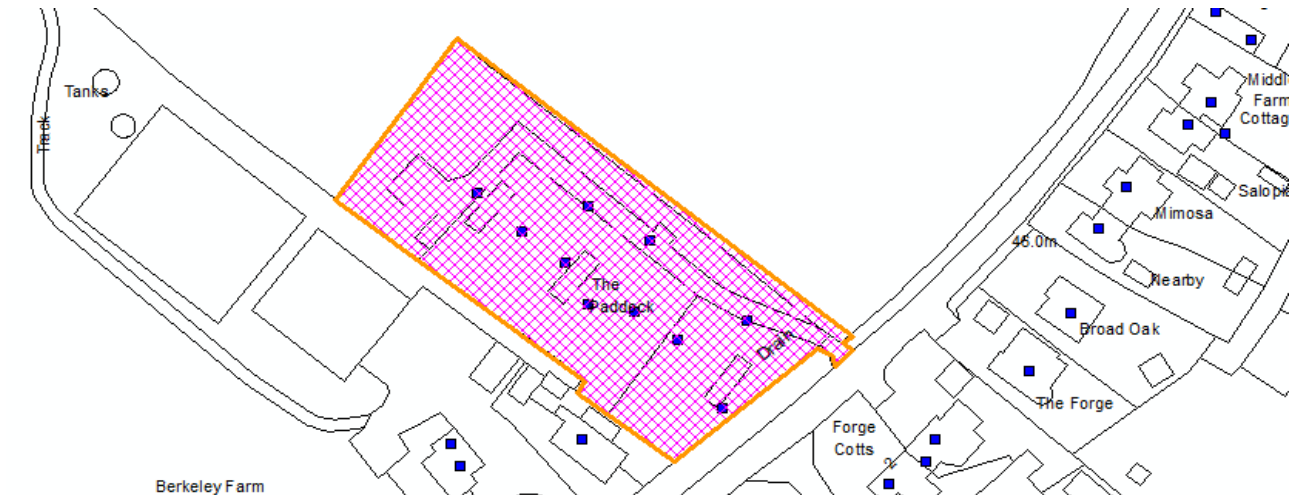


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 23/01326/FUL
Proposal Description: Change of use of land to provide eight residential Gypsy and Traveller pitches, each pitch to contain 1 x mobile home and 1 x touring caravan plus associated site works (retrospective).
Address: The Paddock, Durley Street, Durley, Hampshire
Parish: Durley Parish Council
Applicants Name: Mr Tony Castle
Case Officer: Liz Young
Date Valid: 4 July 2023
Recommendation: Approve
Pre Application Advice: No

Link to Planning Documents

23/01326/FUL <https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

As required by LPP2 Policy DM4, the development (which relates to a safeguarded permitted site) meets the assessed accommodation needs of gypsies and travellers. Specifically, this need has arisen from the changing circumstances of the original occupants of the site and family members. All occupants of the site meet the definition of gypsies and travellers for the purposes of the policy paper Planning Policy for Traveller Sites (2015). No other materially harmful impacts have been identified which would justify the refusal of planning permission.

General Comments

The application is reported to Committee at the request of Durley Parish Council and because of the number of objecting representations received contrary to Officer recommendation.

Amendments to Plans Negotiated

Revised plans were submitted 20 July 2023 showing septic tank locations as the applicant had been advised on receipt of the application that these also required planning consent. It became apparent following further consultation with Southern Water, the Environment Agency and the WCC Drainage Engineer that this would not represent an appropriate form of foul drainage provision. As a result, the septic tanks no longer form part of the proposal and a further condition has been added to enable detailed foul drainage provision to be agreed following the decision (condition 11). The recommendation for permission is therefore based upon the original site layout plan submitted with the application (as this does not include the septic tanks).

Site Description

The application site comprises an area of just under 0.5 hectares. It has been an established gypsy and traveller site since consent was granted on appeal in 2018 for up to four pitches (16/03090/FUL). The site is enclosed by fencing, trees and hedgerows. A cluster of farm buildings (associated with Berkley Farm) lie immediately to the south west. The closest neighbouring residential property, Berkeley Farm Bungalow lies to the south west of the site and fronts onto Durley Street. Open fields adjoin the north east and north west boundaries of the site and a public right of way lies approximately 30 metres to the north. The main bulk of built form in the immediate area lies on the opposite side of the road to the east, where a number of detached residential properties are located.

Proposal

Consent is sought to retain four additional pitches which have been added to the original four (resulting in 8 pitches in total on the site). The previously consented day rooms, landscaping and play area which were included in the approved scheme of 2016 (which were never implemented) are no longer proposed. However, the plans indicate an intention to provide native hedgerow planting within the site and along its boundaries as part of the current proposal.

Each plot would comprise a static caravan, space for a touring caravan, bin storage, cycle parking and two parking spaces.

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To accommodate the additional plots the internal access road layout has also been amended from the approved scheme, the main change being that it now runs directly adjacent to the north east boundary (in place of the landscape buffer which was included in the 2016 scheme). The access track reflects the position of the track shown on the submitted plans and the only further work proposed on this aspect of the development would be re-surfacing in gravel. The rest of the site layout (the individual plots) has not yet been implemented.

Relevant Planning History

The use of land as a travellers caravan site consisting of 13 no. caravans and associated development (20/02752/FUL) Refused 22.09.2021

The use of land as gypsy and traveller caravan site consisting of 4 pitches, each containing 1 mobile home, 1 touring caravan, 1 semi detached utility building; play area and associated development (16/03090/FUL) Refused 30 May 2017 (Appeal Allowed 16 July 2018)

Consultations

Service Lead for Community (Trees) - No objections

Service Lead for Community (Landscape) – No objections raised

Service Lead for Community (Drainage Engineer) - No objections subject to conditions

Service Lead for Community (Environmental Protection) - No objections raised

Service Lead for Community (Ecology) - No objections subject to conditions

Hampshire County Council (Highway Authority) – No objections raised

Southern Water – No objections raised

Natural England – No objections subject to appropriate mitigation being secured

Environment Agency – No objections raised

Durley Parish Council (summary of comments – (See Appendix 1 for full comments):

- Would like to see the original scheme implemented
- Durley has no housing allocation within the current or proposed Local Plan and therefore no additional housing should be provided
- Insufficient infrastructure and transport links
- Insufficient space within the site to accommodate the development
- Potential fire risk / concerns over emergency vehicle access
- Numbers could be increased further in future
- Increase in plot numbers would be detrimental and overly dominant in Durley Street

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- Noise and pollution concerns
- Concerns about septic tanks and the impact these could have on neighbouring properties and water quality if not monitored correctly
- Insufficient space on site to accommodate tanker to enable emptying of tanks
- The application incorrectly states that the site is not visible from public views

Third Party Comments

18 objecting representations (from 11 separate addresses) citing the following concerns:

- Concerns over breaches of planning control
- Concerns over antisocial behaviour
- Excessive vehicular activity and associated disruption
- The site is unsuitable for residential occupation
- Electricity supply issues
- The site is too small
- Previously agreed planting arrangements have not been undertaken
- Harmful impacts upon public right of way
- The site is not just being advertised for the travelling community
- All previous applications have been retrospective
- There is not a demonstrated need for the additional pitches
- The development would dominate the local community
- The large number of septic tanks would be harmful to the environment
- Granting permission would set a dangerous precedent for similar developments elsewhere
- Inadequate vehicular access
- The caravans on site are not in good condition
- A less noisy hardsurface should be used
- Numerous animals escape from the site
- Insufficient infrastructure in Durley

Relevant Government Planning Policy and Guidance

Planning Policy for Traveller Site (PPTS) (updated 19 December 2023)

National Planning Policy Framework (2023) (NPPF):

Chapter 2 –Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well Designed and Beautiful Places

Chapter 15 – Conserving and Enhancing the Natural Environment

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

Policy DS1 - Development Strategy and Principles

Policy MTRA3 - Other Settlements in the Market Towns and Rural Area

Policy MTRA4 - Development in the Countryside

Policy CP5 - Sites for Gypsies, Travellers and Travelling Showpeople

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Policy CP11 - Sustainable Low and Zero Carbon Built Development
Policy CP13 – High Quality Design
Policy CP16 – Biodiversity
Policy CP17 – Flooding, Flood Risk and the Water Environment

Winchester District Local Plan Part 2 – Development Management and Site Allocations (2017) (LPP2):

Policy DM1 – Location of New Development
Policy DM4 – Gypsies, Travellers and Travelling Showpersons
Policy DM15 – Local Distinctiveness
Policy DM16 – Site Design Criteria
Policy DM17 – Site Development Principles
Policy DM18 – Access and Parking
Policy DM23 – Rural Character

Gypsy, Traveller & Travelling Showpersons Development Plan Document (Traveller DPD) (2019):

Policy TR 1 – Safeguarding Permitted Sites
Policy TR 5 - Expansion or intensification within existing sites
Policy TR6 – Planning Applications
Policy TR 7 – Traveller Site Design Guidance and Layout

Supplementary Planning Documents:

High Quality Spaces SPD (2015)
Carparking Standards SPD (2009)
Winchester Gypsy and Traveller Accommodation Assessment (2016)
Winchester City Council – including South Downs National Park (SDNP)
Landscape Character Assessment (LCA) (2022)

Other Relevant Documents:

Gypsy and Traveller Accommodation Assessment (GTAA) (Draft Final Report 2022)

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2023) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Policy DS1 of the LPP1 is consistent with the NPPF which states in paragraph 11 that decisions should apply a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay.

The application site does not fall within any defined settlement and is therefore classed as open countryside for the purposes of the Development Plan. In such areas LPP2 Policy DM1 states that countryside policies will apply and only development appropriate to a countryside location will be permitted.

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LPP1 Policy MTRA4 seeks to limit development to that which has an operational need for a countryside location, re-use of buildings, expansion of existing businesses and low-key tourism development. Whilst the proposal to introduce new residential caravans would not meet the requirements of this policy, this application is put forward as a proposal to provide additional gypsy and traveller accommodation through the expansion of a site which is allocated (for four plots) under Policy TR1 of the Winchester Gypsy and Traveller DPD. LPP1 Policy CP5 seeks to direct proposals for gypsy and traveller accommodation towards such allocated sites and also states that such proposals should meet the objectively assessed accommodation needs of gypsies and travellers.

In terms of background, the pre-existing four pitches on site were permitted prior to the adoption of the Gypsy and Traveller DPD in February 2019. The Inspector's reasoning for allowing the appeal was primarily justified on his conclusion that at the time Winchester City Council was unable to demonstrate a five year supply of sites to meet the need for additional pitches.

Following on from this appeal, a retrospective application was made to introduce 9 additional pitches to the site (20/02752/FUL). Alongside concerns relating to impacts upon biodiversity and the character of the area this application was turned down on the grounds that no information was submitted in relation to the additional occupier's status (specifically whether they met the definition of gypsies and travellers). It was established at the time the application was under consideration that the occupiers of the site would not comply with condition 2 of the original appeal decision (16/03090/FUL), limiting the site to gypsies/travellers only.

Alongside the planning history of the site, the adopted DPD (which post dates the 2016 appeal) is now relevant in considering whether the proposal to now add a further four pitches to the site would meet a need which would otherwise be met.

This document identifies and allocates deliverable sites in accordance with the criteria contained within LPP1 Policy CP5. Policy TR1 of the DPD includes the four pitches at the application site as one of the listed Safeguarded Permitted Sites.

Policy TR5 of the adopted Gypsy and Traveller DPD recognises that during the plan period there may be a demonstrable need for an additional pitch/plot on those sites safeguarded or allocated through the DPD (including the application site), to meet the changing needs of the households on the sites. This approach includes sites which are granted permanent planning consent after the adoption of this DPD.

Having regard to the concerns raised at the time of the 2020 application in relation to the status of occupants on the site, further clarification has been requested from the agent in relation to the nature of both pre-existing and new occupants (and the extent to which these meet the updated definition of gypsies and travellers provided within Annex 1 of the Government's Planning Policy for Traveller Sites (PPTS)).

The information which has been provided in relation to these issues confirms that there is a demand for an increase in pitch numbers to accommodate additional family needs including marriages, additional children and care responsibilities.

Having regard to this information, the current circumstances on site are materially different than was previously the case at the time of the 2020 application. All existing occupants on
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the site meet the definition of gypsies and travellers for the purposes of the PPTS (2023). Furthermore, the interdependencies between the occupants (including the need to assist in day to day needs) are such that it would not be viable or sustainable to seek accommodation elsewhere.

It is considered that (having regard to the change in circumstances on site and the provisions within Policy TR5 of the DPD relating to safeguarded sites) there is an established need for the development due to the changes to pre-existing households. The principle of introducing four additional gypsy and traveller pitches to serve this need is therefore concluded to be acceptable.

The additional units also support the Council in meeting its requirements to provide Gypsy and Traveller accommodation.

Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The application site lies within rural surroundings and is relatively well screened as a result of the established vegetation along its boundaries. Built development is predominantly focused to the south east and the site is more closely related to open fields which lie to the north and west. In this context it is necessary to have regard to the requirements of LPP2 Policy DM23 alongside the provisions within both national and local policies specific to gypsy and traveller sites and considerations relating to impacts upon rural character (having regard to scale, layout, activity and impacts on the public realm).

With regards to the issue of scale, Policy C of the PPPTS states that when assessing the suitability of sites in rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Similarly, LPP1 Policy CP5 seeks to ensure proposals avoid sites becoming over-concentrated in any one location or disproportionate in size to nearby communities. Concerns have been raised by the Parish Council and in the various third party representations received that the proposal would not meet this requirement as a result of the proposed change from 4 to 8 pitches. Concerns are also raised in relation to the potential for the overall number of pitches to increase in future.

The conclusions reached at the time of the previous scheme for an additional 9 pitches (13 in total) in 2020 (20/02752/FUL) are relevant to the issue of scale, given that this was determined under the same development plan. Whilst it was refused on the grounds of its cramped layout and incongruous form, no specific concern was raised that the proposal would dominate or cause any form of imbalance to the local community. Having regard to the fact that a more modest increase is now proposed than the 2020 scheme, along with the fact that the proposal would be contained within the existing site (which remains unchanged in its overall extent) it is concluded that the development would respect the scale of and would not dominate the local community as required by national and local policy.

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With regards to the potential for further expansion, the dimensions of the site would limit the scope to introduce further units in future. Furthermore, in the event that consent is granted, conditions would be imposed limiting the overall number of pitches to 8 in total (Condition 2) and ensuring the approved layout would be implemented in full within an agreed timescale (Condition 4).

With regards to potential impacts upon public views, the site itself is enclosed with mature hedge and trees forming the boundaries and is closely associated with existing buildings at Berkeley Farm to the south west. The previous appeal decision in 2016 assessed that the site would be visible in short and medium views from the road and footpath to the north. It was also stated that *'when combined with the mature trees and hedgerows, the low-lying and gently undulating topography limits views of the site from the wider area'*. It remains the case that the site is relatively contained due to this established screening as this remains largely unchanged since this previous decision. This vegetation would be conditioned to be retained (Condition 7). The implementation of further landscaping / biodiversity measures (to be secured through Condition 6) will further mitigate the potential for harmful impacts upon public views. As such, the proposal meets the requirements of LPP1 Policy CP5 which requires sites to be clearly defined by physical features, where possible, and not unduly intrusive.

National policy states that when considering applications, local planning authorities should ensure proposals are well planned or soft landscaped, include areas for play and avoid extensive areas of hard landscaping and obtrusive boundary treatments. Policy TR7 of the Gypsy and Traveller DPD reflects these requirements and advises against boundary treatments that has a detrimental visual impact on the character of the site and locality. It also requires development proposals to provide landscaping to reinforce the boundary of the site, to provide screening of views into/out of the site, and to provide an area of open space within the site for safe children's play. Accordingly, the proposed planting measures would ensure the proposal provides boundary treatments that respond positively to the local context as well as ensuring an appropriate ratio between hard and soft landscaping. Whilst the play space which was included on the plans submitted in respect of the consented scheme of 2016 was not implemented and is not included within the current application, each of the 8 plots would include outdoor space. The removal of the day rooms from the approved layout plan also serves to reduce the overall footprint of the development and enables a reasonable degree of separation between plots.

No changes are proposed to the boundary treatments around the site perimeter and the development does not result in the introduction of permanent built structures (a key requirement of LPP1 Policy CP5).

The pitches and caravans would (based upon the proposed layout plan) be situated well within the confines of the site, surrounded by existing and proposed landscaping. Whilst a larger number of plots are proposed, it remains the case that these are to be focused towards the south western part of the site which would continue to help minimise views of the development from the footpath to the north. In comparing the current application to the 2016 scheme, it remains the case that the prevailing sense would be of a paddock with structures (caravans) within in it. The modest height of the units and absence of permanent built development will further ensure the potential for visual intrusion is minimised protecting the key characteristics of the landscape. As required by LPP2 Policies DM15 and DM23, the proposal would therefore sufficiently conserve recognised public views, trees and hedgerows.

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It is acknowledged that concerns have been raised in relation to loss of tranquillity. As identified at the time of predecessor applications the site is located off Durley Street which is a busy road. The four established pitches on site also generate a significant level of activity and therefore there is an existing level of disturbance in the immediate locality. The introduction of four additional pitches (primarily to serve members of extended family) within the confines of the existing site would not generate such a significant increase in vehicular activity to the extent that refusal would be justified on these grounds.

With regards to the potential for light pollution, external lighting would be minimised as required by DPD Policy TR7 and LPP2 Policy DM23. The applicant has confirmed that no additional external lighting has been or will be introduced to the site as a result of the development.

Having regard to the nature and layout of the development proposed, the extensive boundary screening, and measures to control external lighting, it is considered that the proposal would not detract from the enjoyment of the countryside from the public realm or public rights of way.

Overall, it is concluded that the scale, layout, activity and intensity of the development does not have an unacceptably harmful impact upon the rural character of the area having regard to key characteristics of the landscape, tranquillity and views from the public realm. The development therefore complies with LPP1 Policy CP5, LPP2 Policies DM16 and DM23 along with Policy C of the PPPTS.

Development affecting the South Downs National Park

The application site is located just over 1.2 miles from the South Downs National Park.

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

There is no intervisibility between the application site and the national park designation and the modest scale of the development is such that it would not give rise to any harmful impacts through increased levels of activity.

In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

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Neighbouring amenity

There is a distance of approximately 20 metres between the boundary of the application site and the closest neighbouring property, Berkeley Farm to the south west. This boundary is well screened by established vegetation (to be retained) and the modest height of the caravans and overall scale of the use are such that the development is not considered to give rise to significant adverse impact upon the occupants of this property.

Having regard to the established use of the site and overall levels of activity generated it is considered that the introduction of a further four pitches does not give rise to unacceptably harmful impacts on nearby residential properties by reason of noise and light, vehicle movements and other activities. The location of the site access in the south east corner of the site also ensures any potential disruption to the immediate neighbour resulting from vehicles accessing the site would be minimised. As such there would be no conflict with LPP1 Policy CP5.

Historic Environment

Relevant Legislation

The preservation of the special architectural/historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policy DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

The proposed development does not affect nor is it near to a statutory listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting. Therefore, no impact is demonstrated.

Sustainable Transport

With regards to access to local amenities, the site lies within 1km of Durley Primary School, and within 2km of the built up area of Bishops Waltham. The overall scale of the development (resulting in 8 pitches overall) is modest and would not be of a scale which would place an unreasonable burden on local facilities and services.

A further consideration is that the development relates to an established site occupied by members of the same family including individuals which are unable to live independently. Enabling members of the same family to remain on site will therefore reduce the need to travel.

Having regard to this (along with the fact that no issues were raised previously in 2016 in relation to the general accessibility of the site), it is considered that there would be no conflict with the requirements of LPP1 Policy CP5.

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With regards to highway safety, the application site is accessed from Durley Street, which is a C classified highway and subject to a 30mph speed limit. The Highways Authority have confirmed that they are satisfied that the existing access can readily accommodate the additional vehicle movements associated with the existing use. The submitted site layout shows that two spaces would be provided to each plot and the Highways Authority are satisfied with this level of provision.

As required by LPP1 Policy CP5 the development ensures safe vehicular access from the public highway and adequate provision for parking, turning and safe manoeuvring of vehicles within the site (taking account of site size and impact).

Ecology and Biodiversity

With regards to local biodiversity interests, the site is not adjacent or within close proximity to any nature conservation sites. The development has not necessitated the removal of significant areas of vegetation or the demolition of any existing structures. The application has been accompanied by a Preliminary Ecological Appraisal (PEA) which concludes that the site comprises, generally, low quality habitats, such as existing hardstanding with the existing mobile homes / touring caravans; with small amounts of scrub and scattered trees present on the north-western boundary. The WCC Ecologist is satisfied that the development does not give rise to adverse impacts upon biodiversity subject to a condition securing enhancement measures (Condition 6).

With regards to the water environment, the proposed development is within Winchester District where foul water is distributed into the European designated areas Solent SPAs/Ramsar sites via water treatment plants. In accordance with advice from Natural England and as detailed in Policy CP16 of the Winchester City Council Local Plan Part 1 Joint Core Strategy a net increase in housing development (overnight accommodation) within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in Nitrates. # A Grampian condition (Condition 10) in line with the Winchester City Council Position Statement on Nitrate Neutral Development will be required to secure appropriate mitigation prior to occupation.

In this case the application has been accompanied by a nutrient budget which concludes that the development will generate 48.67kg of Nitrogen per year. A European Sites checklist has also been included which confirms that the applicant is content that a Grampian condition would be imposed in the event that consent is granted to secure appropriate mitigation in relation to in combination impacts upon the water environment of the Solent sites.

A further consideration is that in order to deal with the effect of new housing on the Special Protection Areas (SPA) of the Solent as more people visit the coast. Specifically, as more people visit the coast, the wildfowl and wading birds which overwinter along the Solent are more likely to be disturbed. Winchester City Council therefore has a responsibility under the Conservation of Habitats and Species Regulations 2010 as to not permit a plan or project which will have an adverse affect on a SPA. The application site falls within 5.6km of the Solent SPAs, where Natural England advises that any additional housing development is likely to have significant in-combination effects. Accordingly, Winchester City Council will contributions towards the strategic mitigation scheme.

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In this case the applicant has made an up front payment for the required contribution and the relevant agreements have been signed.

A Habitat Regulations Assessment has been undertaken and accordingly it is concluded that (having regard to mitigation) there is therefore sufficient information to rule out likely significant effects on the internationally designated sites in the Solent catchment due to the increase in wastewater resulting from the proposal in combination with other plans and projects across the Solent area.

Sustainable Drainage

With regards to surface water drainage, the application site does not lie within or adjacent to a flood zone. The drainage report which accompanies the application states that surface water would be discharged to a grate system and this drainage design has been informed by infiltration tests (undertaken at the request of the WCC Drainage Engineer). The Drainage Engineer is satisfied with this method of surface water drainage provision subject to ensuring all new hardsurfaces would be permeable.

With regards to foul drainage provision, the original application submission indicated an intention for each plot to be served by an individual septic tank. Feedback received from the Environment Agency, Southern Water and the WCC Drainage Engineer have made it clear that this would amount to an unsatisfactory and unsustainable form of foul drainage provision, particularly when having regard to the fact that a Southern Water public sewer runs directly adjacent to the application site and that Southern Water has confirmed that, should the application be approved, they are prepared to supply a connection for this development. Guidance from the Environment Agency also makes it clear that where it is viable to do so, the preference would also be to connect to the mains sewer and where this is not possible a package treatment plant should be installed (with septic tanks being a last resort). In this instance it has not been shown that connecting to the mains sewer is unviable. To address this issue, the septic tanks are no longer included as part of the current application and the applicant has agreed to a condition requesting details of surface and foul drainage arrangements to the development (condition 11). The council's drainage engineer has also confirmed agreement to this approach and this would enable an appropriate form of foul drainage provision to be agreed.

Overall, it is concluded that subject to imposing appropriate conditions, the proposal would ensure that adequate surface water drainage and wastewater infrastructure would be provided to service new development as required by LPP1 Policy CP17.

Trees

A number of trees enclose the site boundary. Alongside offering significant screening to the site these trees are also of significant public amenity value. The application has been accompanied by an Arboricultural Impact Assessment and tree protection plan. The only trees to be removed are a couple of standing dead trees on the north east boundary and the rest would be retained. The Tree Officer is satisfied that based upon the information provided and subject to the proposed tree protection measures being installed, the development would not give rise to a significant adverse impact upon trees.

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The proposal is therefore considered to be in accordance with LPP2 Policy DM24 which seeks to ensure development would not result in the loss or deterioration of important hedgerows and tree and the space required to support them in the long term.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

Overall, it is concluded that there is an established need for the development due to the changes to pre-existing households on site and that the personal circumstances and interest of family members weigh in favour of the development. The development has been accommodated within the confines of an established gypsy and traveller site which is safeguarded under Policy TR 1 of the Traveller DPD.

This identified need has been considered against impacts upon the character of the area and the local environment. Having regard to the limited scale of these impacts and the scope to further mitigate these through appropriately worded planning conditions it is recommended that planning permission should be granted.

Recommendation

Approve subject to the following condition(s):

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 dated August 2023 (or its equivalent in replacement national policy).

Reason: To ensure the development continues to meet the objectively assessed accommodation needs of gypsies and travellers as required by Policy DM4 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2).

2. No more than 8 pitches shall be formed on the site. A maximum of 16 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 8 shall be a static caravans / mobile homes, shall be stationed on the site at any time, the dimensions of which shall not exceed those shown for the mobile homes on Drawing Number 2210PA_PA_RO 001 (Proposed Block Plan).

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Reason: To preserve the character and amenities of the area in accordance with Policies DM16, DM17 and DM23 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2).

3. No commercial activities, including the storage of materials, shall take place on the application site.

Reason: To preserve the character and amenities of the area in accordance with Policies DM16, DM17 and DM23 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2).

4. Within one year of the date of this decision all existing unlawful structures (to be identified clearly on a plan which shall be submitted and approved in writing by the LPA within 2 months of the date of this decision) shall be removed from the site. The approved layout (inclusive of all post and rail fencing and native planting) as indicated in the submitted layout plan (Drawing 2210PA_PA_RO 001 shall be implemented in full and written confirmation of the completion of works provided to the Local Planning Authority to enable a site inspection to be undertaken. The approved layout shall remain thereafter for the lifetime of the approved development unless otherwise agreed in writing.

Reason: To ensure an acceptable design, scale and layout and to avoid adverse impacts upon amenity as required by policies DM16 and DM17 of the Winchester District Local Plan Part 2 (2017)

5. No floodlighting whether free standing or affixed to an existing structure, shall be provided on the site at any time.

Reason: In the interests of the amenities of the locality in accordance with Policy DM17 of the Winchester District Local Plan Part 2 (2017).

6. Within 3 months of the date of this decision a Biodiversity Enhancement Strategy shall be submitted to the Local Planning Authority for approval in writing. The agreed measures shall be implemented in full no later than the first planting season following their approval in writing.

The strategy shall include provision for bat and bird boxes along with a detailed planting, establishment and maintenance specification for native trees and hedgerows.

Details shall include the materials, size and design of the bird & bat boxes, the identification of the trees where the boxes will be located, the height above ground, the orientation of the box, how the box will be attached to the tree and a timetable for the installation of the boxes. Thereafter, the agreed measures shall be installed in fully accordance with the details so approved.

Reason: In the interests of ensuring biodiversity net gain as required by Policy CP16 of the Winchester District Local Plan Part 2 (2017).

7. The existing trees and hedge plants along the full extent of the northern eastern, north western and south western boundaries of the application site shall be retained and

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maintained at a minimum height of 3 metres, in good condition, and if necessary reinforced with appropriate species to be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and the residential amenities of adjacent properties.

8. If any trees or vegetation to the northern eastern, north western and south western boundaries to the site is removed, uprooted, destroyed or dies as a result of the development hereby approved, replacement trees/vegetation shall be planted at the same place of similar size and species within the next available planting season.

Reason: To maintain the tree/vegetation cover and the contribution that trees/vegetation make to the character and amenity of the area.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no other means of enclosure shall be erected within the site other than those included on approved Drawing Number 2210PA_PA_RO 001 (Proposed Block Plan).

Reason: In the interests of the visual amenity of the area

10. Within 3 months of the date of this decision the following information shall be submitted to the Local Planning Authority for approval in writing.:

A) A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority:

B) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites

C) Information regarding the efficiency and performance of the foul drainage provision has been submitted to and approved in writing by the Local Planning Authority

D) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.

11. Within three months of the date of this decision, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority (LPA). Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system

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and the results of the assessment provided to the LPA. Where a sustainable drainage scheme is to be provided the submitted details shall:

- a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b. provide a management and maintenance plan for the lifetime of the development to secure the operation of the scheme throughout its lifetime.
- c. Provide full details in relation to the viability of connecting to the mains sewer system – having regard to Part H1 of Building Regulations hierarchy.
- d. In the event that connecting to the mains sewer system is shown to be unviable, full details of the proposed alternative installation (this should be in the form of a single package treatment plant which serves the site).

Within three months of the date of the approval of these details the agreed foul and surface water drainage works shall be carried out in full and shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

Reason: To ensure satisfactory provision of surface water drainage in a sustainable way.

Informatives:

1. In accordance with paragraph 39 of the NPPF (2023), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance further information was requested from the applicant.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

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

- Policy DS1 - Development Strategy and Principles
- Policy MTRA3 - Other Settlements in the Market Towns and Rural Area
- Policy MTRA4 - Development in the Countryside
- Policy CP5 - Sites for Gypsies, Travellers and Travelling Showpeople
- Policy CP11 - Sustainable Low and Zero Carbon Built Development
- Policy CP13 – High Quality Design
- Policy CP16 – Biodiversity
- Policy CP17 – Flooding, Flood Risk and the Water Environment

Winchester District Local Plan Part 2 – Development Management and Site Allocations (2017) (LPP2):

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Policy DM1 – Location of New Development
Policy DM4 – Gypsies, Travellers and Travelling Showpersons
Policy DM15 – Local Distinctiveness
Policy DM16 – Site Design Criteria
Policy DM17 – Site Development Principles
Policy DM18 – Access and Parking
Policy DM23 – Rural Character

Gypsy, Traveller & Travelling Showpersons Development Plan Document (Traveller DPD)
(2019):

Policy TR 1 – Safeguarding Permitted Sites
Policy TR 5 - Expansion or intensification within existing sites
Policy TR6 – Planning Applications
Policy TR 7 – Traveller Site Design Guidance and Layout

3. This permission is granted for the following reason:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. During construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, 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.

6. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practise

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-ofconsiderate-practice>

7. Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

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8. Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

- Connection to the public sewer
- Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
- Septic Tank

Please also be advised of the following:

- **Foul drainage should be connected to the main sewer.** Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater **will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency**, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.
- Please note that **the granting of planning permission does not guarantee the granting of an Environmental Permit.** Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.
- Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.
- A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.
- Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.
- Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

More information about permits and non-mains drainage can be found here:

[Get advice before you apply for an environmental permit - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
[Discharges to surface water and groundwater: environmental permits - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

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[Septic tanks and sewage treatment plants: what you need to do: Overview - GOV.UK](https://www.gov.uk/guidance/septic-tanks-and-sewage-treatment-plants-what-you-need-to-do)
(www.gov.uk)

For any enquiries regarding permits, please email SSDenquiries@environment-agency.gov.uk

9. – Condition 10

Please be advised that to meet the requirements of Condition 10 Natural England recommends that in the case of any proposal for a package treatment plant, a long term monitoring and maintenance strategy is provided to satisfy the competent authority that the system will operate effectively for the lifetime of the development.

These details should be agreed and outlined before the Local Planning Authority can undertake an Appropriate Assessment. The strategy should consider appropriate funding, responsibilities and mechanisms to ensure compliance for the lifetime of the development. Consideration should also be given to site compliance checks, monitoring, securing corrective measures and replacement facilities, as necessary. Natural England advises that best practice measures are delivered and secured with these systems in all cases.

Appendix 1 – Durley Parish Council Response in Full

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Comments:

Durley Parish Council object to this Application.

The original Planning Application was for 4 mobile homes and 4 touring caravans, along with an amenity block, landscaping and hedges. Since this Application was approved there have been many more mobile homes on the site without the correct consent and landscaping/hedging and an amenity block has not been built or planted. Durley Parish Council would like to see the original Application correctly built e.g. 4 mobile homes and 4 touring caravans along with the landscaping and amenity block, not regularize what the applicant feels he would like to have on the site and then regularize that with a retrospective planning application.

Durley has no housing allocation within the current or proposed Local Plan and therefore no additional housing should be provided. Durley does not have the infrastructure to cope with additional housing. Electricity supply, water supply will not be able to cope, especially if EV charging points are being installed at this site and other properties already in Durley. There is also a lack of transport links in Durley.

The site is not large enough to be able to cope with eight residential mobile homes and eight touring caravans, along with vehicles which will be needed. There is no indication of scale with the proposed layout plan. If larger static caravans are installed, as most of the existing units are, the site will be more dense than the plan indicates. This will be exacerbated if double units are used, as the proposed plan indicates. This would also be a major risk in the event of a fire. Also, Durley Parish Council are not convinced that this will be the final number as there appears to be no re-dress if the applicant exceeds this number. Durley Parish Council agree that if this number were allowed it would have a detrimental and dominant impact on Durley Street, which is the main road through our village as this is a rural village. Additional noise and pollution will also be created. Many residents have complained about dogs barking and burning on the site over the years.

Durley Parish Council understands that in Paragraph 14 of the Guidance (Planning Policy for Travellers 2015) it does state that when assessing the suitability of sites in rural and semi-rural settings local authorities should ensure that the scale of such sites does not dominate the nearest settled community. Local DPD describes it as safe-guarding. The proposed retrospective Application shows: high density of the static mobile homes; they are in close proximity to the boundary on the end plots; it appears to be what looks like a double unit on each plot; plots are surrounded by land and a farm on three sides and a row of cottages opposite.

Durley Parish Council is also concerned about the septic tank facilities and the impact this could have on the neighbouring properties if they are not monitored correctly. The latest Environment Agency Report out this week said that all water bodies in Winchester City Council area are defined as failing due to priority hazardous substances. The main source of potential pollution includes: treated wastewater, storm water from the sewage systems, privately owned sewage treatment systems and road run-offs. Durley Parish Council are not experts on septic tanks and, in particular, the emptying of them, but they say each "pitch" will

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have a 4,500 litre septic tank that will be emptied every 3 months. Can the site as proposed accommodate the size of tanker that will be required to empty these tanks and also how can we be sure that these tanks will be emptied as frequently as they should be? Durley Parish Council cannot understand the need for septic tanks as surely it makes more sense to go into the mains pipe which is situated right outside of the site on Durley Street? Perhaps Southern Water could be asked about this suggestion as it would resolve this issue.

The Application states that the site cannot be seen from either the road or any footpath, this is incorrect as it is clearly visible from Durley Street and from Footpath 13 which runs from Durley Primary School to Durley Street and passes quite close to this site. As this site can be seen from the footpath it will have an impact on the enjoyment of anyone walking that footpath as the site would be high density if approved and very visible.

Concern was also expressed about fire safety as the mobile homes at the furthest point would be a long way from the fire hose and if the plots are so close together a fire engine would not be able to enter the site, along with the risk of fire going from one mobile home to the other as they are sited so close together.

Request for application to be considered by Committee:

(NB: Case Officer to forward form to Head of Planning Management if this section completed)

Durley Parish Council requests that this Application be discussed at a Planning Committee Meeting rather than by delegation.