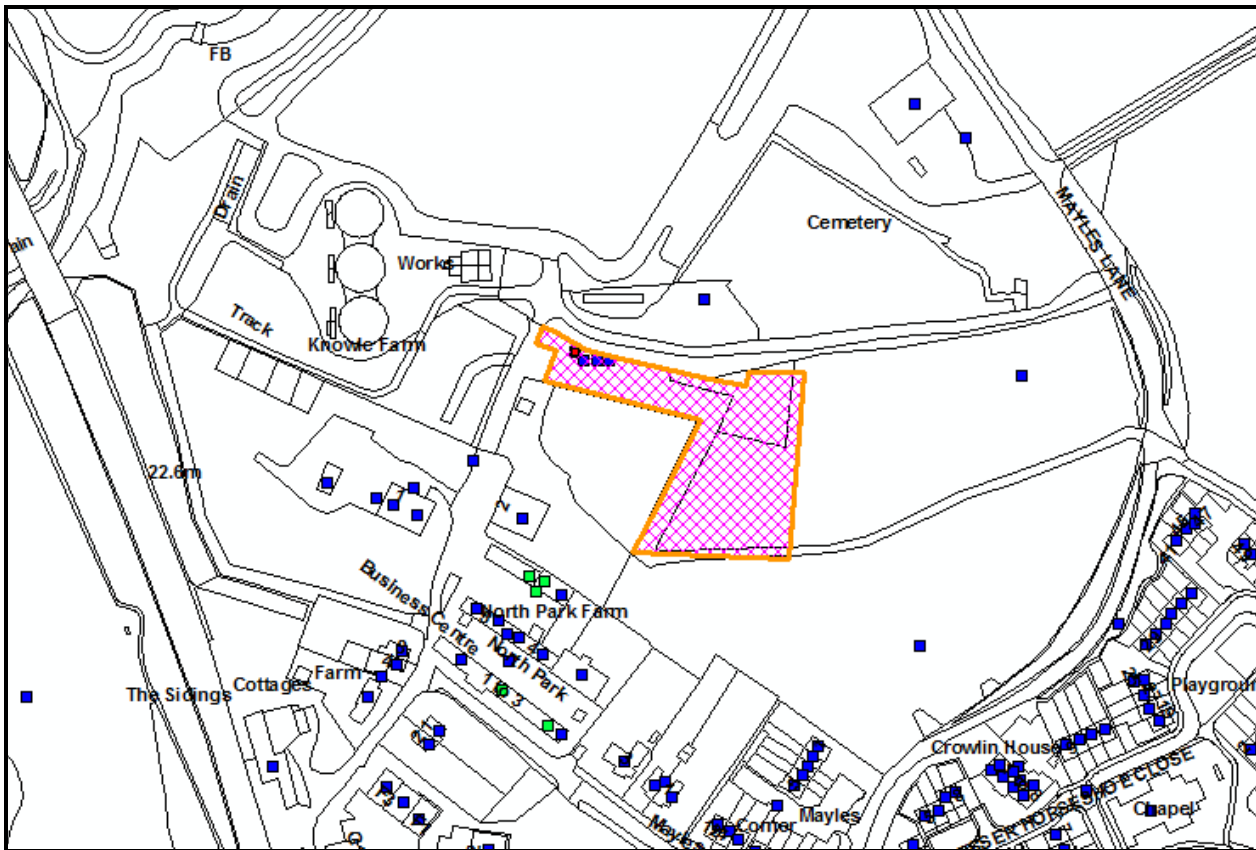


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

Item No: 05
Case No: 17/02212/FUL
Proposal Description: Variation of conditions no. 1 and 2 of planning permission reference number 15/02529/FUL to make the personal and temporary permission permanent, creating three Gypsy/Traveller plots each occupied by a mobile home, a touring caravan and an amenity/day room.
Address: Ourland, Mayles Lane, Knowle. Hampshire,
Parish, or Ward if within Winchester City: Wickham
Applicants Name: Mr D Keet & Mr L Goddard
Case Officer: Mr Stephen Cornwell
Date Valid: 18.11.2017
Recommendation: Approve



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General Comments

This application is reported to Committee at the request of Wickham Parish Council, whose request is appended in full to this report.

It is also thought appropriate for the committee to consider this application considering the changed policy context which is outlined in the report and which has taken place so soon after the last consideration of this proposal by committee at their meeting in April 2017.

Site Description

The application site which is occupied by the caravans and associated structures consists of a strip of ground 60 metres by 20 metres located 170m metres west of Mayles Lane beyond the western edge of Knowle. The land separating the site from Mayles Lane is divided into two large paddocks with the land closest to the site in the control of the applicants. The parcel adjacent Mayles lane has permission for use as an outdoor educational facility. From the description in earlier planning documents dated 2013 the application site was originally part of a larger field that had been divided and sold off as a number of lots.

The site is bounded to the north by a sewerage treatment works and its access that runs eastward back up to Mayles Lane. To the south beyond a fence is Meon Aggregates with a number of open storage areas for minerals, machinery and equipment. The applicants also control a tarmac road that runs down the eastern boundary of Meon Aggregates and which provides one of the two accesses into the site. This roadway links to the hardcore track that served the aggregates depot and which runs 180m back up the hill towards Mayles Lane. There is also a second access to the site located at the western end, off an unmade track that is shared with other premises and land.

Knowle was originally a small village and hospital. However after the closure of the hospital in 1996 the village was expanded. This work included a new access off the Wickham road approximately half way between Wickham and the M27. The layout of the local road network does not allow a driver to access the residential area at Knowle from Mayles lane and vice versa.

Mayles Lane runs down from Wickham on the eastern side of the river. After the first part of the lane, there is a sign that states "private road". There are signs of the existence of a gate in the past but there is no barrier to prevent anyone from continuing down the lane. Beyond the road sign are numerous access points to adjoining land and a number of properties. The private road is under the control of the Land Trust Charity. The sewerage treatment plant is controlled by Albion Water.

From the junction of Mayles Lane and the shared access track to Meon Aggregates and the application site, there are views towards and over the aggregate yard and the application site with a background of woodland beyond. The presence of these activities and particularly the aggregate depot fully occupies what was formerly the open space in the valley.

The application site does not carry any specific local or national nature conservation or landscape designation.

Proposal

This application seeks the removal of conditions 1 & 2 that were imposed when a further

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consent was granted for the use of the site at the April 2017 planning committee.

The 2017 temporary consent imposed the following conditions:

- Condition one: limited occupancy of the site to named people only.
- Condition two: limited the use of the site for a period of three years after which timer it was to be cleared and restored to its former condition.

The current application form states that the proposal now under consideration is intended to make the personal and temporary permission permanent.

The only other documents submitted with the application are a design and access statement and a copy of the Traveller DPD (July 2017).

No plans of any description have been submitted with the current application. A condition was imposed on the enforcement notice appeal that required the submission of an internal layout plan and this is the only plan held by the authority relating to the site.

When the previous application was under consideration a request was sent to the agent for clarification on a number of points. It has been confirmed with the agent that the responses back then remain good and so the information is repeated below together with a number of comments on events since April 2017:

- Applicants are a Romany Gypsy family and continue to pursue nomadic way of life. Therefore continue to meet amended definition of gypsy/travellers.
- Dispute claims in objection letters regarding antisocial behaviour.
- Issues relating to connection to sewer have been resolved with Albion Water.
- Concerns of landscape officer can be addressed by conditions.
- Regarding questions over right to access site applicants have right to pass and re-pass to get to site as set down in deeds.
- Continue to seek permanent consent which would contribute to over all 5 year supply and meet applicant's accommodation needs.
- Further temporary planning permission granted April 2017.
- In late April 2017 council adopted the LPP2 which included policy DM4 which set out need for 15 gypsy/traveller pitches and 24 travelling showpeoples plots from 2016-31.
- LPP2 also referred back to site selection criteria outlined in policy CP5 of LPP1.
- Draft Traveller DPD published July 2017 recognised that lack of alternative sites to fulfil above need would have significant limitations on the options available to satisfy demands. Consequently a pragmatic approach will be adopted that would include regularising suitable existing sites including those with temporary consents.
- DPD also considers site located in open countryside and in open gaps.
- Ourlands is identified under policy TR2 of the DPD as a site suitable for transition from temporary to permanent use.
- Consider site fully complies with CP5; site is a preferred site as identified in DPD.

Relevant Planning History

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- 12/02154/FUL Change of use of land to a private gypsy and traveller caravan site consisting of 3 No. Mobile homes, 3 touring caravans an associated amenity and day rooms as shown on drg 01198/1Rev1. Refused March 2013. Appeal dismissed December 2013.
- Planning Enforcement Notice alleging change of use of land from agricultural use to use as a caravan site issued April 2013. Appeal allowed December 2013. Temporary consent granted for 3 years to named individuals.
- 15/02529?FUL Variation of conditions no. 1 and 2 of planning enforcement appeal decision reference number APP/L1765/C/13/2198472; to make the personal and temporary permissions permanent. Temporary 3 year permission granted April 2017.

Related Application on Adjoining Land

- 16/02885/FUL | (AMENDED DESCRIPTION and PLANS) Conversion of existing stables to educational and recreational activities for the training of children and adults; change of use of land from equestrian use to educational and community use | Little Acorns Mayles Lane Knowle. Approved April 2017.

Consultations

WCC Highways Engineers

The two conditions concerned restricted use of the site and have no affect on highway safety. Proposal is acceptable in principle.

Strategic Planning

The following policies are particularly relevant to this application although other policies may also apply;

LPP1

DS1 – Development Strategy and Principles
MTRA4 – Development in the Countryside
CP5 – Sites for Gypsies, Travellers and Travelling Showpeople
CP7 – Open Space, Sport & Recreation
CP10 – Transport
CP13 – High Quality Design
CP18 – Settlement Gaps
CP20 – Heritage and Landscape Character
CP21 – Infrastructure and Community Benefit

LPP2

DM1 – Location of New Development
DM4 – Gypsies, Travellers and Travelling Showpeople
DM16 – Site Design Criteria
DM17 – Site Development Principles
DM18 – Access and Parking
DM19 – Development and Pollution
DM20 – Development and Noise
DM23 – Rural Character

Other material considerations – National Planning Policy Guidance, Planning Practice Guidance, Planning Policy for Traveller Sites (2015), Pre-Submission Development Plan

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Document.

NPPF and PPTS

National planning policy for traveller sites is set out in PPTS which should be read in conjunction with the NPPF. The Government's overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers, while respecting the interests of the settled community. PPTS paragraph 24 states that local planning authorities should consider the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for applicants and the personal circumstances of the applicant.

Paragraph 25 indicates 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. However, subject to restricting their scale, PPTS does envisage gypsy and traveller sites in rural areas.

Paragraph 26 refers to the need for the site layout to be well planned with respect to soft landscaping to enhance the appearance of the site, avoiding hard landscaping and ensuring adequate play areas for children.

PPTS expects local planning authorities to set pitch targets for gypsies and travellers - to address both permanent and transit site accommodation needs. A 5 year supply of deliverable sites is also required. PPTS also sets out the definition of gypsy/traveller in its glossary.

Pre-Submission Traveller DPD

The existing permitted site at Ourlands in Mayles Lane is identified in the Pre-Submission Traveller DPD (January 2018) as a site with temporary consent for 3 pitches. The Pre-Submission DPD Policy TR2 indicates that the Council will grant planning permission ("for permanent gypsy and traveller accommodation") on the sites with temporary consent listed in the policy - Ourlands is identified as Site WO17. This forms part of the strategy set out in the DPD to meet identified needs for traveller accommodation in the district.

The policy also sets out specific requirements for Ourlands as follows;

"Proposals for development at this site should comply with the following site specific requirements:

- Traveller accommodation should only be situated in the western part of the site with access to Mayles Lane (as indicated on the plan below); with the remainder of the site being retained in an open use;
- A landscape framework to be submitted to provide suitable boundary treatment around the whole site given its location on the edge of north of Fareham gap with Knowle and Wickham;
- Given the location of the site within the north of Fareham gap with Knowle and Wickham, any proposals for intensification/expansion will not be allowed"

Whilst the emerging DPD has not been adopted by the Council, it is nevertheless a

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material consideration in assessing this application, and some weight can be attached to it.

Regard should also be had to the relevant local plan policies, particularly CP5 of LPP1 – Sites for Gypsies, Travellers and Travelling Showpeople and DM4 of LPP2 - Gypsies, Travellers and Travelling Showpeople. I am assuming that the existing development on the site is in accordance with what has been permitted temporarily and that the decision to be made is whether to make the personal and temporary permission general and permanent.

Assessment

Consideration of this application takes place in the context of a national planning /local plan policy requirement for Council's to ensure that sufficient traveller pitches are provided to meet objectively assessed needs in their areas. It also takes place in the context of the travellers site already being in existence, albeit on a temporary basis. It is very unlikely that this proposal would be supported had the site been undeveloped, on the basis that it would be inappropriate development in the countryside and in the gap (contrary to MTRA4 and CP18). However, the Council's commitment to provide sufficient traveller pitches (LPP2 Policy DM4) to meet identified needs, and the strategy set out in the emerging Traveller DPD which promotes the granting of permanent planning permission on existing sites with temporary permission, means that the proposed development is acceptable in principle. The proposal should accord with the specific requirements for sites set out in LPP1 Policy CP5 and in emerging DPD Policy TR2. I assume conditions will continue to be attached to any permission to ensure that the site is occupied only by those who meet the definition of gypsy/traveller set out in PPTS ?

Conclusion

The proposed use is contrary to policies which seek to protect land designated countryside and land in the gap. However, the Council's strategy to meet the identified need for traveller sites set out in the Pre-Submission DPD includes granting permanent permission on sites with temporary consent for traveller use. The emerging DPD identifies the site at Ourlands as one where permanent permission will be granted and therefore the proposal is supported.

WCC Landscape Officer

Whilst the Policy context moves towards allowing temporary G&T sites to become permanent due to a shortage of sites, landscape sensitivities do not change. Therefore the Landscape office maintains its recommendation of resisting the granting of a permanent permission at this site for the reasons set out under 15/02529/FUL. If however the Case Officer is minded to permit this application, then development should be required to comply with the 3 site specific requirements set out in the draft 'Traveller DPD' (July 2017) on page 23.

Environmental Health

No adverse comment to make.

Representations:

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Wickham Parish Council Object:

- Notwithstanding this site's proposed allocation in the Gypsy and Traveller Development Plan the Parish Council maintains its objection.
- The site is located on land designated as countryside in the Local Plan, it is also designated as Strategic Gap – the Meon Gap – which is to prevent the coalescence of Wickham with Whiteley and Fareham. It should be extremely difficult to gain planning permission under these conditions and granting of retrospective permission creates a damaging precedent.
- The proposals have been refused in the past and the applicants appealed.

At the appeal hearing on 5th November 2013 the inspector came to the conclusion that permission should only be temporary. The key issue in refusing a permanent site (para 31) being 'that harm to the character and appearance of the countryside and the creation of a gypsy site in a defined Gap where development is to be resisted weighs heavily against the granting of planning permission'.

- This site could be required for the expansion of the Albion Water treatment works to provide services for Welborne.
- Request application considered by Committee if officers minded to grant permission.

Neighbour Representation

3 representations received all objecting to the scheme. Main points summarised:

- Do not believe temporary permission should have been granted and to then approve on permanent basis is definitely not acceptable.
- Site lies within Meon Valley gap that should remain undeveloped.
- If permanent housing not acceptable do not see why permanent traveller site is then acceptable.
- Development would have very negative impact on local environment.
- Approval would demonstrate complete disregard for residents.
- Concerned if approved as this will set precedent.
- Site used for burning rubbish.
- Support the parish council objections
- Mayles Lane is a private road maintained at private expense. Road not in condition to take increase in traffic that would create additional wear and tear.
- Hope there is no change to current temporary permission.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1) (2013)

- MTRA1 (Development Strategy Market Towns and Rural Area).
- MTRA4 (Development in the Countryside).
- CP2 (Housing Provision and Mix).
- CP5 (Sites for Gypsies Travellers and Travelling Showpeople).

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- CP10 (Transport).
- CP13 (High Quality Design).
- CP18 (Settlement Gaps).

Winchester District Local Plan Part 2-Development Management and site Allocations (LPP2) Adopted 5 April 2017)

- DM1 (Location of New Development).
- DM4 (Gypsies, Travellers and Travelling Showpeople).
- DM15 (Local Distinctiveness).
- DM16 (Site Design Criteria).
- DM17 (Site Development Principle)
- DM18 (Access and Parking).
- DM20 (Development and Noise).
- DM23 (Rural Character).

Traveller Development Plan Document (Pre Submission) January 2018

- TR1 (Safeguarding Permitted Sites).
- TR2 (Sites with Temporary Consent).
- TR6 (policy unnamed).

Solent Recreation Mitigation Partnership

National Planning Policy Guidance/Statements:

- National Planning Policy Framework
- Planning Practice Guidance
- Planning Policy for Travellers Sites (PPTS) August 2015
- Planning Practice Guidance Use of Conditions

Planning Considerations

The main considerations in the determination of this application are:

- The status of the applicants
- The weight that should be given to the planning history
- Whether the proposal conforms to planning policy
- The landscape impact of the proposal
- Other matters: including status of access
- Solent Recreation Mitigation Partnership Strategy

The status of the applicants

Following the issuing of the Planning Policy for Traveller Sites in 2015 the guidance on gypsy and travellers has been revised and this has resulted in some adjustment to the interpretation of the definition of a gypsy. The original decision in 2013 did not include any condition that restricted the occupancy of this site to people falling under the status of gypsies/travellers but to named people. This approach was repeated in the recent decision of April 2017. In April 2017 the applicant was been asked to provide details to clarify their status and it was confirmed that they continued to satisfy the more recent definition of gypsies and travellers. The agent has confirmed that the circumstances remain unchanged.

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In the event that this application is supported, the personal condition will not be imposed but the more general restriction relating to occupancy by gypsies or travellers will be imposed.

The weight that should be given to the planning history.

The site was originally occupied without the benefit of any consent and as a consequence after a retrospective application was refused in 2013 formal enforcement action was taken. The joint planning and enforcement appeal in 2012/13 identified the 4 main issues as:

1. The impact on the character and appearance of the countryside with particular regard to the location within the gap.
2. Whether the site is a sustainable location.
3. The provision of a satisfactory level of amenity for residents.
4. Whether any harm arising from the above matters would be outweighed by other considerations including the need/supply of gypsy sites, the occupant's particular need and personal circumstances.

The inspector did accept that the proposal was contrary to the policy in force at the time and which sought to protect the countryside and the open gap. There was a particular concern over the construction on the site of permanent buildings. However, the lack of a 5 year supply of sites, the recognition of the emerging policy and the personal circumstances of the applicants combined to outweigh the policy issues. This resulted in the inspector supporting a temporary consent.

At the 27 April 2017 planning committee meeting members considered an application for a permanent consent, or if that was not acceptable, then for a further temporary permission. After considering all the relevant material considerations, a three year temporary consent was granted. Part of that consideration noted the emerging Traveller policy which it was hoped would have crystallised to offer clearer guidance on the future of this site by the time that the further temporary consent expired.

Whether the proposal conforms with planning policy.

The development plan is made up of LPP1, LPP2 and the emerging Traveller Development Plan Document (DPD). These three plans show a progression in the development of policy relating to gypsies and travellers. LPP1 policy CP5 sets out a series of criteria that proposed sites should be considered against. LPP2 identifies the need for 15 gypsy/traveller pitches/sites over the plan period (2016-2031). The DPD will take the final step and identify and allocate the supply of deliverable sites to reflect the identified need and having regard to the site selection criteria.

The emergence of the Traveller DPD represents a significant change to the planning policy context since the last decision was made in April 2017. Whilst the current pre submission version of the DPD does not carry as much weight as the fully adopted version would do, the pre submission has been through a consultation exercise and incorporates the comments that have been made by the local community. It has yet to proceed through a further consultation (closing 28 February 2018) before moving on to submission for examination in the summer of 2018. Detailed objections to the proposal to allow Ourlands to become a permanent site were made in response to the DPD after its publication in July. Those views were considered at the Cabinet (Local Plan) Committee on 4 December 2017, at Cabinet on 6 December 2017 and at Full Council in January 2018. As the DPD progresses, the weight to be given to it grows. It is unlikely that the allocation of this site will change and the current advice from Strategic Policy is that this application can be supported.

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Proposed DPD policy TR 2 (Sites with Temporary Consent) indicates that Planning permission will be granted on specified sites with temporary consent, for permanent gypsy and traveller accommodation. These sites are shown on the Policies Map within the document. Site reference W017 is the current application site. The site reference includes a number of constraints. These are:

- That the number of pitches is restricted to three;
- That the traveller accommodation should be confined to the western part of the site with access to Mayles Lane ;
- That the remainder of the site shall be retained in an open use;
- That a landscape framework is submitted to provide suitable boundary treatment around the whole site; and
- That any proposals for the intensification/expansion of the approved site will not be allowed.

The current application conforms to these constraints, although the final issue is not one that can be applied, as it relates to possible future actions.

Proposed DPD policy TR6 requires all sites considered through that document to comply with the criteria set out in LPP1 policy CP5 and to a list of considerations set out in TR6 in so far as they relate to the site under review. The main headings of CP5 are outlined and considered below.

Objectively assessed accommodation need –Government Guidance on the approach to gypsy and traveller sites is contained within Planning Policy for Traveller Sites (PPTS) 2015. This guidance places significant weight on the availability of a 5 year supply of sites.

Proximity to existing community - This criteria considers how well the site is related to the existing community to encourage social inclusion and a sustainable pattern of living whilst noting the need for a degree of separation to avoid tensions with the settled community.

The site is located beyond the edge of Knowle. The main service provision is provided by Wickham which lies 2km to the north. Mayles Lane is a typical rural lane with no footpaths and no lighting. In 2013 the planning inspector did consider if this site was a sustainable location. He noted that this was not an issue raised by the local planning authority and concluded that the site was reasonably close to local facilities and services. On that basis I do not consider that the conclusion of this previous assessment should be challenged.

A clearly defined site - In this criterion consideration is given to the landscape screening of a site and its impact on landscape character.

The application site is defined on the ground by close board fencing. It benefits from a level of screening but the amount of planting has been scaled back in recognition of the temporary nature of the permission. Further measures could be undertaken if a permanent consent were granted, but it is doubtful that they would completely hid the site from view.

Provision of an acceptable level facilities - In this criteria consideration is given to the size of the site and whether it can accommodate all the requirements whilst providing an adequate level of living facilities. The site provides adequate space for the provision of the mobile homes and as noted by the previous inspector, there is sufficient space for children to play.

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Proposal consistent with other policies - This criteria looks at compliance with other policies including landscape protection, flood risk, contamination and designations.

The consideration of landscape impact will be addressed below. Regarding other related policies it is not considered that this proposal is in conflict with them.

Retention of site for specific use - In recognition of the specific characteristics of the site, if the application is supported it will be necessary to impose suitable planning conditions limiting the use of this site to gypsies /travellers as defined in Annex 1 to the PPTS.

Excluding the landscape issue, the site is considered to comply with the criteria in policy CP5. Regarding any considerations arising from the considerations outlined in policy TR6 the site has good access with adequate manoeuvring space on site.

The landscape impact of the proposal

The site is located within the open countryside and is part of the Meon Gap intended to protect surrounding towns from coalescing. Isolated development within the Gap is to be restricted as this is considered to reduce openness and lead to the gradual erosion of the open countryside (LPP1 policy CP18). This factor weighed heavily in the consideration of the earlier appeal and whilst the inspector concluded that the proposal would cause harm to the open gap designation and was viewed in conflict with that policy, he gave greater weight to the other factors under consideration. Consequently, he granted a temporary consent.

The open gap policy context remains the same. Notwithstanding the potential to screen the site, the elevated position of any viewpoint from the east means that the site will still be in view to some degree. Whilst the main component in the landscape is the aggregates depot, this is relatively open and low level. Whilst it does contain a building, its design and appearance is agricultural and is not uncharacteristic of the open countryside. In contrast, the application site with the mobile homes is distinctly residential in character and appearance. The location of the site within the open countryside and the open gap still conflicts with policy. This is behind the objection to the proposal by the landscape officer and does form one of the concerns raised by Wickham Parish Council and local residents. This conflict was recognised in the consideration of this site for inclusion within the DPD. However, mindful of the need to make provision for the number of pitches as identified in LPP2 policy DM4, the requirements imposed through the PPTS (five year supply) and the lack of other identified sites as alternatives, it was considered that this established site should be retained. Consequently, the need for the provision of the site outweighs the acknowledged constraints.

Other Matters

Guidance on the government website indicates that any proposed development should identify a means of access from a public highway. Mayles Lane is a private road and a question has been raised regarding the applicants ability to access the site. When the last application was considered in early 2017, the applicant was asked to clarify what rights they hold to use Mayles Lane and information was provided to confirm that they hold rights to access the site. Given the short period of time that has passed since this issue was clarified it is considered that the earlier confirmation can still be relied upon.

Solent Recreation Mitigation Partnership (SRMP)

Whilst the proposal does not trigger any contribution towards the community infrastructure levy or affordable housing, the site does lie within the catchment zone where the SRMPS applies. On the

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basis the proposal would see the establishment of three permanent residential units then the scheme attracts the need for a contribution towards SRMP to be collected before any planning permission is issued. The applicant has been made aware of the requirement and invited to pay the sum now (returnable if planning permission is refused). On the basis the site is already occupied then the payment should be made before any decision notice is issued and this is reflected in the recommendation below.

Conclusion

The use of this site began as an unauthorised activity and was strongly resisted by the authority. This approach reflected the prevailing planning policy framework at the time. The temporary consent granted on appeal was viewed as recognising the applicants situation and in recognition of the strong expectation that the emerging planning policy framework would identify sites for gypsies and travellers. The more recent decision to decline to support a permanent consent but support the renewal of that temporary permission in April 2017 was a recognition of the delay in the emergence of this policy which was considered the most appropriate mechanism to evaluate the merits of this site against others within the district.

The Traveller DPD is a significant step forward and it has identified this site as one that should be considered for the transition from temporary to permanent. This change is proposed in the full knowledge that the site lies within a strategic gap. However, the need to bring forward an appropriate number of pitches is considered to outweigh the landscape impacts. The emergence of the new policy has included engagement with the local communities and the decision to propose the transition of this site to a permanent facility is being put forward in the full knowledge of any concerns.

The third party comments and particularly those of the parish council are noted. In coming to the recommendation due weight has been given to the number and nature of the representations received.

In terms of appropriate conditions, it is proposed to apply a condition restricting the use of the site to gypsies/travellers only, the limitation of the site to three pitches, a restriction on the size of vehicle that can be parked in site and that a comprehensive landscaping scheme is undertaken.

The application is recommended for permanent approval with appropriate conditions.

Recommendation

APPROVAL

(a) subject to the payment of the a contribution towards the Solent Recreation Mitigation Partnership prior to the issuing of the decision notice.

(b) the following conditions:

1. The site shall not be occupied by any person other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites.

Reason. The site is located within an area where permanent residential use would not normally be supported and this approval is based on the specific circumstances put forward to serve the gypsy/traveller community.

2. No more than 6 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 3 shall be a static single unit caravans / mobile homes, shall be stationed on the site at any time.

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Double unit static caravans are not permitted to occupy the land.

Reason: To ensure that the residential accommodated provided within the site is proportionate to the needs of the applicants and is not overdeveloped.

3. The internal layout of the site including the siting of the caravans, hard surfaces, boundary treatment, parking, amenity areas, drainage provision and the position of any lighting shall conform with the details as shown on the TDA drawing entitled Detailed Landscape Proposals drawing number TDA.1955.02 dated March 2014.

Reason: To ensure that the site retains an acceptable layout with adequate provision of amenity and is not overdeveloped.

4. Any day room or amenity building shall only be used for ancillary purposes to the main caravan/mobile home on the respective pitch or caravan they are associated with and intended to serve and shall not be used to provide permanent, temporary or occasional residential overnight accommodation by any person who is a resident occupier or visitor to the pitch or site.

Reason: To ensure that the site retains an acceptable layout with adequate provision of amenity and is not overdeveloped.

5. Within the first full planting season after the permission is granted, the landscaping scheme as detailed on the TDA drawing entitled Detailed Landscape Proposals drawing number TDA.1955.02 dated March 2014 shall be fully implemented. If, within a period of 2 years after planting, any tree or plant is removed, dies or becomes, in the opinion of the local planning authority seriously damaged, defective or diseased, another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the local planning authority gives it written consent to any variation.

Reason: To ensure that the site is both adequately screened and also blends in with the surrounding area.

6. No commercial activities, including the storage of materials, shall take place on the land.

Reason

To protect the character and appearance of the surrounding area.

7. No more than 3 commercial vehicles shall be parked, stationed or stored on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight.

Reason

To protect the character and appearance of the surrounding area.

8. No burning of materials or waste shall take place on the land.

Reason

To protect the character and appearance of the surrounding area.

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Informatives

01. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service and,
 - updating applicants of any issues that may arise in the processing of their application and where possible suggesting solutions.
- shared the draft conditions with the applicant.
02. This permission is granted for the following reasons:
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify the approval of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.
03. The Local Planning Authority has taken account of the following development plan policies and proposals:-
- Winchester Local Plan Part 1 – Joint Core Strategy policies MTRA1, MTRA4, CP2, CP5, CP10 & CP13.
Winchester Local Plan Part 2- Development Management and site Allocations (LPP2), DM1, DM4, DM15, DM16, DM17, DM20, DM23
04. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Department, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

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Wickham Parish Council request for committee consideration:

From: **Wickham Parish**

Case No: 17/02212/FUL

Location: Ourlands Mayles Lane Knowle

Proposal: Variation of conditions no. 1 & 2 of planning permission reference number 15/02529/FUL to make the personal and temporary permission permanent, creating three Gypsy/Traveller plots each occupied by a mobile home, a touring caravan and an amenity/day room

Comments:

Object: Notwithstanding this site's proposed allocation in the Gypsy and Traveller Development Plan the Parish Council maintains its objection:

The site is located on land designated as countryside in the Local Plan, it is also designated as Strategic Gap – the Meon Gap – which is to prevent the coalescence of Wickham with Whiteley and Fareham. It should be extremely difficult to gain planning permission under these conditions and granting of retrospective permission creates a damaging precedent.

The proposals have been refused in the past and the applicants appealed.

At the appeal hearing on 5th November 2013 the inspector came to the conclusion that permission should only be temporary. The key issue in refusing a permanent site (para 31) being 'that harm to the character and appearance of the countryside and the creation of a gypsy site in a defined Gap where development is to be resisted weighs heavily against the granting of planning permission'

This site could be required for the expansion of the Albion Water treatment works to provide services for Welborne

Request for application to be considered by Committee:

Request confirmed if officers minded to grant permission.

Signed:

Nicki Oliver
Parish Clerk

Date: 14th December 2017