme including light specification, height and light direction plan.

Reason: To protect the amenities of nearby properties and the rural locality to accord with the National Planning Policy Framework and local policies LP17, LP26, LP55 and LP56 of the Central Lincolnshire Local Plan 2012-2036 and S5, S53 and S83 of the Submitted Central Lincolnshire Local Plan Review.