

Parish: Westbourne	Ward: Westbourne
-----------------------	---------------------

WE/16/03454/COU

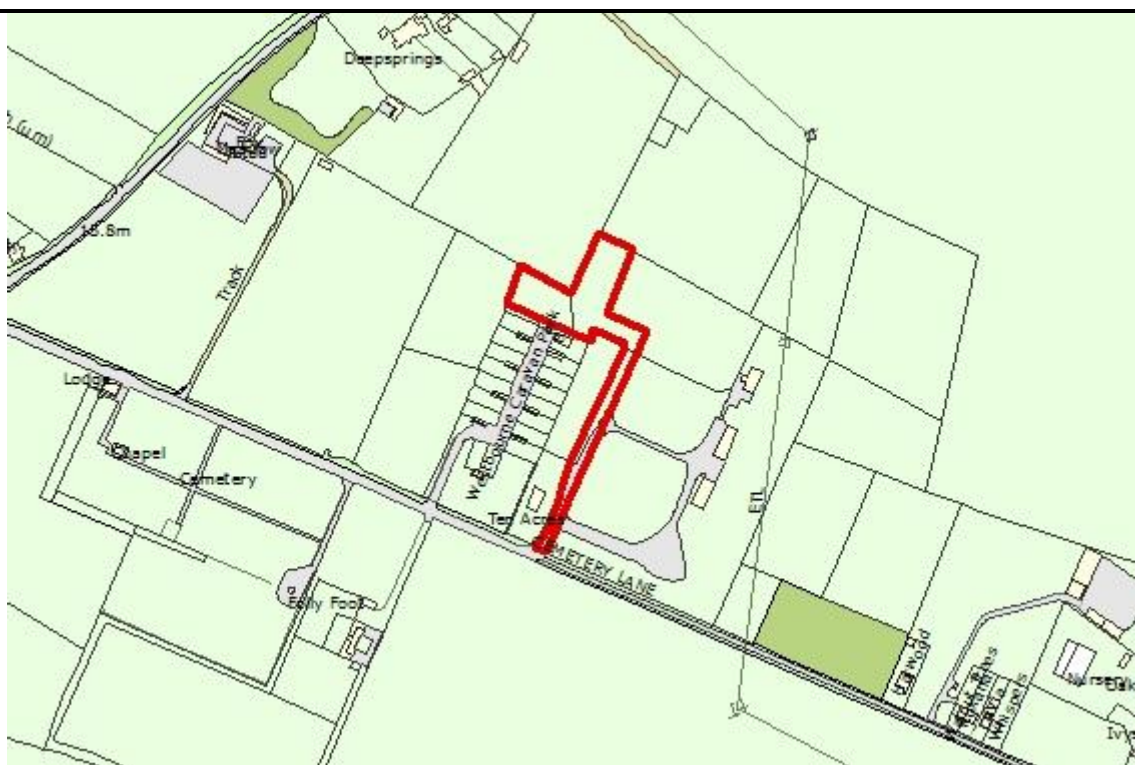
Proposal Change of use of land to a private gypsy and traveller caravan site consisting of 2 no. pitches each would comprise 1 no. mobile home, 1 no. touring caravan, 1 no. utility building and associated works.

Site Land Adjacent To Westbourne Gypsy Site Cemetery Lane Woodmancote Westbourne West Sussex

Map Ref (E) 476550 (N) 107555

Applicant Mr W Green

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



**NOT TO
SCALE**

Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803

1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is located within the Parish of Westbourne, to the east of the village. To the south of the site is the WSCC Gypsy and Travellers site, with open countryside beyond. To the north and west is open agricultural land, on which are a number of trees that offer some screening of the site. To the east is the remaining part of the land known as the Old Army Camp.

2.2 Access is achieved via an existing track which leads into the site from Cemetery Lane, currently serving an existing travelling showpersons site and the rest of the brownfield site. It leads to an area part of which is laid to grass, but also elements of hardstanding. A post and rail fence defines the northern boundary.

3.0 The Proposal

3.1 The proposal follows application WE/16/01078/COU which was refused planning permission on 3 August 2016 for the following reason;

The proposed provision of a single gypsy pitch on a large site in the rural area would result in an inefficient use of the land which would lead to an unnecessary loss of open countryside to the detriment of the rural character and tranquillity of the area. Having regard to the shortfall of a 5 year supply of Gypsy and Traveller pitches in the District it is not considered that the need outweighs this identified harm. The proposal would therefore fail to comply with Policy 1 and 36 of the Chichester District Local Plan 2014-2029.

3.2 The current application seeks to address the reason for refusal and change the use of the land for the stationing of two static mobile homes for residential purposes for 2 gypsy and traveller pitches.

3.3 The layout of the site would comprise the stationing of a static mobile home to the west of the site, with an amenity block and parking area. The second mobile home would be located to the south of the site, adjacent to the access road, this has been relocated from an area to the north of the site during the course of consideration of the application. To the north the land would be laid out as a paddock, including some existing hardstanding.

3.4 The proposed day rooms would measure 3.1m x 6m, and include eaves of 2.4m and a tiled pitched roof with a ridge height of 3.4m, the exterior walls would be rendered. The proposed mobile homes would be two-bed and would retain their wheels and axles.

4.0 History

15/03979/COU	REF	Change of use of land to a private gypsy and traveller caravan site consisting of one no. mobile home, one no. touring caravan and one no. utility building and associated works.
16/01078/COU	REF	Change of use of land to a private gypsy and traveller caravan site consisting of 1 no. mobile home, 1 no. utility building, 1 no. touring caravan and associated works.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

The Parish Council comments are provided in full at Appendix A. The following officer summary provides the main comments raised by the Parish Council in relation to this application;

- i) Insufficient existing infrastructure to cope with the demand of additional residential accommodation.
- ii) Change in character of the area
- iii) Social tension between settled and traveller community increased.
- iv) Speculative development for gain and not need.
- v) CDC have an oversupply of sites.
- vi) Development outside the settlement boundary
- vii) The applicant has not met the requirements of the Recreational Disturbance Agreement.
- viii) Note the environmental constraints of the site and the bat corridor
- ix) Concern in relation to over dominance.

Additional comments received

Copy of address to the Planning Committee had the application gone before it today;

Mr Chairman members of the Committee; Most of you know me by now and understand I am here representing the views of the Community of Westbourne, I am a Parish Councillor but today I am here as a member of the Woodmancote residents Association, those views reflect the wider Westbourne community as well. There are a number of points I wish to raise today;

1. This is a greenfield site or it was, there will be ecological and biodiversity consequences-it is recognised as a bat corridor by CDC and adjoins open fields. It is not considered a sustainable location.

2. Woodmancote is the nearest settled community to this application, it comprises around 100 houses and the main access on foot from Woodmancote to Westbourne is along the footpath on Cemetery lane. As a result of recent Planning applications on Cemetery Lane there is now a large section which fronts onto Gypsy Traveller sites, there will be potentially 34 pitches there without these 2. This application will add a further 2 pitches to the numbers already there or in the process of being developed, this doesn't include the other 13 pitches in the parish. At a recent meeting, I was bombarded with complaints about the proliferation of pitches in the area, which was causing worry and distress, quite a few will no longer walk into the village due to added traffic and fear of passing the sites. It's a sad day when a

community which has been there for such a long time feel such worries, many will not even write to object either because they say their concerns are ignored or because they feel they will be threatened or intimidated if they do, they have empowered me to pass on those concerns. These feelings/concerns are one reason why you can and should refuse permission.

3. Please note one of the Equestrian Yards has written to the Parish Council so upset with the approved/unapproved development down Cemetery Lane that they have asked us to support a planning application in Hampshire for them as they are moving away from this area. We are a small rural village and will feel this loss. Evidence of the effect

4. The local infrastructure is at breaking point, the local Primary School is full, it was oversubscribed in 2016/17, we have 16 new houses coming on line, no doubt many will be families with children of that age, who will struggle to get places for them. I don't know what enquiries the LPA has made regarding this issue but I can assure you the school is full, even if the applicant doesn't have children future occupants may. Health services are again at breaking point its difficult now to get an appointment at the local Doctor surgery many have even had to register at Southbourne Surgery. Again, very valid reasons for you to refuse the application.

5. The Chichester Local Plan recognised the need for an additional 59 pitches when adopted, much is made by the officer that we have a 7.3-year supply, so we have our 5-year supply according to those figures. That same report identifies where a further 20+ pitches could be put so we can show Chichester is well within target and timescale. Put that to one side for a minute- That report was commissioned partly by Chichester; 'The Coastal West Sussex Authorities GTTS Accommodation Assessment 2013'. An update was published in 2014 by the same Consultants to say they had adjusted the figures to reflect the correct needs which reduced the need from 59 down to 52. I might be wrong but surely the Plan is a living document and takes account of additional Planning Policy Guidance issued by Govt. Surely then it should also take cognisance of a report commissioned by this authority and its updates. If the updated figure is used, then CDC have met their supply for over 10 years. There is no immediate need anyway as we can show on the old figures we have 7.3yr supply but on the new figures over the 10yrs has been achieved. Again, a good reason for refusal.

6. Our Non-Designated Heritage asset, The Cemetery, Dr Whiteman your historic buildings advisor states in his report that the setting contributes dramatically to that status, this is being seriously eroded. On these grounds, you can refuse permission.

7. A number of approvals have been through the Planning Inspectorate where the Inspector states just another one won't affect traffic, setting or area, well where does just another one become, another one to many. I would suggest that figure has been reached in-fact breached. One of the vacant pitches could easily be used by the applicant.

8. Cemetery Lane is a Private Lane, should the owners not have been contacted for permission before any of these applications reach you? Do the LPA not have a responsibility to ensure that? You have it in your power to say no more You may consider it appropriate to conduct a site visit and defer your decision, if you do please take into account not all the pitches have started yet, there is one immediately after the Cemetery before the established council site and there are 5 beyond the Old Army Camp which have just been started. The 4 Trav Showman Plots approved are only big enough for 2 Gypsy/Traveller pitches, The Trav Showman's guild did not know about it and have objected, we guess these will be utilized by G/T families. If you do not intend a site visit I would ask you to refuse this application on the

legitimate grounds I have highlighted, there will I'm sure be an appeal, at least give us, the Westbourne Community, the opportunity to state our case to the Planning Inspectorate. Westbourne have been supportive of other applications but we need time for things to settle down and come to terms with a such a large increase. You have good grounds for refusal so it is unlikely costs can or would be awarded. Westbourne have the majority of Gypsy/Traveller Pitches in Chichester, we ask you to say

6.2 CDC Environmental Health Officer

Comments for this application are the same as for previous applications. Given that there will be building works associated with the amenity building and drainage connections, condition N21G should be applied as parts of the site were previously in use as a military site.

All waste arisings must be disposed of in accordance with current Waste Regulations. During construction, measures to reduce dust and other emissions should be taken to minimise the impact on neighbouring caravans. If there is a requirement for oil storage, L09F should be applied.

Please note: these comments are made only with respect to contaminated land and air quality issues.

6.3 CDC Environmental Strategy Officer

...should permission be granted, I would like to see the existing hedgerows on the boundaries of the site, protected during development and I support the provision of further planting for screening and enhancements for biodiversity. The trees planted should be native. The existing and new hedge/treelines should not be lit as they may be used by commuting bats.

The site also sits within the Zone of Influence for Chichester Harbour and therefore a contribution to the Solent Recreation Migration Scheme will be required based on the occupancy and usage of the proposed plots.

6.4 2 Third Party Objections

- i) Encroachment into countryside
- ii) Impact on protected species
- iii) Light pollution
- iv) Accessibility
- v) Over dominance of gypsy and traveller population

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Westbourne Neighbourhood Plan is now at the Submission Stage, having been formally submitted to the Council. Statutory consultation will be undertaken by the Council, leading to an examination of the plan in due course.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development
Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople
Policy 39: Transport, Accessibility and Parking
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas

7.3 Westbourne Neighbourhood Plan:

The Submission Plan is a material consideration. Its weight will increase as it progresses through the plan making process, including following the expiry of the Local Authority Consultation Period. The plan has carries some weight at this stage but it does not yet have the weight of a made plan.

Draft policies relevant to the application include;

OA1 – Sustainable Development
OA4 – Community Balance
LD1 – Local Distinctiveness
LD3 – Heritage
LD4 – Local Gaps
BD2 – Natural Environment Policy

National Policy and Guidance

7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

7.5 Consideration should also be given to paragraphs 4 and 17 (Core Planning Principles).

7.6 In addition to the overarching policies in the NPPF, it is also relevant to have regard to the supporting document, Planning Policy for Travellers Sites August 2015 (PPTS).

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development and identified need
- ii) Impact on the character of the area
- iii) Impact on neighbouring amenity
- iv) Sustainable development
- v) Drainage
- vi) Impact on highway safety
- vii) Nature conservation

Assessment

- i) Principle of development and identified need

8.2 Policy H of the Government guidance document 'Planning Policy for Traveller Sites' (PPTS) relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the development plan and the NPPF unless material considerations indicate otherwise. Policy 36 of the Chichester Local Plan (CDLP) deals specifically with the provision of gypsy and traveller sites and sets out criteria which applications should meet.

8.3 The previous application was refused permission on the sole ground that it made inefficient use of the land which would have led to an unnecessary loss of open countryside. As a consequence, this application has been submitted seeking permission for two pitches, to meet the needs of the applicant and his family and to address the reason for refusal. There would still be an area of paddock land to the north part of the site, which would be appropriate and proportionate given the applicants way of life.

8.4 The applicant is accepted to be a gypsy and traveller under the definition in the PPTS. The family is well known in the local area, with strong local connections. Supporting evidence has been provided to demonstrate the need for two settled pitches in this location. The applicant's children reside in the WSCC site to the south with his ex-wife, with some children frequently residing at his premises. He requires accommodation in close proximity to the adjacent WSCC site, to ensure the children maintain close contact with one another and for settled access to education. It is considered that the submitted information from the applicant demonstrates an authentic need; however it would be necessary to apply a condition to restrict the occupation of the site to gypsies and travellers to any permission, to ensure that the terms accord with the justification for provision of the pitches.

8.5 The Council does now have a 7.9 year supply of gypsy and traveller pitches. As with any proposed development, this must be weighed against the policy context and any potential harm that may arise as a result of the use of the land. Notwithstanding the Council's current supply of gypsy and traveller pitches, the Local Planning Authority is no longer progressing a Site Allocation Development Plan Document (DPD) at this stage, leaving a need for 4 further pitches to fulfil the identified need for the current plan period. In addition the Westbourne Neighbourhood Plan is now at the formal submission stage and has some weight in the assessment of the current application. Policy OA4(2) adopts a restrictive approach to additional Gypsy and Traveller pitches within the Neighbourhood Plan Area, although it must be recognised that the policies in the plan have yet to be examined against the Basic Conditions. Neither the Council's current supply of Gypsy and Traveller Pitches,

nor the submission of the Neighbourhood Plan are decisive factors in the determination of the current application, but they must be weighed in the balance, in reaching a decision.

8.6 In refusing the previous application, the Council did not raise issue with the sustainability of the site or concerns regarding landscape impact, but solely that the proposal for 1 gypsy and traveller pitch did not make efficient use of what was a relatively large site. In the absence at this stage of a DPD to identify how the remaining gypsy and traveller needs up to the end of the plan period will be met, taking in to account the limited weight of the Submission Neighbourhood Plan, and having regard to the circumstances of the occupiers, the principle of the use of the site as two gypsy and traveller pitches is considered acceptable, subject to the assessment of other relevant material considerations

ii) Impact on the character and appearance of the area

8.7 Criteria 4 of Policy 36 of the Local Plan reflects Policy C of the PPTS and requires that development does not compromise nationally important features. Policy H of the PPTS advises that LPAs should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan, however where sites are within the rural area, LPA's should ensure that sites respect the scale of and do not dominate the nearest settled community and avoid placing undue pressure on the local infrastructure.

8.8 The site is located in an area with existing gypsy and traveller pitches (17 in number) to the south of the site, with a further 5 pitches permitted on appeal to the east of the land known as the 'Old Army Camp' (WE/14/01217/FUL). Beyond this, there are settled residential properties. To the east of the application site there is an extant permission for 4 travelling showpeoples plots (and a current application for that site to revise the site layout and add 2 gypsy pitches) and to the west of the WSCC site, a single pitch was allowed on appeal in February 2017. The appeal Inspector for the single pitch permitted in February 2017 noted the number of gypsy and traveller pitches in Westbourne, accepting that incremental changes can have a cumulative impact, but concluded that a single pitch would not have an appreciable impact and so found no conflict with Policy 36, nor the PPTS. Having regard to this recent conclusion by an appeal Inspector on a nearby site it is considered that the provision of an additional two gypsy pitches would not result in over dominance of the settled community. This issue was also not raised in the Council's refusal of the previous application on this site for 1 gypsy and traveller pitch.

8.9 The site is located outside any specific landscape designations. During the course of consideration of the application, officers have negotiated a relocation of the second mobile home to the south of the site, due to concerns about the pattern of development and encroachment of residential development into the rural area to the north, increasing the potential for wider landscape impacts. The site is well screened from public vantage points by existing vegetation and boundary screening and given the low level development proposed it is not considered the site would have an adverse impact on the character of the area or wider landscape setting. A similar conclusion was reached by the Inspector in allowing the appeal on the land to the west of the WSCC site in February 2017 who commented that the existing gypsy, traveller and showmen's sites in Cemetery Lane are not prominent. They are seen at close range, from the lane itself, but longer views are generally quite well screened, by tree belts, hedges and other intervening features.

8.10 Concern has been raised by Westbourne Parish Council and third parties about the impact on the non-designated Heritage Asset, Westbourne Cemetery and the impact on its setting and tranquillity. As part of the February 2017 appeal decision, the Inspector considered that a single pitch, with the level of landscaping and separation, would not cause harm to the setting of the cemetery. The current application site is a greater distance from the heritage asset and further separated by the intervening gypsy and traveller pitches and a travelling showperson's plot. Due to the degree of separation, it is not considered that the current proposal would give rise to an undue or adverse impact on the setting of the Westbourne Cemetery to the extent that could be substantiated in any future appeal.

8.11 Overall, it is considered that the proposal, by reason of its small scale nature, location close to existing traveller pitches and the ability to reinforce the natural boundary screening would not cause any due harm to the character and appearance of the area.

iii) Impact on the amenities of surrounding properties

8.12 Policy 36 of the Local Plan requires that development provides for a reasonable level of visual and acoustic privacy for nearby occupiers. The closest neighbouring site is the gypsy and traveller site to the south. It is considered that due to the distance, orientation, low level nature of the proposal and boundary screening, that there would not be an unacceptable impact on the amenities of neighbouring properties, in particular to their outlook, privacy, available light or noise generated by the development, which would be residential in nature.

iv) Sustainable Development

8.13 The previous use of the site was a former army camp and is classed as previously developed land. It is situated outside any defined Settlement Policy Boundary, but would form part of a cluster of development, with the WSCC gypsy and traveller site situated to the south of the site. The site is approx. 530m from the village of Westbourne and there would be reasonable access to the facilities and services located there. There is no objection from WSCC Highways Authority regarding the access to the site.

8.14 It is considered that future occupiers would have reasonable access to the facilities and services located there and bus services to other town such as Emsworth and Chichester, as was found by the appeal Inspector in the case of the Land West of Harwood nearby. The site is therefore considered to be sustainable as defined within paragraph 7 of the NPPF and within the PPTS.

v) Drainage

8.15 Policy 36 of the Local Plan (criteria 5) refers to flooding and contaminated land issues. The site is not located on land identified as being in a flood zone by the Environment Agency. The site would retain existing hardstanding and grassed areas. Given the location of the site, the buildings and hardstanding, it is considered that the likelihood of flooding or ground contamination is low and therefore it would be appropriate to require surface water drainage details and the prevention of ground water contamination by imposition of a condition.

vi) Impact on highway safety

8.16 The site would utilise an existing access off Cemetery Lane. WSCC as the Local Highway Authority have advised they have no objection to the access for two pitches. There would be adequate provision for parking and turning space adjacent to the mobile homes, within the existing hardstanding.

vii) Nature Conservation

8.17 The site lies within the 5.6km buffer of Chichester Harbour, a designated Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC), Ramsar site, and a Site of Special Scientific Interest (SSSI). The LPA has a duty to protect this area under the Habitat Regulations and through the NPPF and policy 50 of the adopted Local Plan. Residential development within this buffer could have a significant effect on the features for which the site is internationally and nationally designated. As set out and explained in the Interim Statement on Development and Disturbance of Birds in Special Protection Areas (SPA) and identified Compensatory Habitats, each proposed site for residential occupation attracts a charge of £176 to off-set recreational disturbance and fund mitigation within the harbour. This applies to all sites for residential occupancy including gypsy and traveller sites and affordable housing. The applicant has agreed to make this contribution to offset the impact on the SPA.

8.18 The Environmental Strategy Officer has advised they would have no objection to the application. In order to minimise impacts on foraging bats in the locality, external lighting should be controlled, alongside the protection of existing hedgerows. Any new planting would need to be native. These matters can be addressed by conditions.

Significant Conditions

8.19 The application is considered acceptable, subject to a number of conditions, including restricting the use of the site to gypsies and travellers only, together with conditions relating to the number and siting of the touring caravans. Additionally it is proposed to require further details relating to the proposed surface water drainage arrangements.

Conclusion

8.20 It is recognised that the Council has a sizeable 5 year supply (7.9 years) and should therefore adopt a thorough and robust approach to the assessment of applications for Gypsy and Traveller development. The Council has not yet however reached its requirement for the plan period and cannot at this time identify any alternative sites to meet the outstanding need. It is acknowledged that the Westbourne Submission Neighbourhood Plan is being progressed and contains relevant draft policies but these cannot, at this stage, be regarded as having overriding weight.

Overall it is considered that the reason for refusal of the previous application has now been addressed; it is also concluded that having regard to the needs of the applicant, the relatively sustainable location given gypsy and traveller lifestyles and that the development would not over dominate the nearest settled community, that the proposal would comply with guidance in the NPPF and PPTS and the policy requirements of the Local Plan. The application is therefore recommended for approval.

Human Rights

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

Equalities

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

"In addition to the provisions of section 29 of the Act, s149 of the Act provides the following: Public sector equality duty:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These duties are triggered by the exercise of functions which include the determination of planning applications that have equality implications. This section must be treated as engaged in this particular case and therefore 'due regard' must be given to the applicant's particular needs. It is not sufficient to have equality in mind at a general or policy level.

However, the duties do not require a particular outcome. What the decision making body chooses to do once it has had the required regard is for it to decide subject to the ordinary constraints of public and discrimination law.

In conclusion, the actual needs of the applicant need to be weighed against the harm that this development would cause to neighbours, along with all of the material planning considerations. The decision must be proportionate in the light of all the circumstances of this case".

RECOMMENDATION

DEFER FOR SECTION 106 THEN PERMIT subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 01368 1 REV 4, 01368 3 REV 5, 01368 4 REV 5

Reason: To ensure the development complies with the planning permission.

3) The site shall be occupied only by persons meeting the definition of gypsies and travellers as defined in Appendix 1 of the Planning Policy for Traveller Sites, dated August 2015.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

4) Notwithstanding the details as shown on the submitted plans, prior to any further works commencing on site and the second mobile home being brought onto the land, a scaled block plan detailing the location of the mobile homes and any associated landscaping shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the terms of the permission and in the interests of visual amenity of the rural area.

5) **No development shall commence** until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA). Unless the local planning authority dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

6) If the Phase 1 report submitted identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

7) If the Phase 2 report submitted identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to

and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy.

8) **No additional development shall commence** until details of the proposed overall site wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

9) All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **These works shall be carried out in the first planting season after practical completion or first occupation of the development**, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no external lighting or additional hardstanding shall be provided for anywhere on the application site other than as shown on the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over such development in the interests of surface water drainage and the safeguarding of protected species.

11) No more than 4 caravans, as defined in the Caravans Sites and Control of Development Act 1960, and the Caravan Sites Act 1968 (of which no more than 2no. shall be a static caravan) shall be stationed on the site at any time.

Reason: To enable the Local Planning Authority to maintain control in the interests of amenities and prevent over development.

12) The day room hereby permitted shall not be occupied as a permanent means of habitable accommodation at any time.

Reason: To comply with the terms of the application and to protect the amenities and character of the area.

13) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage. The approved scheme shall be provided prior to the first use of the land for the storage of oils, fuels or chemicals and shall be maintained as approved in perpetuity.

Reason: To enable the Local Planning Authority to retain control over the development which may be injurious to the amenities of the area and of neighbouring properties and to prevent pollution.

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

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

15) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking ,re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established on any of the Open Space or Amenity Areas shown on the approved plans.

Reason: To secure the long term retention of the open/amenity areas.

INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) Please contact the licensing team on 01243 534744 (email licensing@chichester.gov.uk) to discuss whether a caravan site licence is required under the Caravan Site and Control of Development Act 1960.
- 3) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Caitlin Boddy