

Our ref. EMP/CS/6039/NytonRd/PS

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The Arun Civic Centre
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Suite 4, Oriel House, 26, The Quadrant,

13th February 2019

Dear Sir/Madam,

PLANNING APPLICATION AL/107/18/PL for continued use for 3 no. approved permanent showpersons plots, retrospective approval for a further 4 existing plots, and planning permission for a further 4 proposed plots (to a maximum of 11 plots on the site) with associated hard and soft landscaping, boundary treatment, lighting and associated works at Nyton Stables, Nyton Road, Aldingbourne, Chichester, PO20 3TU. RESPONSE TO 2 NO. OBJECTIONS RECEIVED AND COMMENTS FROM WEST SUSSEX COUNTY COUNCIL PLANNING SERVICES HIGHWAYS SECTION.

I refer to the above and to our recent telephone conversations on the above planning application with the case officer Simon Davis and wish to avail of the opportunity to respond to the 2 no. objections received and comments from West Sussex County Council Planning Services Highways Section.

The objections received are from the Parish Council and Mr. and Mrs. P Goddard.

Our response to these objections/comments are as follows:

The Parish Council

The District Council are in receipt of two emails on this planning application. The first was electronically submitted and was dated 19th December 2018 and stated:

'In determining this application the development on the whole site needs to be clarified. Activity on this site is not consistent with NP policies and is outside the settlement area.'

A further submission was lodged electronically by the Parish Council on 4th January 2019. That objection stated:

'The Parish Council requires adequate landscaping and screening of this site to comply with the NP.'

The 'NP' referred to is the Neighbourhood Plan. Further emailed correspondence dated 22nd January 2019 confirmed that *'the parish council position is that it would like to see adequate screening of the whole site by way of landscaping and planting, and the parish council would also like Mr Cole to comply with the LPA decision regarding the number of mobile caravans.'*

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A further email on 23rd January 2019 further stated that *'He [the applicant] must comply with your conditions and screen the site until then it remains an objection.'*

The applicant has spoken directly to the chairman of the Parish Council and has indicated to their representative Mr Beeton his resolve to rectify, where this is possible, past planning transgressions, to ensure that he, current and future occupants comply with the terms and conditions of any planning permission that may be granted by the District Council and that any concerns expressed by the Goddards of Marsh Lane and in particular landscape and boundary screening are comprehensively dealt with and that any approved landscape scheme is maintained over a period of time for it to take root and become effective. Our client also suggests that a landscape management plan is approved by the local planning authority.

Our response to the specific comments of the Parish Council are as follows:

'In determining this application the development on the whole site needs to be clarified. Activity on this site is not consistent with NP policies and is outside the settlement area.'

The whole site in this instance is taken to be the entirety of the application site. In this regard the planning application incorporates the 3 no. plots previously granted planning permission, retrospective approval for a further 4 no. existing plots and finally a further proposed 4 no. plots to take the total number of plots to 11 no. in total. The extent of the application site covers the entirety of the site including the contentious landscape screening along the western boundary of the site. The landscaping proposals presented in this application incorporate the entirety of the site and not just that contentious stretch of boundary along the western boundary. A comprehensive proposal is presented including the incorporation of the existing and previously approved access.

If the reference in the above comment to 'the whole site' refers to the application site and the adjoining Nyton Agricultural Shop site combined we would point out that the latter does not form part of this application. It would be inappropriate in these circumstances to have any planning conditions imposed on that other site in the context of the current application. However, the applicant in the interests of being a good neighbour would be willing to consider any enhancements to that site and in particular to any enhanced screening that could be undertaken within reason on that adjoining site, at the same time as landscaping within the application site is enhanced, should planning permission be forthcoming in this instance.

We contest the view that this application is in any way contrary to any of the Neighbourhood Plan policies. We note that there are no specific policies referred to by the Parish Council that are contravened. Paragraphs 7.21 to 7.36 of the planning statement accompanying the planning application detailed the relevant policies and objectives of the Neighbourhood Plan (NP). Para 7.25 states that the NP in section 5.2 contains a presumption in favour of sustainable development. Key sustainability aims include providing quality homes, good design and conserving and enhancing the natural environment. In this case sustainability is best served by meeting the accommodation needs of the showpersons community by extending to a reasonable degree an existing facility utilising existing infrastructure, availing of landscape screening that has taken root thus far and been visually effective whilst at the same time keeping the showperson community and extended families together in this well established and sustainable location. As indicated in para 7.26 of the planning statement there are no policies on travellers or the showperson community in the NP. There is a requirement however in section 5.3 to meet identified local needs. The proposed development does indeed meet local needs and an identified shortfall in showpersons accommodation identified in the Gypsy and Travellers Accommodation Assessment (GTAA) carried out by the District Council. We believe that the proposal is consistent with Policy H1 (Quality of Design) in that the proposed development is of a distinctiveness, design and layout appropriate to the

requirements of the showpersons community. The proposal is also consistent with Policy H2 (Housing Mix) in that the type of accommodation proposed is unique and distinctive to showpersons requirements, reflected in house types, access and layout proposed. The number of plots and consequently the number of mobile homes proposed does not suggest an excessively high density of development and is consistent with Policy H3 (Housing Density).

Any assertion that permission should not be granted in NP policy terms where development is not located within a settlement boundary is incorrect in our view, as Policy EH1 indicates that permission may be forthcoming where benefits outweigh any harm and it can be demonstrated that no reasonable alternative sites are available. There are no alternative sites that are available to meet showpersons accommodation needs and the GTAA and Arun District Gypsy and Travellers Sites DPD acknowledge this. Any alternative site that may be available would separate families and extended families and would generate unnecessary travel.

The proposal is consistent with Policy EH6 (Protection of Trees and Hedgerows) as all existing hedgerows and trees are retained and planting is enhanced where necessary. There is no indication that the lighting proposed is not, and cannot be made to be, consistent with Policy EH10 (Lighting).

The Parish Council requires adequate landscaping and screening of this site to comply with the NP.

The proposed landscape and screening is entirely consistent with any relevant NP policy or objectives on such matters.

In no aspect in our view is the proposed development contrary to the NP.

Finally, in communication received and in verbal discussions directly with the applicant, the Parish Council reinforces the position on this application of the Goddards and their concerns are set out and addressed below.

Mr and Mrs P Goddard

The applicant takes very seriously the concerns of this objector. The applicant has spoken briefly to Mr Goddard to better understand his concerns and to inform this response.

A major concern from this objector is that the conditions of previous planning permissions AL/10/14 and AL/119/10 have not been complied with. This application seeks to address the non-compliance issues in a fresh application especially in regard to number of plots, lighting and landscaping.

The concerns on landscape boundary treatment and visual impact are as follows:

- Closest and most southerly views from Marsh Lane are not represented;
- Photos are taken when leaf cover is greatest and touring equipment is stored on site when there is little or no leaf cover;
- It is implied by the applicant that there is only one gap along the western boundary;
- There is an 'all round visual problem' (page 3 of the objection) that the proposed landscaping will not address;
- A single row of planting is not considered sufficient;
- Bricks and mortar are 'a lot kinder on the eye and would probably blend in to the natural landscape far better';
- White slabbed structures are of no architectural value especially in a rural location;

- The proposal has an appearance of an industrial estate formed by mobile homes, big marquees, 5m high lorries and other equipment.
- Applicant's photos are taken 140m from boundary fence not 340m away;
- Lighting proposed including lights on side of homes, is excessive;
- The existing mobile homes are elevated and in cases are visible along their entire height; and
- The following is proposed by this objector:
 - A landscaped bund is requested along the entire length of the western boundary;
 - A 10ft panel fence is requested;
 - Sidelights on mobile homes to be removed;
 - Approved lighting to be implemented and used only if and when absolutely necessary and with consideration.

In summary, it is stated that unless long standing complaints are addressed with a substantial effort to improve the Goddards outlook their objection will be maintained. Our response to their points raised, as a substantial effort to improve their outlook, is as follows:

Closest and most southerly views from Marsh Lane are not represented

The photographic renders over 1 year, 5 years and 10 years are informed by professional opinion, appropriate guidance and industrial standards and photos taken and used by us are 'as the eye would see' and are not the subject of substantial magnification as presented by this objector. The images presented are reasonably and accurately representative of the views from Marsh Lane. As indicated elsewhere in this submission photographs can only be taken from public property.

Photos are taken when leaf cover is greatest and touring equipment is stored on site when there is little or no leaf cover

It is accepted that the landscape assessment was undertaken during the summer when cover was greatest. In the main the equipment stored on site is not stored near or along the western boundary, colouring is modest, and the landscaping along the boundary will be of a broadly similar height especially if a relatively small bund is incorporated. It remains our view that a single row of trees, and bear in mind there is hedgerow being retained, will provide a good screening effect over a period of years. A quicker effect could be achieved by planting a staggered row of trees at 2m centres.

It is implied that there is only one gap along the western boundary

There is only one 'significant' gap where we believe there should be a focus on planting. We are not saying that this is the only gap as shown in the appraisal drawings. We believe one substantial gap is visible from Marsh Lane.

There is an 'all round visual problem' (page 3 of the objection) that the proposed landscaping will not address

The rendered images show clearly effective mitigation of the existing accommodation and equipment and all major components of the proposed development.

A single row of planting is not considered sufficient

The landscaping proposals are considered effective. However, if it was considered necessary by the local authority, a staggered double row of planting could be provided along the western boundary as an alternative to a bund. There would appear to us to be being limited potential for both staggered planting and the bund being implemented in this location and it is likely that both could not be both simultaneously accommodated. We would ask the council to consider whether one potential solution is favoured over the other. As indicated above the potential for a relatively high bund is limited in this location due to the narrowness of land available within

the application site and the ownership of land by a third party in this location. A bund in this location along the western boundary of the site, if were to be 1m in width, which is probably the widest margin that could be accommodated within the confines of the application site would deliver a bund of only 0.5m in height which would be of limited screening value. Our preference would therefore be staggered/double screening as identified above. The effect of single line planting along the western boundary is presented in the rendered images and is sufficient in our view.

Bricks and mortar are 'a lot kinder on the eye and would probably blend in to the natural landscape far better'

If the landscaping and boundary treatment proposed, takes root and is maintained and managed as anticipated, then in our view it will be effective as planned and the mobile homes both existing and proposed will not be visible in any case. The landscape and visual assessment undertaken by the applicant's experienced and qualified landscape architects indicates effective screening for existing buildings and structures in this location and it should be emphasised that there are no new plots of the 4 no. prospectively proposed along or in close proximity to the western boundary.

White slabbed structures are of no architectural value especially in a rural location

This statement from this objector is incorrect. White rendered homes are common in Norton which has an Architectural Conservation Area. If brickwork could have been used in this case it would not have been historic brickwork which is a predominant feature in the area. There are white buildings in the area and white rendered buildings are in keeping with the landscape character of the area.



The proposal has an appearance of an industrial estate formed by mobile homes, big marquees, 5m high lorries and other equipment

The existing and proposed development does not have the appearance of an industrial estate nor does it have industrial sized structures which would likely involve 'round the clock' activities especially when there are large parts of the year (ie several weeks at a time or months during the summer during fairs) when there is very limited activity or storage on this site and consequently relatively few vehicle movements into and out of the site. The lorries and other equipment referred to are only periodically on site and the associated lorries and equipment with the prospective 4 plots are not considered significant especially when they are all located towards the eastern part of the site where existing and enhanced landscape screening is

effective and furthest away from Marsh Lane. As indicated in the planning statement, equipment and rides are transported in HGVs and not assembled on site and certainly do not exceed 5m which would be the approximate height of the proposed landscape screening. Views towards the site are heavily screened by established vegetation in what is a rural/urban fringe location at sufficient height to adequately screen vehicles and equipment especially at distance from Marsh Lane.

All equipment is transported in the referred to 16m lorries and is not installed or operated on site. Individual components of equipment are worked on site without being fully installed or operated.

Applicant's photos are taken 140m from boundary fence not 340m away

According to the appropriate Guidelines for Landscape and Visual assessment, residential receptors are considered from properties rather than the boundaries of properties and need to best represent the view from properties themselves. This is the only basis that detailed assessments such as that undertaken can be conducted. Views can only be assessed from publicly accessible lands. The assessor could not access private lands without trespassing. Finally, on this item, we would point out that whilst landscaping along the western boundary has not been undertaken as previously permitted and not been as effective as desired, there is a commitment from our client, to be reinforced by way of planning condition requiring a landscape management plan to be agreed with the local planning authority, to fully screen the development.

Lighting proposed including lights on side of homes is excessive

The lighting arrangement is not considered excessive. Lights attached on mobile homes would face away from the western boundary and if on the eastern side of the site for the new plots are even further away from Marsh Lane. The illumination proposed is for safety purposes and is an absolute minimal requirement. The lights provided (side mobile lights, gate lights and minimal yard lights) are all comparatively low height or low level lighting arrangements. Our client will accept a planning condition agreeing the detailed lighting arrangement with the local planning authority in a similar manner to that on the adjoining agricultural shop site to the east (AL/23/17/DOC) which establishes a comparable precedent.

The existing mobile homes are elevated and in cases are visible along their entire height

The mobile homes are no more than a single storey and that single storey is only ever elevated by approximately by no more than 15cm which would be completely incidental to the views and prospects of the proposed development from existing permanent residences located several hundred metres away. This would be notwithstanding the scheme of landscaping and boundary treatment that is now proposed and which it is proposed would be carefully monitored and managed as part of a landscape management plan for effectiveness.

A landscaped bund is requested along the entire length of the western boundary

The planted bund close to Nyton Road is a successful screening tool and could be replicated along the boundary in question. It is not a requirement in this location to provide a bund as high as that along the northern boundary nor is there the width available to provide a substantial bund along the western boundary. Our client would be willing to provide a bund of perhaps 0.5m in height and 1.0m in width within an agreed scheme of landscape and boundary planting if the Council consider this appropriate. Please see our comments above on the provision of a bund and/or landscape planting.

A 10ft panel fence is requested

The visual impact of a 10 foot panel fence would not be in keeping with the local character of the area and would further 'industrialise' the landscape character in the opinion of the applicant's experienced and qualified landscape architect. The Local Plan clearly supports the planting and maintaining of hedgerows and their retention in this case as proposed. A soft

solution is preferable for this reason. The provision of such a proposed fence would be contrary to national guidance on provision of travellers and showpersons accommodation and could be considered as a means of physically and visually segregating the showperson community from the permanent residential community which we still justifiably argue is located some appreciable distance away.

Sidelights on mobile homes to be removed

Our view is that these lights are necessary, unobtrusive and will not result in significant light spill glare or sky glow as the most common forms of light pollution.

Approved lighting to be implemented and used only if and when absolutely necessary and with consideration

As indicated in the planning statement accompanying the planning application the gate lighting can be either timed or be responsive to pedestrian or vehicle movements as and when needed. Para 6.23 of the planning statement indicates that passive infrared sensors (PIR) will be used to detect motion that will trigger lighting for brief periods only where and when it is needed. An approved scheme of landscaping and boundary treatment will also screen the potential impacts of the proposed lighting which can be approved in detail by the local authority through planning condition.

Please note that as part of the suggested landscape masterplan our client will agree to formally update and engage with the parish council on landscape and boundary planting on a 6 month basis for the first three years of planting following any grant of permission.

West Sussex County Council Planning Services Highways Section

By email dated 20th December 2018 WSCC indicate that further information is required. This further information requires the following to be addressed in this submission:

- Clarification on the increase in vehicle movements (existing/proposed).
- Tracking plans demonstrating that the existing access is capable of accommodating the largest vehicle that is expected to enter and exit the site. It is noted that the access is existing but it only has permission to serve 3 plots and this permission was granted some time ago. Given the increase in use that is proposed the access needs to be assessed for intensification of use.

Our response to these queries is as follows:

Clarification on the increase in vehicle movements (existing/proposed)

Vehicle movements comprise domestically sized vehicles and larger 16.5m lorries both types of which currently access the site only on a periodic basis bearing in mind that showpeople are off site for large periods of the year. For example, existing and prospective residents can be away at fairs for very substantial periods of the summer stretching into months and during the winter over several weeks. The movement of domestically scaled vehicles is likely to be substantially less than for the necessary domestic vehicular movements of permanent residents.

As set out in 6.6 of the planning statement there are approximately 6 months where vehicles are on site and further 6 months (the wintering period) where they largely are not. The duration of stay on site and the number of movements from moving equipment and touring caravans varies from year to year and is heavily weather dependent.

Private Car

There is an increase of only 4 plots (from 7 existing on site to 11) and only 7 mobile homes proposed. Each mobile home is relatively small as a unit of accommodation with most likely 2

cars per mobile home resulting in an additional 14 domestically scaled vehicles. This alone is not substantial nor is the fact that these additional vehicles are likely to be off site for substantial periods of time rather operate on a daily in-out basis associated with permanent residential accommodation. The existing residential units generate traffic movements that are easily and safely accommodated within the parameters of the existing and approved access.

Vans and Smaller Commercial Vehicles

There will be a few vans likely using any newly permitted plots. There will unlikely be more than a handful across the whole site.

Mobile Homes

There is planning permission for 6 mobile homes on 3 existing permitted plots. Planning permission is sought for a total of 8 new plots to take the total to 11 plots and to take the total of mobile homes to 13 permitting a further 7 mobile homes from the 6 already permitted on site. Mobile homes once brought into site will remain in situ for a permanent or extended period. There will be a single movement of 7 new mobile homes into the site as a one-off event over time with no anticipated movement of same out of the site in the short to medium term.

Car and Domestic Vehicle Movements

There are 3 no. permitted plots with a total of 7 mobile homes on these and on the basis of 2 cars per mobile home this equates to 14 cars/domestic vehicles on permitted plots. There are a further 4 plots that do not have planning permission which are currently on site and these have only 2 mobile homes on these 4 plots. At a rate of 2 cars per mobile home there is a current vehicle demand for 4 cars on those existing but not permitted plots. For existing plots on site there are 9 mobile homes on site generating 18 domestic vehicles in total. If the existing plots that currently have no mobile homes within them were developed they would generate a further 2 mobile homes and a further 4 vehicles. What this means is that if the existing plots were developed out the total number of mobile homes would be 7 existing plus 2 new equalling 9 equating to 18 vehicles for existing plots. The 4 prospective plots would have a yield of 4 new mobile homes each with 2 cars associated with them providing 8 domestic vehicles. There is a total of 26 domestic vehicles associated with the total of 13 mobile homes on the 11 plots the subject of this application applying a rate of 2 cars per mobile home. The 9 mobile homes on site generate 18 vehicles and the 4 new mobile homes prospectively sought generate a further 8 vehicles which is less than 50% of what is currently on site. The temporal or periodic movement of these vehicles when the majority are out during the summer and for large periods of Halloween, Easter etc is indicated for the events and periods set out in Table 1 and 2 respectively of the planning statement and reproduced below. It is essential for the Council to appreciate that these existing and additional vehicles, and the movements associated with them do not occur on a daily basis as there are substantial periods shown in the tables below where there are relatively few vehicles on site and it is estimated that there is a 60% reduction in the number of domestic vehicles or cars that would be on the site during the fair season.

Table 1: Fair Dates in an around Arun District

Date/period	Location
Christmas	Bognor
Nov	Littlehampton
Sept	Yachton
August	Bognor Seafront
July	West End Car park

June	Littlehampton
15 th June	Hampshire Avenue, Bognor
June	Feltham
Easter	Bognor Seafront

Table 2: Fair Dates beyond Arun District

Date/Period	Location
Halloween/early November	Worthing, Brighton, Huntson, Cosham
Sept	Brighton
15 th July to 3 rd September	Isle of White
5 th July to 3 rd September	Jersey
May (Whitsun Bank Holiday)	Hove
May	Lewes
May Day	Brighton/Portsmouth
March	Shoreham

Touring Caravans

During the wintering period (October to March) as set out in paras 6.7 and 6.8 of the submitted planning statement there would be a maximum of 17 touring caravans potentially on site but some of these would attend local winter fairs such as Bognor and Littlehampton as indicated in Tables 1 and 2 which shows winter period fairs during the 'wintering months'. Over these wintering months close to the maximum of 17 touring caravans would be reached on site. Not all occupants of the site would go to all of these wintering period fairs. During the summer, during the peak fair season, the reduction in the maximum numbers of touring caravans would be in the order of 60-80% depending on the weather, fair attendances, sites being cancelled etc.

The number of traffic movements above are considered to be non-substantial and can be easily and safely accommodated on site utilising the existing and approved access. Please note that the number of vehicles identified above are for indicative purposes only.

Tracking plans demonstrating that the existing access is capable of accommodating the largest vehicle that is expected to enter and exit the site. It is noted that the access is existing but it only has permission to serve 3 plots and this permission was granted some time ago. Given the increase in use that is proposed the access needs to be assessed for intensification of use.

Please see the attached swept path analysis which shows the largest vehicles at 16.5m being safely and satisfactorily accommodated on site and negotiating the existing and permitted access as currently occurs. Please note that within the site there is ample room to move within the sites as yards and entrances as existing are sufficiently wide as safe manoeuvring of large vehicles already occurs through the existing entrance.

Landscape boundaries and internal fences or physical obstructions are minimised to provide maximum safe manoeuvrability within the site and this is reflected in the landscape plan submitted. Should the landscape plan or plot dimensions need to be changed as a result of

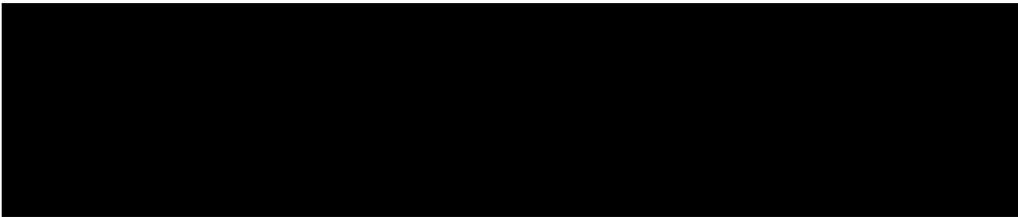
vehicle movement and turning requirements then our client will amend the internal landscape planting proposed or the internal layout only with recourse to a subsequent amending application. Please note that not all plots will have a requirement to store or accommodate large vehicles. This will be determined at a later date. The existing internal road operates safely and satisfactorily and there is reason to fear that the new plots will not be able to safely and accommodate future vehicular movement needs. The frequency of large vehicle movements are dispersed over periods rather than on a daily basis.

Vehicular speeds will be limited by signage to 5mph and this can be a condition of planning.

There is no unreasonable intensification as indicated above.

We believe all queries and concerns are addressed and look forward to a favourable decision.

Yours Faithfully



Eamonn Prenter
Partner

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