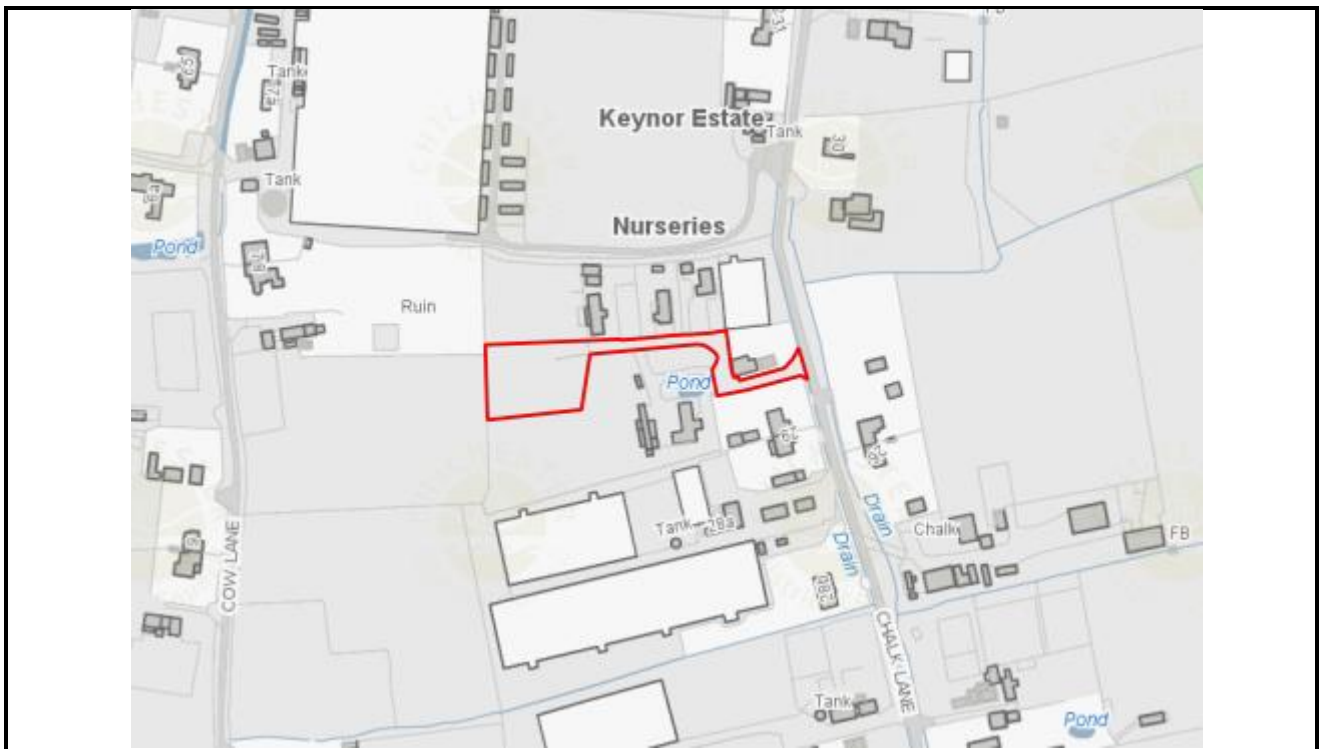



|                      |                                      |
|----------------------|--------------------------------------|
| Parish:<br>Sidlesham | Ward:<br>Sidlesham With Selsey North |
|----------------------|--------------------------------------|

**SI/20/01330/FUL**

|                  |   |              |                  |
|------------------|---|--------------|------------------|
| <b>Proposal</b>  | Change of use of land to travellers caravan site consisting of 2 no. pitches each containing 1 no. mobile home and ancillary development (re-submission of 19/02876/FUL). |              |                  |
| <b>Site</b>      | Land Adjacent To Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW  |              |                  |
| <b>Map Ref</b>   | (E) 485076 (N) 97272  |              |                  |
| <b>Applicant</b> | Mr Darren Searle  | <b>Agent</b> | Dr Angus Murdoch |

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT**



|   |                            |  |
|---|----------------------------|--|
|  | <p><b>NOT TO SCALE</b></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, known as Melita Nursery is located to the west side of Chalk Lane within the Parish of Sidlesham. The site is located outside of a defined settlement boundary, on a former horticultural nursery. The site is currently occupied by four authorised gypsy and traveller pitches and retains a predominantly rural, green appearance.
- 2.2 This specific proposal is positioned to the most westerly edge of the wider site, adjacent to the existing western hedgerow boundary and opposite the existing gypsy and traveller pitches, located to the northern boundary of the site.
- 2.3 Chalk Lane is characterised by a mixture of glass houses and residential dwellinghouses, sporadically positioned along the road. The road is characterised by a dominance of trees, some of which are the subject of tree preservation orders (TPO's), with shrubs and hedges between.
- 2.4 The site is subject to an appeal against the refusal to grant planning permission for four pitches, each containing a single mobile home with two vehicle parking spaces, which was refused under application reference 19/03112/FUL. The previous scheme was refused on the grounds of the cumulative impacts that four additional pitches would have upon the existing settled community, which would lead to a perception of dominance, contrary to policy 36 of the local plan. In addition, it was considered that the cumulative addition of four pitches would result in a significant increase in the level of activity on the site and its surroundings which would be out of character with this tranquil countryside locality and in turn contrary to policies 45 and 47 of the local plan.

## **3.0 The Proposal**

3.1 The proposal has been amended during the course of the application and now seeks planning permission for two gypsy and traveller pitches, each containing one mobile home, a day room, two parking spaces (one with an electric vehicle charging point), solar array and a space for a touring van. Vehicular access to the site will be formed from the existing track within the site.

## **4.0 History**

|              |     |  |
|--------------|-----|--|
| 93/00741/REN | REF | Renewal - Two caravans.  |
| 96/00834/COU | REF | 2 Mobile homes.  |
| 98/00393/FUL | REF | One twin unit mobile home for residential use.   |
| 98/02495/TPO | PER | Fell 2 Black Poplars, pollard one Poplar and up to 30 percent reduction to 14 Poplars. |

|              |        |   |
|--------------|--------|---|
| 04/00146/FUL | APPRET | Erection of 1 no. bungalow.   |
| 04/01630/FUL | REF    | Erection of detached dwelling for use with landscaping business.  |
| 05/00563/FUL | REF    | 4 no. mobile homes.   |
| 07/05059/TPA | PER    | Reduce height by up to 7m and reduce by upto 3m (mainly sector overhanging the road) and deadwood on 14 no. Poplar trees within Group G7 subject to TPO/4/SI.   |
| 19/02876/FUL | REF    | Change of use of land to travellers caravan site consisting of 4 no. pitches each containing 1 no. mobile home and ancillary development.   |
| 19/03112/FUL | REF    | Change of use of land to rear of dwelling for siting of residential caravans for 7 no. pitch Gypsy Traveller site with associated development (hard standing fencing and 3 no. utility buildings).  |
| 20/00647/FUL | WDN    | Change of use of land to Gypsy and Traveller caravan site consisting of 4 no. pitches each containing 1 no. mobile home, 1 no. utility dayroom and associated development.  |
| 20/00924/ELD | PER    | Existing lawful development certificate for the change of use of building to a single dwelling house.   |
| 20/01330/FUL | PDE    | Change of use of land to travellers caravan site consisting of 2 no. pitches each containing 1 no. mobile home and ancillary development (re-submission of 19/02876/FUL).   |
| 20/01331/FUL | PDE    | Change of use of land to Gypsy and Traveller caravan site consisting of a single pitch, 1 no. mobile home and 1 no. utility dayroom (resubmission of SI/20/0647/FUL)  |
| 20/01470/FUL | REF    | Change of use of land to mixed use for siting of residential caravans for 3 no. pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings) on land forming part of 3 Melita Nursery -part retrospective. |

|              |     |   |
|--------------|-----|---|
| 20/01802/FUL | PCO | Erection of replacement single storey dwelling following removal of existing dwelling and workshop.                                       |
| 20/01966/ELD | PER | Certificate of existing lawful development for construction and use of a building as a single dwelling-house falling with use class C3.   |
| 20/01967/ELD | PER | Certificate of existing lawful development for construction and use of a building as a single dwelling-house falling within use class C3. |
| 20/02438/TPA | PCO | Fell 5 no. Poplar trees within Group, G7 subject to SI/86/00938/TPO.  |

## 5.0 Constraints

|                   |     |
|-------------------|-----|
| Listed Building   | NO  |
| Conservation Area | NO  |
| Rural Area        | YES |
| AONB              | NO  |
| EA Flood Zone     | NO  |
| - Flood Zone 2    | NO  |
| - Flood Zone 3    | NO  |

## 6.0 Representations and Consultations

### 6.1 Parish Council

*Further comments 17.09.2020*

Sidlesham Parish Council discussed the above application at its Planning Committee Meeting on 16th September 2020. The PC objects to the Application. It is an inappropriate development in a Horticultural Designated Area and would result in overdevelopment in this historic area of Land Settlement Association properties. Sidlesham has had several applications for gypsy traveller sites and it feels that it is developing a disproportionate concentration of such sites. It already has over 10% of gypsy traveller plots in Chichester District.

Chalk Lane is a narrow, windy, private road (in places only 3.1m wide) and unsuitable for long, high sided vehicles. The lane and drive would create congestion and would not allow for turning or emergency vehicles to access the site. The area already suffers from flooding and if the plot is to be laid to hard standing, this will exacerbate local drainage problems. The PC has serious concerns with regard to expansion at Melita Nursery.

*Original comments 14.07.2020*

The Parish Council strongly objects to this application. There are currently three applications submitted for, collectively, an additional 7 gypsy and traveller caravan pitches on this site, plus an ELD application for change of use to a dwelling house. In addition, an Appeal has been submitted for 7 pitches for gypsy/traveller caravans, 16 car spaces and 7 touring vans which would constitute between 11 and 17 gypsy/traveller pitches in all.

This is effectively creating a housing development in an area which does not permit new building, only replacement building and small scale social housing. The parish of Sidlesham covers a large area with a relatively small population but most of the land, and particularly that in the Keynor Lane area is Grade 1 and 2 agricultural/horticultural land. A plot of caravans of this size would be overwhelming for the residents in the locality. The PC has received CCTV footage of loud noise through the night and aggressive, threatening behaviour from the occupiers of the 4 caravans already in place towards their neighbours.

It is an inappropriate development in a Horticultural Development Area and would result in overdevelopment in this historic area of Land Settlement Association properties. Sidlesham has had several applications for gypsy traveller sites recently and it feels that it is developing a disproportionate concentration of such sites. It already has over 10% of gypsy/traveller plots of Chichester District Councils allocation.

A site of this size (11/17 mobile homes, plus associated cars and touring caravans) would dominate the lane. Chalk Lane is a narrow, single track, windy, private road (in places only 3.1m wide) and unsuitable for long, high sided vehicles. The lane and drive would create congestion and would not allow for turning or emergency vehicles to access the site. No space has been allowed for landscaping or communal recreation for children. The area already suffers from flooding and if the plot is to be laid to hard standing, this will exacerbate local drainage problems.

The PC believes that a site of this size will harm the ecology of the area, given its proximity to Pagham Harbour Nature Reserve and Medmerry. Therefore, Sidlesham strongly objects: these ad hoc, speculative developments are having a cumulative effect on the area.

## 6.2 Natural England

Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

This only applies to developments where the treated effluent discharges into any Solent European site (Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Chichester and Langstone Harbours SPA and Ramsar site, Solent and Dorset Coast SPA or Solent and Isle of Wight Lagoon SAC), or any water body that subsequently discharges into such a site. It is for your authority to determine if this development meets these criteria.

### 6.3 WSSC Local Highway Authority

15.09.2020

WSSC in its role as Local Highway Authority (LHA) previously provided comments for this application, dated 30/06/2020, raising no objections. The applicant has submitted revised plans; consequently, the LHA has been re-consulted.

From inspection of the revised plans, the applicant has demonstrated a revised site layout with the addition of an amenity block for both pitches, and provision of EV charging. From a highways perspective, the revised plans do not alter the comments made in the LHAs previous response. Therefore, please refer to the previous response, dated 30/06/2020, for the relevant highways comments.

30.06.2020

#### Summary

This proposal is for the change of use of land to traveller caravan site consisting of two pitches, each containing one mobile home. The site location is on Chalk Lane, a privately maintained road; consequently, these comments are for your advice only. WSSC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application. The LHA previously provided comments regarding highway matters for this site under application SI/19/02876/FUL. The LHA raised no objections to this proposal. The planning authority refused this application on grounds unrelated to highways.

#### Content

Access to the maintained highway is at the junction with Keynor Lane, a C-classified road subject to a speed restriction of 30 mph in this location. There are no apparent visibility issues at the junction with Keynor 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 within the vicinity of the junction. Therefore, there is no evidence to suggest the junction is operating unsafely or that the proposal would exacerbate an existing safety concern.

The site plan demonstrates that each plot will have two car parking spaces and one mobile home. Whilst technically a withdrawn document, the Good Practice Guide on Designing Gypsy and Traveller Sites (2008) recommended a provision of two car parking spaces per pitch. Therefore, the LHA considers the proposed car parking provision sufficient to meet the anticipated needs of the site.

The parking bays measure approximately 3m x 6m each, therefore meeting the minimum specifications for parking bays as set out in Manual for Streets (MfS). There is also sufficient space for vehicles to turn and exit onto the 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.

## 6.4 CDC Environmental Protection

### Land Contamination

The land has previously been used as a nursery therefore there is considered to be potential for localised land contamination. It is noted that utility buildings are to be constructed at the site and there will be groundworks required to connect to utilities (water, electricity, drains etc). Condition DC13 should be applied in case land contamination is encountered while the development is being constructed.

Prior to any demolition works any structures should be inspected for the presence of asbestos. It is recommended informative INF 38 is applied in order to control the handling and disposal of such materials.

If there are any oil or fuel tanks at the site that need removal, these must be disconnected and disposed of such that pollution of the ground or groundwater does not occur

### Air Quality

The development location is not within an air quality management area and as it is located away from main roads, therefore current air pollution levels are likely to be low. The proposed development is considered unlikely to result in significant concentrations of air pollution providing the following conditions are put in place:

- There should be no on site burning of waste materials - all wastes should be disposed of to a licensed waste disposal site.
- Electric vehicle charging points should be put in place at the site in line with the WSCC guidance on parking at new developments 2019.
- If it is proposed to use petrol/diesel generators at the site, details shall be submitted to the LPA for approval prior to use and in order that the need for an air quality assessment can be established.

### Vehicle emissions

It is noted that 4 car/van parking spaces are proposed in connection with this planning application. An air quality assessment is not required based on this number of parking spaces however it is noted that this application is being submitted in conjunction with a number of other planning applications. If all the applications get planning permission, the increase in parking spaces in the Melita Nursery wider area is indicated to be approx. 36 additional spaces serving up to approx 17 plots. The IAQM guidance\* indicates that an air quality assessment is required where a development outside an AQMA results in the following increases to light duty vehicle (LDV) or heavy duty vehicle (HDV) flows:

- A change of LDV flows of: - more than 100 AADT within or adjacent to an AQMA - more than 500 AADT elsewhere.

- A change of HDV flows of: - more than 25 AADT within or adjacent to an AQMA - more than 100 AADT elsewhere.

AADT = annual average daily traffic

\*IAQM guidance - Institute of Air Quality Management and Environmental Protection UK document - Land Use Planning and Development Control: Planning for Air Quality Jan 2017

The cumulative impact of vehicles accessing the developments is considered unlikely to trigger the need for an air quality assessment given that the site lies outside of an AQMA.

#### Construction works

During construction works for the hardstanding/utility buildings, measures to minimise noise, dust and other environmental impacts should be put in place to reduce the impact on neighbouring properties.

#### Noise

If the development requires external plant (heating/ventilation plant or similar) a noise assessment and noise control scheme shall be submitted to assess the impact of any such plant on nearby residential properties. Condition PC25 or similar is suggested.

#### Foul drainage

It is noted that foul drainage will be connected to the mains system in Chalk Lane. A condition should be applied to ensure that this is implemented in order that suitable method of foul drainage is constructed.

### 6.5 CDC Environmental Strategy

#### Bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

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 (within 24 hours of any work).

We would like a bird box to be installed on the building and / or tree within the site.



### Recreational Disturbance

For this application we are satisfied that the HRA issue of recreational disturbance can be resolved 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.

### 6.6 CDC Drainage

**Flood Risk:** The site is wholly within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. Therefore subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

**Surface Water Drainage:** The application form states that surface water is to be disposed of via soakaway, this approach is acceptable in principle.

The access road, and ground on which any homes/caravans are sited must remain permeable, we recommend that the application is not determined until details of how this will be achieved are submitted and approved. On similar sites we have accepted permeable subbase (type 3) of sufficient depth (300mm+) below a permeable surfacing. Materials which may include fines will not be acceptable due to their lack of permeability, and localised flood risk. Please re-consult once further details are submitted.

### 6.7 Third party objection comments

Five third party representations of objection have been received concerning the following matters:

- a) Increasing vehicle movements
- b) Speeding and dangerous drive increasing
- c) Unsuitable location
- d) Environmental damage in terms of noise and air pollution
- e) Impacts upon the health and wellbeing of settled residents
- f) Sparse hedgerows surrounding No.29 Chalk Lane (adjacent to the site)
- g) Removal of trees within the site
- h) Intensification of the site
- i) Consideration of the Human Rights Act 1998 - Article 8
- j) Dominance upon the settled community (Chalk lane approx. 25 houses, Cow Lane approx. 20). The number of pitches comparable
- k) Sidlesham already has 11 plots.
- l) Unoccupied site already approved in the district (recreation grounds at Keynor Lane)
- m) Failure to comply with Policy 36 of the CLP or DM5 of the Chichester Local Plan Review
- n) Removal of biodiversity, through loss of trees and increase hard standing
- o) Chalk Lane, single track unsuitable for heavy vehicles
- p) The number of application on the site are complicating matters, stressing residents
- q) Local residents suffering from stress, as a result of these applications.

- r) The site has doubled in size
- s) Demand for primary schools
- t) Foul drainage issues
- u) Lack of social integration
- v) Overdevelopment of the site
- w) Chalk and Cow lane is part of the LSA heritage trail
- x) Vehicular access to cross potential future cycle network within the district.
- y) Lack of a bat survey or ecological survey

## **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 Sidlesham Neighbourhood is not made and carries no weight at this time.
- 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 36: Planning for Gypsies, Travellers and Travelling Showpeople  
 Policy 39: Transport, Accessibility and Parking  
 Policy 40: Sustainable Design and Construction  
 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  
 Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

#### 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 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.

## Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

7.7 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
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon highway safety and parking
- iv. Impact upon the amenity of neighbouring properties
- v. Sustainability
- vi. Ecological considerations

- vii. Noise and air pollution
- viii. Drainage
- ix. Impact on settled community
- x. Other Matters
- xi. Planning Balance

## Assessment

### i. Principle of development

- 8.2 The Housing Act 2004 placed a duty on local authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), and outlined how their needs would be met. This requirement was revoked by the Housing and Planning Act (2016) through the removal of Paragraphs 225 and 226 of the 2004 Act. The requirement is now in the PPTS Paragraph 4(a) and the Housing Act (1985) which requires an overall assessment of need for Caravan Dwellers, and the revised NPPF (2019) which requires an assessment of all Travellers.
- 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. The Council's figures currently demonstrate an identified 5 year supply of pitches, set at 15 years. Therefore the need as identified within CLP policy 36 has been met for the plan period until 2027.
- 8.5 Notwithstanding this, recent appeal decisions, notably appeals 3227455 Southbourne, 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 as such the principle of intensification of this site is considered to be entirely appropriate on this basis. In addition, given the scheme has been substantially revised, seeking half the number of pitches previously proposed, whilst also incorporating a more sympathetic layout and sustainability and bio-diversity enhancements, it is considered that the proposed intensification of this site could be achieved without being of detriment to the countryside location, or result in the perception of dominance upon the settled community.
- 8.9 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 application site is located to the west of Chalk Lane, within a larger site known as Malita Nursery, which is an established gypsy and traveller site, which gained formal permission for four pitches back in 2005. The site is well screened from Chalk Lane by way of extensive hedgerow planting interspersed with trees. The view into the site, from the Lane retains a pleasant green appearance. The remaining boundaries are equally as well established, offering a good degree of screening to the site - limiting wider views of the development proposed.
- 8.11 The proposal has been amended during the course of the application, as it originally sought to provide four pitches, with large area of hardstanding. The application now seeks only two pitches that incorporate a more spacious layout, a greatly reduced area of hardstanding and a large lawned amenity area. The proposal would retain the existing hedgerows to the east, south and west boundaries offering an additional level of visual screening, whilst retaining biodiversity within the site. The proposal is now considered to reflect the more spacious layout of the existing pitches, approved in 2005 which are immediately north of the application site and as such would be in keeping with the spacious and green character of the wider site.
- 8.12 In the wider context, the area beyond the application site is characterised by sporadic development which includes a number of commercial nurseries along Chalk Lane and dwellings fronting the road. It is considered that, given the surrounding character, the siting of the proposal, set well back from the road, would be read within the context of existing traveller site, with the modest scale of the proposal causing limited visual intrusion within the wider landscape.

iii. Impact upon highway safety and parking

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.

8.14 The application would utilise an existing access off Chalk Lane and West Sussex County Council (WSCC) as the local highway authority has advised that access to the maintained highway is at the junction with Keynor Lane, a C classified road, subject to a speed limit of 30 mph. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the junction. Therefore, there is no evidence to suggest the junction is operating unsafely or that the proposal would exacerbate an existing safety concern.

8.15 A third party objection has been received concerning the future cycle network within Sidlesham, and the potential for the development to impact this network. As noted above, the proposal would utilise an existing access onto Chalk Lane, crossing the only bridleway (No. 53) and as noted above this access is not considered to be operating unsafely. A new access will be created to this particular plot; however this would be created within the site itself, away from any PROWs and would connect onto the existing vehicle track within Melita Nursery.

8.16 The proposal would provide two vehicle parking spaces per plot, which would include an electric vehicle (EV) charging point. This would accord with the WSCC Highways recommendation for the number of parking spaces and the need for EV charging points. Both the parking spaces and EV points can be secured via condition.

8.17 For the above reasons it is considered the proposal would not 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.

iv. Impact upon the amenity of neighbouring properties

8.18 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the LP include requirements to protect the amenities of neighbouring properties.

8.19 The proposal has been sufficiently designed and positioned so as not to have an unacceptable effect on the amenities of the closest neighbouring property, in regards to their outlook, privacy or available light. It is appreciated that two additional pitches, in combination with the single additional pitch proposed under application reference 29/01331/FUL would result in some intensification in terms of vehicle movements in and out of the site. This is however not considered to result in an unacceptable intensification of the use of the site, and would be significantly less than those proposed by the previously refused schemes. Therefore, on balance the additional vehicle movements would not result in harm to amenity to the neighbouring properties within Chalk Lane.

v. Sustainability

8.20 In addition to EV charging points, the development includes a free standing solar array to each plot. This is considered to be a positive addition to the site that shall contribute to the energy needs of each individual plot. A condition is recommended to secure full details of the solar array are provided and that the measures are provided and then maintained as operational on the site for the lifetime of the development.

vi. Ecological considerations

8.21 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded. The application has been revised to place a greater emphasis on biodiversity, with this including a reduction in the amount of hardstanding proposed and the introduction of additional tree planting and a larger contiguous area of lawn to provide pathways for wildlife to migrate across the site, and removing any areas of isolated lawn.

8.22 In addition to this, a number of biodiversity enhancement such as the installation of bird boxes to the day rooms, infilling any gaps within the hedgerows with native planting, and the provision of gaps under any fencing to allow the movement of small mammals would be secured via a recommended condition.

8.23 Subject to compliance with conditions, it is considered that the proposal would not have a detrimental impact upon the biodiversity value of the site.

vii. Noise and air pollution

8.24 The proposal has been reviewed in consultation with the council's environmental protection officers, who do not considered the proposal to be unacceptable in terms of ground contamination, air quality or noise, noting the relatively minor nature of the proposal in terms of vehicle movements and air quality. A number of conditions are recommended relating to unexpected contamination, details of any fuel power generations (if proposed) and any heating plant (if proposed) to ensure that the proposal would not cause any harm to the environment or the amenity of neighbouring properties.

8.25 Subject to compliance with conditions, it is considered that the proposal would not have a detrimental impact in terms of noise or air quality.

viii. Drainage

8.26 Policy 42 of the Chichester Local Plan seeks to ensure that new development is not at risk of flooding and it would not result in a net increase of surface water runoff. The application site is located within Flood Zone 1 (least liable to flood) and proposes to discharge surface water into soakaway, which is acceptable in principle and should be designed in accordance with building regulations. The applicant has confirmed, that they are willing to use the suggested permeable subbase (type 3) of sufficient depth (300mm+) below a permeable surfacing, as advised by the drainage officer but have requested that the final details be approved via condition, which is considered acceptable.

8.27 The development would discharge foul water into the existing mains sewage network, which is again acceptable in principle and any connections should be made in consultation with Southern Water. Currently, there is no requirement for development within Sidlesham to demonstrate nitrate neutrality, as the wastewater treatment works do not discharge treated foul sewerage into the Chichester Harbour.

8.28 The application would therefore not result in a net increase in surface water and as such accords with policy 42 of the Chichester Local Plan.

ix. Impact on settled community

8.29 Policy 36 of the Chichester Local Plan states that in rural and semirural areas sites should not dominate the nearest settled or Gypsy, Traveller and Travelling Showpeople communities. This application has been revised to propose two pitches, a reduction from the four pitches originally proposed. Another application, within the same site (20/01331/FUL) poses an additional pitch bringing the total number of pitches under consideration, as recommended for approval to three. If both applications were permitted, a total of seven pitches would be located within the site, which includes the existing four.

8.30 The application site is located on Chalk Lane which is accessed off Keynor Lane to the north. Chalk Lane continues south, west and to the north is Cow Lane, resulting in a 'U' shaped road to the south of Keynor Lane, 2km in length. The character of the development along this road is sporadic with approximately 45 dwellings sites at irregular distances between each other. The application site forms part of a cluster of gypsy and travelling showpeople pitches and plots. Given the size of the surrounding community it is not considered that a total of seven pitches on this site would result in the dominance of the existing nearby settled or gypsy communities by reason of scale and would not significantly harm social cohesion.

x. Other Matters

8.31 The Parish Council has raised a concern that the proposal would result in inappropriate development within a designated Horticultural Development Area (HDA). Whilst the site does fall within a HDA, it is considered that the purpose of a HDA in line with Policy 32 is to positively encourage horticultural development within these designated areas. The policy does not however preclude other forms of development from being undertaken within these areas. Furthermore, the site is not currently in use for horticultural purposes, and with permanent permission as a gypsy and traveller site it is considered unlikely that the refusal of this application would result in the site being returned to a horticultural use.

xi. Planning Balance

8.32 The Council cannot demonstrate a 5 year land supply to meet an up-to-date locally assessed need (rather than the target in the Local Plan Policy 36). As such, this is a material consideration of significant weight.



8.33 The application relates to an existing site, the development of which in the manner proposed would result in two additional pitches that would remain in keeping with the character, appearance and layout of the wider site. The proposal would not result in an unacceptable intensification of the site that would be perceived as dominant upon the existing settled community, and seeks an appropriate number of additional pitches. The proposal incorporates sustainability and bio-diversity enhancements, not incorporated into the refused application, thus securing significant benefits over the refused scheme. The proposal is acceptable with regards to highways matters, with the modest intensification in terms of vehicle movements not considered to be of detriment to the amenities of the neighbouring properties. The proposal will not result in any adverse landscape impacts, by virtue of the existing boundary screening and sensitive siting. The use of conditions to secure additional biodiversity enhancements, details of the solar array and any fuel generations/heating plant will further ensure the acceptability of the proposal. It is therefore concluded that there is sound justification for the support of this proposal.

### Conclusion

8.34 For the reasons set out above it is considered that the identified unmet need of gypsy and traveller pitches identified in the GTAA 2019 would outweigh the low level of harm to the character of the area, and therefore on balance the proposed development would be acceptable subject to conditions and S106 planning obligation.

### Human Rights

8.35 In reaching this conclusion the Human Rights of the applicants and those within the settled community have been taken into account under Article 8 and Article 1 of the First Protocol of Human Rights. The application has been assessed, upon its own merits in line with National and Local Planning Policy, with a decision issued accordingly.

The Coastal West Sussex Gypsy and Traveller accommodation Assessment (GTAA) April 2019 requires the LPA to have regard to the following factors when considering an application:

1. do the children of the applicant go to the local school
2. do the applicants have a particular medical condition that requires them to live on this site
3. are they members of the established community already on this or adjacent sites or is this just a speculative application?

The applicants have not provided any further supporting information which would be considered within this application. Given that the recommendation is to permit the application based on the information available, it was not considered necessary to receive any additional information to support a positive recommendation

**RECOMMENDATION DEFER FOR SECTION 106 THEN PERMIT** 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 be occupied only by persons meeting the definition of gypsies and travellers as defined in Appendix 1 of the Planning Policy for Traveller Sites, dated August 2015.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

4) **Notwithstanding any details submitted** no works shall be carried out above slab level of amenity room hereby permitted until a sample of the proposed brick and roof tile has been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out with the approved material 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 amenity and to ensure a development of visual quality.

5) **No external plant shall be operational within the site** until full details of the proposed plant and a scheme which specifies the provisions to be made for the control of noise emanating from all fixed plant associated with the development has been submitted to, and approved in writing by the Local Planning Authority. The noise mitigation scheme shall be implemented and maintained in accordance with the approved details and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

6) **Prior to the installation of the solar array hereby permitted** full details of the solar array, including manufactures details and specification shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the solar array shall be installed in accordance with these details and therefore retained operational in perpetuity.

Reason: On the interest of proper planning.

7) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented;

1. Installation of a bat brick/box to the amenity block or within a tree sited within the grounds of the property, facing a south/south westerly and positioned approx. 3-5m above ground.
2. Installation of a bird box to the amenity block or within a tree sited within the grounds of the property.
3. Infilling of any gaps within the existing hedgerows with a native species hedge.

Once installed, the ecological enhancements shall be retained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

**8) No part of the development hereby permitted shall be first occupied** until 2.no Electric Vehicle (EV) charging points have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the Electric Vehicle Charging point has be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority via a discharge of condition application.

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies

**9) No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

**10) No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

**11) No part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been 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.

12) **The development hereby permitted shall not be first brought into use** until a scheme detailing hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished permeable hard surfacing areas, in combination with a sectional drawing showing a suitable subbase (MOT Type 3 or similar) to a depth sufficient for the development site and details and samples of the hard surfacing materials.

Thereafter the scheme shall be carried out in accordance with the approved details and once provided; the works shall be retained in perpetuity.

Reason: In the interests of amenity and of the environment of the development.

13) The following ecological mitigation measures shall be adhered to at all time during construction;

a) Due to the potential for bats within the boundary hedgerows a 5m buffer strip from the hedgerows shall be maintained during construction. The buffer shall be clearly denoted with a temporary fence or similar and at no time shall any works take place within the buffer and no vehicles, equipment or materials shall be stored within the buffer at any time.

b) No burning of construction waste shall take place on site.

Reason: In the interests of protecting biodiversity and the environment and due to the potential for bats on the site.

14) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and development shall not be first occupied until;

i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and

ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and

iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy

15) Notwithstanding the General Permitted Development Order 2015 (as amended) and notwithstanding the approved plans, there shall be no external lighting shall be installed within the site, other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Any scheme shall include the detailed design of the lighting, including the measures proposed to avoid light spillage. Thereafter the lighting shall be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of protecting the amenities of neighbours and the wildlife in the area.

16) The proposed hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

17) The existing hedge along the eastern boundary shall be retained and any part of the hedge which is removed without consent or die or become seriously damaged or defective during a period of five years from the date of the completion of the development, shall be replaced as soon as is reasonably practicable or the next planting season, whichever is the earlier, with others of a similar species and size unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of preserving the visual amenities of the area.

18) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established on any of the Open Space or Amenity Areas shown on the approved plans.

Reason: To secure the long term retention of the open/amenity areas.

19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no commercial activities whatsoever shall take place anywhere on the site.

Reason: In the interests of preserving the character 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 -                        | 1664/10   | REV 1   | 01.09.2020    | Approved |
| PLAN -                        | 1664/2    | REV 1   | 01.09.2020    | Approved |
| PLAN -                        | 1664/3    | REV 1   | 01.09.2020    | Approved |
| PLAN -                        | 1664/4    | REV 1   | 01.09.2020    | Approved |
| PLAN - Existing Location Plan | 01        |         | 29.05.2020    | Approved |

## INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The applicant should have regard to the Control of Asbestos Regulations 2012, and be aware that it may be necessary to notify, or obtain a licence from, the relevant enforcing authority. Further information is available online at <http://www.hse.gov.uk/asbestos/detail.htm>.

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).

For further information on this application please contact Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QBAGD3ER0PD00>