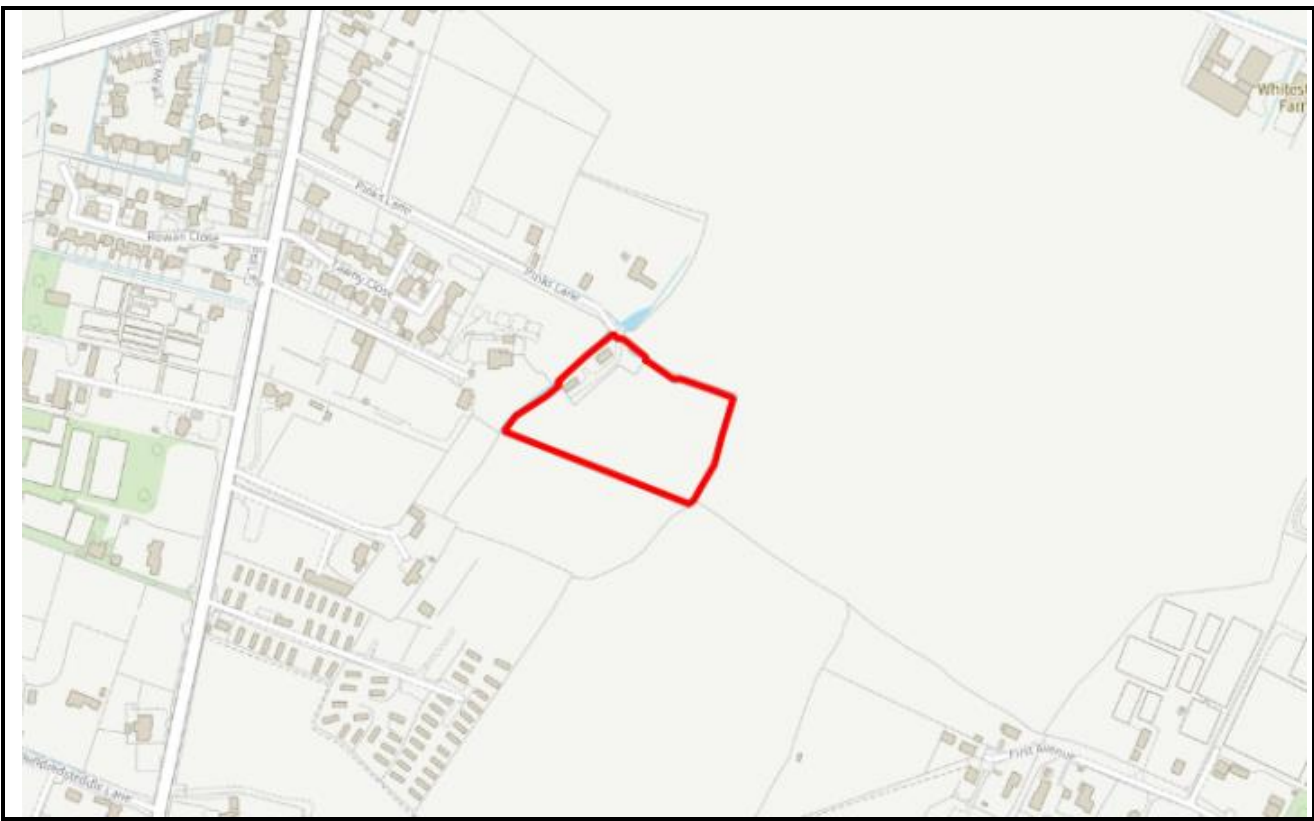



Parish: Birdham	Ward: The Witterings
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BI/24/00727/FUL

Proposal	Change of use of land for the provision of six pitches for gypsies and travellers including associated access tracks, parking and turning areas.		
Site	Pinks Four Bell Lane Birdham West Sussex PO20 7HX		
Map Ref	(E) 482132 (N) 99147		
Applicant	Mr James Chatfield	Agent	Mrs Dawn Appleton

RECOMMENDATION TO PERMIT WITH S106



	<p>NOT TO SCALE</p>	<p>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</p>
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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 includes Pinks Lane as the access to the site from the public highway off Bell Lane, and an area of land at the eastern end of Pinks Lane where it is proposed to site the six gypsy and traveller pitches. The area of land to be changed is currently undeveloped, and the wider site includes a stable building, outbuilding and day room.
- 2.2 The majority of the site is located outside of a defined settlement boundary, however the western end of Pinks Lane is within the settlement boundary.

3.0 The Proposal

- 3.1 Planning permission is sought for the change of use of land for the provision of six pitches for gypsies and travellers including associated access tracks, parking and turning areas.

4.0 History

97/01311/FUL	REF	Stables.
97/01927/FUL	REF	3 no. stables.
13/03100/FUL	PER	Replacement extension to existing railway carriage and replacement of existing septic tank (retrospective application).

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
Flood Zone 2	NO
Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Birdham Parish Council

Birdham Parish Council OBJECTS to this application on the grounds of likely overdevelopment of the site on just under a third of an acre (lack of exact information on pitch sizes to accommodate all the vehicles); the unregistered access track is not adequate for the anticipated traffic; the permanent placing of the sewage pumping lorry in

Pinks Lane; Briery Cottage is cited as a heritage asset in the Birdham Neighbourhood plan and the site is outside the Birdham settlement area.

Heritage is a fundamental quality of the Parish and the policies state that these assets must be conserved and enhanced along with the heritage of the rural landscape. Future development must not adversely affect listed buildings and those of special significance. Archaeological remains must also be protected.

The Environment of the Parish is also protected, therefore the policies call for protection against intrusion on ecological sites, maintaining and enhancing the biodiversity, (the site has become an important wildlife corridor) preventing light pollution in present dark areas as well as retaining the wonderful open views across countryside and the harbour.

6.2 East Wittering & Brackelsham Parish Council

The proposed development lies outside of the designated settlement area. The expansion beyond established settlement boundaries could set a concerning precedent for further sprawl which may lead to adverse impacts on the surrounding environment and infrastructure.

The access road, which is narrow and in poor condition is unsuitable and has the potential to impact on safety.

The existing problems with the sewage network present a significant challenge that must be addressed prior to any development in the area. The reliance on tankers to regularly pump overflow from the sewage system is not only unsustainable but also poses health & environmental risks to the community, any new development should not exacerbate this already strained infrastructure.

The lack of eDNA sampling survey for Greater Crested Newts and a sustainability statement need to be addressed.

6.3 WSCC Local Highway Authority

Summary and Context

This application seeks the change of use of land for the provision of six pitches for gypsies and travellers, with associated access, parking and turning areas. The site is located on Pinks Lane, an unadopted road – as such, these comments should be considered as advice only. Following an inspection of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility

Access to the maintained highway network is at the junction with Bell Lane, a B-classified road subject to a speed restriction of 40 mph in this location. The applicant has demonstrated visibility splays of 2.4m x 60m in both directions for the existing Bell Lane Junction – However, I have inspected WSCC mapping, which would suggest that splays in excess of 120m are actually achievable in both directions, owing to the width of the

maintained highway boundary. Existing vegetation within the maintained highway boundary could be cut back slightly so that these splays are achievable.

I have also inspected collision data provided to WSCC by Sussex Police from a period of the last five years, which found no recorded collisions attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access arrangement from Pinks Lane has been operating unsafely, or that the proposals would exacerbate an existing safety concern.

Parking and Turning

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 car parking spaces per pitch and therefore, the LHA would consider the proposed parking provision to be sufficient. On-site turning has been demonstrated to the satisfaction of the LHA. No details of cycle parking provision have been provided. Cycling is a viable option in the local area and the LHA would request that the applicant demonstrate this in accordance with WSCC Parking Standards.

Sustainability

The site is located in Birdham Village, which provides some local services and amenities within walking distance, such as a convenience store and primary school. Bus stops located on nearby B2179/A286 provide regular links between Chichester and the Witterings.

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 115), and that there are no transport grounds to resist the proposal.

6.4 WSCC Water & Access Manger

Having viewed the plans for the planning application no. 24/00727/FUL for the Change of use of land for the provision of six pitches for gypsies and travellers including associated access tracks, parking and turning areas, the nearest fire hydrant to this site is 410-metres away 320-metres further than the 90-metres distance required for a commercial site and 235- metres further than the 175-metre distance required for domestic use. 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.

6.5 Coastal Partners (on behalf of CDC)

Surface Water Drainage:

The documents submitted in support of this application suggest that the proposed means of surface water drainage is through a restricted discharge to a watercourse adjacent to the sites northern boundary and the use of permeable surfacing. An off-site discharge

would only be acceptable if on-site infiltration is proven to be unviable through appropriate ground investigations.

The surface water drainage scheme design should follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Therefore, the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures, or alternatively be presented as evidence as to why on-site infiltration has not been deemed viable for this development.

If following site investigations it is concluded that on-site infiltration is viable, (which is unlikely at this location) infiltration should then be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). Any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction. We would also like to see dedicated discrete soak-away structures for each individual unit.

If on-site infiltration is not possible, (which is the likely situation) drainage via a restricted discharge to a suitable local watercourse may be acceptable. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s).

Given the nature of the development, to bring it in line with current guidance, the documentation supporting the drainage design should be able to demonstrate that the infiltration/SuDS features can accommodate the water from a 1 in 100-year critical storm event, plus an additional 45% climate change allowance.

Should the application be approved we recommend the following conditions be applied to ensure the site is adequately drained:

Development shall not commence until the full details of the proposed surface water drainage scheme have 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 systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the SuDS System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Flood Risk:

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

Surface Water Drainage Proposal Checklist:

The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the councils expectations and requirements for Surface Water Drainage Proposals. If the applicant wishes to avoid pre-commencement conditions relating to surface water drainage, we ask that they submit detailed surface water drainage proposals in line with the requirements of this checklist. Alternatively, if pre-commencement surface water conditions are applied to their application this document should then be used for any subsequent Discharge of Conditions Applications

6.6 CDC Waste

Further Comments: (summarised)

No objection raised to the proposals if refuse vehicle turning and bin points are provided on site.

CDC Waste confirmed that they currently service properties along Pinks Lane and pick up from Brierey Cottage from the front.

The vehicle that services Pinks Lane is their 13.5ton vehicles and not the normal larger 26ton vehicle.

That it would be beneficial for an internal turning point and area for bin collection to be provided on site.

Original Comments:

Individual properties would require one waste and one recycling bin. These come in two different sizes 140 litre or 240 litres, the general rule is for up to two persons in a household we would recommend 140 litre bins for up to four persons 240 litre bins.

In the instances of communal apartments there are two options available, either individual bins as above or bulk communal bins. If bulk communal bins are preferred, then the number of bins required depends on how many apartments they serve. Bulk bins have a capacity of 1100 litres, the number of bins required can be calculated by taking the numbers of apartments in the block and multiplying it by 240 (litres), then divide is by 1100 (litres).

Other bin sizes are available (see attached requirements), and the above calculation can be adjusted to reflect this.

Site Layout:

Firstly, please refer to our refuse freighter dimensions detailed in the waste storage and collection service guide, Appendix A, page 14.

I would ask that attention is paid to the size, weight and turning circle of our freighters. Our freighter should not have to reverse over excessive distances and all turning areas should be sufficient in size to cater for our large refuse freighters.

This is especially important in areas where the refuse freighter is required to service a small mews/dead end road. If there is insufficient room for a turning area to be incorporated into a mews/dead end road we would require a communal collection point for bins at the entrance to the road.

All road surfaces should be constructed in a material suitably strong enough to take the weight of a 26-tonne vehicle. I would discourage the use of concrete block paving unless it is of a highway standard, as these tend to move under the weight of our vehicles.

To prevent access issues please may I insist that either parking restrictions are put in place, or adequate visitor parking is provided to prevent visitors from parking at the side of the road. Failure to address this issue at this stage may result in our refuse crew not being able to conduct their collections.

Bin Collection Points:

The collection point should be outside the front of the property just inside the property boundary, at the closest point to the public highway. However, in the instances of shared driveways the bins would be required to be presented at the entrance of the driveway.

All communal bin storage areas should be sufficient in size to enable our collection crews to manoeuvre the bins out for emptying without the need to move other bins first. Further guidance is available in our standard waste requirements.

6.7 CDC Environmental Strategy Unit

Recreational Disturbance

For this application we are satisfied that the HRA issue of recreational disturbance can be resolved as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

Bats

As detailed within the Preliminary Ecological Appraisal (Nov 2023) there is potential for bats to be roosting within the stables, Day room and dead tree onsite. The current proposals retain all these areas so no further survey work is required for bats, however if this changes and any works are required to these areas then further bat surveys will be required.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. 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. Conditions should be used to ensure this.

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

The lighting scheme for the site will need 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.

Great Crested Newts

As detailed within the Preliminary Ecological Appraisal (Nov 2023) there is potential for Great Crested Newts. Due to this and as recommended within the survey a further eDNA sampling survey is required on the pond along with a presence/absence survey. The results of these surveys can then be used to create a suitable mitigation strategy and inform a Natural England protected species license if required.

We require that these surveys are undertaken and the report and the mitigation strategy submitted with the planning application prior to determination.

Dormice

The hedgerows on site are potential used by dormice for commuting and foraging and will need to be retained and enhanced for dormice. 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. Conditions should be used to ensure this.

Reptiles

Following submission of the Preliminary Ecological Appraisal (Nov 2023), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Nesting Birds

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). A check will also be required for birds nests within the building prior to work commencing. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged.

We would like a bird box to be installed on the building / and or tree within the site.

Hedgehogs

Any brush piles, compost and 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.

Policy 40

Construction and Design, we require that a sustainability statement is submitted for this proposal. The statement will need to demonstrate how the requirements of policy 40 will be met.

This includes how the site will;

Protect and enhance the environment

Achieve a maximum consumption of 110l of water per day per person

Complies with building for life standards or equivalent replacement

Sustainable design including the use of re-used or recycled materials

Minimise energy consumption through renewable resources

Adapt to climate change Historic and built environment protected and enhanced

Improvements to biodiversity and green infrastructure

Maintain tranquillity and local character

Provision of electric vehicle charging points

6.8 Third party objection comments

7 third party representations of objection have been received concerning the following matters:

- a) There is not a need for these pitches
- b) Lack of information regarding landscaping
- c) Lack of information regarding impact on the setting of the AONB
- d) Environmental concerns, habitat destruction, impact on trees
- e) Suitability of Pinks Lane for access and additional traffic
- f) Foul drainage capacity and querying whether ownership would allow for pipes to be laid to make this connection
- g) Loss of agricultural land
- h) Groundwater
- i) Impact to Pinks Lane, which is a private road
- j) Matters relating to ownership
- k) Commercial activity will take place on site
- l) Pumping vehicles from Southern Water blocks and damages the lane

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 Birdham Parish Neighbourhood Plan 2014-2029 was made on

7 June 2016 and forms part of the Development Plan against which applications must be considered.

- 7.2 The principal policies of the Chichester Local Plan and the Birdham Neighbourhood Plan 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 5: Parish Housing Sites 2012- 2029
Policy 8: Transport and Accessibility
Policy 33: New Residential Development
Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople
Policy 39: Transport, Accessibility and Parking
Policy 42: Flood Risk and Water Management
Policy 45: Development in the Countryside
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Birdham Parish Neighbourhood Plan 2014-2029

Policy 1 Heritage Assets & Their Setting
Policy 3 Habitat Sites
Policy 4 Landscape Character and Important Views
Policy 5 Light Pollution
Policy 6 Biodiversity
Policy 7 Integration & Sense of Community
Policy 9 Traffic Impact
Policy 10 Footpaths and Cycle Paths
Policy 11 Village Severance
Policy 13 Settlement Boundary
Policy 15 Rural Area Policy
Policy 20 Surface Water Run-Off
Policy 21 Wastewater Disposal

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

- 7.3 The Chichester Local Plan 2021-2039: Proposed Submission completed its 'Regulation 19' consultation on 17 March 2023 and was submitted for examination to the Planning Inspectorate on 3rd May 2024. In accordance with the Local Development Scheme and with Examination Hearings which commenced in October 2024, it is anticipated that the new Plan will be adopted by the Council in Spring 2025. Accordingly the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of paragraph 48(a) of the NPPF and consequently could be afforded moderate weight in the decision making process. At this stage, the Local Plan Proposed Submission 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

objections attributed to any relevant policy, commensurate with government policy in the NPPF.

7.4 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 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 NE21 Lighting
- Policy H11 Meeting Gypsies, Travellers and Travelling Showpeoples' Needs
- 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

National Policy and Guidance

7.5 Government planning policy comprises the National Planning Policy Framework (NPPF, December 2023) and related policy guidance in the NPPG.

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.

7.6 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.

7.7 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.

Other Local Policy and Guidance

7.8 The following documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance
- 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)

7.9 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:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Support communities to meet their own housing needs
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Impact upon the Settled Community
- iii. Design and Impact upon Visual Amenity/Character of Area
- iv. Amenity of neighbouring properties and future occupiers
- v. Impact on setting of non-designated heritage assets
- vi. Impact upon highway safety and parking

- vii. Drainage
- viii. Ecology
- ix. Recreational Disturbance
- x. Fire and Access
- xi. Other Matters
- xii. Planning Balance

Assessment

i. Principle of development

- 8.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2005 requires applications 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.
- 8.3 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.
- 8.4 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.
- 8.5 Policy 36 of the Local Plan is the most relevant Development Plan Policy for assessing applications for Gypsy and Travellers pitches. The policy sets out the need for pitches 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.
- 8.6 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 121 pitches for households that meet the planning definition (as per PPTS) and 34 pitches for those who don't meet the definition in the period 2022-2039. Of the 121 plots, 82 of them need to be provided in the first five- years (end of 2026).

- 8.7 The emerging Local Plan does all that it can to meet the need identified, including assigning plots to suitable strategic allocations. Emerging policy H11 includes a requirement of three Gypsy and Traveller pitches on any non-allocated site of 200 dwellings or more. In addition, Policy H12 looks at intensifying existing sites, identifying seven sites suitable for intensification, whilst also advising additional caravans on existing authorised sites which have adequate facilities and would not result in overcrowding of sites, will be supported. 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 to ensure the outstanding need can be met. Policies H13 and H14 of the emerging Local Plan set out the criteria for the provision of gypsy and traveller pitches.
- 8.8 In recent Appeal Decisions, notably 20/3254057 and 20/3257880 (Melita Nursery), 21/3268916 (Scant Road), 21/3272950 (Common Road), 21/3267477 (Monks Hill), and 20/3259313, 3254259, 3267885, 3285488 and 3266164 (Newells Lane), 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 a significant material consideration, in favour of granting planning permission. In the case of the Newells Lane Appeal, the Inspector concluded the unmet need 'has increased considerably since the last GTAA and represents a very significant shortfall and, to my mind, represents a failure of policy which weighs heavily in support of the development'. The findings of these Appeal Decisions are a significant material consideration.
- 8.9 The area of the application site where the pitches would be sited is located outside of the defined settlement boundary of Birdham as amended by the Birdham Neighbourhood Plan. However, the development at Tawny Close, is approximately 130m from the proposed siting of the pitches, the eastern end of Pinks Lane, which is within the application site as the means of access onto the B2198 is within the Settlement boundary, and from the entrance to where the pitches would be located to the edge of the Settlement Boundary is approximately 230m along the access. Therefore, the location of the site for a form of development which typically is found within a countryside location is considered acceptable in principle in accordance with Policy 45 of the Chichester Local Plan and Policy 15 of the Birdham Neighbourhood Plan.

Assessment against Policy 36

In assessing the suitability of sites 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.

The site is sustainably located with access to facilities and public transport links within Birdham. The edge of the parcel of land is located approximately 280m from the junction of Pinks Lane with the B2198.

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.

The proposal would utilise the existing access onto the B2198 along Pinks Lane. Third party comments have raised queries regarding ownership and the impact this would have on the ability to deliver infrastructure to lay pipes to provide a connection, however, the limited physical separation from services means it is in a location where this could reasonably be provided and land ownership would be a civil matter.

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.

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.

The site is not within or would not compromise 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.

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

The proposal for six pitches is not considered to be of a scale which would dominate the existing settled community.

ii. Impact upon the Settled Community

8.10 Paragraph 25 of the PPTS advises 'local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure'. Policy H13 of the emerging Local Plan requires sites to be well related to settlements and sites must not dominate the local settled community.

8.11 The proposal for six pitches would not dominate the dwellings within the settlement of Birdham or the wider Parish. The scale of development would not put undue pressure on local services. Consequently, the proposal would be of an appropriate scale, and respect the scale of, and would not dominate, the settled community. Therefore, the proposal would accord with Paragraph 25 of the PPTS, Policy 36 of the Chichester Local Plan and Policy H13 of the emerging Local Plan.

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

- 8.12 Paragraph 135 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.
- 8.13 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. Policy 4 of the Birdham Neighbourhood Plan requires development to protect the local character of the landscape. Policy H14 of the emerging Local Plan sets out the design criteria for gypsy and traveller sites; sites must be well landscaped, provide essential services, ensure an efficient use of land and contain sufficient amenity space.
- 8.14 Some comments during the consultation period have queried the impact on the setting of the Chichester Harbour Natural Landscape (formerly AONB). The site is not within the designated National Landscape, which is located approximately 400m from the closest point of the area where the pitches would be sited to the closest point of the boundary of the National Landscape. In addition, the site is visually contained from views from the National Landscape, and in between the site and the National Landscape is the defined settlement and built form of Birdham. Therefore, it is not considered that the proposal would affect this designated landscape or its setting and further information is not required in this regard.
- 8.15 The proposed layout shows six pitches, with three pitches located on the northern and southern sides of a central access road. There is sufficient space within the site to ensure that the layout, including car parking, touring caravan spaces, mobile homes and bin stores can all be satisfactorily accommodated with sufficient amenity space provided. Landscaping details would be secured by condition if permitted.
- 8.16 The site is located at the eastern end of Pinks Lane. The layout of Pinks Lane is predominately a straight line, however there is a slight curve near to the eastern of the site. This results in there being very limited views of the application site available from public vantage points when travelling along Pinks Lane in an easterly direction, due to the curve at the eastern end in the Lane and existing screening. The site comes into view towards the very eastern end of Pinks Lane when approaching the entrance to the site.
- 8.17 In the wider context, the area around the application site features sporadic development including residential development, nurseries and mobile homes. It is considered that the modest scale of the proposal would causing limited visual intrusion within the wider landscape.
- 8.18 The development is therefore considered to be acceptable with regard to design and the impact upon the visual amenity and character of the area, and would not impact upon any designated landscape or its setting. It would therefore comply with Policy 48 of the CLP and paragraph 135 of the NPPF and paragraph 25 of PPTS. The development also accords with Policy 4 of Birdham Neighbourhood Plan and Policy H14 of the emerging Local Plan.

iv. Amenity of neighbouring properties and future occupiers

- 8.19 The NPPF states at Paragraph 135 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 proposals will be supported 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. Policy H13 of the emerging Local Plan requires proposals to avoid unacceptable harm to the character of the local area and amenity of neighbouring properties. Emerging Local Plan Policy P6 sets out that development proposals are required to ensure that they would not result in material nuisance and or unacceptable impact on the amenity of an area, its users, neighbouring residents and occupiers, including those of the future development and that it would be likely to not be detrimental to human health.
- 8.20 The pitch sizes are considered appropriate in this instance and provides adequate parking/storage. Full details of landscaping could be achieved by condition if the development was acceptable in all other regards to secure lawned areas and appropriate landscaping.
- 8.21 It is acknowledged that the proposal would give rise to some increased traffic and pedestrian use along Pinks Lane, but this in itself is not considered to result in harm which would substantiate a reason for refusal due to the scale of the development. Matters relating to ownership of the lane are a civil matter and not for the planning regime to control.
- 8.22 Given the position of the pitches relative to the closest neighbouring property, Brierey Cottage to the north west of site, with a distance in excess of 50m between the closest point of the dwellinghouse to the closest pitch, and separation afforded by landscaping, it is not considered that the proposal would give rise to an unacceptable impact upon the amenities of neighbouring properties, in terms of noise, their outlook, privacy or available light.
- 8.23 Consequently, the proposal is considered to result in an acceptable level of amenity for existing and future occupiers of the development and would not have an unacceptable level of impact on the residential amenity of the neighbouring dwellings. It therefore accords with Paragraph 135 of the NPPF, Paragraph 26 of the PPTS, and Policies H13 and P6 of the emerging Local Plan.

v. Impact on setting of non-designated heritage assets

- 8.24 Policy 47 of the Chichester Local Plan seeks to conserve and enhance the historic environment. Policy 1 of the Birdham Neighbourhood Plan requires that development conserves or enhances the heritage assets of the Parish and their setting. Paragraph 209 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into consideration in determining the application.

8.25 The Birdham Neighbourhood Plan identifies several properties as non-designated heritage assets, including Brierey Cottage, Pinks Lane. This property is located to the north west of the application site, and given the separation to this property and position of the application site the proposal is considered to not impact upon the setting of the non-designated heritage asset.

8.26 Therefore the proposal accords with Policy 47 of the Local Plan, Policy 1 of the Birdham Neighbourhood Plan and paragraph 209 of the NPPF.

vi. Impact upon highway safety and parking

8.27 Paragraph 115 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 Chichester Local Plan asserts that development should not create problems of safety. Policy T2 of the emerging Local Plan requires development to have safe access to the highway for all users and parking provision.

8.28 Concerns have been raised during the consultation process regarding the width of Pinks Lane and the suitability of the access track. Comments have also referenced that in wet weather tanker trucks are on standby at the sewage pumping station in Pinks Lane. Officers consider that the proposed development would not lead to an unacceptable increase in traffic generation and would not be contrary to planning policy. The Council's Waste Lead has provided additional comments specific to this site during the course of the application, as their original comments provided generic advice. In their further comments they confirm that they have no objection to the proposal subject to conditions to secure parking and turning and a bin collection area. The applicants have confirmed that this is achievable on the site and this would be secured by condition. CDC Waste have confirmed that they already service Pinks Lane, with their 13.5ton vehicle and that they currently service Brierey Cottage along Pinks Lane. CDC Waste have confirmed that they would welcome the provision of a turning point at the application site.

8.29 The application has been reviewed in consultation with WSCC Highways, who have raised no objection to the proposed development. The proposed development is not anticipated to lead to a significant material intensification of use of this access. There is sufficient space on site for parking and turning and this is to be secured by condition. Conditions are recommended to secure the provision of the vehicle and cycle parking.

8.30 In light of the above, it is considered the proposal would not 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 115), and that there are no transport grounds to resist the proposal. The proposal would accord with Policy 39 of the Local Plan, Policy 9 of the Birdham Neighbourhood Plan and Policy T2 of the emerging Local Plan.

vii. Drainage

8.31 Policy H14 of the emerging Local Plan requires new gypsy and traveller sites to have suitable drainage provision and Policy 42 of the Local Plan requires development to result in no net increase in surface water run-off. Policies 20 and 21 of the Birdham Neighbourhood Plan relate to surface water run-off and wastewater disposal.

- 8.32 The site is wholly within Flood Zone 1 (low risk). Coastal Partners on behalf of CDC have raised no objection to the proposed use, scale or location based on flood risk, subject to satisfactory drainage.
- 8.33 The documents submitted in support of this application suggest that the proposed means of surface water drainage is through a restricted discharge to a watercourse adjacent to the site's northern boundary and through the use of permeable surfacing. Coastal Partners have confirmed that an off-site discharge would only be acceptable if on-site infiltration is proven to be unviable through appropriate ground investigations, and have set out advice and a pre-commencement condition to secure full details of a surface water drainage strategy, including ground investigations. It is considered reasonable and necessary to secure this through condition in the event that the application is permitted, along with a condition that hard surfaces are permeable.
- 8.34 The proposal seeks to discharge foul water into existing mains sewage network, which would be acceptable in principle, and any connections should be made in consultation with Southern Water. The supporting information sets out that the proposal would discharge to the public foul water sewer in Pinks Lane and that this would be pumped. Concerns have been raised in comments regarding the ability to provide this infrastructure due to matters relating to ownership, however this would be an acceptable approach in principle and matters relating to ownership are not a material planning consideration. In addition, Southern Water have a statutory duty to ensure that the system is satisfactory and fit for purpose and does not lead to issues locally or elsewhere.
- 8.35 Consequently, it is accepted that suitable drainage can be achieved, and it is considered appropriate to secure details via condition, and therefore, the proposal meets the aims of Policy 42 of the Local Plan, Policies 20 and 21 of the Birdham Neighbourhood Plan and Policy H14 of the emerging Local Plan.

viii. Ecology

- 8.36 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded. Policy 6 of the Birdham Neighbourhood Plan is consistent with this. Policies NE5 and NE8 seek to ensure that development conserves and enhances biodiversity.
- 8.37 The application was supported by an accompanying Preliminary Ecology Appraisal. It is considered that the application proposal would retain the biodiversity and protects landscaping and habitats.
- 8.38 Buffer zones to hedging have been requested through the consultation process. Given the limited operational development proposed it is considered that suitable protection can be secured as part of a landscaping condition that would also require details of measures to protect existing trees and hedging during construction. This would require the submission of details to be approved.
- 8.39 Further information has been submitted during the course of the application to demonstrate the results of an environmental DNA assessment with regard to Great Crested Newts. This showed a negative result for the presence of Great Crested Newts. The application has been submitted with precautionary mitigation detailed for reptiles and this mitigation would be secured by condition.

8.40 Several biodiversity enhancements such as the installation of bat and bird boxes within the site, infilling any gaps within existing hedgerows with native planting would be secured via the recommended conditions.

8.41 A condition has been suggested to secure the EV charging points, and cycle storage. Consequently, subject to future compliance with conditions, the proposal would adequately safeguard the biodiversity of the site and accord with Policy 49 of the Local Plan, Policy 6 of the Birdham Neighbourhood Plan, and Policies NE5 and NE8 of the emerging Local Plan.

ix. Recreational Disturbance

8.42 The site is located within the zone of influence for the Chichester and Langstone Harbour Special Protection Area where a net increase in overnight accommodation would have an adverse impact as a result of the increase in recreational disturbance. To offset any impacts of this additional overnight accommodation it is necessary for a financial contribution towards the Bird Aware Strategic Mitigation Scheme to be secured through a planning obligation.

8.43 A Unilateral Undertaking to secure the contribution has been completed and the required contribution received. As such, the proposal would comply with Policy 50 of the Local Plan and Policy NE7 of the emerging Local Plan and the requirements of the Habitat and Protected Species Regulations 2017, and the proposal would be acceptable in this respect.

x. Fire and Access

8.44 Comments have been received from the WSCC Water and Access Manager that “the nearest fire hydrant to this site is 410-metres away 320-metres further than the 90-metres distance required for a commercial site and 235- metres further than the 175-metre distance required for domestic use. 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.”

8.45 The recommendation requires details of a fire hydrant to be provided of the site, to be secured by condition. In addition, it is proposed to secure provision for an access/turning on-site to allow for Refuse Vehicles and Fire Tender Access and that this is retained in perpetuity as approved and kept clear for that purpose.

xi. Other Matters

8.46 Comments have been received regarding the loss of agricultural land. Policy 23 of Birdham Neighbourhood Plan states that proposals for development must not have a significantly adverse impact on farming and horticultural business. The site is located on Grade 2 Agricultural Land, which forms a large part of this part of the Chichester District. Given the site is not in a farming or business use and that the application site forms a small part of a much wider area designated as Grade 2 Agricultural Land, it is considered to be compliant with this policy.

xii. Planning Balance

- 8.47 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. Recent appeal decisions in the Chichester District have found a significant unmet need within the district and the absence of a five-year supply has been of critical importance weighing heavily in favour of developments.
- 8.48 The proposal complies with the six criteria set out within Policy 36 of the Local Plan, which seeks to direct Gypsy and Traveller development to appropriate locations within the district. The proposal would also accord with the relevant policies of the emerging Local Plan, with particular reference to Policies H13 and H14. The location, and density of development is considered to be appropriate and proportionate to the scale of the settled community (i.e., not dominating) and would neither exceed the settled community, either in numerical terms or area. The proposal would result in minor change upon the character and landscape; however, this would be limited to the immediate context of the site and would be ameliorated to an extent through the use of planning conditions to secure appropriate landscaping and boundary treatments. The proposal would also read in the context of existing development in the locality and would not appear isolated. The proposal would also contribute towards the significant unmet need for Gypsy and Traveller sites.
- 8.49 The applicant has entered into a legal agreement to secure a financial contribution towards the Bird Aware recreational disturbance mitigation scheme, ensuring the proposal would not adversely impact the designed sites. An adequate drainage scheme can also be achieved, subject to securing the details by condition.

Conclusion

- 8.50 In considering the above, the absence of a five-year supply, together with a significant unmet need for Gypsy and Traveller pitches, identified within the GTAA 2022 and the absence of harm to arise from the development the proposal is acceptable subject to conditions and S106 planning obligation.

Human Rights

- 8.51 The Human Rights of the applicants and those within the settled community have been considered 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. The Coastal West Sussex Gypsy and Traveller accommodation Assessment (GTAA) December 2022 requires the LPA to have regard to the following factors when considering an application:
1. do the children of the applicant go to the local school
 2. do the applicants have a particular medical condition that requires them to live on this site
 3. are they members of the established community already on this or adjacent sites or is this just a speculative application?

8.52 No details of the applicants' personal circumstances, or specific healthcare, educational or other needs have been provided in support of the proposal. However, it is acknowledged a settled base does provide access to such services. Nevertheless, as the application does not seek a personal permission, it has been assessed on the information available and it was not considered necessary to receive any additional information to support a positive recommendation.

RECOMMENDATION

PERMIT WITH S106 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 be occupied only by persons meeting the definition of gypsies and travellers as defined in Appendix 1 of the Planning Policy for Traveller Sites, updated 19 December 2023 (or its equivalent future replacement national policy).

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) No more than 12 caravans shall be stationed on the site at any time, of which no more than 6 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 protective fencing has been erected around all trees, hedges, shrubs and other natural features not scheduled for removal have been protected by a fence providing a landscape buffer 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 plans showing the type and position of all protective fencing. 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: In the interests of protected species and preserving the visual amenities of the area. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

6) Development shall not commence until the full details of the proposed surface water drainage scheme have 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 systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. The site shall not be occupied until the complete surface water drainage system has been implemented in accordance with the approved surface water drainage scheme. The system shall be retained in perpetuity unless agreed in writing by the Local Planning Authority.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained.

7) Prior to occupation of the development hereby permitted, a strategy outlining details of how renewable technologies will be incorporated into the proposal has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change.

8) Prior to occupation of the development hereby permitted, an access/turning area shall be provided on-site to allow for Refuse Vehicles and Fire Tender Access in accordance with details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter, the access/turning area shall be maintained in perpetuity as approved and kept clear for that purpose.

Reason: In the interests of amenity, highway safety and in accordance with Chichester Local Plan (2014 - 2029) Key Policies 8 and 9 and in accordance with The Fire & Rescue Service Act 2004.

9) Prior to occupation of the development hereby permitted, the vehicle parking and turning spaces shall be provided 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

10) No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces in accordance with details that shall first have been submitted to and approved by the Local Planning Authority have been provided. 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.

11) No part of the development hereby permitted shall be occupied until the refuse and recycling storage facilities have been provided in accordance with details that shall first have been submitted to and approved 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.

12) No part of the development hereby permitted shall be first occupied until Electric Vehicle (EV) charging points 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 Electric Vehicle Charging points shall be retained for that purpose for the lifetime of the development.

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies

13) The development hereby permitted shall not be first brought into use until on-site hard and soft landscaping works in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. The scheme shall include plans showing details of the hard surfacing material, a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and details of the proposed infrastructure and regime for watering and ongoing maintenance. Wherever possible, hard surfaces should be of permeable construction. The scheme should also include provision to infill gaps in hedgerows with native species. Any trees or plants which, 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

14) Prior to first occupation of the of the site hereby permitted the associated boundary treatments shall be provided 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;

- (a) scaled plans showing the location of the boundary treatments and elevations, and
- (b) details of the materials and finishes.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the rural character of the area and the amenities of occupiers

15) Prior to occupation of the development hereby permitted, the following ecological enhancements shall be provided:

- a. The installation of a bat box and bird box on the building/trees facing south/south westerly positioned 3-5m above ground.
- b. The provision of hedgehog nesting boxes within the site.

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

Reason: In the interests of securing a biodiversity enhancement.

16) Prior to first occupation of the site details showing the proposed location of one fire hydrant shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. The fire hydrant shall be provided prior to first occupation of the site and be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network. The fire hydrant shall be connected to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting shall be installed in the in accordance with the approved location and to BS 750 standards, unless otherwise agreed in writing through a discharge of condition application.

Reason: In the interests of amenity.

17) The development hereby permitted shall be carried out in strict accordance with the Preliminary Ecological Appraisal prepared by The Ecology Co-op (27th November 2023) 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.

18) The following ecological mitigation measures shall be adhered to at all times during construction.

1. Any brush piles, compost and debris piles or inert material piles on site could provide shelter areas and hibernation potential for hedgehogs and shall only be removed outside of the hibernation period (mid-October to mid-March inclusive).
2. If any works need to take place to the trees or for vegetation clearance within the site, works 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).
3. Due to the potential for bats within the existing hedgerows to be retained a buffer around the hedgerows shall be maintained during the course of the development. The buffer shall be clearly marked with a temporary fence and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time

Reason: In the interests of protecting biodiversity and wildlife.

19) 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

20) No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.

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

21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no area of hardstanding other than those shown on the approved plans or those approved under Condition 13 shall be laid on the site unless details of their materials and location shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual and neighbour amenity

22) 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.

23) 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 walls, fences or other means of enclosure (including bunding) other than those shown on the approved plans shall be erected within or on the boundary of the site unless details of their height, materials and location shall have previously been submitted to and approved in writing by the local planning authority via a subsequent planning application.

Reason: In the interests of visual and neighbour amenity

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 - SITE PLAN	2.01		22.03.2024	Approved
PLAN - LOCATION PLAN	2.02		22.03.2024	Approved
PLAN - VISIBILITY SPLAY			12.04.2024	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.

2) S106

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

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 Sussex and Kent Area Team (Worthing Office: Guildbourne House Chatsworth Road Worthing West Sussex BN11 1LD Telephone: 0300 060 3900, consultations@naturalengland.org.uk) for advice. If nesting birds are present on site, works should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October.

For further information on this application please contact Martin Mew on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SAR5PGERHWC00>