

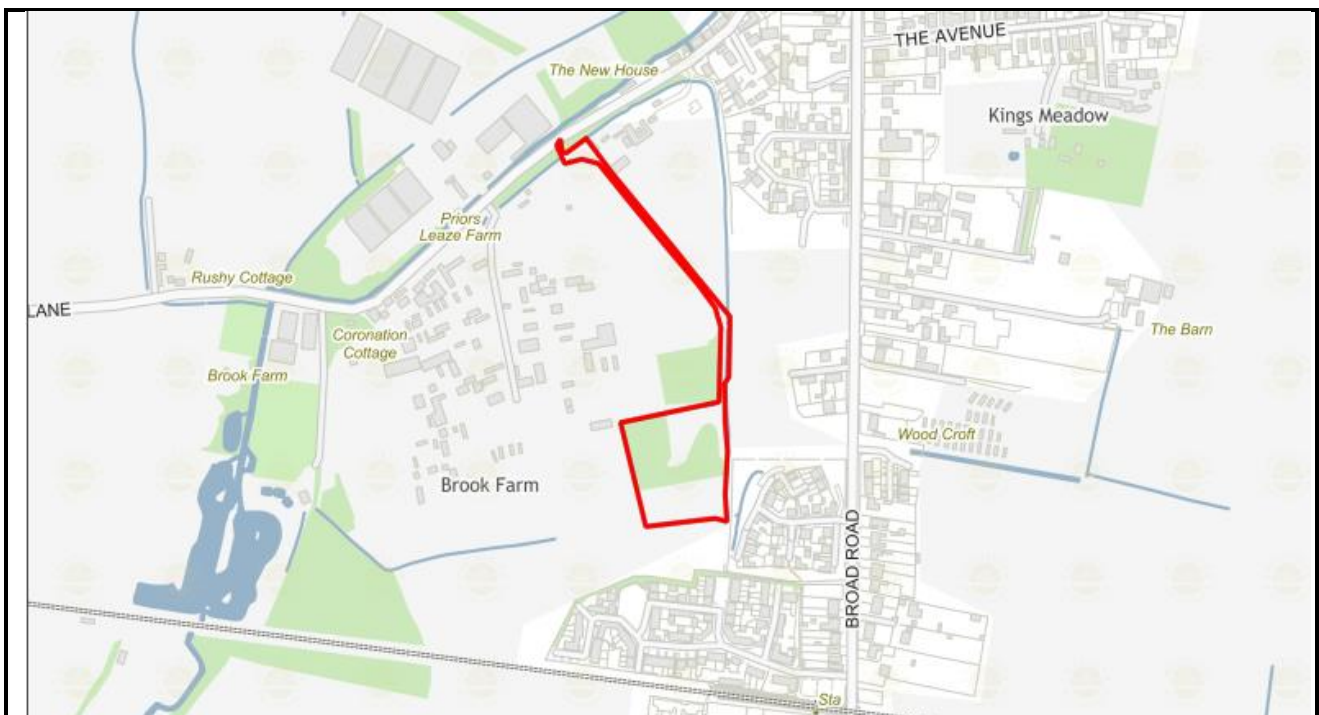
Parish:
Southbourne

Ward:
Southbourne

SB/22/00406/FUL

Proposal	Change of use of land for 2 no. travelling showmen plots.		
Site	Land Adjacent to Plot 8 Priors Leaze Lane Hambrook Chidham West Sussex		
Map Ref	(E) 478555 (N) 106152		
Applicant	Mr John Matthews	Agent	Mr Joe Cunnane

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the south of Priors Leaze Lane, within the Parish of Southbourne and within the Rest of Plan Area. The site is located to the west of the settlement boundary of Chidham and Hambrook, and approx. 0.5km from the Hambrook Store and Post Office, located on Broad Road.
- 2.2 The site is located on the periphery of a larger, Travelling Showperson community, which has evolved since the site was allowed at appeal in October 2004 (application No. SB/03/00904/COU). It comprises a rectangular parcel of land, setback from Priors Leaze Lane and accessed via a tarmac /gravel vehicle track. The tarmac /gravel track, which has been implemented without a grant of planning permission, extends approximately 300m along the north east and eastern boundaries of the site. The site is predominantly grass, with some scrubland planting towards the south east quarter of the plot.
- 2.3 The site and wider Travelling Showperson community is well enclosed with only glimpsed views possible from Priors Leaze Lane. It is possible to view the site from the adjacent Public Right of Way (PRoW) which run along the east (No. 258) and west (No. 257) boundaries. However, there is little perception of the site from Broad Road or the housing developments accessed from Broad Road. There are intervening fields between the site and wider Travelling Showperson community, and the surrounding residential and agricultural development.
- 2.4 The area surrounding Hambrook, is mainly used for agricultural purposes and the landscape of the area is generally flat and open in nature, interspersed with agricultural units of varying sizes. This includes the large grain stores, immediately opposite the entrance of the site onto Priors Leaze Lane.

3.0 The Proposal

3.1 This application seeks permission for two Travelling Showperson plots, each comprising of one static mobile home, vehicle parking, gravel access track and large storage area and landscaping. In addition, the proposal seeks consent for the retention of the access track, which would be resurfaced from tarmac/gravel to either gravel or grass track set within a cellular confinement system, resurfacing of the access from Priors Leaze lane and the planting of a native hedgerow along the access track.

4.0 History

21/02082/FUL	REF	Change of use of land from agricultural to 2 no. travelling showmen plots.
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5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 **Representations and Consultations**

6.1 **Parish Council**

N.B - The site lies within the Parish of Southbourne but on the boundary with the Parish of Chidham and Hambrook.

Southbourne Parish Council

Councillors unanimously AGREED to OBJECT to this planning application. Members felt that, although they could see some improvements to the design including an improved sewage system, the re siting of one caravan and additional planting they felt that the design did not go far enough and objected on the grounds of; The plan does not adequately protect wildlife, particularly given the significance of the site being within a wildlife corridor.

The plan does not sufficiently address issues with drainage and surface water.

Location, the proposed site of the development is too far to the southeast, it would be better placed closer to the road and the other sites that are already positioned there.

The application is contrary to the neighbourhood plan. No travellers' sites had been requested as part of the neighbourhood plan process despite there being opportunity to do so.

Chidham and Hambrook

The Parish Council objects to this planning application and comments that the original reasons cited for refusal still stand.

6.2 **Natural England**

No Objection - Subject to Appropriate Mitigation Being Secured

6.3 **WSCC Highways** (summarised)

Further comments

The vehicle tracking appears acceptable, and the LPA raise no issues.

Original comments

The applicant proposes to utilise the existing vehicular access on Priors Leaze Lane. From inspection of local mapping, there are no apparent visibility issues with the existing point of access onto the maintained highway. The LHA does not anticipate that the proposals would give rise to a significant material intensification of movements to or from the site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Whilst technically a withdrawn document, the Good Practice Guide on Designing Gypsy and Traveller Sites (2008) recommended a provision of two car parking spaces per pitch. The applicant proposes two plots, both with two car parking spaces; therefore, the LHA consider the proposed parking provision to be sufficient. Each pitch exhibits suitable space for on-site turning to be achievable.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Chichester Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

Whilst not demonstrated in the plans, the application form states that four cycle parking spaces are to be provided. The inclusion of secure and covered cycle parking provision will help promote the use of sustainable transport methods.

The site is situated in a location that lacks access to immediate services and amenities.

Nutbourne Train Station is located approximately 1.3km southeast of the site, providing links to larger urban areas. However, Priors Leaze Lane lacks a footway and is mostly unlit in this location. As such, the LHA anticipates that residents will have a reliance on the private car for most trips. Cycling is a viable option for experienced cyclists.

In conclusion, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

6.4 CDC Planning Policy (summarised)

Policy 36 identifies a total need for 18 Travelling Showpeople plots within the Plan area during the period 2012-2027. During the period 2012-2018, 18 plots were granted planning permission. However, this has been overtaken by subsequent needs assessments as referred to above. Given the age of the policy and the inclusion of pitch/plot requirements which have been superseded by two subsequent GTAA's then clearly consideration needs to be given to how up to date the policy remains. It appears that it is fairly well established that the pitch/plot targets within the policy are out-of-date and that the latest evidence should form the basis for assessing the level of need.

There is also the issue of how much weight ought to be given to the policy criteria, and this appears to have been the subject of considerable debate at a number of appeals. However, it appears that a reasonable amount of weight can still be given to those. In essence, while these criteria do not precisely replicate the requirements of national policy, they are broadly in accordance and hence it is considered reasonable to presume that they still carry weight, though the decision maker may wish to consider this in more detail and establish exactly how much weight to assign to the different criteria.

A revised Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2022) has been produced as part of the evidence base for the emerging Local Plan 2021-2039. This has identified a requirement for a further 33 plots for travelling showpeople who meet the planning definition (as per PPTS) in the period 2022-2039, with an immediate requirement for 22 plots to be provided in the period 2022-2026. There is also an additional need for 7 further plots which the GTAA identifies as 'undetermined' need. However, it is important to consider this in light of the Lisa Smith judgement. It is probably sensible to assume that the whole need ought to be consolidated and it should be assumed that all of this will need to be met through the provision of suitable plots, meaning that the overall need level is in essence 40 plots up to 2039, with 24 being needed within the first 5 years.

The emerging Local Plan does all that it can in order to meet the need identified, including assigning plots to suitable strategic allocations, namely the Southbourne Broad Location for Development (policy A13) and the Bognor Road employment site allocation (policy A20). However, if the need is to be met then considerable reliance inevitably has to be placed upon windfall sites, owing to the lack of sufficient options for making suitable allocations to meet the outstanding need. Moreover, the assumption is that windfall sites will need to continue to come forward at a similar rate as has previously been the case, namely around 2 per annum, and even then, there will be an outstanding need in the short-term. More details regarding meeting the identified needs are set out in the Council's background paper which accompanied the recent Reg.19 consultation.

In terms of need, the situation pertaining to the applicant, Mr Matthews, is described in the Design and Access Statement, which explains that he is currently living at Coles Amusements on Bognor Road, Chichester. That site (known as Coles Yard in the GTAA) has been identified in the evidence underpinning the new GTAA as generating a need for 5 plots (4 immediately and 1 in the next 5 years), and it is considered that there is no scope for that site to expand.

The new Local Plan proposes the inclusion of travelling showpeople plots on the Bognor Road employment site allocation in order to address that need. However, clearly it will take a while for those plots to come forward, and given that the proposed occupant and his family are in immediate need, and there are no alternative sites currently available.

However, the information provided in the submission seems to suggest that 3 plots, or at least 3 caravans, may be needed in relation to the need identified, as the need seems to encompass the applicant (and his wife) and 2 adult children. It's not unusual for travelling showpeople plots to involve fairly large areas, encompassing storage and several family members, and that could well be the case here, but some greater clarification in this regard, particularly in terms of caravan numbers, may be advisable.

The Appendix to the Design and Access Statement, which provides evidence of the need in question, refers to another couple, Mr and Mrs Willard. Presumably they are the proposed occupants of the other plot, though this does not appear clear and they are not listed as one of the applicants on the application form. In addition, they list their address as being Hower Place, Priors Leaze, which the GTAA evidence suggests is not generating any need for new accommodation. However, the site address is stated as being Fairways, which the GTAA evidence states is generating a need for one plot to cater for a doubled-up household, so it could be that this is the need being accounted for as part of this proposal, though the case officer may wish to clarify the situation further. If this proposal is indeed seeking to tackle the Fairways need, then that is also immediate need (owing to the fact it relates to a doubled-up household).

Referring back to the emerging Local Plan allocations set out above, it may also be pertinent to highlight that it is presumed that any windfall plots such as these coming forward within the Southbourne parish ahead of the new Local Plan and the associated Southbourne BLD will be subtracted from the plots requirement specified in policy A13 within the emerging Local Plan

The emerging Local Plan includes a Strategic Wildlife Corridor policy, NE4, and associated mapping of these areas. This area does not include the site of the proposed development, as that is just to the east of the corridor. However, it is of note that emerging modified NP Policy SB13 Green and Blue Infrastructure Network includes an area currently shown on the polices map as the Hambrook Chalk Stream wildlife corridor. This corridor is included within that wider green and blue infrastructure policy building on the foundations laid by Policy 3 Green Ring in the 'made' Southbourne Parish NP and aims to define a multifunctional network of green infrastructure assets in line with CLPKP Policy 52 Green Infrastructure and Policy 54 Open Space, Sport and Recreation. The proposed site therefore lies within this network and there is a difference between the location of the emerging LP strategic wildlife corridor and the network identified in the emerging modified NP. The site entrance/access road also falls partly within another biodiversity designation – watercourse of ecological value.

In terms of the relationship between the two different corridors, the area identified in the emerging modified neighbourhood plan is wider than the area identified in the emerging Local Plan.

The degree of weight which can be assigned to either of these policies/area designations is a matter for the decision maker and it is likely to be necessary to monitor the progression of both of these emerging development plan documents in order to establish their status as material considerations at the time the application is determined.

As has been set out above, there is a significant identified need for travelling showpeople plots during the Plan period (40), and particularly for the next 5 years (24). This proposal would help to meet the identified need, and this proposal would appear to help address need which has been identified as part of the new GTAA. Consequently, the planning policy team do not raise an objection to this proposal at this time in principle of development terms.

However, it will be necessary to be mindful of the relevant policies within the emerging Local Plan and Southbourne Modified Neighbourhood Plan. In this regard the proposed wildlife corridor which forms part of the green and blue infrastructure policy within the emerging modified NP is probably most pertinent as this site is situated within part of that network. The amount of weight to be assigned to the relevant policies will need to be considered in light of the relevant sections of the NPPF, and having regard to the stage of preparation of the relevant emerging plans.

6.5 CDC Environmental Strategy

Further comments

The revised Nutrient Neutrality Statement including the use of the PTP should adequately achieve nitrogen neutrality.

Original comments

The information provided in the Nutrient Neutrality Statement (September 2021) should be sufficient to complete an appropriate assessment for this proposed development.

The boundary hedgerows to the east and south of the site connect to the proposed Hambrook Wildlife corridor. These hedgerows are used by commuting and foraging bats and will need to be retained and enhanced to ensure the integrity of these features. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity.

As per the Ecological Mitigation Plan (October 2021), we require the lighting scheme for the site to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Guidance outlined in the new Bats and Lighting Publication produced by the Institution of Lighting Professionals and the Bat Conservation Trust "Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series publication should be adopted into the site plans. Conditions should be used to ensure the above.

The method statement detailed in the Ecological Mitigation Plan (October 2021) is sufficient. A condition should be used to ensure this.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird box to be installed on the extension / and or tree within the garden of the property.

Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

Since the site lies within the Zone of Influence for Chichester Harbour, as contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour.

6.6 CDC Costal and Drainage

The site is wholly within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

The current proposal is for the majority of the site (access track and plots) to remain permeable which should be a condition of approval, with a small area drained at a restricted discharge to the adjacent watercourse. Wherever possible water should be infiltrated to ground, and so infiltration must be ruled out before a discharge to a watercourse is acceptable. Given the relatively small proportion of the site, which is going to be impermeable, this may be able to be drained to the permeable sub-base beneath the road or a discrete soakaway.

Although it is still not shown on the plans there are watercourses which abut the eastern and southern boundaries of the plot. It is essential that these watercourses are retained/protected during, and post construction and that access is retained for future maintenance. These ditches would benefit from some maintenance now, but if a discharge is required then the southern ditch is most likely to support a gravity solution. If you are minded to approve the application, no development should be permitted which restricts future access for maintenance and a 3m clear buffer should be retained from the top of each bank. It is not clear whether this is currently the case as the watercourses are not shown on the plans. Due to the scale of the proposed development, we have no further conditions to request

6.7 West Sussex Fire and Access

Having viewed the plans for the planning application no 22/00406/FUL for the Change of use of land for 2 no. travelling showmen plots, the nearest fire hydrant to this site is 585 metres away, 410 metres further than the 175 metres distance required for domestic premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document – B (AD-B) Volume 2 - 2019 edition: B5 section 16. Without the installation of an additional fire hydrant or an alternative water supply with a minimum 45,000 litre capacity there will be insufficient supply of water for firefighting in the event of a fire.

6.8 Third Party Representation

Five letters of objection have been received, by members of the public wishing to remain anonymous, concerning:

- The lack of enforcement action over the track
- Loss of agricultural land
- Flooding
- Sewerage
- Blocking of drainage ditch.
- If approved, would lead of uncontrolled development.
- Enforcement action and appeal decision
- Views of local communities ignored
- Loss of natural habitats
- Noise disturbances form existing sites
- Subletting of the plots
- The parishes have exceeded their housing allocations.
- Loss of green fields
- Impacts upon wildlife
- There is no need to develop this site
- The siting of fairground equipment would be inappropriate
- The previous reasons for refusal still stand
- The site is located within the proposed wildlife corridor.

Two letters of support have been received concerning:

- Hundreds of new homes have been built in the area, refusing two showman's pitches is discriminatory.
- The site is discretely positioned
- Adjacent to existing lawful sites
- The applicant is hard working
- The site is required for a family
- The resurfaced track is much tidier

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Southbourne Neighbourhood Plan was made on the 15th December 2015 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 37: Planning for Gypsies, Travellers and Travelling Showpeople
- Policy 39: Transport, Accessibility and Parking
- Policy 45 Development in the Countryside
- Policy 42: Flood Risk and Water Management
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Southbourne Neighbourhood Plan

- Policy 1 - Spatial Strategy
- Policy 3 - The Green Ring
- Policy 4 - Housing Design
- Policy 5 - Employment
- Policy 7 - Environment
- Policy 8 - Education

National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

- 7.5 The Planning Policy for Traveller Sites (PPTS) came into effect in August 2015 and should be read in conjunction with the NPPF. Paragraph 4 of the PPTS sets out the governments aims for in respects of traveller sites, including increasing the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply. Policy H of the PPTS relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It also advises that applications should be assessed and determined in accordance with the Presumption in Favour of Sustainable Development and the application of specific policies in the NPPF and PPTS.
- 7.6 Consideration should be given to Sections 1 (Introduction), 2 (Achieving Sustainable Development), Section 4 (Decision making), 5 (Delivering a sufficient Supply of Homes), Section 9 (Promoting sustainable transport), 12 (Achieving Well-Designed Places), 14 (Meeting the Challenge of Climate Change, Flooding, and Coastal Change) and 15 (Conserving and Enhancing the Natural Environments) of the NPPF. In addition, the relevant paragraphs of the National Planning Practice Guidance have also been considered.

Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19)

- 7.7 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in Summer 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).
- 7.8 Relevant policies from the published Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19) are:
- Policy S1 Spatial Development Strategy
 - Policy S2 Settlement Hierarchy
 - Policy NE2 Natural Landscape
 - Policy NE4 Strategic Wildlife Corridors
 - Policy NE5 Biodiversity and Biodiversity Net Gain
 - Policy NE6 Chichester's Internationally and Nationally Designated Habitats

- Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
- Policy NE8 Trees, Hedgerows and Woodlands
- Policy NE10 Development in the Countryside
- Policy NE15 Flood Risk and Water Management
- Policy NE16 Water Management and Water Quality
- Policy NE19 Nutrient Neutrality
- Policy NE21 Lighting
- Policy H1 Meeting Housing Needs
- Policy H2 Strategic Locations/ Allocations 2021 - 2039
- Policy H3 Non-Strategic Parish Housing Requirements 2021 - 2039
- Policy H11 Meeting Gypsies, Travellers and Travelling Showpeoples' Needs
- Policy H12 Intensification sites
- Policy H13 Accommodation for Gypsies, Travellers and Travelling Showpeople
- Policy H14 Gypsy and Traveller and Travelling Showpeople site design policy.
- Policy P2 Local Character and Distinctiveness
- Policy P3 Density
- Policy P4 Layout and Access
- Policy P5 Spaces and Landscaping
- Policy P6 Amenity
- Policy T1: Transport Infrastructure
- Policy T2 Transport and Development
- Policy T3 Active Travel - Walking and Cycling Provision
- Policy T4 Parking Provision
- Policy A8 Land East of Chichester
- Policy A13 Southbourne Broad Location for Development

7.9 Southbourne Parish Neighbourhood Plan Review 2019-2037 (Regulation 16)

Southbourne Parish Council undertook a review of the 'made' neighbourhood plan and an examination of the Southbourne Parish Neighbourhood Plan Review 2019-2037 was undertaken including a hearing held on 14 January 2022. The Examiner's report was published recommending the proposal for the plan was refused and did not proceed to referendum. At its meeting held on 12 April 2022, Southbourne Parish Council agreed to withdraw the plan as indicated above. However, the Parish Council has subsequently prepared the draft Southbourne Parish Neighbourhood Plan Pre-Submission Modified Plan 2014-2029; this plan completed the regulation 14 (Parish Council) consultation on 16 December 2022. The draft modified plan has now reached the next stage and been accepted by Chichester District Council for publication and regulation 16 consultation which ended on Friday 14 April. At this stage, the neighbourhood Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

7.10 Relevant policies from the published Southbourne Parish Neighbourhood Plan Pre-Submission Modified Plan 2014-2029 are:

- Policy SB1: Development Within and Outside the Settlement Boundaries
- Policy SB3: Local Housing Needs
- Policy SB4: Design in Southbourne Parish
- Policy SB13: Green and Blue Infrastructure Network
- Policy SB14: Biodiversity
- Policy SB15: Trees, Woodland, and Hedgerows
- Policy SB17: Achieving Dark Skies
- Policy SB18: International Nature Sites
- Policy SB20: Water Infrastructure and Flood Risk
- Policy SB21: Sustainable Travel

Other Local Policy and Guidance

7.11 Consideration has also been given to:

- Planning Obligations and Affordable Housing SPD (July 2016)
- surface Water and Foul Drainage SPD (September 2016)
- CDC Waste Storage and Collection Guidance (January 2017)
- Chichester Landscape Capacity Study (March 2019)
- Landscape Gap Assessment for Chichester Local Plan Review 2035 (May 2019).
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2022)

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

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Amenity of neighbouring properties and future occupiers
- iv. Impact upon highway safety and parking
- v. Recreational Disturbance
- vi. Ecology
- vii. Nitrogen Neutrality
- viii. Planning Balance

Assessment

i. Principle of development

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2005 requires application for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that Local Planning Authorities shall have regard to the provision of the Development Plan, so far as material to the application, and to any other material consideration.
- 8.2 The Housing Act 2004 placed a duty on Local Authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), and outlined how their needs would be met. This requirement was revoked by the Housing and Planning Act 2016 through the removal of Paragraphs 225 and 226 of the 2004 Act. The requirement is now in the Planning Policy Traveller Sites (PPTS), Paragraph 4(a) and the Housing Act (1985) which requires an overall assessment of accommodation need for Caravan Dwellers, and the revised National Planning Policy Framework (NPPF) which requires an assessment of all Travellers.
- 8.3 Policy H of the PPTS relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It also advises that applications should be assessed and determined in accordance with the Presumption in Favour of Sustainable Development and the application of specific policies in the NPPF and Planning Policy H of the PPTS.
- 8.4 Policy 36 of the Local Plan is the most relevant Development Plan Policy for assessing applications for Gypsy and Travellers plots. The policy sets out the need for plots and plots for the period up to 2027, although it is established that the pitch/plot targets within the policy are out-of-date and that the latest evidence, in the form of the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) 2022 should form the basis for assessing the level of need. The criterion-based assessment within Policy 36, carries a reasonable amount of weight, with the inspector for appeal reference 20/3256674 concluding they were not out of date. It is nevertheless acknowledged they do not precisely replicate the requirements of national policy, rather, they are broadly in accordance, and it is considered reasonable to attach weight to them within the assessment of this application.

- 8.5 The revised GTAA has been produced as part of the evidence base for the emerging Local Plan 2021-2039. This has identified a requirement for a further 33 plots for travelling showpeople who meet the planning definition (as per PPTS) in the period 2022-2039, with an immediate requirement for 22 plots to be provided in the period 2022-2026. There is also an additional need for 7 further plots which the GTAA identifies as 'undetermined' need. The consolidated need is therefore 40 plots up to 2039, with 24 being needed within the first five- years.
- 8.6 The emerging Local Plan does all that it can to meet the need identified, including assigning plots to suitable strategic allocations. Namely the Southbourne Broad Location for Development (Policy A13), allocating the provision of a service site for 12 travelling showpeople and the Bogner Road employment site allocation (Policy A20), allocating five plots with 1ha of ancillary storage. However, if the need is to be met, the plan acknowledged considerable reliance inevitably must be placed upon windfall sites, owing to the lack of sufficient options for making suitable allocations to meet the outstanding need. The assumption is that windfall sites will need to continue to come forward at a similar rate as has previously been the case, namely around 2 per annum, and even then, there will an outstanding need in the short-term.
- 8.7 Recent appeal decision, notably 20/3254057 and 20/3257880 (Melita Nursery), 21/3268916 (Scant Road), 21/3272950 (Common Road) and 21/3267477 (Monks Hill), Inspectors found there to be a significant unmet need within the district and absence of a five-year supply (contrary to Policy B of the PPTS), which was found to be of critical importance and significant material consideration, in favour of granting planning permission. The findings of these appeal decisions are a significant material consideration.
- 8.8 In turning to specific situation, the applicants Mr and Mrs Matthews and their two children currently are currently living on Coles Amusements Bogner Road, Chichester. This site has been identified in the evidence underpinning the new GTAA as generating a need for 5 plots (4 immediately and 1 in the next 5 years), and it is considered that there is no scope for that site to expand. The inclusion of travelling showpeople plots on the Bogner Road employment site allocation was intended to address the need at Coles Amusements, however, this will clearly take time for these plots to come forward and given that the proposed occupant and his family are in immediate need, there are no alternative sites currently available, and a significant unmet need within the district, it would be wholly unreasonable to refuse this application based on the intentions behind the Bogner Road allocation. Mr Matthews and Mr Willard are first cousins, Mr and Mrs Willard and their family have been asked to vacate their current site, Hower Place, Priors Leaze and whilst their current site isn't identified as generating a need, there remains a significant unmet need in within the district and their relocation onto this new site would free up an existing plot for a further family.

Assessment against Policy 36

8.9 In assessing the suitability of sites for allocation in the Gypsy, Traveller, and Travelling Showpeople Site for the purposes of determining planning applications, proposals will be supported where it can be demonstrated that all the following criteria have been met:

1. It is well related to existing settlements with local services and facilities. Sites should either be within or close to such settlements or with good access to major roads and/or public transport thus affording good access to local services.

8.10 The proposal is well related to the existing services, including the Hunston Village Store. There is good vehicle access to major roads, which afford access to local services within nearby settlement hubs.

2. Has safe and convenient vehicular access, be suitable in terms of topography and be in a location where the necessary infrastructure already exists or can reasonably be provided.

8.11 The proposal has safe vehicle access, via the resurfaced access track which forms part of the revised proposal. The proposal is part of a wider, established Travelling Showperson site where there are existing services, including water and electricity.

3. Be able to achieve a reasonable level of visual and acoustic privacy for both people living on the site and for those living nearby. The site will provide an acceptable level of amenity for the proposed residents and will not have an unacceptable level of impact on the residential amenity of the neighbouring dwellings.

8.12 The proposal is considered capable of complying with this criterion, as detailed further below.

4. Not compromise the essential features of nationally designated areas of landscape, historic environment or nature conservation protection.

8.13 The site does not comprise a nationally designated landscape, historic environment or nature conservation protection area.

5. Avoid locations where there is a risk of flooding, or which are adjacent to incompatible uses such as a refuse tip, sewage treatment works or significantly contaminated land.

8.14 The site is suitably located when considering the above criteria.

6. That in rural and semi-rural areas sites should not dominate the nearest settled or Gypsy, Traveller and Travelling Showpeople communities

8.15 The proposal for two additional plots is not considered to be of a scale which would dominate the existing settled community.

8.16 In considering the above, Policy 36 of the Local Plan is out of date in terms of its delivery targets and therefore the identified need within the GTAA 2022 and the recent findings of several Inspectors are significant material considerations. In addition, whilst the emerging local plan seeks to allocate 12 plots via a strategic allocation in Southbourne, it is accepted, windfall sites, such as this will come forward, in addition to the strategic allocations, to help the Council deliver the identified need with the district. The site is considered to comply with the criteria set out within Policy 36 and it is therefore considered to be a suitable site for the proposed development. Furthermore, there is a clear, identifiable need of the applicants, Mr and Mrs Matthews which cannot be met on their current site, Coles Amusements, due to site constraints. Consequently, the principle of development is acceptable, subject to the material considerations set out below.

ii. Design and Impact upon Visual Amenity/Character of Area

8.17 Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, and create places with a high standard of amenity for existing and future users.

8.18 Paragraph 25 of the PPTS advises that Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Policy 48 of the Chichester Local Plan requires, amongst other considerations, proposals respect and enhance the landscape character of the surrounding area and site.

8.19 The plots would be broadly rectangular in shaped, orientated in an east to west direction with a gravel track adjacent to the northern boundary which is served by a single access track leading from Priors Leaze Lane. Much of the built development and hardstanding would be to the western half of each plot and would comprise a mobile home, vehicle parking and equipment storage area. The eastern half of each plot would be laid to lawn, with additional native planting provided to the north, south and east boundaries. The proposal differs from the previously scheme, in that the built form and hardstanding is located to the west, closer to the existing central cluster of development within the wider site. The revised layout would ensure the development reads better with the central cluster of development, limiting the encroachment upon the undeveloped countryside to the east and southeast. Whilst the development would introduce additional built form further eastwards within the wider site and result in the loss of a currently undeveloped parcel of land, this is not considered to result in a significant impact upon the rural character of the area due to the low-level nature of the development, the enclosed nature of the site and the additional boundary screening.

8.20 The proposal seeks to resurface the existing access track with either gravel or grass, both of which would be set within a cellular confinement system to ensure it is durable for vehicle traffic. The vehicle access onto Priors Leaze Lane would also be improved with block pavements, which reflects materials used elsewhere within the road, whilst also acting as a gravel stop. The western boundary of the track, along the existing fenced boundary, would be planted with a native hedgerow.

- 8.21 The access track is subject to an enforcement notice, requiring its removal (appeal ref. 20/3260043), with the inspector concluding its length, in combination with its black tarmac finish to be an urbanising feature, within the landscape. The resurfacing of the track, together with native planting along much of its length would help to significantly soften its appearance within the landscape and minimise its urbanising form. Again, whilst the development would result in an additional access track, further eastwards within the wider site and the loss of the undeveloped land between the dwellings on Broad Road and the existing Travelling Showperson plots. The revised surfacing material would be reflective of other surfacing materials within the wider site and the hedgerow planting would provide a notable level of screening to the track and therefore the track would not result in an unacceptable urbanising impact upon the character of the area.
- 8.22 The revised layout would help to ensure the additional mobile home and hardstanding within the plots is read in conjunction with the wider development, minimising its visual encroachment into the undeveloped countryside. Similarly, the resurfacing of the track and the additional hedgerow planting within the plots and along the access track will help to reduce the urbanising form of the development and help to screen it from wider vantage points, again minimising its impact upon the undeveloped countryside. The proposal would result in the loss of some undeveloped countryside; however, this is not considered to be unduly harmful in this instance, given the enclosed nature of the wider site and the character and appearance of the neighbouring Travelling Showperson development.
- 8.23 The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) which has assessed the potential landscape impacts of the development, from key locations including Broad Road, Pynham Crescent and Hawthorn Gardens. The LVIA includes within its assessment the visibility of the likely funfair equipment which would be stored within each plot. The LVIA concludes, there will likely be some modest visibility from both Pynham Crescent and Hawthorn Gardens; however, any views would be glimpsed through the existing boundary vegetation and would therefore have a little visual impact. It is also unlikely, longer-range views from Broad Road would be possible. The report considers views from the wider site itself, again concluding the development will have a limited visual impact and would be viewed within the context of the existing development.
- 8.24 Policy 36 and Paragraph 25 of the PPTS accepts Travelling Showperson sites will result in some impact upon the countryside and seeks to minimise the harm through the sensitive siting of plots and restricting them in open countryside. The two plots would be sensitively sited, with the access track adequately resurfaced and screened, which in combination with the site being relatively well enclosed and not within open countryside ensure the development would not result in a significant level of harm. Consequently, the proposal would comply with Paragraph 130 of the NPPF, Paragraph 25 of the PPTS and Policy 36 and 45 of the Local Plan.

iii. Amenity of neighbouring properties and future occupiers

- 8.25 The NPPF states at Paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places). Policy 36 of the Chichester Local Plan states that proposal will be support where they provide an acceptable level of amenity for the proposed residents and will not have an unacceptable level of impact on the residential amenity of the neighbouring dwellings. Paragraph 26 of the PPTS states that when considering planning application local planning authorities should attach weight to sites

being well planned or soft landscaped in such a way as to positively enhance the environment and increase openness. Furthermore, the paragraph states the promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children is a material consideration.

8.26 The two plots are generous in their proportions, providing adequate parking/storage, lawned areas and landscaping, which ensures they will result in an adequate level of amenity of the future occupiers. The plots are appropriately positioned, ensuring they do not give rise to an unacceptable impact upon the amenities of neighbouring properties, in terms of their outlook, privacy or available light. The plots are of a notable distance from the neighbouring dwelling on Broad Road and the level of development would not result in a significant intensification nor unacceptable levels of noise or activity, and therefore would not be detrimental in that regard.

8.27 Consequently, the proposal is considered to result in an acceptable level of amenity for existing and future occupiers of the development and therefore accords with Paragraph 130 of the NPPF, Paragraph 26 of the PPTS and Policy 33 of the local Plan.

iv. Impact upon highway safety and parking

8.28 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the CLP asserts that development should be designed to minimise additional traffic generation. The assessment of access, highway safety and parking has been undertaken in consultation with WSCC Highways

8.29 The proposal has been reviewed in consultation with WSCC Highways, who have raised no objection on highways safety. The proposal utilises an established vehicle access onto Priors Leaze Lane, and existing albeit currently unlawful access track which provides adequate access into the site. The proposal has also been accompanied by vehicle tracking, which adequately demonstrates a 14m articulated lorry, typically utilised for large showman equipment, is able to enter and exist the site onto Priors Leaze Lane in a forward gear and adequately park and turn within the hardstanding onsite.

8.30 Consequently, it has been demonstrated to the satisfaction of the LHA and to Officers that the proposal would not generate traffic to the extent that the function of the local highway network would be impaired. Similarly, the proposal would utilise an established vehicle access, which appears to be working safely, and details have been provided which satisfactorily demonstrate larger vehicles, likely to be operated by the intended occupants case safely enter and exit the site in a forward gear. As such the proposal is acceptable on highways grounds and would accord with Paragraph 111 of the NPPF and Policy 39 of the CLP.

v. Surface Water Drainage

8.31 The site is wholly within Flood Zone 1 (low risk) and the Local Planning Authority have no additional knowledge of the site being at increased flood risk.

- 8.32 The proposal would result in much of the site (access track and plots) remaining permeable, which could be secured via condition, with a small area drained at a restricted discharge to the adjacent watercourse. However, infiltration must be ruled out before a discharge to a watercourse is acceptable and given the small proportion of the site to be impermeable (the hardstanding beneath each caravan) it is anticipated this could be drained to the permeable sub-base beneath the road or a discrete soakaway.
- 8.33 In any event, the proposal would need to ensure the drainage is designed in accordance with the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA, which should be applied during the construction of the development. As the level of non-permeable ground is relatively minor, Officers are satisfied that building control regulations would adequately achieve a suitable drainage scheme for the site.
- 8.34 Watercourses abut both the eastern and southern boundaries of the plot. The layout of the site is such that future access to these watercourses is not restricted; however, as condition has been suggested to ensure a three-metre buffer is maintained.
- 8.35 Consequently, it has been demonstrated to the satisfaction of the Council's Drainage Engineers that the proposal could adequately achieve a suitable surface water drainage scheme, with them raising no objection to the proposal, subject to the suggested conditions.

vi Ecology

- 8.36 Policy 49 of the Local Plan requires the biodiversity of the site to be safeguarded. Policy 3 of the Neighbourhood Plan seeks to establish a Green Ring around Southbourne Village, which would include a variety of green infrastructure assets. In addition, the emerging local plan seeks to build upon current requirements, through the proposed Strategic Wildlife Corridors (Policy NE4) which seek to enhance connectivity and movement of wildlife through the landscape. Similarly, the neighbourhood plan review, (Policy SB13) builds upon the Green Ring but identifying its own wildlife corridors, including Ham Brook Chalk Stream Wildlife Corridor.
- 8.37 The site lies approximately 200m southeast of a proposed wildlife corridor, outside of the indicative location of the Green Ring, but within the wider Ham Brook Wildlife Corridor. In accordance with Policy NE4, the development should not adversely impact the integrity and function or connectivity and ecological value of the wildlife corridor. Similarly, Policy SB13 requires development proposals that lie within or adjoining the Network to have full regard to creating, maintaining, and improving the Network.
- 8.38 The emerging development plan policies identify the current and likely future importance of this location for biodiversity enhancement, which highlights the importance of securing biodiversity enhancements under the current local and neighbourhood plan policies.
- 8.39 The application has been received by the Council Environmental Strategy Officer, who has raised no objection to the proposal subject to securing a buffer strip around the hedgerows to the east and south of the site, which are linked to the Ham Brook Wildlife Corridor. In addition, it is necessary to ensure the development is carried out in accordance with the Ecological Mitigation Plan, which can be secured via condition. Moreover, several further mitigation measures, including controlling the timings of vegetation clearance and the

provision of bat, bird, and hedgehog nesting boxes on site to provide a biodiversity enhancement. Finally, the proposal includes a substantial amount of additional planting, comprising of woodland and hedgerow planting, which will substantially bolster the existing scrub planting within the site, and contribute further biodiversity improvements.

8.40 Consequently, taking the above considerations into account, the proposal could achieve a satisfactory biodiversity enhancement, ensuring the proposal would not adversely impact the integrity and function or connectivity and ecological value of the proposed wildlife corridors. Therefore, the proposal complies with Policy 49 of the Local Plan and section 15 of the NPPF.

vii. Nutrient Neutrality

8.41 The proposal comprises new development with overnight accommodation, with an onsite package treatment plant (PTP) proposed for foul sewage disposal. As such, it accepted that the wastewater from the development will eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites.

8.42 In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to first be screened through the initial Habitat Regulation Assessment (HRA) and then tested by the council via an Appropriate Assessment (AA) to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England must then be consulted on any such AA.

8.43 The application has been accompanied by a Nutrient Neutrality Statement (Sep 22) which confirms the proposed development would be neutral. The scheme incorporated the use of a highly efficient Klargester Bio Disc PTP which removes 88.6% of the nitrogen from the wastewater, which together with the removal of the agricultural land and the provision of greenspace and woodland planting, within the application site ensures the scheme will be nutrient neutral. The findings of the neutrality statement have been tested via an AA in consultation with Natural England, who raised no objections to its findings, subject to adequately securing the mitigation.

8.44 As the proposed mitigation lies on land within the applicant's ownership, the use of a planning condition is considered appropriate to secure the provision of the bio-bubble PTP and for the lifetime of the development. In addition, a condition has been suggested to secure a scheme for the ongoing management and maintenance of the PTP to ensure its ongoing effectiveness at removing nitrogen.

8.45 Consequently, taking the above considerations into account, the proposal would, result in a nitrogen neutral scheme, ensuring the proposal would not impact upon the European designated sites because of nitrates, and therefore the proposal would comply with policy 49 of the CLP and section 15 of the NPPF.

viii. Recreational Disturbance

8.46 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area where a net increase in dwellings would likely cause harm to the special qualities of the European designated site because of recreational disturbance. In accordance with Policy 50 of the Local Plan a financial contribution towards the Bird Aware Solent scheme is required to mitigate recreational disturbance because of the proposal.

8.47 The following contribution shall be obtained via the S106 agreement:

- 2 x Flat Rate (£740) + Monitoring and Obligation fee (£130)

8.48 Subject to the completion of a Unilateral Undertaking, securing the required recreational disturbance fee of £1610.00 the proposal would comply with Policy 50 of the CLP and the requirements of the Habitat and Protected Species Regulations 2017, and the proposal would be acceptable in this respect.

ix. Planning Balance

8.49 The Council cannot demonstrate a five-year land supply to meet an up-to-date locally assessed need (rather than the target in the Local Plan Policy 36), which is a significant material consideration of significant weight. The proposal would contribute towards the significant unmet need for travelling showperson sites and would contribute towards the identified allocation within the emerging local plan.

8.50 The application is reasonably well located to an existing site, and through revisions represents a form of development which would result in limited harm to the character, appearance and layout of the wider site and undeveloped countryside. The level of development would not result in an unacceptable intensification of the site that would be perceived as dominant upon the existing settled community and seeks an appropriate number of additional plots. The proposal incorporates bio-diversity enhancements, not incorporated into the refused application, thus securing significant benefits over the previously submitted scheme. The proposal is acceptable with regards to highways matters, including adequate turning for larger showperson vehicles, with the modest intensification in terms of vehicle movements not considered to be of detriment to the amenities of the neighbouring properties. The proposal will not result in any adverse landscape impacts, by virtue of the existing boundary screening to the wider site and additional hedgerow planning proposed. The use of a planning obligation and conditions to secure the necessary Recreational Disturbance contribution and the additional biodiversity enhancements and nitrogen neutrality mitigation, further ensure the acceptability of the proposal. Consequently, there is sound justification for the support of this proposal.

Conclusion

8.51 In considering the above, the absence of a five-year supply, together with a significant unmet need for travelling showperson plots, identified within the GTAA 2022 would outweigh the any adverse impacts, none of which have been identified and therefore on balance the proposed development would be acceptable subject to conditions and S106 planning obligation.

Human Rights

8.52 In reaching this conclusion the Human Rights of the applicants and those within the settled community have been taken into account under Article 8 and Article 1 of the First Protocol of Human Rights. The application has been assessed, upon its own merits in line with National and Local Planning Policy, with a decision issued accordingly.

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 be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

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

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

4) No more than 4 caravans shall be stationed on the site at any time, of which no more than 2 shall be a static caravan. All such caravans stationed on the site shall comply with the definition of caravans as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968.

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 and in the interests of amenity.

5) No development shall commence on site, until the existing hedgerow to be retained along the east and south boundaries, has been protected by a fence providing a five-metre landscape buffer in accordance. The landscape buffer shall be undisturbed during the construction period and the fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site.

Reason: To protect foraging areas for bats and in the interests of preserving the visual amenities of the area.

6) No development shall commence on the package treatment plan until a scheme for the maintenance and management of the system has been submitted to and approved in writing by the Local Planning Authority. Upon completed construction of the package treatment plant the scheme shall be strictly adhered to in perpetuity.

Reason: The details are required to ensure the foul drainage system is designed appropriately and properly maintained and managed as soon as it is installed to ensure long-term effectiveness at achieve nitrogen neutrality.

7) Prior to the resurfacing of the access track and entrance onto Priors Leaze Lane hereby permitted, details of the proposed surfacing material shall be submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of either a gravel or grass access track and specification of the block paving at the site entrance. Once agree, the works shall be carried out in full accordance with the approved details **prior to the first occupation** of the development hereby permitted and thereafter retained, unless otherwise agreed in within by the Local Planning Authority.

Reason: To accord with the terms of the permission and in the interests of protection of this countryside location.

8) **No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

9) **No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

10) **No part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

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

11) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented

1. The provision of a bat and bird box within each pitch
2. The provision of hedgehog nesting box within each pitch
3. The enhancement of existing hedgerows through the infilling of any gaps with native hedgerow planting.

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

12) The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed means of enclosure; parking layouts; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided maintained as approved. Any trees or plants, which 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: In the interests of amenity and of the environment of the development.

13) The development hereby permitted shall be carried out in strict accordance with the Ecological Mitigation Plan Including GCN Non-Licence Mitigation (04/10/21), Preliminary Ecological Appraisal (04/10/21) and Reptile Presence/Likely-Absence Surveys (04/10/21) prepared by ARBTECH and the methodology and mitigation recommendations they detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

14) The following ecological mitigation measures shall be adhered to at all time during construction;

- a) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March inclusive and shall undergo a soft demolition.
- b) If any works need to take place to the trees or for vegetation clearance on the site, they should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).
- c) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March inclusive and shall undergo a soft demolition.

Reason: In the interests of protecting biodiversity and wildlife.

15) **The development hereby permitted shall not first be brought into use** until the mitigation measures, set out within the Nitrogen Neutrality Statement (S21-601/PNA) Revision 3 (September 2022) and as shown on Drawing 1577-112 Revision G. That is to say the Klargester Bio Disc 12-person Package Treatment Plant (PTP) shall have been installed to an operational manor for the purposes of adequately treating the wastewater from the development and the woodland planting and open space shall have been provided. Thereafter, the PTP shall be retained, maintained, and managed in accordance with the scheme for the maintenance and management of the PTP submitted pursuant to condition 5 of this permission and the woodland planting and open space shall be retained and any trees, which, 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: In the interest of ensuring the proposal is Nitrate Neutral and does not result in an increased nitrate level within the Chichester Harbours.

16) The Funfair Equipment Storage, as shown on drawing 1577-112 Revision G, shall only be used for the storage of Travelling Showperson equipment, including the stationing of Showman's Vehicle(s) up to a maximum of 14 metres in length. The storage shall only be used by the owners or occupants of the pitch and shall not be let, sold separately, or severed thereafter from the pitch(s).

Note: A Showman's Vehicle is defined as "a showman's vehicle which is: (a) a goods vehicle; and (b) permanently fitted with a living van or some other special type of body or superstructure forming part of the equipment of the show of the person in whose name the vehicle is registered.

Reason: To accord with the terms of the permission and in the interests of protection of this countryside location.

17) No commercial activities shall take place on the site at any time, including the storage of materials, and no burning of any item or waste materials of any kind may take place at the site.

Reason: In the interests of protecting the amenity of the surrounding area.

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

19) Notwithstanding any details submitted no building, structure or fencing shall be undertaken within a three (3) metre buffer zone of the existing open watercourse, unless it is first demonstrated to the satisfaction of the Local Planning Authority that undertaking such an activity would not impact the current and future access and maintenance of the watercourse.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - ACCESS ROUTE PLAN	L0877SK01A		03.08.2022	Approved
PLAN - site location plan	1577-100		16.02.2022	Approved
PLANS - Plans PLAN -	1577-112	REV G	14.04.2023	Approved

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.

For further information on this application please contact Calum Thomas on 01243 534734
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R7EOSRERL7200>