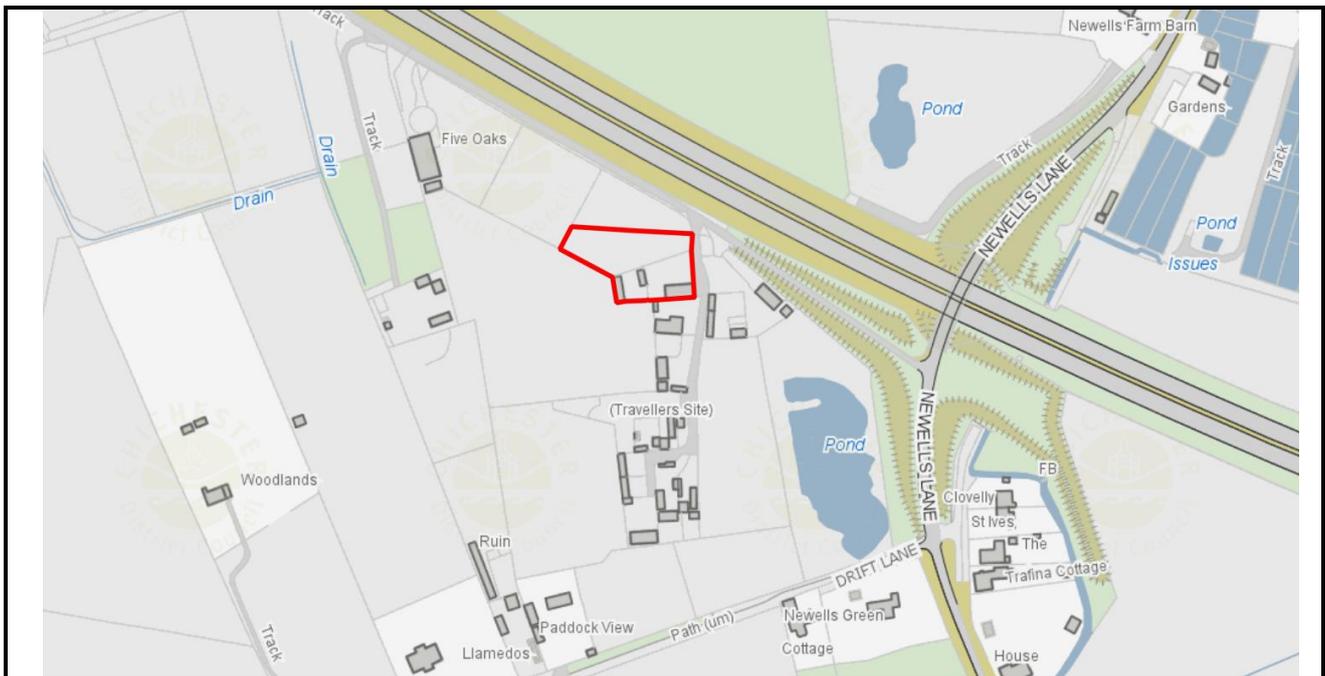


Parish: Chidham & Hambrook	Ward: Harbour Villages
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**CH/19/02880/FUL**

<b>Proposal</b>	Proposed use of land as a travellers caravan site consisting of 2 no. pitches for 1 no. mobile homes, 1 no. touring caravan, boundary treatment and car parking. Retention of existing shed and stables.		
<b>Site</b>	Plot A Pond Farm Newells Lane West Ashling Chichester West Sussex PO18 8DF		
<b>Map Ref</b>	(E) 479658 (N) 106488		
<b>Applicant</b>	Ms Tina Hyams (Nee Sullivan)	<b>Agent</b>	Dr Angus Murdoch

**RECOMMENDATION TO PERMIT WITH S106**



	<b>NOT TO SCALE</b>	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
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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 located on the western side of Newells Lane; immediately south of the A27. The site, known as Plot A, is located to the northern side of Pond Farm, which is a cluster of lawful temporary and permanent Gypsy and Traveller sites.

2.2 Plot A comprises an existing gypsy and traveller pitch, previously approved at appeal on a temporary 3 year basis under APP/L3815/A/11/2153950/NWF and then on a permanent basis under 15/03838/FUL. The application site also includes part of a paddock which adjoins the northern boundary of the site. The site is accessed via a part tarmacked/part gravelled track forming part of the Bridleway network (Bridleway 3594) and the site is set back from, and separated from, the Bridleway by the remaining area of paddock to the north of the application site.

## **3.0 The Proposal**

3.1 Planning permission is sought via this application for the proposed use of land as a travellers caravan site consisting of 2 no. pitches for 1 no. mobile homes, 1 no. touring caravan, boundary treatment and car parking. Permission is also sought for the retention of existing shed and stables. Included within the proposals is the provision of a planted landscape buffer alongside the northern and western boundaries.

## **4.0 History**

00/00548/FUL	ART25	Erection of 8 no timber stables with associated store.
98/01388/FUL	REF	Retention of 2 no site cabins and their use for residential purposes.
98/01644/FUL	REF	Erection of block of sixteen stables and establishment of stud farm.
98/01645/FUL	REF	Retention of access tracks and hardstanding.
99/01845/FUL	REF	Erection of block of fourteen stables: Tack room: Staff: Food and Hay Store and private ways.
06/02440/COU	REF	Stationing of 1 no. residential caravan for Gypsy settled accommodation.
06/05017/FUL	REF	Siting of 1 no. mobile home for settled gypsy accommodation. Siting of 1 no. touring caravan and installation of septic tank.

08/01131/COU	REF	Retention of hardstanding and siting of mobile home for settled gypsy accommodation.
12/00458/COU	REF	Change of use of land to a private gypsy and traveller caravan site comprising one mobile home and associated works.
15/03838/FUL	PER	Removal of Condition 2 of planning permission CH/10/04417/COU and APP/L3815/A/11/2153950.
15/03840/FUL	PER	Proposed detached utility building.
16/02894/FUL	PER106	Variation of Condition 2 of planning permission CH/12/00458/COU - to make the temporary permission permanent.
19/00304/FUL	REF	Proposed travellers caravan site consisting of 2 no. pitches for 2 no. mobile homes, 2 no. touring caravan, boundary treatment and car parking. Retention of existing shed and stables.
08/00091/REF	APPWDN	Retention of hardstanding and siting of mobile home for settled gypsy accommodation.
12/00083/REF	ALLOW	Change of use of land to a private gypsy and traveller caravan site comprising one mobile home and associated works.
19/00061/REF	APPWDN	Proposed travellers caravan site consisting of 2 no. pitches for 2 no. mobile homes, 2 no. touring caravan, boundary treatment and car parking. Retention of existing shed and stables.

## 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	YES
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

*Further comments received 19th January 2020:*

The Council's Planning Committee objects to this application on the basis that there is an over-development of the plots of Pond Farm, that the development is intrusive in a wildlife corridor and the additional traffic which will use a single track country lane.

*Original comments received 20th December 2019:*

The Planning Committee met on 19 December 2019 and requested that this application and the four similar applications relating to Pond Farm (CH/19/03027/FUL, CH/19/03028/FUL, CH/19/03029/FUL, CH/03030/FUL on Wk 51 planning application list) be DEFERRED until a plan of the entire site of Pond Farm is drawn to allow all these applications to be viewed simultaneously.

### **6.2 Natural England**

*Further comments received 28th September 2020:*

No Objection subject to mitigation

Natural England notes that a unilateral undertaking has been provided which includes a commitment to make financial contributions to the Bird Aware Solent recreational disturbance mitigation project. On this basis Natural England's advice is that if your authority were to carry out an Appropriate Assessment under the Habitats Regulations, an adverse effect on the integrity of the Chichester and Langstone Harbours Special Protection Area (SPA) from recreational disturbance could be ruled out.

*Original comments received 17th December 2019:*

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

### 6.3 WSSC Local Highway Authority

#### Summary

This proposal is for the use of land as travellers caravan site, consisting of 2 no. pitches for 1 mobile home, 1 touring caravan, boundary treatment and vehicular parking. The existing shed and stables are to be retained.

The site is located on an unadopted road. Access to the maintained highway network is at the junction with Newells Lane, an unclassified road subject to national speed limit in this location. The unadopted road which forms part of the site access is also maintained as Public Right of Way (PROW) Bridleway 3594.

WSSC in its role as Local Highway Authority (LHA) was previously consulted regarding highways matters for this site under application 19/00304/FUL, raising no objections. This application was refused by the planning authority on grounds unrelated to highways.

#### Content

The existing access will be utilised for this proposal and no alterations are proposed. There are no apparent visibility issues at the junction onto Newells Lane. An inspection of collision data provided to WSSC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore there is no evidence to suggest the junction is operating unsafely or that the proposal would exacerbate an existing safety concern.

The application form states that 2 car parking spaces and 2 light goods vehicles spaces are proposed. Whilst technically a withdrawn document, the Good Practice Guide on Designing Gypsy and Traveller Sites (2008) recommended a provision of 2 car parking spaces per pitch. The proposed parking provision is therefore considered sufficient to meet the needs of the site.

The plans have not demonstrated the location of the existing or proposed parking bays. However, there appears to be sufficient space within the proposed site to accommodate the proposed parking provision. There also appears to be sufficient space for on-site turning to be achievable, allowing vehicles to exit the site onto the publicly maintained highway in a forward gear.

#### Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition should be applied:

Car parking space (details required)

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

#### 6.4 WSCC PROW (Public Rights of Way)

Thank you for the opportunity to comment on the above application on behalf of PROW (Public Rights of Way). Access to the site both by car and foot is gained via a right of way, Bridleway 3594 and the applicant must take the following comments into consideration.

The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

The development proposes shared use of a PROW with vehicles, which increases the risk of accident or injury to a PROW user. The applicant is asked to introduce signage to advise vehicle drivers of the presence and priority of rights of way users, reduce speed and to act responsibly.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that cannot reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of (2) weeks is needed to consider an application.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

## 6.5 CDC Environmental Protection - Noise

*Further comments received 20th April 2020:*

I refer to previous discussions with respect to the proposal to site a mobile home on Plot A, and my concerns about the potential impact of traffic noise from the nearby A27 on the future occupiers. Thanks for the opportunity to comment on the Noise Assessment subsequently submitted in support of this application, which I have now had the opportunity to read and consider.

I am satisfied that the assessment, in considering the existing sound levels at the proposed location, and the proposed specification for, and positioning of, the mobile home demonstrates that an acceptable level of protection from environmental noise will be achieved. In my view therefore the application is acceptable. It would be necessary however to apply a condition that only a mobile home that complies with British Standard BS 3632:2015 is to be installed, and that the location on the site of the new mobile home is as detailed in this application. This would ensure that the criteria considered by the acoustic consultant in their assessment, would be consistent with the finished article.

*Original comments received 20th February 2020:*

I am mindful that there will be mobile living accommodation on the site if permission is granted, and that the Planning Authority will not have control over the location of the living accommodation within the plot.

The distances from the southern carriageway of the A27 to the nearest and furthest points of Plot A are approximately 25 metres, and 65 metres respectively. The living accommodation could be placed anywhere within this range.

No noise assessment has been provided as part of this application so I have considered experience of noise assessments made in support of other recent applications, within our District, for residential development close to the A27. The most recent example I have seen was an application for permanent brick-built flats at approximately 40 metres from the A27. In that cases, the reports submitted have concluded that suitable double glazing and acoustic trickle ventilation would be required to ensure that an acceptable level of protection from traffic noise was afforded to future occupiers.

Whilst the precise details of the location and potential screening from traffic noise will not be identical at Pond Farm, it seems extremely likely that the levels of traffic noise on the site will be significant. As a rule, materials with greater mass are more resistant to the passage of sound. On that basis I would suggest that the sound insulation offered by the structure of a caravan and a mobile home will be less effective than that of brick-built structures. In my view the applicant in this case would need to carry out and submit a suitable noise assessment and mitigation scheme in order to satisfy the Local Planning authority that there would not be a significant adverse effect on future occupiers. The assessment should take into account the likely levels of sound at the near and far points from the road, and the nature of the accommodation. If noise mitigation measures are required these could potentially include noise control close to the source of the noise, such as a roadside barrier, and a suitable specification for sound insulation of the living accommodation.

## 6.6 CDC Environmental Strategy

### Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

### Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

We would like a bird box to be installed on a tree within the site area.

### Enhancements

We require a number of enhancements are incorporated within the scheme and shown with the landscaping strategy. These include;

Any trees removed should be replace at a ratio of 2:1

Filling any gaps in tree lines or hedgerows with native species

We require that gaps are included at the bottom of the fences to allow movement of small mammals across the site.

## Recreational Disturbance

For this application we are satisfied that the only HRA issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

## 6.7 CDC Drainage

The documents submitted in support of this application suggest that the proposed means of surface water drainage is through on-site infiltration via soak-away structures. This approach is acceptable in principle.

The potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures.

If following site investigations it is concluded that on-site infiltration is viable, infiltration should then be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). Any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction. We would also like to see dedicated discrete soak-away structures for each individual property.

Given the nature of the development, to bring it in line with current guidance, the documentation supporting the drainage design should be able to demonstrate that the infiltration features can accommodate the water from a 1 in 100 year critical storm event, plus an additional 40% climate change allowance.

Should the application be approved we recommend the following conditions be applied to ensure the site is adequately drained:

Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

### Flood Risk:

The site falls within flood zone 1 (low risk).

### Surface Water Drainage Proposal Checklist

The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage:

<http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the council's expectations and requirements for Surface Water Drainage Proposals. If the applicant wishes to avoid pre-commencement conditions relating to surface water drainage, we ask that they submit detailed surface water drainage proposals in line with the requirements of this checklist. Alternatively if pre-commencement surface water conditions are applied to their application this document should then be used for any subsequent Discharge of Conditions Applications.

#### 6.8 Third party objection comments

None received

#### 6.9 Applicant/Agent's Supporting Information

The applicant/agent has provided the following support information during the course of the application:

- a) Design and Access Statement
- b) Noise Assessment
- c) Environmental Enhancements
- d) Landscape Plan

### 7.0 Planning Policy

#### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made in June 2016 and forms part of the Development Plan against which applications must be considered.

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

#### Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Development Strategy and Settlement Hierarchy  
Policy 6: Neighbourhood Development Plans  
Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople  
Policy 39: Transport, Accessibility and Parking  
Policy 42: Flood Risk and Water Management  
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

## Chidham and Hambrook Neighbourhood Plan

Policy LP1: Land Use

Policy EM2: Chichester Harbour Zone of Influence

Policy EM3: Visual Amenity

Policy DS1: New Development

Policy DS2: Parking Provision

Policy DS3: Landscaping

Policy R2: Public Rights of Way

## Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2022. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

## National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and 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 of 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.*

- 7.5 Consideration should also be given to the following paragraph and sections: Sections 2 (achieving sustainable development), 4 (decision making) and 12 (achieving well-designed places). The Planning Policy for Travellers Sites (2015) is also relevant to the consideration of the application.

7.6 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

#### Other Local Policy and Guidance

7.7 The following documents are material to the determination of this planning application:

- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

7.8 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:

- Support communities to meet their own housing needs
- 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 and traveller site provision
- ii. Impact upon character and appearance of the locality
- iii. Highways matters
- iv. Ecological considerations
- v. Amenity of future occupiers
- vi. Impact upon Chichester Harbour Special Protection Area (SPA)
- vii. Planning balance

i. Principle of development and current gypsy and traveller site provision

- 8.2 The Housing Act 2004 places a duty on local authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), to and outline how their needs will be met. The Council published a Gypsy Traveller and Travelling Showpeople Accommodation Assessment (GTAA) in 2013, and this document formed the evidence base for the adopted local plan.
- 8.3 Policy H of the Planning Policy for Traveller Sites (PPTS) 2015 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. Policy 36 of the Local Plan is the most relevant Development Plan Policy for assessing applications for Gypsy and Travellers pitches. The policy sets out the need for pitches and plots for the period up to 2027. It is a criterion based policy which sets out criterion to identify sites and to determine planning applications within the Plan area.
- 8.4 Since September 2012, which is the base date of the provision figure in the adopted Local Plan, 61 Gypsy and traveller pitches have been granted planning permission and occupied. Against the 2013 GTAA, the Council considers that it is able to demonstrate an identified 5 year supply of pitches as identified within the adopted Local Plan. The assessment of new sites and the need of occupiers would be considered on a case by case basis with the already met need taken into consideration
- 8.5 Notwithstanding this, recent appeal decisions, notably appeals 3209147 and 3209145, Land South of Keynor Lane, concluded that the Council does not have a 5 year supply of sites within the District. This is in the context of the publication of the Gypsy, Traveller and Travelling Showpeople Assessment (GTAA) 2019 (revised) which has identified the requirement for a further 66 pitches in five years from 2018. The Inspectors' decisions in relation to Keynor Lane also noted that a number of other Inspectors in recent years had concluded that CDC has an unmet need.
- 8.6 Whilst the GTAA 2019 (revised) forms part of the evidence base for the emerging local plan and has not yet been through examination, due to the requirement of the Council to update their figures on supply annually (PPTS policy B), reliance on the 2013 GTAA is no longer appropriate, due to it being outdated. The supply evidence within the GTAA 2019 is therefore a significant material consideration which must carry weight in this decision.
- 8.7 The council is in the process of a full assessment of the best locations for pitches in the District to be assessed through the Local Plan process. The urgent need for permanent pitches and accommodation must be given significant weight and officers consider the principle of the intensification of the site is entirely appropriate on this basis. Furthermore, it should be noted that the additional pitch is intended for the mother of the applicant, and it is considered that the sub-division of an existing site to meet the needs of the family is an appropriate way of managing the need for additional pitches rather than the provision of separate additional pitches.
- 8.8 It is considered for the above reasons, the proposal can be considered to be acceptable, in principle, subject to the below considerations.

ii. Design and impact upon character of the surrounding area

8.9 Paragraph 25 of the PPTS advises 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. Policy 45 of the CLP seeks to ensure that proposals respect and enhance the landscape character of the surrounding area.

8.10 The wider Pond Farm site comprises a relatively flat, rural landscape, with a pond to the eastern side of the site. As the application site is approached from the east, the Public Bridleway (3954) is lined with hedging and trees, screening the Gypsy and Traveller pitches to the south. The Bridleway then slopes down to the application site, where it then opens out into pockets of pasture land and is characterised by open space to the south of the bridleway. The existing Gypsy/Traveller pitch is partly visible from the public bridleway to the north, however is set back with hedging screening and a paddock land acting as a buffer and assisting in minimising the visual impact on the character of the surrounding area. It is notable however that development comprising the previously approved Plot A is clearly discernible over the hedge adjacent to the bridleway.

8.11 The proposed development would partly change the use of an existing paddock to the north of Plot A to an additional pitch. A landscaping scheme is proposed which would see 13 no. native trees and a native species hedgerow planted to the northern and western boundary of Plot A. This would form a landscaping buffer approx. 3.5 metres in depth, with the 13 no. native trees being planted at a height of approx. 3.5-4 metres in height, which would be broadly equivalent to the height of the proposed and existing structures on Plot A. Additionally, it is anticipated that the native hedgerow planting has the potential to reach 2 metres in height within 5 years which is equivalent to the height of the existing close board fences within Plot A.

8.12 The area as a whole maintains an attractive rural character and remains predominantly undeveloped. Without the proposed landscaping buffer it is considered that on balance the mobile home, together with the associated development, would result in an urbanising form of development out of character with the rural area. However as proposed it is considered that the landscape impact would not be significant, and the proposed additional screening of the existing development at Plot A and other development at Pond Farm when viewed from the west of the site is welcomed. It is considered that the views of the site would be limited as a result of the proposed landscaping, and when balanced with the lack of 5 year supply of sites the impact upon not warrant refusal of the application.

iii. Highway Matters

8.13 Paragraph 109 of the NPPF states that 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. Additionally, Policy 39 of the Chichester Local Plan asserts that development should not create problems of safety.

- 8.16 The application proposes to utilise the existing means of highways access from the Gypsy and Traveller site which is along Bridleway 3954 in an easterly direction. WSCC Highways have been consulted on the application commenting that the junction onto Newells Lane is operating in a safe manner, whilst sufficient parking can be provided on site.
- 8.17 Paragraph 98 of the NPPF 2019 requires the Local Planning Authority consider the impact of a proposal upon the public right of way networks. The additional pitch proposed is considered likely to result in additional traffic using the Public Bridleway. WSCC PROW have not raised objection to this intensification. The advice provided by WSCC PROW to the Applicant regarding operations on or over the PROW is recommended as informatives.
- 8.18 Overall, the scheme is not considered likely to result in highways safety issues and the proposal is acceptable in accordance with the NPPF 2019 and Policy 39 of the Chichester Local Plan.

iv. Ecological Considerations

- 8.19 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded. The additional pitch would be predominantly laid to lawn, which along with the proposed landscaping buffer, would allow for the movement of ecology across the site and would provide an ecologically sensitive layout. The CDC Environmental Strategy Officer has recommended a number of enhancements that would be secured via a condition recommended to provide net gains for biodiversity for which provision is made under paragraph 175 of the NPPF 2019.
- 8.20 Following discussions, Natural England do not consider the development will have waste water implications with regard to treated effluent discharges into the catchment of the Solent Maritime SAC and the Chichester and Langstone Harbours SPA and RAMSAR site. Therefore the proposal is acceptable in this respect.
- 8.21 Subject to compliance with conditions, officers are satisfied that the proposal would not have a detrimental impact upon the biodiversity value of the site.

v. Amenity of Future Occupiers

- 8.22 Policy 36 of the Chichester Local Plan states that proposal will be support where they provide an acceptable level of amenity for the proposed residents and will not have an unacceptable level of impact on the residential amenity of the neighbouring dwellings. Paragraph 26 of the PPTS states that when considering planning application local planning authorities should attach weight to sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase openness.

8.23 The site is situated approximately 50 metres south of the A27 and therefore there is the potential for noise disturbance to the future occupiers. It is notable that a number of other residential developments at Pond Farm would be situated in closer proximity to the A27 than the proposed development. A noise assessment has been provided by the applicant which details that should the new mobile home comply with British Standard BS 3632:2015 and be situated in the position shown within the plan; the development would not result in unacceptable noise disturbance to future occupiers. The submitted assessment and conclusion is agreed by the CDC Environmental Protection Officer. A condition is therefore recommended to ensure that the mobile homes are situated as shown on the block plan in the interests of the amenity of future occupiers.

8.24 In respect of the site layout, the site would be largely laid-to-lawn featuring a good standard of amenity space and avoiding the installation of high fencing.

8.25 Overall, the scheme is considered to provide an acceptable standard of amenity to future occupiers.

vi. Recreational Disturbance

8.26 Policy 50 of the Chichester Local Plan acknowledges the collective impact which all new dwellings (including caravans) within 5.6km of the Harbour have on the ecology of areas designated within the Solent area under European Species and Habitat Directives and the derived UK Regulations. It adopts the approach, recommended by Natural England, that a contribution is made on a per bedroom basis towards a mitigation project 'Solent Disturbance Mitigation Project'.

8.27 In April 2018 the scale of charging altered to following a sliding scale contribution based on the number of bedrooms, which is used to fund a package of wardens, education, green infrastructure improvements and monitoring. The contribution amount as of April 2020 averages £595.00 per net additional dwelling. The scale charges differ according to the number of people expected to live in the property which is calculated per bedroom. As mobile homes vary in the number of bedrooms, the charge is taken to be the average amount per mobile home, which for this application equates to £595.00.

8.28 The LPA have undertaken an appropriate assessment and concluded that as the completed Unilateral Undertaking and payment have been received; the proposal would not have a significant impact upon the Chichester and Langstone Harbour SPA and the requirements of policy 50 would be met and for this reason the recommendation is to permit with S106.

vii. Planning Balance

8.29 The Council cannot demonstrate a 5 year land supply to meet an up-to-date locally set target and this is a material consideration of significant weight. There is also a significant level of unmet need in the District and again that it is a significant material consideration in favour of the proposal.

8.30 The site is not located within any statutory protected landscape, although it is recognised that there would be a small impact on the rural character of the area. The identified harm to the character of the area however would not outweigh the level of unmet need within the district; the lack of a 5 year supply. Additionally, the landscaping scheme proposed would further screen the authorised pitches at Pond Farm from the view of users of the Public Bridleway and therefore there would be some enhancement to the rural character and appearance of the area arising from the proposal. There are no particular personal circumstances to consider; however the supporting information indicates that the pitch would provide accommodation of the relative of the applicant and it is considered that a sub-division of an existing site to meet the needs of an existing family is an appropriate way to manage the local need for additional pitches.

8.31 For the reasons above, it is concluded that there is a sound justification for the proposal to be supported.

#### Conclusion

8.32 For the reasons set out above it is considered that the significant deficit in supply of gypsy and traveller pitches identified in the GTAA 2019 (revised) would outweigh the low level of harm to the character of the area, and the significant improvement to the landscaping and the associated ecological enhancements would benefit the site and its surroundings. Therefore on balance the proposed development would be acceptable subject to conditions.

#### Human Rights

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

8.34 In reaching the above conclusion Officers have taken into account rights under Article 8 and Article 1 of the First Protocol of Human Rights and concluded there would be no breach if planning permission were to be granted.

### **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 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.

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) No more than 4 caravans shall be stationed on the site at any one time, and no more than 2 of those 4 permitted caravans shall be a static caravan. All caravans stationed on the site shall comply with the definition of caravans as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act, as amended.

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

5) Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason: Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: C687 Chapter 22. The details are required pre-commencement to ensure the SUDS are designed appropriately and properly maintained and managed as soon as they are installed.

6) The caravan(s) hereby permitted shall not be situated on the site until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. This scheme shall make provision for the incorporation of the following measures:

- a) Provision of a minimum of 1 no. bat box
- b) Provision of a minimum of 1 no. bird box
- c) Any trees removed should be replaced at a ratio of 2:1
- d) Filling any gaps in tree lines or hedgerows with native species
- e) Gaps are included at the bottom of the fences to allow movement of small mammals across the site.

Thereafter the approved scheme shall be fully implemented in accordance with the approved details prior to first occupation of the caravan(s) hereby permitted.

Reason: to ensure suitable biodiversity enhancements are achieved in the interest of conservation of the natural environment.

7) The submitted landscaping scheme produced by B. Wooding CMLI as shown on the Landscape Plan shall be fully and strictly implemented in accordance with the approved plans in the first planting season after practical completion or prior to first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality

8) No part of the development hereby permitted shall be first occupied until the car parking and touring caravan spaces has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

9) The pitch hereby permitted shall not be occupied unless and until a minimum of 1 car charging point has been provided and operational in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the car charging points shall be maintained and remain operational in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging the use of sustainable modes of transport.

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

Reason: In the interest of amenity, the users of the bridleway and the countryside location

11) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To enable the Local Planning Authority to retain control over the development which may be injurious to the amenities of the area and of neighbouring properties and to prevent pollution.

12) The static caravans hereby approved shall only be situated in the locations shown on plan 002 unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of the visual amenity of the site and the amenity of future occupiers with specific regard to noise arising from the proximity to the A27.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no walls, fences, gates, or other means of enclosure (including bunding) shall be erected, or placed within/to the boundary of the plot anywhere on the application site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no commercial activities whatsoever shall take place on the land.

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

15) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended, there shall be no external illumination on the development hereby permitted other than in accordance with a lighting scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the proposed location, design, level of luminance and any measures to avoid light spillage. The lighting scheme shall thereafter be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of protecting the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.

## 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)	001		26.11.2019	Approved
PLAN - Site Block Plan (A3)	002		26.11.2019	Approved
PLANS - Plans PLAN -	Landscape Plan		09.04.2020	Approved

## INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) S106

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

3) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, [sussex.surrey@english-nature.org.uk](mailto:sussex.surrey@english-nature.org.uk)) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

#### 4) Surface Water Drainage Proposal Checklist

The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the council's expectations and requirements for Surface Water Drainage Proposals. If the applicant wishes to avoid pre-commencement conditions relating to surface water drainage, we ask that they submit detailed surface water drainage proposals in line with the requirements of this checklist. Alternatively if pre-commencement surface water conditions are applied to their application this document should then be used for any subsequent Discharge of Conditions Applications.

5) It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

6) Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that cannot reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of (2) weeks is needed to consider an application.

7) The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

8) No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

9) Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

10) Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

11) The Mobile Homes hereby permitted shall only be located in the locations shown on plan 002 and shall only be of a type that accords with British Standard BS 3632:2015. This is to ensure that the future occupiers of the site are adequately protected from noise disturbance

For further information on this application please contact William Price on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q17YRKER0PD00>