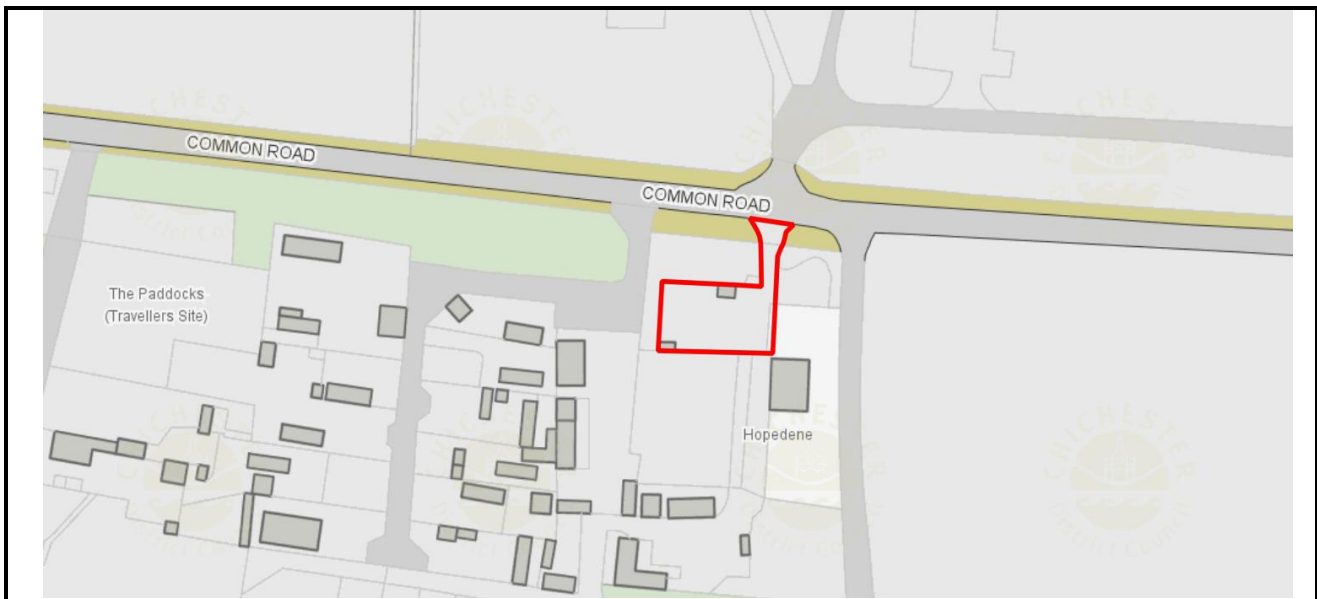



Parish: Westbourne	Ward: Westbourne
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**WE/20/00047/FUL**

<b>Proposal</b>	Change use of land to a single private gypsy pitch with associated hardstanding and day room.		
<b>Site</b>	Hopedene Common Road Hambrook Westbourne PO18 8UP		
<b>Map Ref</b>	(E) 478634 (N) 108138		
<b>Applicant</b>	Mr & Mrs R Loten	<b>Agent</b>	Mr Stephen Jupp

**RECOMMENDATION TO PERMIT WITH S106**



	<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 is located to the south of Common Road, within the Parish of Westbourne. Direct access to the site is provided by an existing gated entrance with tarmacked driveway. There is a Bridleway immediately east of the application site (Bridleway 254) that continues on the north side of Common Road.
- 2.2 The site appears to take the form of a small agricultural holding, with an existing poly tunnel to the northern boundary and small farm shop building. There is a large area of hardstanding as you enter the site, which widens to fill the entire width of the plot but reverts back to the width of the driveway (approx. 4 metres) and continues south towards the boundary. The hardstanding accounts for approximately one quarter of the site area, with the remainder of the site laid to lawn.
- 2.3 The site boundaries take the form of established evergreen hedging, approximately 6ft high and interspersed with taller trees to the eastern and southern boundaries. There is a traditionally constructed bungalow positioned adjacent to the eastern boundary and approximately halfway into the site. The bungalow has a defined curtilage, depicted by a timber fence approximately 1m high and maintained garden area.
- 2.4 The land immediately to the west of Hopedene comprises an area in lawful use for the stationing of a twelve pitch site for settled gypsy accommodation together with the eastern part of the site permitted under application for the change of use of land to form 5 no. pitches for touring caravans along with a pitch for the warden.

## **3.0 The Proposal**

- 3.1 Planning permission is sought for the change of use of the land for the stationing of a single gypsy pitch and one touring caravan with associated hardstanding and day room. The pitch would be located in the north west corner of the site, in an area measuring approximately 24 meters by 36 metres.
- 3.2 The single mobile home would be sited parallel to the northern boundary and the existing polytunnel. The single storey pitched roof day room would measure 6m (w) x 6m (d) x 4.3m (h)
- 3.3 The proposal includes removing some of the existing hardstanding and the provision of a new lawn area measuring 15m x 23m. The existing hardstanding adjacent to the entrance would be retained for vehicle parking.

#### 4.0 History

02/00797/FUL	PER	Detached stables.
76/00070/WE	PER	Renewall of consent for a residential caracan.
78/00092/WE	REF	Rebuilding of bungalow.
79/00021/WE	PER	Renewall - residential caravan.
80/00009/WE	PER	Reinstatement of bungalow.
80/00043/WE	PER	Bungalow.
03/01531/DOM	PER	Single storey rear extension.
07/05578/FUL	PER	Use of hardcore recovered from site (former landfill) to reinforce track from paddock to stables and bridlepath.
10/01268/FUL	REF	Use of land to west for parking of 3 no. skip lorries and for storage of skips.
11/00010/FUL	PER	Change of use of existing farmshop and polytunnel to mixed use farm / rural supplies shop (on site produce / services 40% : rural and animal supplies / services shop 60%).
11/04633/FUL	PER	Erection of stables as a replacement for existing barn.
11/05445/FUL	PER	Change of use of land to form 5 no. pitches for touring caravans and formation of new vehicular access.
13/03787/FUL	PER106	Proposed change of use of land to form 12 no. pitch site comprising the stationing of 12 no. mobile homes for settled gypsy accommodation.
14/03834/FUL	PER106	Proposed change of use of land to twelve pitch site for settled gypsy accommodation together with additional site warden mobile home pitch; Application is a variation to the permissions granted under WE/11/05445/FUL and WE/13/03787/FUL including centralised access road and additional details in relation to the previous prior to commencement conditions.

## 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
EA Flood Zone	NO

## 6.0 Representations and Consultations

### 6.1 Parish Council

Westbourne Parish Council strongly objects to the planning application on the grounds of an already high concentration of such units in the Parish. The proposed development is considered to be contrary to emerging and current local planning policy and Westbourne's Neighbourhood Plan.

The number of Gypsy, Traveller and Travelling Showman pitches and plots has greatly increased in the Parish in recent years. There is already a high concentration of Gypsy, Traveller and Travelling Showman pitches and plots in the Parish of Westbourne and neighbouring Parish of Funtington. This is the highest local concentration of such uses in the county area of West Sussex. This has a disproportionate and adverse impact on the local communities of Hambrook, Westbourne and Woodmancote, which will disrupt social cohesion. This current application will exacerbate these issues, increase social tensions and create pressure for local services and schools. This detrimental impact on the local settled community is a real concern and the increased pressure on local infrastructure, especially schools and services will seriously reduce the quality and effectiveness of those services, which are already at capacity and will be unable to cope with increased demand.

Furthermore, the Parish of Westbourne has already provided the required number of Gypsy and Traveller pitches as identified in the Local Plan and taking into account the real concerns raised above, there is no justification to allow an increased number of pitches. The Parish Council is aware that some of the pitches/plots that have been approved in the past remain vacant, which is an indication that additional units are not required. Westbourne's Neighbourhood Plan has a policy which also recognises this issue. The Neighbourhood Plan has been considered by an Examiner and is awaiting receipt of the final version to go forward for approval by the District Council and consideration in a local referendum. Given its advanced stage, it therefore carries significant weight as planning policy even if it is not finally adopted.

### 6.2 WSCC Local Highway Authority

The proposed seeks the change use of land to a single private gypsy pitch with associated hardstanding and day room at Hopedene, Common Road, Hambrook. Access will be achieved via an existing point of access onto Common Road, a 'C' classified road subject to the National Speed Limit at this point. No changes are to be made to this point of access.

The existing use of the site is stated in the application form as 'Shop and Storage'. The proposed site plan details that existing shop will be removed. As such it would not be anticipated that the change of use will result in a material intensification of use of the existing access point. It should also be noted that the existing access also serves Hopedene.

There is significant hardstanding within the site to accommodate a suitable vehicle parking and turning provision.

Secure and covered cycle parking should be provided in the interest of sustainability.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for new homes. Based upon current EV sales rates within West Sussex, active charging points should be provided for a minimum of 20% of all proposed parking spaces. Ducting should be provided to the remaining 80% of parking spaces to provide 'passive' provision for these spaces to be upgraded in future. Due to the small-scale nature of this proposal, the anticipated provision of active EV spaces for this development would be 1 space and should be provided in accordance with the above WSCC guidance and Chichester Local Plan policy.

The LHA does not consider that the proposal would have and 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 is minded to grant planning consent the following conditions would be advised:

#### Car parking space

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

#### Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

### 6.3 Natural England

#### NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

In order to mitigate adverse effects on the Solent European Sites and make the proposal acceptable, the following measures should be secured:

- Financial contribution to the Bird Aware Solent recreational disturbance mitigation strategy;
- Package treatment plant and reedbed system.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

### 6.4 CDC Environmental Protection

A Phase 1 Desktop Study and Preliminary Risk Assessment has been submitted dated February 2020. The report has reviewed environmental information about the site and includes a site walkover and risk assessment. The report concludes that a site investigation is not required however the applicant should keep a watching brief while developing the site. Barrier pipework may be required by the water authority and if soil is imported to create landscaped or garden areas it should be chemically tested to ensure it is suitable for this use. We agree with the findings of the report and suggest condition DC13 is applied and the recommendations of the report put in place if permission is granted.

WSCC planning team has commented on parking and have recommended that cycle parking and an EV charging point is put in place at the site in order to reduce impacts from the development on local air quality. We support these recommendations.

We have no adverse concerns with respect to noise.

## 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 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.

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.

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

### 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 grounds of the property.

## 6.6 CDC Drainage Officer

### Surface Water 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. However as the site lies within a groundwater source protection zone, the EA may wish to comment on the acceptability of infiltration drainage.

Due to the nature, scale of development and its location we have no surface water drainage conditions to request. Surface water drainage should be designed and constructed in accordance with building regulations.

### Flood Risk:

The site is wholly within flood zone 1 (low risk) and we have no additional knowledge, or records of the site being at significant flood risk. Therefore subject to satisfactory drainage we have no objection to the proposed use, scale or location based on flood risk.

## 6.7 Third Party Representations

No representations have been received during the course of the application.

## **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 Westbourne Neighbourhood Plan is still under examination. However, at the current time no referenda are being held until May 2021 in the light of Covid-19 and therefore carried limited 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 37: Accommodation for Agricultural and other Rural Workers  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
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

### 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

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
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of development and current gypsy and traveller site provision
- ii. Impact upon the character and appearance of the locality
- iii. Highways matters
- iv. Impact upon the amenity of neighbouring properties
- v. Sustainability

- vi. Ecological considerations
- vii. Nutrient neutrality
- viii. Surface drainage
- ix. Impact upon Chichester Harbour Special Protection Area (SPA)
- x. Personal circumstances and Human Rights
- 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 officers consider the principle of the intensification of the site is entirely appropriate on this basis. In addition, the scheme is small in scale, seeking only a single private pitch serving a known and previous resident of the neighbouring site. It also incorporates a sympathetic layout and sustainability and bio-diversity enhancements, though the reduction in hardstanding, increased hedgerow planting and the use of solar panels. As such, it is considered that the proposal site could be achieved without being of detriment to the countryside location, or result in the perception of dominance upon the settled community.

8.8 It is considered for the above reasons, the proposal can be considered to be acceptable, in principle, subject to the further considerations below.

ii. Impact upon the character and appearance of the locality

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 sites' wider setting is generally characterised by meadowland and open field. The site itself is characterised by its lawful agricultural/horticultural and equestrian uses, including a modest farm shop, polytunnel and several outbuildings. The site is also opposite the former Defence Research Agency, with the site now under the ownership of Qinetiq.

8.11 The site is immediately west of an area of land currently in use for the lawful stationing of twelve gypsy pitches, together with an additional site warden pitch and associated structures. The application site, together with the neighbouring site are bounded by mature evergreen screening and as such wider views of either site are limited. A public bridleway runs immediately east of the site (254) and offers limited views within the application site, with the bridleway retaining a rural setting and feel. The site is accessed via a gated entrance from Common Road, which gives rise to some views into the site; however these are mostly of the existing bungalow and the eastern edge of the polytunnel.

8.12 The proposal, which is viewed in the context of the neighbouring site and the lawful agricultural/horticultural and equestrian uses, is considered unlikely to be unduly intrusive and would not result in the further erosion of the open countryside. The proposal seeks to retain and enhance existing boundaries, helping to ensure a suitable level of screening, limiting the wider impacts of the proposal. The surrounding area maintains an attractive rural character and remains predominantly undeveloped, and the proposal would not undermine this character.

8.13 Overall, when considering the limited wider views of the proposal, in connection with the context of the site; a residential bungalow, an agricultural smallholding and a well-established gypsy and traveller site, the proposal is considered to be respectful to the character and quality of the locality, and as such would comply with NPPF section 12 and 15 and CLP policies 36 and 47

iii. Highways Matters

- 8.14 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.
- 8.15 The application proposes to utilise the existing means of highways access from Common Road, which currently serviced the site and the existing dwellinghouse. WSCC Highways have been consulted on the application commenting that the existing access arrangements are operating in a safe manner, whilst sufficient parking can be provided on site.
- 8.16 Sufficient hardstanding would remain to provide a minimum of two vehicle parking spaces. An electric vehicle (EV) charging point is also proposed. This would accord with the WSCC Highways recommendation for the number of parking spaces and the need for EV charging points. It is recommended that both the parking spaces and EV points be secured via conditions.
- 8.17 For the above reasons it is considered the proposal would not 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 would be designed and positioned so as not to have an unacceptable effect on the amenities of the closest neighbouring properties, in regards to their outlook, privacy or available light. It is appreciated that the additional pitch may result in some intensification in terms of vehicle movements in and out of the site; however this is unlikely to result in an unacceptable intensification of the site. Therefore, on balance the additional vehicle movements would not result in harm to the amenity of the neighbouring properties.

v. Sustainability

- 8.20 In addition to an EV charging point, the development includes two 320W solar panels to the southern plane of the roof of the day building and water butts to the day room and mobile home, harvesting rainwater for use on the site. It is considered that the proposed measures are acceptable to provide a sustainable form of development.

vi. Ecological considerations

- 8.21 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded. During the course of the application amendments have been submitted to place a greater emphasis on biodiversity and to ensure a net gain. This would be secured via the replacement of hardstanding with grassed areas and the provision of additional native hedgerows within the site to link with existing planting. The hedgerow would be comprised of a double staggered row, 60-90cm in height and 50 plants per 10m of the following mix, Hawthorn, Dog Rose, Field Maple, Hazel, Bird Cherry and Blackthorn, and this is an appropriate mix and density to secure ecological enhancements.
- 8.22 The council's Environmental Strategy Officer has reviewed the proposal, considering a precautionary approach acceptable in regards to birds and bats. It has been recommended that a protective buffer strip shall be installed during construction to protect the existing hedgerows, and this would be secured via condition prior to construction work commencing. In addition, a number of biodiversity enhancements, such as bat and bird boxes have been recommended, which can be adequately secured via condition to provide net gains for biodiversity for which provision is made under paragraph 175 of the NPPF 2019 and Policy 49 of the Local Plan.
- 8.23 Subject to compliance with conditions, officers are satisfied that the proposal would not have a detrimental impact upon the biodiversity value of the site, and would provide ecological enhancements in accordance with the Local Plan.

vii. Nutrient neutrality

- 8.24 Natural England has recently issued updated advice in respect of the impact of an increase in nitrate levels within Chichester and Langstone Harbours. The maps within their Advice on Achieving Nutrient Neutrality for New Development in Solent Region document show that foul waste from the site would discharge into Chichester Harbour. The cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites and in order to mitigate this impact, development must be nitrate neutral.
- 8.25 Accordingly, this application has been accompanied by a nitrate budget report (V2) which calculated the proposed development would result in 0.776 kg of additional nitrogen per year. To mitigate against the additional nitrogen, a reedbed of 22.55 sqm will need to be provided, in combination with a Bio-Bubbledisc treatment plant to adequately deal within the additional nitrogen within the foul sewerage.
- 8.26 The proposed mitigation has been reviewed in consultation with Natural England, though the preparation of an Appropriate Assessment. Natural England has confirmed the proposed mitigation to be acceptable, subject to it being adequately secured via a S.106 agreement. Therefore, subject to the applicant entering into such agreement, the proposal would not result in additional nitrate levels within the harbours.

viii. Surface water drainage

8.27 The surface water would be dealt with via a soakaway, which is considered acceptable subject to an adequate soakaway being constructed on site. It is considered that an adequate soakaway would be obtained during the building control process and therefore officers consider this aspect of the proposal acceptable.

ix. Impact upon Chichester Harbour Special Protection Area (SPA)

8.28 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'.

8.29 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 £651.40 per net additional dwelling, which is utilised because mobile homes often have a varied number of bedrooms.

8.30 The LPA have undertaken an appropriate assessment and have obtained full payment of £751.40 (including monitoring fee) and a signed SPA agreement and as such the proposal is considered to comply with Policy 50.

x. Personal Circumstances/ Human Rights

8.31 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.

8.32 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:

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

8.33 This application seeks a private gypsy pitch that is to be occupied by Thomas Loten (Jnr) and his wife, who is the son of the current owner and occupier of the Hopedene bungalow and site, Thomas Loten (Snr). Thomas Loten (Jnr) and his wife are former residents of the neighbouring site, who have since moved into Hopedene on account the impending birth of their child. The unpractically small living arrangement on the neighbouring site, has forced them to seek alternative accommodation, on a temporary basis within his parents property.

8.34 Thomas Loten is a gypsy by birth and continued to travel for economic purposes, and therefore meets the definition of a gypsy. It is the applicants desire to provide safe accommodation for his son and their young family. It is also the intention of the grandparents to undertake a role in childcare, when their son is working away. When the time comes, it is the parent's intention for their child to attend the local school, although this carries no weight at this time.

8.35 The current circumstances of the applicant are such that the applicant is able to demonstrate a significant tie to the local area, along with practical purposes to provide a new pitch on the application site, both of which form a material consideration in determining this application. Additionally, the applicants would be happy to have a condition, limiting the occupation of the pitch solely to family members/occupants of Hopedene. However, it is considered that due to the identified need for gypsy and traveller accommodation within the plan area, and because the proposal would be acceptable in all other respects such a condition is not required to make the proposal acceptable in principle. Therefore a condition to provide a personal permission only would not meet the legal tests of necessity or reasonableness. It is therefore proposed that the permission should not be limited by a personal occupancy condition.

x. Planning Balance

8.36 The Council cannot demonstrate a 5 year land supply to meet an up-to-date locally set target (rather than the target in the Local Plan Policy 36) and this is a material consideration of significant weight. There is also a significant level of unmet need in the plan area, which is a significant material consideration in favour of the proposal.

8.37 The application is well related to an existing, authorised site of which the applicants were previous residents until personal circumstances necessitated an alternative living arrangement. In addition, the site is not located within any statutory protected landscape, and given the level of existing boundary screening there would be limited views into the site and minimal visual impact upon the surrounding area. The proposal would also provide ecological enhancements, whilst not resulting in unacceptable impacts with regards to highways, sustainability or surface and foul drainage.

8.38 For the reasons above, it is concluded that the proposal would accord with policies 36, 45, 48, 49 and 50 of the Local Plan, the NPPF and the PPTS, and there are no material considerations that indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

8.39 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) in combination with the notable personal circumstances would outweigh the limited visual harm to the character of the area, and therefore on balance the proposed development would be acceptable subject to conditions and S106 planning obligation.

**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 be occupied only by people who meet 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 development/works shall commence above slab level to the day room** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

5) **No part of the development hereby permitted shall be first occupied** until 1.no Electric Vehicle (EV) charging point has 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

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



6) **No part of the development hereby permitted shall be first occupied** until the car parking 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.

7) **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.

8) The development hereby permitted shall be carried out in strict accordance with the approved drawing 9 (tree protection plan) produced by Steve Jupp.

Reason: To ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value.

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

- a) Instillation of a bat brick/box to the day room or within a tree sited within the grounds of the property, facing a south/south westerly and positioned 3-5m above ground.
- b) Instillation of a bird box to the day room or within a tree sited within the grounds of the property.
- c) Infilling of any gaps within the existing hedgerows using native hedge species

Once carried out, the ecological enhancements shall be retained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

10) The following ecological mitigation measures shall be adhered to at all time during construction:

- a) Due to the hedgerows onsite being used by bats, a fences buffer strip shall be erected and maintained around all hedgerows during construction to ensure this area remains undisturbed.

Reason: In the interests of protecting biodiversity and the environment and due to the need to protect the existing hedgerow for bats.

11) The development hereby permitted shall be carried out with strict accordance with the Arbtech Preliminary Roost Assessment Survey (14/02/2020) and Your Environment Phase 1 Desktop Study and Preliminary Risk Assessment (February 2020) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of biodiversity and protecting identified species on site.

12) 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. The 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

13) Notwithstanding the GPDO there shall be no external lighting anywhere on the dayroom or mobile home, 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 wildlife in the area.

14) The development hereby permitted shall be carried out in strict accordance with the Nitrate Budget Report (V2) dated August 2020, and shall incorporate a reedbed of a minimum of 22.55sqm (as shown on the approved site plan 4B) and utilise the Bio-Bubble, Compact 6-8PE wastewater treatment plant (as specified within the Nitrate Budget Report), unless otherwise agreed in writing by the Local Planning Authority, in consultation with Natural England.

Reason: In the interest of ensuring the proposal is nitrate neutral and does not result in an increased nitrate level within the Chichester Harbours.

## 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 - Location plan	1		09.01.2020	Approved
PLAN - Block plan	2		09.01.2020	Approved
PLAN - Proposed elevations	5	A	21.01.2021	Approved
PLAN - Proposed floor plans	6		09.01.2020	Approved
PLAN - Tree protection plan	9		09.01.2020	Approved
PLANS - Plans PLAN -	4	D	21.01.2021	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 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=Q3U5WFERM5B00>