

Parish: Funtington	Ward: Lavant
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FU/19/00445/FUL

Proposal Relocation of 2 no. existing travelling show people plots plus provision of hard standing for the storage and maintenance of equipment and machinery, 6 no. new pitches for gypsies and travellers including retention of hard standing.


Site Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex

Map Ref (E) 479868 (N) 106957

Applicant Mr R M Pettett

RECOMMENDATION TO DEFER FOR S106 THEN PERMIT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Parish Council objection - Officer recommends Permit.

2.0 Site Description

2.1 The application site is located in a countryside location in the Parish of Funtington. It is situated on the southern side of West Ashling Road to the north of the A27, and to the north east of the settlement boundary of Hambrook. To the north, south and west of the site are a number of authorised gypsy pitches. To the east is agricultural land.

2.2 Access is achieved via an existing access track from West Ashling Road, which is shared with the surrounding gypsy and traveller pitches. The application site is a rectangular shaped parcel of land that slopes gently from the north down to the south, and it has a lawful use as a two plot travelling show person site. The site has been laid to hardstanding, with trees and hedgerows forming the boundary to the south and the east. The northern and western boundaries comprise fencing.

3.0 Proposal

3.1 The application seeks planning permission to:

- Relocate the lawful 2 no. existing travelling show people plots to the south of the site with provision of hard standing for the storage and maintenance of equipment and machinery, and
- Provide 6 new pitches for gypsies and travellers including retention of hard standing to the north of the site.

3.2 The proposals would include the relocation of an existing access from the north western corner of the site 4.5 metres to the south. This would serve 6 gypsy and traveller pitches which would be laid out with three pitches on each side of a central area of hardstanding. Each pitch would be provided with space for car parking, a touring caravan and a mobile home. A new access would be provided to the south western part of the site, which would accommodate the two existing mobile homes, car parking plus areas for parking for larger vehicles, storage and maintenance areas for the travelling show person plots. Additional landscaping is proposed to the southern boundary of the site.

4.0 History

11/05305/FUL	PER	Use of land as two pitch travelling shows persons site, including the provision of an area of hard standing for the storage and maintenance of equipment and machinery.
11/00027/ENF	DISMIS	Without planning permission, the erection of two dwellinhouses, a timber shed and formation of a hardstanding and paved footpaths.

11/00028/ENF	ALLDIS	Without planning permission change of use of the land for the storage of touring caravans, a motor boat, motor vehicles, building materials, wood, window frames, metal railings, a Komatsu digger, trailers, shed and household furniture.
11/00029/ENF	ALLDIS	Without planning permission change of use of the land to a mixed use for: (i) the stationing of two portable units for the purpose of human habitation and (ii) the storage of touring caravans , a motor boat, motor vehicles, building materials, wood, window frames, metal rings, a Komatsu digger (mini digger), trailers, shed and household furniture.

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 Funtingdon Parish Council

The proposed development will result in an intensification of gypsy/traveller pitches in the immediate vicinity. It will increase the number of approved pitches within this part of the Parish to in excess of 70 which, in the Parish Council's opinion, is excessive and inappropriate. Furthermore, as the application includes hard standing for storage and maintenance of equipment and machinery there is a risk that the site will be used for commercial and business activities which is undesirable in a rural area.

6.2 Natural England

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

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

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.

The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

6.3 Land and Coastal Drainage Officer

Flood risk- the application is within flood zone 1; we therefore have no objection to the type, scale and location of the proposed development on flood risk grounds.

Surface water drainage - the application will result in a substantial increase in impermeable area, infiltration may or may not work in this area. There are watercourses in vicinity of the site. We therefore believe that the following conditions are required to ensure that the development does not increase flood risk and adequately drains now and in the future:

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

"The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values."

"The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted to and approved in writing by the Local Planning Authority."

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

It should also be noted that no reference has been made to the means of foul water disposal. This information should be provided, if a package treatment plant is proposed the Environment Agency will need to be consulted.

6.4 WSSC Highways

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been consulted on proposals for re-location of 2 x existing traveller plots and creation of 6 x new pitches. The LHA were previously consulted on FU/17/01191/FUL for change of use of land for 2 x gypsy pitches with caravan per pitch, to which no highways objections were raised.

Access will be through the existing traveller pitch site and will not include any alteration to the existing access with the public highway to the north. West Ashling Road is 'C' classified and subject to National Speed Limit. From an inspection of local and WSSC mapping there is no apparent visibility issue from the access to the public highway. West Ashling Road affords good forward visibility and the small increase in trips from this point is not anticipated to result in a highway safety or capacity issue at the junction.

The LHA has reviewed data supplied to WSSC by Sussex Police over a period of the last five years. There have been no recorded injury accidents at the junction with the public highway. There is no evidence to suggest that the junction is operating unsafely, or that the proposed would exacerbate an existing safety concern.

Two standard car parking and one touring caravan space will be provided per pitch with space to turn within the site. The existing (re-located) mobile homes will be provided with car parking and turning areas, also for larger vehicles. The storage area indicated should not be for commercial use and in associated with the mobile homes only. Whilst routes within the site appear narrow and do not always allow for two cars to pass it is evident that an established traveller pitch use has been operating at the site and that opportunity to turn within the site to exit to the public highway in a forward gear is achievable.

The proposals are not considered to have 'severe' impact 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. Considering the restricted width of the access the LPA may wish to impose construction management plan condition to ensure proper management of delivery of mobile homes.

6.5 CDC Planning Policy

Amended comments

The adopted Chichester Local Plan: Key Policies 2014 – 2029 (Chichester Local Plan) includes Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople. The policy sets out the need for pitches and plots for the period up to 2027. It is a criteria based policy which sets out criterion to identify sites and to determine planning applications within the Plan area.

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.

As part of the Council's assessment of need, the Council, in partnership with the Coastal West Sussex Authorities (Adur, Arun, and Worthing) and the South Downs National Park Planning Authority together with support from West Sussex County Council, commissioned a Coastal West Sussex Authority Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (April 2013). This study covered the period 2012 – 2027 and has a base date of September 2012. It complied with the Housing Act 2004, the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS) (2012). It provided the evidence base for the Adopted Chichester Local Plan Policy 36.

Policy 36 of the Adopted Local Plan identifies a total need of 59 Gypsy and Traveller pitches within the Plan area during the period 2012-2027. More specifically there is a need for 37 Gypsy and traveller pitches between 2012 and 2017, and a further 11 pitches between 2018 and 2022.

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.

Where appropriate sites have come forward for planning permission the LPA have undertaken a balancing exercise of the material considerations and where acceptable have continued to approve gypsy and traveller sites beyond the 5 year supply (5YS) as identified by policy 36 of the CLP and the PPTS. The Councils figures currently demonstrate an identified 5YS of pitches, set at 15 years. Therefore the need as identified within CLP policy 36 has been met for the plan period until 2027.

Notwithstanding this however, recent appeal decisions, notably appeals 3209147 and 3209145, Land South of Keynor Lane (Appendix A), have concluded the Council does not have a 5YS of sites within the district. This is in light 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 for households that met the Planning Definition of a Traveller, but the Inspectors' decisions also identified a number of other Inspectors in recent years had concluded that CDC has an unmet need.

Whilst the GTAA 2019 (revised) forms part of the evidence base for the emerging Local Plan Review and has not gone through examination, due to the requirement of Councils 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 GTAA 2019 is therefore a significant material consideration which must carry weight in any decision making process. Whilst objections to the findings of the document have been received, and ultimately the emerging Plan will undergo an independent examination, the report has been accepted by the Council and indeed the other Local Authorities who were also part of this needs assessment. Those figures can be scrutinised at the Local Plan examination stage, however it is clear even if the figures are reduced, there would still be an identified immediate need going forward within the Chichester District.

The Council is progressing a new Local Plan which will address these needs. The Preferred Approach Plan draft policy S7 sets out a sequential approach to meeting the needs identified in the 2019 GTAA. Work is underway on developing that approach further, with the aim of including greater detail in the next iteration of the Plan. Work is also underway in understanding the availability and suitability of sites. In 2018 the Housing and Economic Land Availability Assessment was updated, and landowners were invited to submit details of sites they considered suitable for gypsy, travellers and travelling showpeople. This work will continue and will ultimately inform both the emerging Local Plan and any allocations required in the subsequent Site Allocations Development Plan Document.

Overall, in light of Inspectors decisions and the publication of the GTAA 2019 (revised) which are material considerations of significant weight, the Council cannot currently demonstrate a 5 year land supply to meet identified needs, rather than the targets as set out within the Chichester Local Plan 2014-2029 Policy 36.

As well as the recent call for sites, the Council is working with the consultants who completed the more recent GTAA study to complete a detailed Pitch Deliverability Assessment. The reason for this is that the Council have been advised by the consultants that some of the need that has been identified in the GTAA may not be a need for new or additional pitches. There are a number of temporary and unauthorised pitches that are already developed and occupied. The Council are considering whether some of these pitches can be granted planning permission. In addition, there are a large number of doubled-up households or single adults where it may be possible to accommodate these on existing sites through intensification or amending planning conditions to allow additional caravans. Also, there are a large number of teenagers who will need a pitch of their own in the next 5 years. Their need is not necessarily for a full pitch in the short to medium term and could be met through permission for additional touring caravans. The Pitch Deliverability Assessment will seek to identify how many of the identified pitches can be met within the existing site boundaries, and what the residual need is for additional pitches.

This position will be reviewed as part of the ongoing work to further consider the need and supply for gypsy, traveller and travelling showpeople. Any new applications for planning permission for Gypsy and Traveller sites should be assessed against this position statement which concludes that the Council cannot currently demonstrate a 5 year land supply to meet identified needs, Policy 36 of the adopted Local Plan and other relevant adopted Local Plan policies, the most pertinent of which (but not exclusively) are considered to be Policy 45 (Development in the Countryside), Policy 47 (Heritage and Design) and Policy 48 (Natural Environment).

Original comments

Adopted Local Plan: The adopted Chichester Local Plan: Key Policies 2014 - 2029 (Chichester Local Plan) includes Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople. The policy sets out the need for pitches and plots for the period up to 2027. It is a criteria based policy which sets out criterion to identify sites and to determine planning applications within the Plan area.

The Housing Act 2004 places a duty on local authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), and outlines how their needs will be met.

As part of the Council's assessment of need, the Council, in partnership with the Coastal West Sussex Authorities (Adur, Arun, and Worthing) and the South Downs National Park Planning Authority together with support from West Sussex County Council, commissioned a Coastal West Sussex Authority Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (April 2013). This study covered the period 2012 - 2027 and has a base date of September 2012. It complies with the Housing Act 2004, the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (2012). It provides the evidence base for the Adopted Chichester Local Plan Policy 36.

Five Year Supply: Policy 36 (Adopted Local Plan) identifies a total need of 59 Gypsy and traveller pitches within the Plan area during the period 2012-2027. More specifically there is a need for 37 Gypsy and traveller pitches between 2012 and 2017, and a further 11 pitches between 2018 and 2022.

Since September 2012, which is the base date of the provision figure in the adopted Local Plan, 52 Gypsy and traveller pitches have been granted planning permission and occupied. In addition there are unimplemented permissions for 30 pitches. Currently this gives an identified 5 year supply of pitches of 13.6 years. This is based on figures current at the time of writing.

Public Site Provision: While the Planning Policy for Traveller Sites (PPTS) does not provide targets for LPAs on the number of pitches required for gypsies and travellers, it encourages LPAs to formulate their own evidence base for gypsy and traveller needs in their area.

This evidence base can then be used to set pitch targets in the LPA's local plan. It is also recognised that the Government's aim is to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites (PPTS para 4 e). The target for site provision is set out in Policy 36 of the adopted Local Plan; it does not include a target for public sites.

There is a Transit Site at Westhampnett (within the District) for the West Sussex Local Authorities; however there has been no public pitch provision to date. The Council will produce a Site Allocation DPD in due course to identify land for permanent pitches to meet the identified need, as outlined in paragraph 1.12 below.

Local Plan Review: The Council has published the Chichester Local Plan Review 2035: Preferred Approach (Local Plan Review). Consultation on the document took place between the 13 December 2018 and 7 February 2019. The Local Plan Review includes two policies on Gypsy and Traveller provision. Policy S7 (Meeting Gypsy, Traveller and Travelling Showpeople needs) identifies the need for sites, while Policy DM (Accommodation for Gypsies, Travellers and Travelling Showpeople) sets out a criteria based approach for identifying sites and determining applications within the Plan area.

A revised Coastal West Sussex Authority Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (October 2018) has been produced as part of the evidence base for the Local Plan Review, and is published on line. The GTAA (October 2018) takes account of the updated PPTS in August 2015 which included a change to the definition of Gypsies and Travellers, and traveling showpeople. In particular the new definition's change to the removal of the term persons...who have ceased to travel permanently i.e. those who have ceased to travel permanently will no longer fall under the definition of Traveller for the purposes of accessing accommodation for planning purposes.

The Local Plan Review is at the beginning of the plan making process and has not yet been tested at examination; it therefore has no or little weight (NPPF paragraph 48). The Adopted Local Plan has been tested through an examination, it is not out of date and forms part of the development plan. Therefore Policy 36 of the Adopted Local Plan and the GTAA (2013) represent the most up to date policy at present.

Any challenge to the GTAA (2018) should be raised as part of the Local Plan Review in order for it to be examined by an Inspector in relation to the draft policies.

Site Allocation Development Plan Document: There is a commitment by the Council to prepare a Site Allocation Development Plan Document which will identify and allocate land for permanent pitches to meet the identified need. It is anticipated that the document will be adopted in 2022 and will plan for a 15 year provision (reference should be made to the Local Development Scheme). Work has commenced on drafting a methodology which will reflect current best practice and will be consulted on towards the end of 2019.

6.6 Environment Agency

Further comments (11/11/2019)

We are satisfied that our previous objection to the proposed development can be removed. The installation of a cesspool at this location is satisfactory and addresses our concerns. The proposed cesspool is fully self-contained, and therefore should not present a risk to the environment providing it is emptied regularly.

Original comments (30/07/2019)

We object to the planning application, as submitted, because it involves the use of a non-mains foul drainage system and the applicant has not supplied adequate information to demonstrate that the risks to groundwater resources from which supplies of potable water are obtained can be safely managed.

Reason

The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances the planning practice guidance (PPG) (ref ID 34-020-20140306) advises that applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment. The site is located 1c for the Hairspring Cress beds, and is underlain by the Lambeth Group which is designated a secondary aquifer where we carefully monitor development proposals of all types, with source protection zone

We designate source protection zone 1c to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface.

In this instance no information on the volume or nature of the discharge has been submitted. Please note that an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016 (EPR 2016) may be required from the Environment Agency. You can find more information online at <https://www.gov.uk/permits-you-need-for-septic-tanks/permits> or contact us on 03708 506506 for an application form and guidance. You should be aware that the permit may not be granted. A permit will only be granted where the risk to the environment is acceptable.

In addition as this site is located on low permeability deposits, it is possible that obtaining a sufficient infiltration rate may be an issue if a shallow infiltration system is proposed.

6.7 Third Party Representations

Two letters of objection have been received, summarised below:

- a) The proposed development is located in what was once a field in an area of open countryside, outside of a defined settlement boundary. It is situated on an elevated and somewhat prominent position in a beautiful rural area considerably close to the edge of the South Downs National Park.
- b) Density of Gypsy /Traveller pitches already located in the immediate vicinity of the application site to be over intensive, any expansion will simply exacerbate this. The existing sporadically developed settled residential community is already dominated by the Traveller sites which is approaching some 40 pitches.
- c) The granting of permission for these additional pitches will simply add to this gross imbalance.
- d) The Planning application site plan gives no detail as to the location of the sewerage system; treatment plant and the effective disposal of any run off from the plant will be accommodated. Similarly no detail is given of how surface water will be disposed of. This is concerning as the proposed development site and surrounding area has a heavy clay sub-soil which, even when well drained, once saturated readily results in surface flooding.
- e) The application gives no details of residential refuse storage and collection from the development. The immediate local area already has environmental problems being caused by litter and fly tipping.
- f) Light Pollution is a further concern in this rural area.
- g) Application original refused as a gypsy pitches.
- h) Many adjoining mobile homes are sub-let for business use, and suspect this application is a commercial business application.

7.0 Planning Policy

7.1 The Development Plan (Chichester Local Plan 2014-2029)

Chichester Local Plan 2014-2029:

Policy 1 Presumption in Favour of Sustainable Dev
Policy 2 Development Strategy and Settlement Hierarchy
Policy 6 Neighbourhood Development Plans
Policy 9 Development and Infrastructure
Policy 36 Planning for Gypsies, Travellers and Travelling Showpeople
Policy 39 Transport, Accessibility and Parking
Policy 40 Carbon Reduction Policy
Policy 45 Development in the Countryside
Policy 48 Natural Environment
Policy 49 Biodiversity
Policy 50 Development and Disturbance of Birds in Chichester and Langstone Harbour

7.2 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area 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 early in 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. 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

7.3 The Core Planning Principles and relevant paragraphs of the NPPF have been considered including sections 2, 4, 14 and 15. The Planning Policy for Travellers Sites (2015) is also relevant to the consideration of the application.

Other Local Policy and Guidance

7.5 The following documents are material considerations.

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

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

- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- 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 considerations are:

- i. Principle of development and current gypsy site provision
- ii. Impact on the character and appearance of the locality
- iii. Foul and surface water drainage
- iii. Ecological considerations
- iv. Planning Balance

i. Principle of development and current gypsy site provision

8.2 The Housing Act 2004 places a duty on local authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), to and outline how their needs will be met. The Council published a Gypsy Traveller and Travelling Showpeople Accommodation Assessment (GTAA) in 2013, and this document formed the evidence base for the adopted local plan.

- 8.3 Policy H of the Planning Policy for Traveller Sites (PPTS) 2015 relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It also advises that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and planning policy H for traveller sites. Policy 36 of the Local Plan is the most relevant Development Plan Policy for assessing applications for Gypsy and Travellers pitches. The policy sets out the need for pitches and plots for the period up to 2027. It is a criterion based policy which sets out criterion to identify sites and to determine planning applications within the Plan area.
- 8.4 Since September 2012, which is the base date of the provision figure in the adopted Local Plan, 61 Gypsy and traveller pitches have been granted planning permission and occupied. The Council's figures currently demonstrate an identified 5YS 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 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.
- 8.8 It is considered for the above reasons, the proposal can be considered to be acceptable, in principle, subject to the below considerations.
- ii. Impact upon the character of the locality
- 8.9 The site lies to the south of West Ashling Road, which gently slopes from north to south. The topography coupled with mature landscaping along the roadside limits views of the development from the road. In addition, between West Ashling Road and the application site are two separate gypsy and traveller sites which would obscure views of the application site itself. There are limited far reaching views of the site from the east on Newells Lane because the eastern boundary of the site is landscaped and Newells Lane itself contains hedgerows along larger stretches close to the carriageway. The existing site is currently in use as a traveller and show person sites, therefore visually the provision of an additional 6 gypsy pitches would not significantly change the character or appearance of the existing site. In particular, the existing site

is already concreted and has the presence of caravans associated with the travelling show person plots.

8.10 On this basis the proposed development resulting in the additional gypsy and traveller pitches, would not be a readily apparent feature of countryside views or affect significant vistas. To the immediate west and south of the site are further gypsy and traveller pitches, therefore the development would not be out of keeping with the immediate context and the given the retention of the landscaping along the northern boundary the proposals would not result in additional visual harm to the character and appearance of the area.

iii. Foul and surface water drainage

8.11 The application has been amended during the process of the application and following comments from Environment Agency, the application now proposes a fully self-contained cesspool. The Environment Agency have advised they have no objection to the use of this system and a condition is recommended to ensure that the cess pool is provided prior to occupation. A condition is also recommended to ensure that a maintenance and management plan for the cesspool is approved prior to first use of the cesspool to ensure that the means of foul drainage is maintained in perpetuity.

8.12 With regard to surface water drainage it is proposed to use a sustainable drainage system, and the councils Drainage Officer has recommended a condition to ensure that the details of the system are submitted and approved by the local planning authority. In addition, a condition is recommended to ensure that access and maintenance of any watercourse or culvert is possible and formal consent required from the Lead Local Flood Authority.

8.13 Subject to the recommended conditions it is considered that the appropriate foul and surface water drainage systems would be provided and therefore the proposal would be acceptable in this respect.

iv) Ecological considerations

8.14 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'.

8.15 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 scale charges differ according to the number of people expected to live in the property which is calculated per bedroom. As mobile homes vary in the number of bedrooms, the charge is taken to be the average amount per mobile home, which for this application equates to £595.

- 8.16 The LPA have undertaken an appropriate assessment and subject to the mitigation being paid and a planning obligation being provided to tie the mitigation to the permission the requirements of policy 50 would be met. As such the recommendation is to defer for S106 and then permit.
- 8.17 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded. The existing site is mainly hard standing with some shrubs within the site. As such there is the opportunity to improve biodiversity on the site that can be secured via condition. It is therefore considered the proposal would comply with policy 49 of the Chichester Local Plan.

vi. Planning Balance

- 8.18 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). As such, this is a material consideration of significant weight. There is also a significant level of unmet need in the District and again that it is a significant material consideration in favour of the proposal.
- 8.19 The application relates to an existing site that does not result in ecological or highways concerns. The site is not located within any statutory protected landscape, although it is recognised that there would be an impact on the rural character of the area. The identified harm to the character of the area however would not outweigh the level of unmet need within the district; the lack of a 5 year supply. Additionally, officers recommend a landscaping condition requiring planting to the south of the site which would further screen views of the site from the road which would minimise the level of harm identified.
- 8.20 For the reasons above, it is concluded that there is a sound justification for the proposal to be supported.

Conclusion

- 8.21 For the reasons set out above it is considered that the significant deficit in supply of gypsy and traveller pitches identified in the GTAA 2019 (revised) would outweigh the low level of harm to the character of the area, and therefore on balance the proposed development would be acceptable subject to conditions and S106 planning obligation.

Human Rights

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

Equalities

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

RECOMMENDATION TO DEFER FOR S106 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 "Plans Referred to in Consideration of this Application

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

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

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

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

Reason: To ensure adequate provision for drainage of the application site.

- 5) Development shall not commence until full foul drainage for the site has been installed in accordance with approved plans no. D1776-003 REV A and D1776-004 REV A.

Reason: To ensure adequate provision for drainage of the application site.

- 6) The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values.

Reason: To ensure adequate provision for drainage of the application site.

- 7) The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision for drainage of the application site

- 8) Prior to first occupation of the development hereby permitted, a maintenance and management plan for the cesspool shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cesspool shall be maintained as approved in perpetuity.

Reason: To ensure the adequate provision of onsite foul drainage facilities in the interests of general amenity.

- 9) Prior to first occupation of the development hereby permitted, details of refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

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

- 10) Prior to the occupation of the development hereby approved, a scheme for ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The ecological enhancements shall include as a minimum the following measures:

- a) any trees removed should be replaced at a ratio of 2:1
- b) filling any gaps in tree lines or hedgerows with native species
- c) bat and bird boxes installed on the site, and
- d) provision of gaps at the bottom of the fences to allow movement of small mammals across the site.

Thereafter the approved scheme shall be fully implemented in accordance with the approved details within 12 months of the date of this permission

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

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

12) The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. 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 dwellings hereby permitted shall not be occupied unless and car charging points have been provided and are operational in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the car charging points shall be maintained and remain operational in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

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

14) **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.

15) No more than fourteen caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than seven shall be static caravans, shall be stationed on the site at any time and at no time shall the touring caravans be occupied for human or residential occupation.

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

16) No commercial activities shall take place on the land.

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

For further information on this application please contact Daniel Power on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PMRR9XERHI900>