

Parish: Funtington	Ward: Funtington
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FU/17/01191/FUL

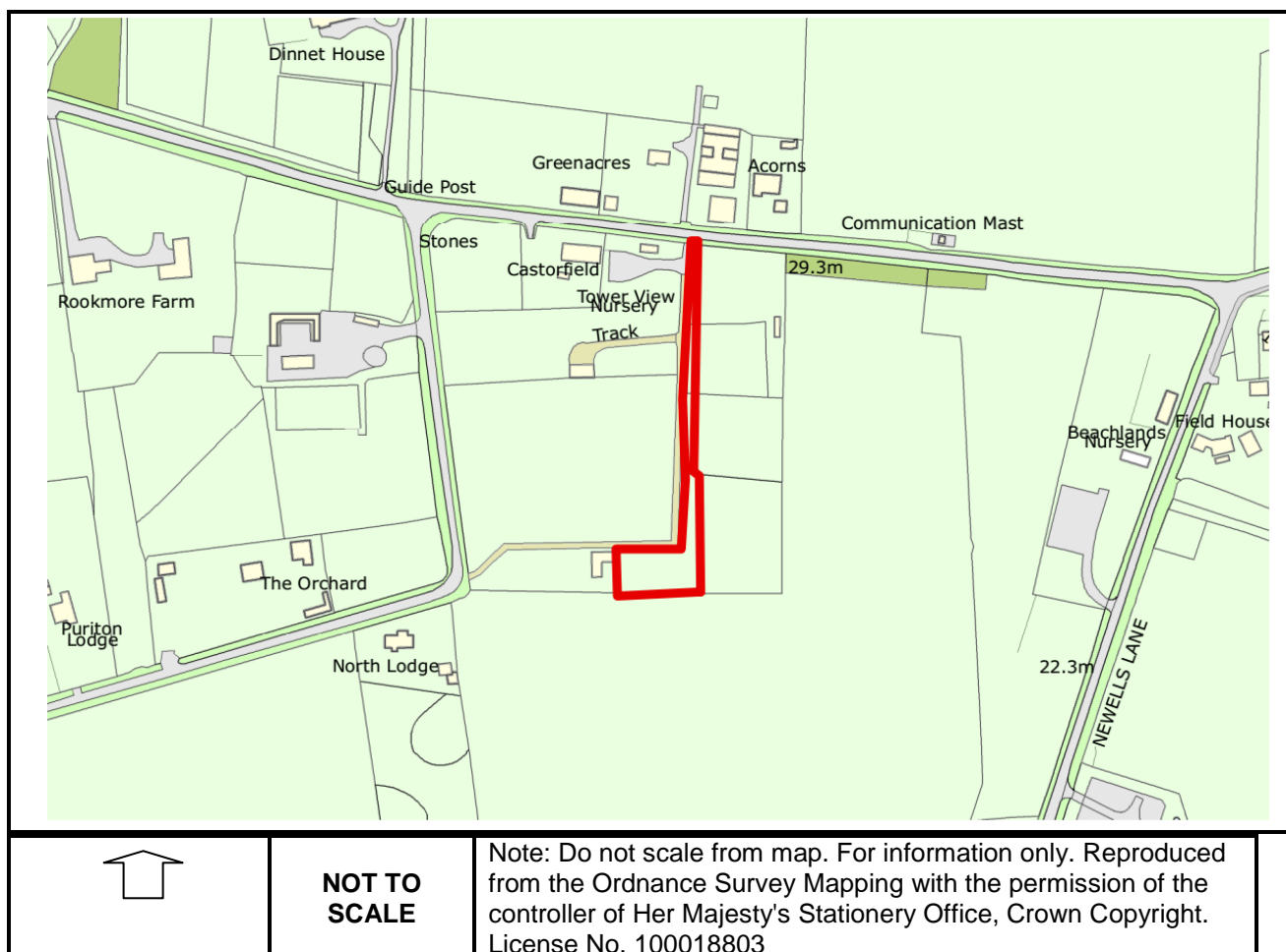
Proposal Change of use of land for stationing of caravans for residential purposes for 2 no. gypsy pitches with 2 no. caravans on each pitch together with formation of hard standing and ancillary dayroom.

Site Land At 6 Oaklands West Ashling Road Hambrook Funtington West Sussex

Map Ref (E) 479868 (N) 106957

Applicant Mr Connors

RECOMMENDATION TO PERMIT WITH S106



1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located in a countryside location in the Parish of Funtington. It is situated to the north of the main A27 and the north east of the settlement boundary of Hambrook. To the north and northeast and south of the site are authorised gypsy pitches. To the east is agricultural land and to the north east authorised travelling showman plots and gypsy traveller pitches.
- 2.2 Access is achieved via an existing shared access track from West Ashling Road, which leads between authorised pitches south towards the application site. It is a rectangular shaped parcel of land, with screening to the east and south. To the west of the site is an existing barn used for purposes ancillary to the existing gypsy sites. The lawful use of the land is agricultural. The site has been laid to hardstanding, with trees and hedgerows forming the boundary to the south. A post and rail fence forms the boundary to the north and east.

3.0 The Proposal

- 3.1 The application proposal seeks the change of use of the land for two gypsy pitches and an ancillary utility building.
- 3.2 The layout of the site would comprise two pitches side by side, with the stationing of the static mobile homes to the south of each pitch. A semi-detached day room would be located centrally in the pitch and there would be provision for the stationing of tourers. The site would be laid to hardstanding and the existing screening to the south would be retained.
- 3.3 The proposed day room would measure 6.5m x 8.5m, and include an eaves height of 2.6m and a clay tiled pitched roof with a ridge height of 4.8m, the exterior walls would be rendered. Internally there would be provision for a bathroom and kitchen. The proposed mobile homes would retain their wheels and axis.

4.0 History

There is none for the application site.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	NO
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

Funtington Parish Council objects to the above application on the following grounds :-

1. The proposed development constitutes an over intensification of uses of this nature in this vicinity. The plan marked "existing site" is both wholly inaccurate and misleading insofar as there are at least 27 authorised pitches on the sites immediately to the north and south of the application site which are in common ownership and it is believed that there are further unauthorised pitches on those sites or adjacent thereto.
2. Bearing in mind the very large concentration of pitches in the immediate vicinity the need referred to in the 2nd paragraph of the agent's letter dated 20th April 2017 is questioned.
3. The Parish Council is not satisfied with the proposals for waste/storage and collection referred to in paragraph 9 of the application.
4. Where is the existing septic tank referred to in paragraph 11 of the application? Does the applicant have permission to drain into that tank and is there sufficient spare capacity for 4 new residences?
5. The Parish Council is not aware of the drainage system referred to in paragraph 12 of the application - sustainable or otherwise.
6. Paragraph 14 of the application, what is the existing use of the site?
7. Paragraph 17 of the application - The application is for 4 new caravans on two pitches. Why does that not constitute a gain of residential use?
8. The present access to West Ashling Road appears to serve 3 dwellings. The Parish Council does not consider that it is adequate to serve a further 4 residences.
9. The application is for residences for "Gypsy people". The Parish council is aware that at least 4 of the pitches on the contiguous sites are not occupied by Gypsies or travellers. The application should therefore be dealt with as one for ordinary residential development and not as one for Gypsy or traveller residence.

6.2 Police (summarised)

No objection

- No concerns with layout and design of pitches
- Doors and windows of day room to conform to PAS 024-2012 or equivalent
- External lighting recommended.

6.3 WSCC Highways (summarised)

No objection

- No records of any accidents in the vicinity of the access, subsequently no apparent visibility issues at the access
- The addition of two pitches would not cause capacity issues on the nearby road network.
- Space would exist on site for parking and turning.

6.4 CDC Environmental Health Officer (summarised)

No objection

- Informative required in case any land contamination on site for previous uses.
- Adequate foul drainage required in accordance with EA

6.5 CDC Drainage Engineer (summarised)

No objection subject to conditions

- Recommend hard surfacing is permeable, or adequate drainage provision would be required for impermeable surfacing.

6.6 CDC Environmental Strategy Officer (summarised)

No objection

- Lighting scheme to take into consideration the presence of bats

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Funtington at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople

Policy 39: Transport, Accessibility and Parking

Policy 42: Flood Risk

Policy 45: Development in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

National Policy and Guidance

7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.5 Consideration should also be given to paragraphs 4 and 17 (Core Planning Principles).

- 7.6 In addition to the overarching policies in the NPPF, it is also relevant to have regard to the supporting document, Planning Policy for Travellers Sites August 2015.

The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development and current gypsy site provision
- ii) Impact upon character and appearance of the area
- iii) Impact on neighbouring amenity
- iv) Sustainable development
- v) Highway Safety
- vi) Drainage
- vii) Nature Conservation

Assessment

- i) Principle of development and current gypsy site provision

8.2 Policy H of the Planning Policy Travelling Sites (PTS) relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It also advises that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and planning policy H for traveller sites and local development plan policies.

8.3 The applicant is accepted to be a gypsy and traveller under the definition in the PPTS. The family is known in the local area and an application submitted by the wider family was subject to an appeal in early 2017 on the site to the south west of the application site ref FU/15/02504/FUL where the inspector found the applicants met the definition of a gypsy and traveller as set out in Annexe 1 of the Planning Policy for Traveller Sites. The agent for the current application has confirmed that whilst the applicant is Felix Connors, the proposed occupier of the site is Miley Connors and his family. The agent has confirmed that the proposed occupiers did not apply for a pitch on the appeal site as aforementioned above.

8.4 The Council has a 9.5 years supply of gypsy and traveller pitches for the entire plan period. The period 2012-2027 seeks the provision of 59 pitches, with the current provision at 58, meaning a shortfall of 1 pitch until 2027. As with any proposed development, provision must be weighed against the policy context and any potential harm that may arise as a result of the use of the land. The application proposal has an identified occupier who meets the definition of a gypsy/traveller as set out in the PPTS; however the permission being sought is to run with the land and not as a personal permission. The principle of the use of the land to provide two pitches would need to be weighed against the material considerations as outlined below in sections ii)-vii). If it can be demonstrated the proposed change of use of the land would have no resulting significant adverse impacts in terms of visual harm, sustainability, drainage or neighbouring amenity, then the proposal for a gypsy and traveller pitch would be acceptable in this location.

ii) Impact upon character and appearance of the area

8.5 Criteria 4 of Policy 36 of the Chichester Local Plan requires that development does not compromise nationally important features. Policy H of the PPTS advises that LPAs should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan, however where sites are within the rural area LPAs should ensure that sites respect the scale of and do not dominate the nearest settled community and avoid placing undue pressure on the local infrastructure. As part of the appeal decision FU/15/02504/FUL to the south west of the site, the appeal inspector found that whilst the appeal site was in a countryside location, it was in an accessible and well screened location. Due to the application sites positioning, set back from the road and public vantage points, bounded by neighbouring gypsy and traveller accommodation, the proposal would comply with the above aforementioned part of policy H.

8.6 The site is located in an area with existing gypsy and traveller pitches (27 in number) to the south, north, east and west of the site. As part of the appeal decision FU/15/02504/FUL in the site to the south west, the appeal inspector permitted 9 pitches, noting the concentration of pitches represented 3% of all households in the parish of Funtington. The Inspector noted the proposal would have represented only half the size of the immediately adjacent cluster of pitches and would be well screened by a hedge. It was also noted that there would unlikely be any social conflict as the two sites surrounding would be owned by the members of the same family. The Inspector concluded the development would not dominate the existing nearby settled or gypsy communities by reason of scale or in any other way so as to significantly harm social cohesion. He concluded there would be no conflict with LP Policy 36(6) or with the PPTS.

8.7 Whilst it is accepted that incremental changes can have a cumulative impact, having regard to the appeal inspectors decision on the neighbouring site, it is concluded that, in the context of the wider gypsy and traveller provision in the area, two pitches would not have an appreciable impact on the nearest settled community and it is concluded there would be no conflict with Policy 36 of the CDLP nor the PPTS in terms of dominating the nearest settled community.

8.8 The site is located outside any specific landscape designations, with the South Downs National Park to the north. It is well screened from public vantage points by existing

vegetation, boundary screening and existing gypsy and traveller pitches. It would therefore not have an adverse impact on the character of the area or wider landscape setting. A similar conclusion was reached by the Inspector in allowing the appeal to the south west of the application site in early 2017 who commented that the site was 'well screened from public view'. Given the low level of development proposed, it is not considered the site would have an adverse visual impact on the character of the wider landscape setting.

iii) Impact upon neighbouring amenity

- 8.9 Policy 36 of the CDLP requires that development would provide for a reasonable level of visual and acoustic privacy for occupiers and neighbours. The closest neighbouring settled residential property is located to the south west 'North Lodge'. It is considered that due to the distance, orientation, low level nature of the proposal and boundary screening, that there would not be an unacceptable impact on the amenities of neighbouring properties, in particular to their outlook, privacy, available light or noise generated by the development, which is residential in nature.

iv) Sustainable development

- 8.10 The previous use of the site was land associated with the travelling showman plot to the north west (reference 11/05305/FUL). The land was included in the blue line of the approved location plan attached to that application and appeared to be used as paddock land. It is situated outside any defined settlement policy boundary, but would form part of a cluster of development, with gypsy and traveller sites situated to the north and south west. The site is outside any defined Settlement Policy Boundary. West Ashling Road links directly to Broad Road, which provides a local village shop and Post Office (approximately 1.8km away). Broad Road is the main road through Hambrook which provides direct access to the A259 Main Road, linking to Chichester, Emsworth and Southbourne. Given the nomadic habit of life associated with gypsies and travellers, the travelling distance is considered to be appropriate and would enable the occupiers of the site to access a reasonable range of local services and facilities by public transport. This was considered to be the case by the Inspector when determining the appeal to the south.

- 8.11 Having regard to the definition of sustainability as set out in paragraph 7 of the NPPF and within the PPTS, the site would not be sustainable for most forms of residential use and would not meet the requirements of the NPPF for permanent settled residential accommodation. However, given the nature of the proposal for gypsy and travellers as outlined above, it is considered to be in a location with sufficient links to local infrastructure to be considered acceptable. The site is therefore considered to be sustainable as defined within paragraph 7 of the NPPF and within the PPTS.

v) Highway Safety

- 8.12 The site would utilise an existing access onto West Ashling Road. WSCC as the Local Highway Authority have advised they have no objection to utilising the access for two pitches. There have been no recorded accidents or incidents to indicate the existing access was operating unsafely. There would be adequate provision for parking and turning space adjacent to the mobile homes, within the existing hardstanding. Overall it is concluded the proposal would comply with policy 39 of the CDLP.

vi) Drainage

8.13 Policy 36 of the Local Plan (criteria 5) refers to flooding and contaminated land. The site is not located on land identified as being in a flood zone by the Environment Agency. The proposal seeks to connect to the existing cesspit on site, however the PC raise concerns about whether there is sufficient capacity for additional connections. It is understood there have been concerns about the cesspit and the impacts on the source protection zone which the site is located on the periphery of. As such it is considered proportionate to secure further details about the discharge of surface water and foul sewage by planning condition, in the event that permission is granted.

vii) Nature Conservation

8.14 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area, and as such could have significant environmental impacts on this internationally important designation. To mitigate the likely impacts, the applicant has agreed to enter into a S106 Unilateral Undertaking agreement and make a financial contribution towards the Joint Solent Mitigation Strategy. Overcome the harm of the development. It is therefore considered that the proposal complies with the provisions of Policy 50 of the CLP.

8.15 It is therefore considered that the proposal would not result in a significant environmental impact on the Harbours Special Protection Area.

Conclusion

8.16 The application is considered to be acceptable, subject to a number of conditions, including a limitation on the use of the site by gypsies and travellers only, together with conditions relating to the number and siting of the touring caravans. The application is therefore recommended for approval.

Human Rights

8.17 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

Equalities

8.18 In reaching this conclusion officers have given particular weight to the Equality Act 2010 which states in section 29 that 'a person must not, in the exercise of a public function [which includes the determination of planning applications] do anything that constitutes discrimination, harassment or victimisation'. Officers have sought guidance as to the extent to which this section requires 'positive discrimination' or indeed requires weight to be given to the disabilities of an applicant above and beyond weight normally accorded to 'personal circumstances', but have not been able to identify any government advice or case law which is relevant.

8.19 "In addition to the provisions of section 29 of the Act, s149 of the Act provides the following:

Public sector equality duty:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.20 These duties are triggered by the exercise of functions which include the determination of planning applications that have equality implications. This section must be treated as engaged in this particular case and therefore 'due regard' must be given to the applicant's particular needs. It is not sufficient to have equality in mind at a general or policy level.

8.21 However, the duties do not require a particular outcome. What the decision making body chooses to do once it has had the required regard is for it to decide subject to the ordinary constraints of public and discrimination law.

8.22 In conclusion, the actual needs of the applicant need to be weighed against the harm that this development would cause to neighbours, along with all of the material planning considerations. The decision must be proportionate in the light of all the circumstances of this case".

RECOMMENDATION

PERMIT WITH S106 subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 16_821_001 16_821_003 16_821_004

Reason: To ensure the development complies with the planning permission.

3) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites dated August 2015 (or its equivalent in replacement national policy).

Reason: To accord with the terms of the application and in the interests of proper planning.

4) Notwithstanding any details submitted, within 3 months of the date of the decision a scheme for foul and surface water drainage shall first be submitted to an approved in writing by the Local Planning Authority. The scheme shall include a foul drainage assessment and shall be designed so as to ensure that: there is no infiltration of foul or

surface water drainage into the ground except where it has been demonstrated that there would be no resulting risk to controlled waters; the discharge to any watercourses shall not exceed greenfield runoff rates; any discharge to drainage ditches shall be fit for purpose, demonstrating any pipe has sufficient capacity; and an agreed management and maintenance regime is in place. Attenuation will be designed to accommodate the 1 in 100 year event +40%. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: To ensure adequate provision for drainage of the application site and the protection of the Source Protection Zone.

5) Notwithstanding the details provided, within 3 months of the date details of refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

6) No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than two shall be static caravans, shall be stationed on the site at any time.

Reason: To accord with the terms of the application and to ensure satisfactory planning of the area.

7) No commercial activities shall take place on the land, including the storage of materials. No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.

Reason: In the interests of neighbouring amenity and to ensure the protection of this countryside location.

8) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To accord with the terms of the permission and in the interests of protection of this countryside location

9) The day room hereby permitted shall be used for purposes ancillary to the use of the land as a gypsy and traveller site and shall not be occupied as a permanent means of habitable accommodation at any time.

Reason: To comply with the terms of the application and to protect the amenities and character of the area.

For further information on this application please contact Caitlin Boddy on 01243 534734