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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 27 September 2023 at 10.30 am**

MEMBERS: Mr S Johnson (Chairman), Mr J Cross (Vice-Chairman), Mr R Bates, Mr D Betts, Mr R Briscoe, Mr J Brookes-Harmer, Ms B Burkhart, Mrs H Burton, Mrs D Johnson, Mr H Potter, Ms S Quail, Mrs S Sharp and Mr C Todhunter

SUPPLEMENT TO AGENDA

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Agenda Update Sheet

Planning Committee
Wednesday 27th September 2023

ITEM: 5

APPLICATION NO: 22/02214/FULEIA

COMMENT:

Additional representation

A written statement from Cllr Montyn has been circulated to Members.

Additional consultation response

West Wittering Parish Council – received 21st September 2023

Unacceptable loss of the rural gap - between the small rural settlement of Furzefield and the village settlement of East Wittering. At present the site in agricultural use provides an important division and loss of this gap will create the perception of coalescence between Furzefield and East Wittering. This development will further urbanise the countryside, which at present provides an important setting for both Furzefield and the entrance to East Wittering. The inevitable road improvements in the same area will also have an unacceptable detrimental impact on this rural area and create one large conglomerate of dwellings and the loss of the rural character of the area. The listed building, The Thatched Tavern, is in close proximity.

Impact on Highways - These are well rehearsed arguments, the impact on local rural road junctions, capacity of roundabouts between the site and Chichester, and the undisputed congestion on the A27 with no mitigation ever likely to happen. Cllr Montyn (WSCC) has referred to the current situation with the highway issues and the Parish Council agrees that the current state of the highway network does not have capacity without significant mitigation. The cumulative impacts of additional traffic at all junctions between the site and Chichester together with all the other potential developments on the peninsular are not acceptable.

Inadequate Sewerage network - Cllr Montyn (WSCC) has written to you separately concerning the appalling state of the sewerage system. It is already overloaded and cannot just accept hundreds more houses without a significant upgrade. The whole subject has been presented by Cllr Montyn at recent planning inquiries and at no point has any of his evidence been challenged. It is undisputed facts that there is no head-room for further

discharges into the current system. These facts are contained in the Water Company's own data. Further evidence is emerging about the very serious harm that is being done to the flora and fauna in the sea as a result of chemicals and pollutants in the sewerage discharges into the sea. It is current science (CHASM and work on endocrine disruptors) that permanent damage is being done to the harbour as a result of these discharges. It is inconceivable that yet more sewerage will end up in the sea as a result of this development unless the sewerage system is robust and able to contain all the effluent with no further discharges ever. Evidence shows that this is not the case and for this reason alone no further development should be permitted when there is a risk of more pollution into the sea.

Flooding uncertainty - at present it is not clear what the current status of the site is as the most recent Strategic Flood Risk Assessment is just emerging. Local experts are very concerned about further development in this area as a result of future flooding. In the very least it is premature to rely on old flooding maps and data on which to judge this issue. The Parish Council is intending to hold a meeting in private to look at the new SFRA in the next couple of weeks and hopes to be able to amplify this part of its objection. A more detailed submission will be made when more information is available on the Strategic Flood Risk Assessment of the area.

Sustainability - The Parish Council is concerned about the sustainability of this location for further significant development on a green field site. It is inevitable that any new residence will be car reliant. Since East Wittering was last considered at the Local Plan review, when it was classed as a settlement hub, various services have either disappeared or been significantly diminished. West Wittering Parish Council is placing a holding objection to this large development on the edge of the East Wittering settlement area as it impacts on the coalescence between the two villages. It is also unsustainable in terms of sewage and water management, flooding and transport. The current road network on the Peninsula and on the adjoining A27 is unable to cope with a development of this size. Although potentially being classed as a Settlement Hub in the emerging CDC Local Plan the services available to communities in East Wittering have reduced considerably in recent years and therefore there will also be inadequate services for this development. A more detailed submission will be made when more information is available on the Strategic Flood Risk Assessment of the area.

Food Security - The Parish Council is concerned about the further loss of agricultural land when food security and locally sourced food is becoming much more important to residents.

Increased Recreational Pressure - The site is located in an area which is heavily designated to protect the flora and fauna of the coast and hinterland. The introduction of significant further numbers of residents using these areas for recreation is not acceptable without proven mitigation measures. The cumulative impacts of these new residents together with all the other new residents need to be fully assessed in terms of local impacts on these important sites.

The Parish Council wishes to reserve its right to make further representations as soon as clarification has been sought on the SFRA and any other planning matters.

WSCC LLFA – received 19th and 20th September 2023

Clarification on their original consultation response 18th November 2022 and further information

We are not concerned about groundwater influence on surface water, as set out in 18th November consultation response. We suggest removing groundwater/lidar data based comments and replace with this: 'The LLFA raises concern about the long term sustainability of the development as out of date climate change allowances and rainfall data have been used in calculations. This means that it has not been demonstrated that the sustainable drainage system is fit for purpose for the lifetime of the development, as the volume of surface water has been underestimated. The applicant has not provided any updated documents to address LLFA concerns'.

In addition, no evidence has been provided to show the sustainable drainage system has appropriate minimum operational standards, as it has not been demonstrated the drainage network will not surcharge during a 1 in 2 year storm event and in 1 in 30 year storm including climate change, that there is no flooding outside the drainage network which is designed to hold water. Furthermore the LLFA required further evidence to demonstrate that any residual risk can be safely managed.

While 5 attenuation basins have been proposed in the Drainage Strategy as end of pipe design, the PPG Flood risk and coastal change states that sustainable drainage systems should be designed to control surface water runoff close to where it falls. The LLFA suggested increased use of source control SuDS features, to increase multifunctional benefits of the SuDS. To date this, along with other LLFA comments, have not been addressed.'

Also for 8.53, we would suggest removing last sentence and replacing with: 'Therefore as insufficient information has been submitted to demonstrate the sequential test has been passed, it is not in accordance with NPPF paragraphs 161 and 162. The Flood Risk Assessment should only be submitted once evidence has been received to demonstrate that the sequential test has been passed.' This is because applicant shouldn't do FRA until sequential test done.

Revised paragraphs 8.53 and 8.59

8.53 In essence this information establishes that the application site has a high-risk of future flood risk as a result of tidal flooding with climate change allowances, as identified in the Council's Strategic Flood Risk Assessment (SFRA). The Sequential Test requires that development such as proposed by the proposal should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Council's own evidence indicates that were the Sequential Test to be applied it is likely that within the Local Plan area, there are likely to be a wide range of potential development sites which are at lower risk of flooding in the search area, having regard to the SFRA. The sequential test is predicated on the whole Local Plan area as the area of search. It would need to be demonstrated by the applicant why a different area of search would be appropriate, if a smaller area of search was to be proposed. Such information has not been provided by the applicant. ~~Therefore in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy, the application fails the sequential test, as insufficient adequate information has been submitted to show there are no reasonably available sites appropriate for this type of development, in areas at lower risk of flooding, as required in NPPF paragraphs 161 and 162. Therefore as insufficient~~

information has been submitted to demonstrate the sequential test has been passed, it is not in accordance with NPPF paragraphs 161 and 162. The Flood Risk Assessment should only be submitted once evidence has been received to demonstrate that the sequential test has been passed.

8.59 ~~Based upon a review of LiDAR data, ground levels range between about 4.7m and 5.4m above Ordnance Datum in the areas where the detention basins are proposed. Given the proximity to the coast, there is a strong possibility that these groundwater levels may be tidally influenced and, therefore, will increase in elevation with sea-level rise throughout the lifetime of the development.~~ **The LLFA raises concern about the long term sustainability of the development as out of date climate change allowances and rainfall data have been used in calculations. This means that it has not been demonstrated that the sustainable drainage system is fit for purpose for the lifetime of the development, as the volume of surface water has been underestimated. The applicant has not provided any updated documents to address LLFA concerns.** In their consultation response the LLFA require “At the very least, further evidence of the design of structures envisaged to provide the requisite attenuation storage, taking into consideration predicted groundwater levels over the lifetime of the development is appropriate. Furthermore, the applicant should assess whether the proposed structures could displace (and therefore elevate) existing groundwater levels”. To date this information has not been provided.

Natural England – received 22nd September 2023

Summary of Natural England’s advice.

Further information required to determine impacts on designated sites.

As submitted, the application could have potential Significant effects on the Chichester and Langstone Harbour Special Protection Area (SPA). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Implementation of appropriate measures to mitigate for the loss of identified secondary support area (C63), as set out within the Solent Waders and Brent Goose Strategy Mitigation guidance document.

Without this information, Natural England may need to object to the proposal.

Recommendation

Amended Reason for Refusal 1

1) The application site is at high-risk of future flood risk as a result of tidal flooding taking into account the current climate change allowances, based on information in the Level 1 Interim Strategic Flood Risk Assessment Report December 2022 **and insufficient information has been submitted to demonstrate the sequential test has been passed.** ~~In the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy, the application fails the sequential test as insufficient adequate information has been submitted to show there are no reasonably available sites appropriate for this type of development, in areas at lower risk of flooding, as~~

required in NPPF paragraphs 161 and 162. The application is therefore unacceptable on flood risk grounds and is not in accordance with policy 42 of the Chichester Local Plan: Key Policies 2014-2029, paragraphs 159, 161, 162, 163, 167 and 169 of the NPPF and guidance in the PPG 'Flood Risk and Coastal Change'.

ITEM: 6

APPLICATION NO: 22/02235/OUTEIA

COMMENT:

Additional consultation response

WSCC highways – received 22nd September 2023

I have had an opportunity to review the latest information submitted in June 2023 by the applicant. In summary my comments would be:

- Access - The Transport Note provides revised speed surveys which were submitted for both applications. The access strategy was agreed in an earlier response to 22/2214/FULLEIA. This included speed surveys which were in accordance with 85th percentile road speeds. We would therefore be satisfied with the access strategy based on this information.
- Trip Generation - previously agreed in my original response from 9th November 2022. No concerns raised with regard to this.
- Parking - There is not a designated standard for sheltered accommodation parking within the LHA's parking parameters. The original Transport Assessment states that 17 spaces are provided and that further justification would be provided at the Reserved Matters (RM) stage. The LHA would accept this on that basis and we can re-assess these points at that stage.
- Layout - again to be confirmed in more detail at RM, however in principle no concerns raised.

Conclusion: Having assessed the latest information WSCC would not recommend objecting to this application. The application is a lower traffic generator compared to the larger 22/2214/FULEIA (only 5/6 amount of movements in the peak hours) and therefore is not considered to warrant a contribution to local highway schemes. In addition the pedestrian improvements requested from the larger application are not considered as applicable to this scheme given the scale and likely movements associated with it.

Recommend conditions in relation to Access, Construction Management Plan, Travel Plan

WSCC LLFA – received 19th and 20th September 2023

Clarification on their original consultation response 31st October 2022 and further information

In addition, no evidence has been provided to show the sustainable drainage system has appropriate minimum operational standards, as it has not been demonstrated the drainage network will not surcharge during a 1 in 2 year storm event and in 1 in 30 year storm

including climate change, that there is no flooding outside the drainage network which is designed to hold water. Furthermore the LLFA required further evidence to demonstrate that any residual risk can be safely managed.

While 5 attenuation basins have been proposed in the Drainage Strategy as end of pipe design, the PPG Flood risk and coastal change states that sustainable drainage systems should be designed to control surface water runoff close to where it falls. The LLFA suggested increased use of source control SuDS features, to increase multifunctional benefits of the SuDS. To date this, along with other LLFA comments, have not been addressed.'

Also for 8.51, we would suggest removing last sentence and replacing with: 'Therefore as insufficient information has been submitted to demonstrate the sequential test has been passed, it is not in accordance with NPPF paragraphs 161 and 162. The Flood Risk Assessment should only be submitted once evidence has been received to demonstrate that the sequential test has been passed.' This is because applicant shouldn't do FRA until sequential test done.

Revised paragraphs 8.51

8.51 In essence this information establishes that the application site has a high-risk of future flood risk as a result of tidal flooding with climate change allowances, as identified in the Council's Strategic Flood Risk Assessment (SFRA). The Sequential Test requires that development such as proposed by the proposal should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Council's own evidence indicates that were the Sequential Test to be applied it is likely that within the Local Plan area, there are likely to be a wide range of potential development sites which are at lower risk of flooding in the search area, having regard to the SFRA. The sequential test is predicated on the whole Local Plan area as the area of search. It would need to be demonstrated by the applicant why a different area of search would be appropriate, if a smaller area of search was to be proposed. Such information has not been provided by the applicant. ~~Therefore in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy, the application fails the sequential test, as insufficient adequate information has been submitted to show there are no reasonably available sites appropriate for this type of development, in areas at lower risk of flooding, as required in NPPF paragraphs 161 and 162.~~ **Therefore as insufficient information has been submitted to demonstrate the sequential test has been passed, it is not in accordance with NPPF paragraphs 161 and 162. The Flood Risk Assessment should only be submitted once evidence has been received to demonstrate that the sequential test has been passed.**

Recommendation

Amended Reason for Refusal 1

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~~adequate information has been submitted to show there are no reasonably available sites appropriate for this type of development, in areas at lower risk of flooding, as required in NPPF paragraphs 161 and 162. The application is therefore unacceptable on flood risk grounds and is not in accordance with policy 42 of the Chichester Local Plan: Key Policies 2014-2029, paragraphs 159, 161, 162, 163, 167 and 169 of the NPPF and guidance in the PPG 'Flood Risk and Coastal Change'.~~

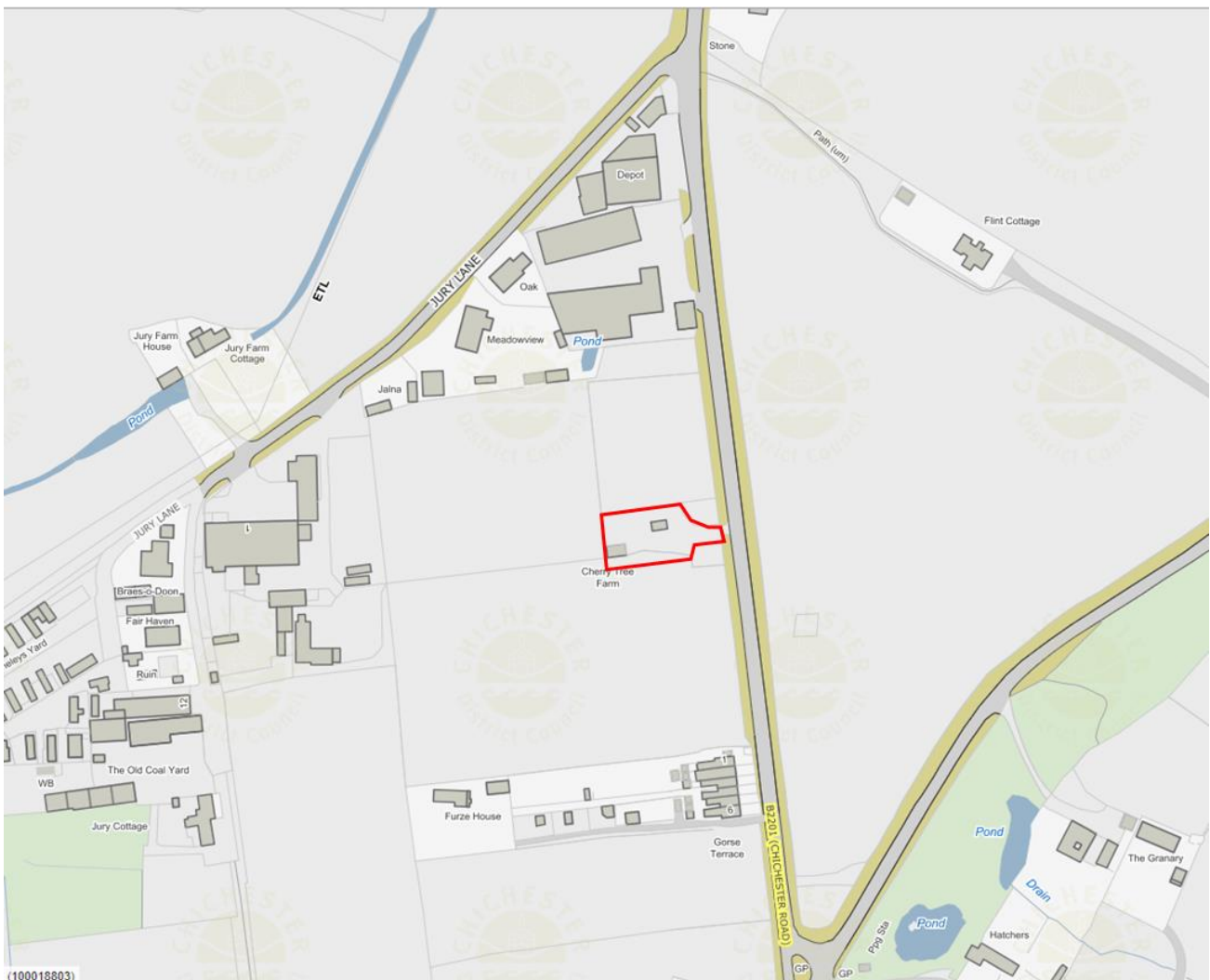
Remove reason for refusal 5 – lack of speed survey information.

ITEM: 7

APPLICATION NO: 23/00530/FUL

COMMENT:

Amended Location Plan



Recommendation

Amended Reason for Refusal 1

The site lies outside of the Settlement Boundary and within the Rest of the Plan Area wherein Local Plan Policy 45 states that development will only be permitted where it requires a countryside location and meets an essential, small scale and local need which cannot be met within or immediately adjacent to the existing settlement boundary. As an exception to this, Policy 37 supports the provision of agricultural and other rural workers dwellings, when an on-site presence is evidenced to be essential for the operation of an established and financially viable business. It has not been demonstrated to the satisfaction of Officers, that an onsite presence is essential or necessary for the operation of the business. It has also not been demonstrated that an on-site presence for the care of the birds meets an essential, small scale and local need, as required by Policy 45. Consequently, the proposal for a caravan to provide on-site living accommodation, fails to protect the landscape, character and quality of the countryside and is contrary to Policies 1,2, 37, 45 and 47 of the Local Plan and Paragraph 80 of the NPPF.
