

Parish: East Wittering And Bracklesham	Ward: The Witterings
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EWB/19/01724/FUL

Proposal	Provision of day room for the rear two plots - Variation of Condition 2 of planning permission EWB/19/00702/FUL - Substitute approved drawing 4A with 4B - to allow the building to be used together as one unit by the families in the rear two plots (who are related) as opposed to having to use them separately as two units.		
Site	Longacre Bracklesham Lane Bracklesham PO20 8JF		
Map Ref	(E) 481219 (N) 97762		
Applicant	Mr & Mrs Ayers	Agent	Mr Stephen Jupp

RECOMMENDATION TO PERMIT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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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 an existing gypsy and traveller site. The site lies on the east side of Bracklesham Lane. There are fields to the north and east of the site, a detached residential property to the south (Redroofs) and a detached dwelling on the western side of Bracklesham Lane. The site comprises an access track from Bracklesham Lane with a grassed area to the north and then extends further south behind Redroofs. The site has a single storey workshop on the southwestern boundary behind Redroofs and, at the time of the Officer's visit to the site, 5 mobile homes.

3.0 The Proposal

3.1 The application seeks planning permission for the variation of Condition 2 of planning permission EWB/19/00702/FUL (provision of day room for the rear two plots) - Substitute approved drawing 4A with 4B - to allow the building to be used together as one unit by the families in the rear two plots (who are related) as opposed to having to use them separately as two units.

3.2 The building would be the same size, height and siting of the building permitted under reference; EWB/19/00702/FUL. The building would measure approximately 4.8m high (2.5m to underside of eaves) x 13m wide x 7m deep. It is only the fenestration change to the north elevation and the internal layout that is being considered by this application.

4.0 History

02/02101/FUL	PER	Retention of workshop and continuation of fencing manufacturing business.
92/00060/EW	REF	One mobile home.
95/00479/FUL	REF	Bungalow.
97/00219/FUL	REF	Removal of personal occupancy condition in order to facilitate the unrestricted residential occupation of the mobile home.
07/04205/FUL	PER	Variation of conditions 1 and 3 on enforcement appeal decision letter dated 23 February 1994 (COM 1990 refers) to allow: (1) occupation of land by gypsies and travellers (as defined by Circular 01/2006) and (2) to increase number of plots to 5.

10/02314/FUL PER Continuation of use of land for logging business.

19/00702/FUL PER Provision of day room for the rear two plots.

5.0 **Constraints**

Listed Building	No
Conservation Area	No
Countryside	Yes
AONB	No
Tree Preservation Order	No
EA Flood Zone	
- Flood Zone 2	Yes
- Flood Zone 3	Yes
Historic Parks and Gardens	No

6.0 **Representations and Consultations**

6.1 **Parish Council**

Further comments (08/08/2019)

This email is to confirm our objection to the combining of the two separate day rooms into a shared facility. The design of the proposed shared building, with multiple sets of patio and external doors could lead to increased noise disturbance. Two families sharing a combined space will lead to more people gathering in the lounge at the same time than individual families using separate spaces, with an exponential increase in the amount of noise generated. We are also concerned that the combined day room facility is open to unauthorised use as a single dwelling house. Given the isolated location of the building, which is not visible from the main road, we can see no effective means in which any planning conditions prohibiting this use could be effectively monitored or enforced once the building has been completed.

On that basis, our objection to the permission for the unit to be converted into a combined facility remains, but as stated previously we have no objection to the provision of the two separate day rooms and support his improvement in the facilities for the travelling community.

Original comments (17/07/2019)

Whilst the Parish Council recognise the need to provide adequate accommodation for travellers, we believe that the combining of the two day rooms into a single building would be unacceptable.

This is because it creates a very real risk that the building could be used as a single dwelling, which would be in contravention of Local Plan Policy no. 45 as it would be located outside of the main settlement boundary and not well connected to village facilities.

The fact that the combined building would be for the sole use of a large, extended family also contravenes Local Plan Policy no. 36, as the inevitable large gatherings of extended family members would adversely affect the visual and acoustic privacy of the neighbouring property at Red Roofs (the proposed building overlooks their garden and swimming pool). On this basis, we believe that the proposed development will have an unacceptable level of impact on the residential amenity of the neighbouring dwelling.

Additionally, we also believe that the proposal contravenes Local Plan policy 36 as the site is liable to flooding and should not therefore be permitted.

6.2 CDC Archaeology Officer

No comments to make

6.3 Third party representations

1 letter of support has been received commenting;

a) that there is no objection to the updated plans

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 East Wittering 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 8: Transport and Accessibility

Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

Policy 45: Development in the Countryside

Policy 47: Heritage and Design

Policy 48: Natural Environment

Policy 49: Biodiversity

National Policy and Guidance

7.3 Government planning policy now comprises the 2018 National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development.

For decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 Consideration should also be given to Sections 4 (Decision-Making), 9 (Promoting Sustainable Transport), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) generally.

7.5 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:

- 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 the development
- ii) Impact on visual amenity of the surrounding area
- iii) Impact on neighbouring amenities
- iv) Highways
- v) Drainage
- vi) Other matters

i) Principle of the development

- 8.2 Policy 36 is relevant to the founding of gypsy and travellers sites. As this is an existing site permitted under ref; 07/04205/FUL and therefore this policy is not relevant. Policies 2 and 45 of the Local Plan seek to resist new development unless it requires a countryside location and meets and small scale local need, or otherwise accords with other development plan policies.
- 8.3 The proposed building would be ancillary to plots of an established gypsy and traveller site. Given the building would be located in close proximity to the rear two plots and the day room would be ancillary to the primary use of the site it is considered that it is required to be located in the countryside to meet the needs of the residents occupying the gypsy and traveller pitches.
- 8.4 As such the principle of providing a day room to support the rear two plots is considered to comply with the principle requirements of the current development plan. In addition, the fall-back position; that there is an extant permission for a day room of the same size on the same site is a material consideration that carries significant weight.

ii) Impact on visual amenity of the surrounding area

- 8.5 Policy 45, 47 and 48 of the local plan refers to development within the countryside, including the potential impact on the natural environment, and requires proposals to be well related to an existing group of buildings, to not prejudice any viable agricultural operations on a farm and to ensure that their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area. Other requirements of the policies require development proposals to; respect the distinctive local character and sensitively contribute to creating places of a high architectural and built quality, respect natural landscapes and the tranquillity of the rural character of the area, meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and their setting in the landscape and maintain the individual identity of settlements.
- 8.6 A building of the size, height and appearance proposed would be commensurate with the context of the site and surroundings. The building would be seen in close relationship to an existing building and the four mobile homes on the site.
- 8.7 Overall, the proposal by reason of its size, design and appearance would be appropriate having regard to the existing site context and would not cause significant harm or detriment to the wider area and therefore would accord with local and national development plan policies. Therefore, it is considered that, subject to conditions regarding the external materials, the development would comply with NPPF sections 12 and 15 and CLP policies 1, 2, 45, 48 and 47.

iii) Impact upon the amenity of neighbouring properties

- 8.8 Paragraph 127 of the NPPF states that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.
- 8.9 The closest neighbouring property and garden lies to the south and east of the proposed building and forms a detached two storey house known as Red Roofs. The west elevation of the proposed building would be posited approximately 45m from the rear of Red Roofs and therefore the building would not have a significant impact upon the amenity of the occupiers of this dwelling.
- 8.10 The fenestration change only involves a single door to the north elevation as opposed to two separate doors. The north elevation faces into the site and would not result in harmful overlooking. No roof openings are proposed. The south elevation windows would be at ground floor and screened by the boundary treatment.
- 8.11 The Parish Council have raised concern that the resultant changes to the internal layout will lead to a significant increase in the level of noise emanating from the building. This building would facilitate the same two families as the previous permission. This would be the same level of activity whether combined or set out as two separate units. The combined unit would allow for a greater sense of community between the two related families by these shared facilities and the noise and activity would not be increased significantly by way of this change.
- 8.12 Consequently, it is considered that the building would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook and privacy. Therefore, it is considered that the development complies with policy 33 of the current CLP and paragraph 127 of the 2019 NPPF.

iv) Highway Safety

- 8.13 The existing vehicular access and parking and turning would be retained and sufficient space for parking and turning on site would remain. Therefore, the proposal would accord with policies, 8 and 39 of the CLP which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

v) Drainage

- 8.14 The eastern part of the site is located within flood zone two and flood zone three adjoins the eastern boundary. The siting of the building was amended under application EWB/19/00702/FUL to improve the position from a flood risk point of view. Now only the corner of the building would be within zone two. A Flood Risk Assessment (FRA) was submitted under the original application and the building has been designed with raised floor levels and to include flood proofing within its fabric, as designated by the submitted FRA. The vehicular access to the site is located within EA flood zone one. As such the increased risk to life would not be harmful in this case.
- 8.15 The proposed scale of the building would not change under the current application and the drainage arrangements were found to be acceptable when planning permission was granted for the building. Since there is no change to the proposed drainage arrangements this should not be considered under this variation of condition application.

vi) Other matters

- 8.16 Concern has been raised that the building could be used as a dwellinghouse in the future. The use of the building as a dwellinghouse would require planning permission in its own right, and therefore the building could not be used for this purpose without planning permission. Although the application site is relatively secluded it is considered that it would be possible to identify and enforce any breaches of the recommended condition. It is possible that nearby residents would notice increased activity to and from the site by additional residents if the building became a separate dwelling, in addition if registered for council tax as a dwelling this would flag up with the Council that its use had changed. It is therefore considered the use of a condition would be an appropriate way to control the use of the building and there would be no reasonable justification to argue that permission should be refused because it would not be possible to enforce the recommended condition.

Conclusion

- 8.17 Overall, it is considered the proposal complies with the Development Plan and there are no material considerations that indicate otherwise therefore; subject to conditions permission should be granted.

Human Rights

- 8.18 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

8.19 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.

RECOMMENDATION PERMIT subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

- 2) The development hereby permitted shall be carried out in full accordance with the Flood Risk Assessment under application reference; 19/00702/FUL.

Reason; in the interest of managing flood risk.

- 3) Notwithstanding any details submitted the walls and roofs of the building hereby permitted shall not be constructed until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of visual amenities.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the building hereby permitted shall only be used as a day room in association with the rear two gypsy and traveller plots approved under planning permission 07/04205/FUL (and any subsequent permission that amends this permission) and for no other use what so ever.

Reason: To clarify the limitation of the planning permission and in the interest of visual and neighbouring amenities.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Site Location Plan (A4)	1		09.07.2019	Approved
PLAN - Proposed Dayroom Floor Plan and Elevations (A1)	4	B	09.07.2019	Approved
PLANS - Plans PLAN -	3	A		Approved

For further information on this application please contact Maria Tomlinson on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PU09NVERMR600>