

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 13 June 2018 at 9.30 am**

MEMBERS: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell, Mrs P Tull and Mr D Wakeham

AGENDA

1 **Chairman's Announcements**

Any apologies for absence which have been received will be noted at this stage.

The Planning Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 **Approval of Minutes**

The minutes relate to the meeting of the Planning Committee on 16 May 2018 (*copy to follow*).

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 10 (b).

4 **Declarations of Interests**

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies.

Such interests are hereby disclosed by each member in respect of agenda items in the schedule of planning applications where the Council or outside body concerned has been consulted in respect of that particular item or application.

Declarations of disclosable pecuniary interests, personal interests and prejudicial interests are to be made by members of the Planning Committee in respect of matters on the agenda or this meeting.

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 8 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **TG/17/01699/FUL - Tangmere Airfield Tangmere Road Tangmere** (Pages 1 - 38)
Glasshouse, harvesting, packaging and cold store facilities. Reservoirs and associated access and landscaping
- 6 **O/16/01785/FUL - Land On The North Side Of Shopwhyke Road Shopwhyke** (Pages 39 - 57)
Removal of conditions 9 and 11 from planning permission O/11/05283/OUT which require the closure of the Oving Traffic Lights and to retain the junction as it currently functions.
- 7 **CC/18/00553/FUL and CC/18/00554/LBC - 36 East Street Chichester** (Pages 58 - 67)
Replacement shop frontage
- 8 **CC/18/00175/ADV - 19 Southgate Chichester** (Pages 68 - 76)
2 no. fascia signs and 1 no. hanging sign
- 9 **Schedule of Planning Appeals, Court and Policy Matters** (Pages 77 - 86)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 10 **Consideration of any late items as follows:**
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:
- a) Items added to the agenda papers and made available for public inspection
 - b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting
- 11 **Exclusion of the Press and Public**
There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the

duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]

5. How applications are referenced:

- a) First 2 Digits = Parish
- b) Next 2 Digits = Year
- c) Next 5 Digits = Application Number
- d) Final Letters = Application Type

Application Type

ADV Advert Application
AGR Agricultural Application (following PNO)
CMA County Matter Application (eg Minerals)
CAC Conservation Area Consent
COU Change of Use
CPO Consultation with County Planning (REG3)
DEM Demolition Application
DOM Domestic Application (Householder)
ELD Existing Lawful Development
FUL Full Application
GVT Government Department Application
HSC Hazardous Substance Consent
LBC Listed Building Consent
OHL Overhead Electricity Line
OUT Outline Application
PLD Proposed Lawful Development
PNO Prior Notification (Agr, Dem, Tel)
REG3 District Application – Reg 3
REG4 District Application – Reg 4
REM Approval of Reserved Matters
REN Renewal (of Temporary Permission)
TCA Tree in Conservation Area
TEL Telecommunication Application (After PNO)
TPA Works to tree subject of a TPO
CONACC Accesses
CONADV Adverts
CONAGR Agricultural
CONBC Breach of Conditions
CONCD Coastal
CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

**Committee report changes appear in bold text.
Application Status**

ALLOW Appeal Allowed
APP Appeal in Progress
APPRET Invalid Application Returned
APPWDN Appeal Withdrawn
BCO Building Work Complete
BST Building Work Started
CLOSED Case Closed
CRTACT Court Action Agreed
CRTDEC Hearing Decision Made
CSS Called in by Secretary of State
DEC Decided
DECDET Decline to determine
DEFCH Defer – Chairman
DISMIS Appeal Dismissed
HOLD Application Clock Stopped
INV Application Invalid on Receipt
LEG Defer – Legal Agreement
LIC Licence Issued
NFA No Further Action
NODEC No Decision
NONDET Never to be determined
NOOBJ No Objection
NOTICE Notice Issued
NOTPRO Not to Prepare a Tree Preservation Order
OBJ Objection
PCNENF PCN Served, Enforcement Pending
PCO Pending Consideration
PD Permitted Development
PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWRH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order

Parish: Tangmere	Ward: Tangmere
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TG/17/01699/FUL

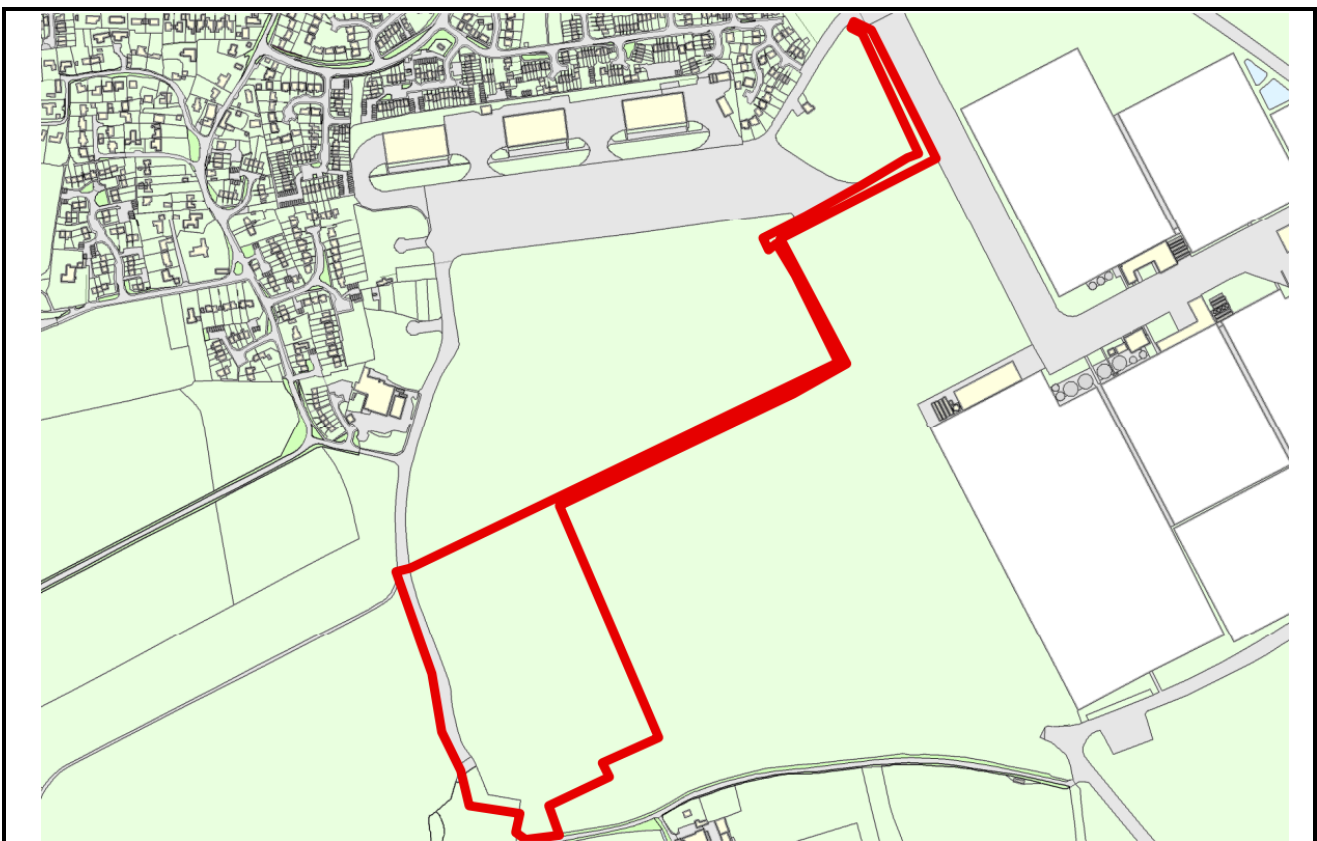
Proposal Glasshouse, harvesting, packaging and cold store facilities. Reservoirs and associated access and landscaping.

Site Tangmere Airfield Tangmere Road Tangmere West Sussex

Map Ref (E) 491043 (N) 105940

Applicant Madestein UK Ltd.

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



	<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 Red Card: Cllr Oakley. Important information/opinion to raise in debate

This application concerns a significant part of the Tangmere HDA and it would appear appropriate for Committee to consider the degree of compliance with Local Plan Policy 32

and Tangmere Neighbourhood Plan Policies 8 and 9, including whether all the requirements of those Policies can be met within the application boundary.

The application was withdrawn from the agenda for the Planning Committee meeting dated 13 December for further review of the noise impacts of the development and proposed conditions.

2.0 Site and surroundings

- 2.1 The application site forms part of the former Tangmere Airfield, which is located to the south east of the village of Tangmere. This land is designated as a Horticultural Development Area (HDA). The application site lies in the south west corner of the HDA, approximately 150m south of the Military Aviation Museum.
- 2.2 The application site measures 6.6ha and is presently arable land. The western boundary of the site is identified by a concrete perimeter track. The north, east and most of the southern application site boundaries do not relate to any distinguishing features on the ground at present. The south west corner of the site is adjacent to Church Lane and an area of scrub vegetation. The applicant also has control over a further 7.8ha adjacent to the south and east which is outlined in blue on the submitted location plan. This blue land includes the mature boundary vegetation along the southern edge of the airfield along Church Lane and approximately half of the vegetation scrub area in the far south west corner of the former airfield. The route of the existing permissive path connecting the western perimeter track route to Church Lane to the south is outside the site and ownership boundaries.
- 2.3 Outside the application site, the eastern part of the HDA is used for horticultural development under the management of Tangmere Airfield Nurseries (TAN). Additionally, there is a composting facility (Woodhorn) to the south east of the HDA. The large vehicles serving TAN and Woodhorn use the eastern perimeter track. The remainder of the HDA within the perimeter track is currently undeveloped, and is in arable use.
- 2.4 Access to the HDA is achieved primarily from City Fields Way to the north, through the industrial estate. Aside from the initial section of road connecting to Meadow Way, City Fields Way is a private road.
- 2.5 There is residential development bordering the former airfield immediately north of the perimeter track, including 160 dwellings on the site of the former grain stores and also around the museum (including allotments). The closest dwellings near the museum are approximately 285m north west of the site. The closest dwellings to the route of the proposed access road are located to the west of City Fields Way, a minimum of approximately 75m from the proposed access. The nearest neighbours to the south of the site are at Oakham Farm, at the junction of Church Lane and Ham Lane, which is approximately 110m at the closest point from the site boundary. There are additional residential neighbours along Church Lane, the nearest of which is approximately 200m south west of the site. Church Lane is the boundary between the parishes of Tangmere and Oving.
- 2.6 The site is flat and open in character, with clear views from the bridleway to the north of the site, the perimeter track (open for pedestrian and cycle use) and properties around the airfield including the museum. There is no physical boundary between the TAN

development and the proposed application site. Long views from the south are restricted by the mature planting along Church Lane, which is at a lower level than the adjacent fields. There is a highway drainage ditch to the north of Church Lane.

3.0 Proposal

- 3.1 The proposed development comprises a single large glasshouse, with harvesting, packaging and cold store facilities, alongside two reservoirs, associated access and landscaping. The development will be sited in the far south west corner of the Tangmere HDA, with a new vehicular access across the HDA from City Fields Way to the north, and a pedestrian and cycle link to Church Lane to the south.
- 3.2 The proposal was amended during the course of the assessment to reduce the scale and massing of the coldstore/packaging building, increase the depth of planting to the western and southern boundaries and to provide an alternative foot and cycle connection through to Church Lane. Additional information was provided in relation to drainage, ecology, light and noise pollution control, and access arrangements.
- 3.3 The glasshouse is the primary element of the scheme, measuring 3.45ha (223m x 156m), with a maximum ridge height of 7.4m. The glasshouse is sited in the northern part of the site with the supporting facilities immediately to the south of it. The proposed glasshouse is similar in appearance to the TAN glasshouses with glass and insulated grey infill panels within a metal structure. It is proposed that the glasshouse will be built with integral blinds to prevent light spill while growing lights are in operation and at night.
- 3.4 Adjoining and to the immediate south/south east of the glasshouse is the proposed harvesting area, crop care facility and a dry store. The total floorspace for glasshouse, plant and harvesting is 38,350sqm. The office and staff facilities are south of the glasshouse and adjacent to the packaging and cold store. The staff area comprises two floors including reception, office, driver reception and changing facility (total approx. 600sqm). The west elevation of the cold store includes a dock that leads out to the yard. The total floorspace proposed on site is 42,845sqm (4.28ha).
- 3.5 The packaging and cold store element is the tallest part of the site measuring up to 14m to ridge above existing ground levels and with a maximum eaves height of 10m. This building will be clad with vertical metal insulated panels. The adjoining staff facilities building is 9m to ridge and 7m to eaves and will be clad to match the packaging and coldstore building. The adjacent crop care and dry store is 10.5m to ridge and 7m to eaves and includes windows on the south and west elevations.
- 3.6 To the south west of the main glasshouse and to the west of the crop care area is the plant room, to accommodate both an energy plant and pumping plant. This is housed within the glasshouse structure. To the south of the plant room are two tanks, to clean and store the water required for the hydroponic growing system. The northern tank is 11.5m tall (10m to eaves) with a diameter of 15m. The southern tank is 5.5m tall (4.5m to eaves) and is also 15m in diameter.
- 3.7 The proposed access to the site for all vehicles is shown along a new spine route that crosses through the HDA and joins the existing perimeter track immediately to the north west of the glasshouse. The access then uses the perimeter track before entering the application site in the far south west corner directly into the proposed yard. The plans

show a parking and servicing area to the north of the yard. An acoustic fence (6m tall) is proposed to surround the yard. The access road through the HDA is 6m wide to enable two HGVs to pass each other. The access road is sunken into the ground. There is a bank proposed along part of the northern section of the route to help reduce noise and light pollution for the dwellings to the north of the former airfield.

- 3.8 The main reservoir is proposed to be sited between the glasshouse and the perimeter track, to the west of the site. This is a slim triangular shape with its widest point to the south. It is surrounded by banks up to 4m in height. The reservoir has been designed to include storage capacity above and below ground to give a total capacity of 6,360 m³. This will be lined and used to collect rainwater from the glasshouse and supporting buildings which will be re-used for the growing systems. The second smaller reservoir/'basin' is proposed to be located to the south of the larger reservoir. Likewise this will have 3-4m banks and some below ground storage capacity. It is intended that this will be unlined and take runoff from the yard and parking area (filtered) and packaging and coldstore building, and overspill from the larger reservoir. The provisional drainage strategy proposes a network of pipes that lead from the southern basin eastwards, along the southern boundary of the HDA for some 700m towards the SW corner of the existing TAN glasshouses. A culvert is proposed under Church Lane, which will connect to an existing ditch to the south. This existing ditch network leads towards Aldingbourne Rife.
- 3.9 A 5-12m wide strip of planting is proposed along the western boundary, in addition to planting on the lower slopes of the larger reservoir. A planting belt with a minimum depth of 10m is also proposed along the southern boundary, to supplement the existing planting along Church Lane, behind which will be a landscaped and planted bank of up to 4m in height. The planting areas will comprise mixed native trees alongside lower level planting.
- 3.10 Concrete barriers are proposed to be installed along the western side of the perimeter track, to provide a segregated route for pedestrians and cyclists away from the vehicles, including HGVs, accessing the site. A new direct path suitable for cyclists and pedestrians is also proposed through the scrub area in the south west corner of the site, to connect to Church Lane.
- 3.11 The proposed development will provide for 35 full time jobs. It is proposed that the site will operate 7 days a week with 2 shifts of staff. All vehicles will use the new access.

4.0 History

None relevant

5.0 Constraints

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

- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Tangmere Parish Council

The Parish Council support the HDA application as it conforms with the HDA designation which is important to protect.

Further comments

Tangmere Parish Council has no objection to this application provided that officers at CDC are satisfied as to the efficacy of the noise mitigation measures proposed, particularly in relation to Gamecock Terrace.

6.2 Oving Parish Council

The above planning application was considered at the Oving Planning Committee meeting of 27th July and the committee wish to OBJECT to this application on the following grounds:

The is very close to the periphery of the airfield and therefore close to the Parish of Oving which will cause problems for residents within the parish, especially those living close to the site. Large walls of glass are known to 'bounce' noise. The general noise of the facilities together with the considerable vehicle movements to support this will have a very large negative impact on the parish. Light pollution is another major concern which will be a significant problem to those residents living closest. The proposed screening is inadequate which will only serve to compound the concerns stated previously.

Further comments

Following our original comments dated 6th August 2017, it is clear that the previously agreed HDA boundary of 50 metres is not being taken into consideration. This was set to provide screening for local residents who will be dependent upon this to provide sound and visual protection, from this and potential future applications, in what is currently and has always been a quiet and un-spoilt part of our Parish. When considering this screening we would also like CDC to consider the use of blinds on the South and West sides of the glasshouses to further protect our Parish and residents from the excessive light that will no doubt be a problem to our residents at night.

We are, though, pleased to see the consideration of a cycle track between Church Lane and Tangmere.

The following comments are summarised:

6.3 Highways England

Having considered the proposals we are satisfied that if granted consent the development in its own right would not have a severe impact on the safe and efficient operation of the A27 at Tangmere which forms part of the national SRN.

It is noted that the applicant's Transport Statement proposes a Travel Plan Framework and whilst this is welcomed Highways England agree with West Sussex County Council's (WSCC) comments in that regard which are that the Travel Plan Statement should be produced and agreed with them. In addition to the Travel Plan, a Construction Management Plan is outlined in the Transport Statement which is again welcomed. However, as there is potential for detrimental impacts on both the strategic and local road networks resulting from construction traffic Highways England require that no works shall commence on site until the Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with ourselves as well as WSCC.

6.4 Environment Agency

We have no objections to the proposed development, as submitted. Advice is given on Environmental Permitting, including the following key points:

- The discharge from the package treatment plant associated with this development will require an Environmental Permit from the EA under the Environmental Permitting (England and Wales) Regulations 2016, unless an exemption applies.
- There appears to be a mains sewer network running through the site. Any application for an Environmental Permit for the package treatment plant will likely need to demonstrate that connection to the mains network is not reasonable.

6.5 Southern Water

There is a public rising main within the site, which appears to follow the line of the proposed HGV road. The exact position of the public rising main must be determined on site by the applicant before the layout of the proposed development is finalised.

Advice is also given on the following matters:

- Planting restrictions near Southern Water apparatus
- Protection requirements for existing apparatus during works
- No new soakaways should be located within 5 metres of a public rising main.
- Survey requirements for the location and depth of any Southern Water apparatus prior to works commencing
- Construction details when development is in the vicinity of Southern Water gravity sewers, rising mains or water mains.
- Site level changes to be agreed with Southern Water in advance, if in the vicinity of apparatus
- Procedures if any private sewer is found during works

The applicant is advised to consult the Environment Agency directly regarding the use of a package treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long term effectiveness.

The applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

6.6 South Downs National Park Authority

The SDNPA has been successful in achieving Dark Skies Reserve status for the South Downs National Park - only the second such Reserve in England.

Uncontrolled lighting within glasshouses in the coastal plain would have the potential to have a significant impact on the dark skies. However, we are pleased to note the intention to use blackout blinds which claim to have a 99.9% shading level. Providing that suitable conditions were applied - including ensuring that such blinds are used from sunset to sunrise - we would have no objection to the proposals. We are not familiar with purple LED lighting technology and what effects these have on dark skies - so have sought advice from the International Dark Skies Association (IDSA) and will update you on any response received.

With regard to lighting for the new access road to the site - if needed - fittings with zero upward light spill should be used and managed by sufficient control technology to be consistent with WSCC part night switching.

Further comments (advice from IDSA)

The purple LED lighting is at the UV end of the spectrum. It will have an impact on invertebrates so the overglow will need to be reduced.

Further comments from SDNPA

The SDNPA would seek to ensure that appropriate blinds/shading are ensured by condition as, even if the visual impact from purple LEDs is reduced, there could still be potential impacts on wildlife.

6.7 WSCC Highways

The Applicant sought pre-application advice from WSCC and Highways England. A copy of the correspondence between the LHA and the Applicant can be found at the rear of the Transport Statement.

No objection is raised, subject to conditions/S106 Agreement.

Trip Generation and Capacity Assessment

The number of trips generated by the proposed development has been derived from data made available by Madestein UK Ltd. It is not possible to utilise the Trip Rate Information Computer System (TRICS) to establish the trip rates, as data for such a use is not included within the TRICS database.

It is anticipated that the site will generate a total of 87 daily two-way trips, four of which will occur in the peak network hours of 0800-0900 and 1700-1800. Of these movements, 17 trips will be by HGV. Two of the HGV trips will occur in both the AM and PM peaks. The WSCC Transport Assessment Methodology requires junction capacity testing to occur when development proposals result in an increase of 30 or more junction entry movements during any hour. The development proposals do not meet this threshold at any location on the local highway network. It is not considered that the development would result in a 'severe impact' (para 32, National Planning Policy Framework) upon the operation of the local network.

Access

The existing museum access onto Gamecock Terrace will not be used for vehicular access to the proposed development. Access to the highway will be achieved via City Fields Way. Within the site a new access road across the airfield will be introduced. This will be 6m wide to enable two HGVs to pass one another within the site. Vehicles accessing the site will not have to wait at the access (subsequently obstructing the highway) for a vehicle departing the site. HGVs generated by the site will be required to use Meadow Way to travel onwards to the A27. No HGVs are to travel on the local road network to the south of City Fields Way. A routing agreement, via S106 Agreement, should be put in place to confirm this arrangement.

Sustainable Access

A draft Travel Plan Framework has been included in support of the application. Measures such as the use of multiple occupancy vehicles, such as mini-buses, as well as car-sharing tend to lend themselves favourably to horticultural uses. Whilst the proposed development would not have a sufficient critical mass to make noticeable changes to modal shift, there would be benefit in promoting a Travel Plan Statement so that employees would have a better understanding of the travel options available to them. This should be secured via condition. Cycle infrastructure is in place adjacent to Meadow Way, and City Fields Way is conducive to on-carriageway cycling. A footway connecting into the site runs along the southern side of City Fields Way.

Conditions

Car parking spaces provided before first use
Covered and secure cycle parking to be provided before first use
Construction management plan agreed before works commence
Travel Plan to be agreed before first use

S106

A routing agreement for HGVs travelling between the development and the Strategic Road Network

Further comments

West Sussex County Council, in its role as Local Highway Authority, has previously commented and raised no objection to this proposal. Alterations are noted to the current scheme in the form of the creation of a permissive foot/cycle path from the site onto Church Lane.

A small section of this route (where it connects with Church Lane) will be within the public highway. There are no in principle concerns with this arrangement. The exact details (construction specification including the means by which the existing ditch will be crossed) should be secured by condition. The applicant should note that the permission of the LHA will be required in order to undertake the works within the public highway.

An additional condition is suggested for the foot/cycle path connection.

6.8 WSCC Rights of Way

The Rights of Way team welcomes the inclusion of a permissive path as part of the development as this will promote further foot and cycle access in the Parish of Tangmere.

More information is required however; specifically relating to the location highlighted on the Proposed Site Layout Plan which indicates that the proposed HGV road will encroach onto the Public Right of Way (Bridleway 3581). The request for more information relates to 3 main concerns:

1. The path width from the existing gate heading south to the corner where the path then turns west is 13.5 metres wide. Does the developer intend the proposed HGV road to include part of the Public Right of Way and how will the HGV road be delineated/highlighted on the ground
2. Heavy Goods Vehicles using the proposed road have the potential to increase the risk of injury and disturbance to lawful users of the Public Right of Way; what safety and mitigation measures are proposed to reduce this
3. The Proposed Site Layout Plan indicates a new gate will be installed on the Public Right of Way at the corner of the Proposed HGV road where it heads south. No structure, for example gates, may be erected on the PROW without the prior consent of WSCC's RoW Team. Should planning consent be approved by the Local Planning Authority this would not confer consent for such a structure, which would require a separate application to WSCC's RoW Team.

Further advice is given about access rights and consent procedures for works to a public right of way.

Further comments

Thank you for the additional information. I have no objection in principle to the proposed development or use of the right of way for HGV shared access so long as the safety of path users is ensured and WSCC PROW are consulted before any works take place on the particular section where the HGV route meets the Right of Way.

6.9 WSSC Flood Risk Management

Modelled surface water risk

Low risk for the majority of the site, with the north east of the site at high risk. A wholesale site level rise via the spreading of excavated material should be avoided.

Modelled ground water flood risk susceptibility

High risk. Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

Ground water contamination and Source Protection Zones

The LPA should consult with the EA if this is considered a risk.

Records of flooding at the site

None

Ordinary watercourses

Current Ordnance Survey mapping shows an ordinary watercourse within close proximity of the boundary of the site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent.

SUDS

The FRA for this application proposes that storage ponds with a restricted discharge to watercourse would be used to control the surface water from this development to Greenfield run-off rates. Conditions should be used to require full details of the drainage scheme, with infiltration methods preferred, and a site specific maintenance and management plan.

6.10 CDC Senior Drainage Engineer

Flood Risk

The site is wholly within flood zone 1 (low risk)

Surface Water Drainage

The proposed means of surface water drainage is via storage in the form of two ponds, with a restricted discharge to a local watercourse. This demonstrates that the site can be adequately drained but does not follow the hierarchy for surface water drainage. In the first instance water should be discharged to ground via infiltration, and a discharge to a local watercourse should only be considered once infiltration has been ruled out. The requirement for water storage and re-use is given as a reason for soakaways not being possible. We are not convinced that this is an acceptable reason as we believe there could be alternative means for storing the required water, such as tanks under the greenhouses, infiltration could then be utilised when the storage is full. All parking and access roads should also be of a permeable construction wherever practical.

We recommend before approval is given that a revised scheme is sought which follows the hierarchy for surface water drainage as per approved document H of the Building

Regulations and the SuDS manual. We would then like to be consulted on the revised scheme.

Because we are satisfied that a solution is possible, detailed design can then be conditioned. The detailed design will need to be supported by winter groundwater monitoring and percolation tests to BRE365 or equivalent. All of the above is required to ensure that the development does not increase the risk of flooding downstream.

Further comments

The proposed scheme appears to remain unchanged with no soakage features but there are results of on-site soakage tests (although carried out in August). These results show percolation rates which although are not great would facilitate some soakage. Ultimately we are satisfied that the site can be drained, and therefore detailed design of the surface water drainage scheme may be conditioned.

There are a few items that we would like dealt with as part of the detailed design and the subsequent discharge of condition:

- Winter Ground Water Monitoring - This will be needed to ensure storage / attenuation features are not compromised by groundwater.
- Infiltration - As per Approved Document H and the SuDS manual they will need to demonstrate that every effort has been made to infiltrate into the ground, this may include permeable surfaces and not lining the second pond (subject to groundwater levels)
- Water Quality - We must ensure that the water quality leaving the site is not of a reduced quality to pre-development. We would like to see features including permeable paving, filter strips/French drains adjacent to the parking/delivery areas and swales (downstream of final basin) to facilitate natural water treatment. Petrol Interceptors would be the least preferable solution as there is a tendency for these to not to be maintained thus resulting in pollution incidents.

Further comments

Draining the parking/road into/over the grassed areas would be preferable, we will comment on details at the DOC stage.

There is a preference for open features (rather than piped discharge), this is because the open features are easier to maintain, provide habitats and provide natural treatment of the water. In this instance I'm not convinced the levels are not conducive, as there is only a fall of approximately 300mm along the southern boundary. To control the discharge they will need a short length of pipe and a chamber which contains a hydro brake or similar, but culverting the whole southern boundary would not provide any better control than a swale.

We must ensure the quality and quantity of discharge is maintained or improved following the development, and therefore in the absence of permeable paving, filter strips or similar features to naturally treat the flows we believe it would be strongly preferable to discharge into a swale as opposed to a pipe.

6.11 CDC Senior Specialist Environmental Health Technician - Contaminated land and air quality

A desk study and preliminary site assessment has been submitted produced by Southern Testing. The report concludes that the risk to the site from unexploded ordnance (UXO) is considered medium and therefore it is recommended that either a detailed UXO study is completed or mitigation measures, including fulltime attendance by a UXO engineer during site investigation and/or groundworks is undertaken. A condition requiring a further detailed UXO study prior to any ground works taking place should be applied in order to manage the UXO risk at the site.

With respect to other potential risks from contamination, historical landfill and potentially infilled feature at distances of 397m and 41m from the site. The report concludes at Section 6.8 that the materials used in the landfill are unlikely to have been harmful materials as the land was being returned to agricultural use and the risk of landfill gas being present is considered low. The unknown filled ground to the west of the site appears to relate to an infilled ditch. Given the scale of the ditch the risk of landfill gas from this source is considered low.

It is understood that the crops within the new greenhouse are to be grown hydroponically and therefore the plants will not come into contact with the soils on site. The majority of the site will comprise hardstanding and it assumed that the new reservoir will be lined and therefore not in contact with site soils. Given that a commercial use is proposed for the site it is recommended that a watching brief is undertaken during groundworks and condition DC13 should be applied.

The development is not predicted to cause a significant change in traffic flows. The nature of the activities to be undertaken as a result of the development are also unlikely to cause air quality impacts on the local area therefore it is not considered necessary for an air quality assessment to be undertaken.

Many of the actions to be implemented as part of the Travel Plan will also have a beneficial effect on local air quality (e.g. employees car sharing or cycling to the site). The development is located close to a bridleway used as a cycle route from Oving to Tangmere village and a footpath. It is essential that the development does not obstruct this bridleway or footpath in order to encourage these sustainable modes of transport. It is noted that cycle parking is proposed at the site which is welcomed.

During construction activities, measures to minimise dust and other emissions should be taken, particularly when weather conditions are dry. It is recommended that a construction management plan is put in place for this development.

Further comments

1. Surface run-off from yard areas or any areas where fuels/oils or chemicals are stored should be passed through interceptors of some sort which can trap hydrocarbons (in the event of spillages).
2. It would be useful to know the method of providing power to the CHP plant i.e. is it oil fired or electric or other

6.12 CDC Environmental Health Officer (Noise)

Further information is required. With the clarifications of the report required, I do not consider that it is possible to draw a conclusion about the acoustic impact of the development at this time. I suggest that the applicant be invited to provide the clarification/ additional information but under no circumstances should the matter be decided now.

I would highlight that there are already complaints about the existing operations which are further away from the present location.

Further comments

We have considered the application document, particularly the acoustic report by soundplanning titled " Project J02886 Noise Impact assessment: Tangmere Road - Proposed Glass House" ; Site location plan dated February 2017 no. 0917-PI-102i (showing the location of the glasshouse, access route and landscape bank protecting residential premises to the North); the drawing titled proposed Coldstore, Plans and Elevations, dated June 2017 no 0917-PI-IIIi (showing the location of the acoustic screen); and the correspondence from the agent citing that electrical supplies will be available to the trailer units.

I have also reviewed the conditions stated on other decision notices, including that by the Planning Inspector for the existing glasshouse (TAN). I confirm that I have also had regard to the NPPF and Planning Practice Guidance in formulating this response.

The report describes the sound levels at two receivers; Oakham Farm to the South and the residential properties to the North and the types of sounds that will affect them. Those premises to the North will be affected by the vehicular traffic along the proposed access road. Oakham Farm will be affected by the sound of the co-generation unit; the sound of vehicles pulling away; the sound of trailer mounted refrigeration units; the loading of trailers.

In summary the report proposes that for residential premises to the North a 5 metre high landscaped bund will mitigate noise. The principal controls for the premises to the south include:

- (i) The acoustic enclosure of the co-generation unit.
- (ii) The insertion of an attenuator in the duct of the exhaust serving the cogeneration unit.
- (iii) The installation of an 8 metre high screen.
- (iv) The use of rigid sided vehicles for transportation.
- (v) The use of electrical plug in points to power refrigerated trailers.

Without the mitigation the noise is likely to have a significant adverse effect. Therefore, to ensure that the development can proceed without causing significant adverse effects and in accordance with the PPG and Noise Policy Statement for England adverse effects are minimised the conditions are recommended for the following, for the control of sound:

1. Road surface maintenance
2. Road design to reduce speeds
3. Maximum rating sound levels specified for the main noise generating elements

4. Specific mitigation implemented and maintained
5. Post-completion validation testing
6. Refrigerated trailer units to be powered using electrical supplies when stationary
7. External lighting details and restrictions
8. Control of reversing noise

Further comments

I have seen the updates made in the noise report and the conclusion that they can get to a noise rating that is within 5dB(A) of the representative night background level L90 of 30dB(A) at the nearest noise sensitive properties in Ham Lane and Woodhorn Lane. This has been done by rejigging the noise figures so that there is less contribution to the overall noise from HGV movement on departure and staggering the departure to one per 15 minute interval. I accept the calculations made on the figures presented.

In reality the noise will fluctuate and not be heard as a sound equivalent level over the 15 minute period. This is to some extent accounted for by adding a 5dB penalty to give a Noise Rating that takes into account any character that may be perceived as attracting attention. On this basis the measured level at 3.5m from the nearest residential properties should not exceed 30dB(A) during the night time period. Likewise, the evening operations (19.30 - 23.00) and day time operations (06.00 - 19.30) should not exceed the typical background levels for these periods by more than 5dB Rating Level. This means that the respective measured noise level 3.5m outside the nearest dwellings will be equal to the background levels taken as 35dB(A) by evening and 38dB(A) by day.

My only reservation is that no figures have been shown for Gamecock Terrace properties. I accept that these properties are much more distant from the operations although there is less screening. The access road does pass closer to the properties for a greater length than would be experienced by dwellings to the south. As such HGV movement and on board refrigeration will be contributing more towards the overall noise experienced at these properties on the north-west side of the site. In addition, the figures presented do not seem to account for inward movement of HGVs collecting from the cold stores. It is likely that residents will be aware of all vehicle movements if they occur later in the evening or during the night. The noise report suggests that a night time rating exposure level of 41dB(A) is possible at 3.5m from properties at Gamecock Terrace, however, it is suggested that the background night time level is unknown (not measured) and likely to be higher at this location being closer to local traffic and the A27. I concur that this may be the case although I would not have thought that it would be significantly different between 22.00 and 04.30 that seems to represent a lower background from diminished traffic movements, and when most people are sleeping.

In light of the above it may be prudent to place a total restriction on night time movement between 22.00 and 04.30 hours and to limit night time movements to 2 loads before 6am.

6.13 CDC Archaeology Officer

I agree with the conclusions of the Desk Based Assessment supplied with the application, i.e. that the likely archaeological potential would justify a programme of investigation ahead of redevelopment and that this could be secured following an appropriate condition to secure a written scheme of investigation and initial trial excavation pre-commencement.

6.14 CDC Environment Officer

Reptiles

Reptile habitat has been identified onsite within the south west corner. We require that reptile activity surveys are undertaken by a suitably qualified ecologist and submitted prior to determination. If reptiles are found onsite a mitigation strategy will need be produced and submitted with the planning application prior to determination. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works.

Great Crested Newts

Great Crested Newts have been recorded 150m from the north west of the HGV route and a breeding pond is 350m to the east of the site. Following Natural England's guidance we require that prior to determination further survey work is undertaken to establish if Great Crested Newts are using the site. If GCN are found then mitigation would be required and a mitigation strategy must also be submitted as part of the planning application.

Bats

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 protective fencing during construction. Any gaps or replacement hedging should use native species. Conditions should be used to ensure this.

No trees are due to be removed from the site, however if this changes further bat activity surveys would be required for these trees. 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.

Farm Birds

An arable breeding bird survey is required to fully determine the use of the site by farmland bird and ensure suitable mitigation is undertaken for these bird species. We require that this survey is undertaken by a suitably qualified ecologist and submitted as part of the application prior to determination, along with any mitigation strategy required.

Water voles

Due to the proximity of Water Voles to the site, as part of the management plan for the site there needs to be a strategy in place to ensure there is no pollution to the water courses surrounding the site. The management plan should detail the methodology on how the water courses will be protected and how this will be monitored.

Guidance is provided on nesting birds.

Further comments

Great Crested Newts

A non-licence Method Statement has been recommended with Section 4.1.4 of the Phase 2 Ecological Survey Update (Oct 2017) which we are satisfied with and happy for this to be conditioned.

Reptiles

The reptile survey has shown that there is a small population of reptiles onsite. Due to this mitigation has been proposed within Phase 2 Ecological Survey Update (Oct 2017) and we are happy that the proposed mitigation is suitable and this can be conditioned. The applicant should note that no works can commence until the reptile translocation has taken place.

Arable birds

A biodiversity area has been proposed around the southern margins of the green houses to benefit farmland species associated with the surrounding fields. This area is also included within the Tangmere wider ecological network as part of the bat network. A management plan for this area will need to be produced and submitted to us prior to start onsite.

Enhancements

The field margins will need to be managed to encourage wildflowers and other species associated with arable verges. Management of the field margins should be incorporated into the management plan discussed above. Further advice given on hedgerow protection and enhancement.

6.15 18no. Third party letters of objection/support in principle but with concerns relating to:

- a) Traffic noise
- b) Hours of activity including HGV movements
- c) Transport impacts need to be considered for the whole HDA
- d) Traffic routing to avoid unsuitable country lanes
- e) Operational noise including transport noise, particularly overnight
- f) Loss of agricultural/open land, including loss of recreational space
- g) Light pollution, including internal and external sources, screens may be ineffective
- h) Drainage/flooding, existing problem
- i) Pedestrian/cycle access to be maintained and improved
- j) Traffic management on the public right of way/permissive path
- k) Landscape impact, insufficient screening. Robust buffer required c. 50m
- l) Development should be all within HDA boundary
- m) Noise reflections from glasshouse
- n) Flood risk from water storage
- o) Impact on wildlife habitat
- p) Effect on bridleway experience
- q) No use of eastern perimeter track
- r) Additional screening required for access road

6.16 17no. Third party letters of support, relating to:

- a) Economic benefits. Nationally significant industry, application shows long term commitment to horticultural industry in West Sussex.
- b) The sustainability of the horticultural industry in West Sussex depends upon the capacity of such businesses to expand
- c) Employment provision and educational benefits
- d) Proposal will produce clean, safe, local food over a longer growing season
- e) Contributes to food security
- f) Proposal within HDA, close to Strategic Road Network

- g) Low environmental impact
- h) Low water, chemical and fertiliser use
- i) Rich wildlife habitat can be enhanced
- j) Energy efficient
- k) Modern glasshouse technology proposed

Includes support letters from the National Farmers Union and West Sussex Growers Association

6.17 Applicant/Agent's Supporting Information

The proposal was amended during the course of the assessment to reduce the scale and massing of the coldstore/packaging building, increase the depth of planting to the western and southern boundaries and to provide an alternative foot and cycle connection through to Church Lane. Additional information was provided in relation to drainage, ecology, light and noise pollution control, and access arrangements. A revised acoustic assessment was submitted in April 2018 with the relevant plans updated accordingly. Further information was provided in May 2018 regarding the access route and construction hours. The red line boundary was updated for the north west part of the site.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Tangmere Neighbourhood Plan was made on the 19 July 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
 Policy 3: The Economy and Employment Provision
 Policy 8: Transport and Accessibility
 Policy 9: Development and Infrastructure Provision
 Policy 32: Horticultural Development
 Policy 39: Transport, Accessibility and Parking
 Policy 40: Sustainable Design and Construction
 Policy 42: Flood Risk and Water Management
 Policy 45: Development in the Countryside
 Policy 47: Heritage
 Policy 48: Natural Environment
 Policy 49: Biodiversity
 Policy 52: Green Infrastructure

7.3 Tangmere Neighbourhood Plan 2014-2029

Policy 1: Spatial Plan for the Parish

Policy 8: Green Infrastructure Network
Policy 9: Sustainable Movement Network

National Planning Policy Framework

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

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

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

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

- 7.5 Consideration should also be given to paragraphs 6-14 (sustainable development), 17 (core planning principles), 18-21 (strong competitive economy), 28 (prosperous rural economy), 32, 34-36, 39, 41 (travel), 56, 58, 61 (design), 109, 112, 118, 120-123, 125 (natural environment), 126, 129, 141 (heritage), 185 (neighbourhood planning), Decision Taking and Annex 1

- 7.6 National Planning Practice Guidance (PPG) is relevant to the determination of this planning application.

Other local policies and guidance

- 7.7 The following Supplementary Planning Documents are material to the determination of this planning application:

Surface Water and Foul Drainage SPD
Planning Obligations and Affordable Housing SPD

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

- Maintain low levels of unemployment in the district
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district

- 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 and policy context
 - (ii) vehicular access
 - (iii) pedestrian and cycle access
 - (iv) noise
 - (v) landscape and visual impact, including lighting
 - (vi) drainage, sewerage and water use
 - (vii) ecology
 - (viii) archaeology
 - (ix) pollution and contamination including hazards

Assessment

(i) Principle and policy context

- 8.2 The application site is located within the designated Horticultural Development Area (HDA), as set out in the Chichester Local Plan policy 32. This designation recognises the important contribution horticultural development makes to the economy locally and nationally. The District's horticultural industry is, and needs to remain, internationally competitive. This designation supports large scale horticultural development within the identified sites in Tangmere and Runcton.
- 8.3 The applicants, Madestein UK Limited, presently operate from Leythorne Nursery, Vinnetrow Road, where they grow lettuce and herbs, specifically basil, and a site in Cranleigh in Surrey where they grow lettuce. The Cranleigh site has been granted planning permission for redevelopment and therefore the applicants will no longer have use of these glasshouses (5.7ha) by early 2018. The applicants intend to relocate their basil production from Leythorne and the lettuce production currently at Cranleigh to Tangmere. Additional lettuce production will take place at Leythorne, which will also serve as a central point for the collection of crops from the smaller glasshouses in Sidlesham and Almodington. It is proposed that the site at Tangmere will grow, pack and distribute herbs and grow and pack lettuce. The lettuce is packed and sold to supermarket customers. The basil is packed and sold to wholesalers.
- 8.4 It is proposed that the crops will be grown using a hydroponics system. The hydroponic method is growing crops without soil, using instead water rich in nutrients. The efficiency of the hydroponics system, including the ability for a producer to finely control the climate within the glasshouse, reduces the amount of glasshouse space required for the amount of crop to be produced and increases the quality of the crop. The proposal accords with the intentions of the HDA policy, and the policy supports its location in the HDA in principle.
- 8.5 The largest portion of the proposed development is a glasshouse, measuring 3.45ha. Alongside this are the supporting facilities of a cold store, packhouse, harvesting facility, yard and reservoirs. A packhouse is specifically listed under CLP policy 32 as acceptable in the HDA. The other proposed uses are considered to fall within the remit of acceptable

supporting services that can be justified in this location under the terms of CLP policy 32 due to their ancillary function and size, and clear and close functional relationship to the glasshouse and each other, all within the site boundaries.

- 8.6 However, the application site does not fall entirely within the HDA boundary. The smaller drainage basin, part of the yard and the southern landscaped bank are sited to the south of the HDA boundary. It is noted that the development outside the HDA boundary comprises landscaping and drainage elements not the primary horticultural development. Furthermore, the provision of the reservoir, banks and additional planting will soften the impact of the development from the south and Church Lane. Officers have considered in some detail whether the development could be revised to ensure all aspects are within the HDA boundary. The proposed development is considered to be sited in an efficient manner on the application site. The applicant has stated that any reduction in space would render the scheme undeliverable and relocation of the built form would compromise the future development of the adjacent land. CLP policy 32 also allows extensions to or development outside HDAs in principle in specific circumstances. These are reviewed in detail in this report. It is considered that the proposal meets these criteria. In conclusion on this issue, it is considered that the proposed development complies in principle with CLP policy 32.

(ii) Vehicular access

Access to trunk road network and A27 capacity

- 8.7 The former airfield is designated as an HDA suitable for large scale horticultural development for, amongst other matters, its ease of access to the trunk road network (A27). It is less than half a mile between the A27 Tangmere Roundabout and the entrance to the former airfield, via Meadow Way then City Fields Way. City Fields Way is a 6m wide access road providing access to a commercial development of offices and industrial units.
- 8.8 Highways England and WSCC Highways have reviewed the Transport Statement submitted with the application and support the use of the Meadow Way/City Fields Way access route, instead of the alternative access through Tangmere via Gamecock Terrace by the Museum. The A27/Meadow Way/City Fields Way access is more direct, suitable for HGV use and is further from most residential properties. WSCC require a routing agreement to confirm the use of the A27/Meadow Way/City Fields Way for all HGV access to the site, to be secured through S106 agreement.
- 8.9 The proposed development occupies a large footprint however due to the efficiencies of the growing and supporting systems, the amount of staff required (35) and volume of vehicular movements is relatively low. The shift patterns also reduce the amount of activity to take place at peak times (0800-0900, 1700-1800). The operations take place 24/7, but with limited staff overseeing the facility at night. The majority of the staff will work either 0630-1530 (0430-1530 in summer months) or 1530-2130. The Transport Statement advises there will be 17 2-way HGV trips plus 70 car trips per day, with no more than 2 HGV and 2 car movements in peak hours. Highways England considers this will not have a severe impact on the trunk road network, and WSCC are satisfied there will be no severe impact on WSCC roads on this basis.

Site access

- 8.10 Access within the HDA is currently limited to a section of former runway, used by Tangmere Airfield Nurseries (TAN), and an incomplete perimeter track owned by WSCC. The eastern section of the perimeter track is used by TAN and the composting facility to the south east of the site. The northern and western sections of the perimeter track are gated and used by pedestrians and cyclists. This existing infrastructure is considered unsuitable to support further development and as such the applicant has had lengthy discussions with the landowners (the Church Commissioners) to find an alternative solution.
- 8.11 A new access route is to be provided through the HDA which will start at the junction of City Fields Way and the existing perimeter track, and cross through the HDA before joining the existing perimeter track approximately 160m south of the Museum. All vehicles using the application site will use this new route. There will be no use of the eastern perimeter track for construction or operational phases and no use of the northern perimeter track for operational purposes. A construction management plan is recommended as a condition. A gate is proposed to prevent unauthorised use of the northern perimeter track, save for emergency service purposes.
- 8.12 This new route will be a 6m wide concrete track, which is of a sufficient width to enable two HGVs to pass each other. The road will be dug into the ground by up to 1m and a supported landscaped bank (up to 4m high from existing ground level) will be constructed to the northern side of the northernmost part of the route, near the concrete apron, where the route passes closest to residential properties. The bank and reduced ground level will reduce the noise and light and visual impact of the vehicles, particularly the HGVs.
- 8.13 This new route is important not only to allow access to the proposed development but also to facilitate access for further horticultural development within the HDA. Various routes were considered for this track prior to the planning application being submitted, and further details of this review process are set out in the DAS (including the plan on page 6) and in the supporting letter from the applicant's agent dated 24.5.18. Plan 100L illustrates how the remaining parcels of land could be developed for horticultural use, specifically glasshouses. It is understood that several growers have expressed an interest in the remaining land and officers are advised that the landowner was aware of the requirements of growers when deciding the route. Officers have reviewed the various options and consider that the proposed route is the most reasonable option with the least impact on local residents and it would not prohibit or limit future horticultural development taking place in the remaining parcels. It is accepted that any route crossing the HDA would limit the size of some parcels of land, but it is considered that the proposed route minimises the amount of smaller parcels while providing space for very large parcels. The applicants intend to deliver this road if they are granted planning permission. This will open up the eastern part of the HDA, which is currently not accessible by vehicle, which would make it more attractive for growers. Obligations in the S106 would ensure the applicant, who will construct, own and maintain the access, does not unreasonably frustrate the use of this route by other horticultural businesses to access other parcels of land within the HDA. In conclusion on this issue, officers are satisfied that the proposed route and access arrangements are acceptable.

Site access, parking and yard arrangements

- 8.14 The site access is in the south west corner of the application site. The site will include 25 standard vehicle parking spaces, 1 motorcycle space, 1 disabled space, 3 cycle spaces

and 3 larger parking spaces for HGVs. The number of vehicle parking spaces is considered acceptable and includes visitor parking. A Travel Plan Statement is recommended to be secured by condition. The parking spaces are arranged on the periphery of the northern car park/service yard area to give maximum space for larger vehicles to manoeuvre, for loading into the crop care area and for loading from the lower yard area from the packaging and cold store facility.

8.15 In summary on this issue, the vehicular access and site parking arrangements are considered acceptable and compliant with the requirements of the statutory consultees and CLP policy 32 (4) and 39. Conditions and a S106 agreement will be used to secure the details and ensure full implementation and proper management.

(iii) Pedestrian and cycle access

8.16 Pedestrian and cycle access to the site is currently available via a combination of adopted bridleway and permissive routes. These routes use the former airfield perimeter track and an informal cut-through onto Church Lane. The Tangmere Neighbourhood Plan (TNP) identifies the importance of these routes particularly for recreational purposes, and this is identified in some of the third party comments. The TNP promotes a sustainable movement network through policy 9, which includes the bridleway and permissive route along the western boundary of the HDA and across the neighbouring field, and connections to Church Lane. While there is an existing permissive route (across third party land) through to Church Lane, this is a well worn but narrow, uneven and overgrown path that would discourage use in all but bright and fair conditions for those with sure footing. This is across third party land. Negotiations during the application process have resulted in an alternative route being proposed along the boundary of the land under the control of the applicant. This will be a direct path, suitable in width (3m) and surfacing for pedestrian and cycle access. This will exit onto Church Lane to the east of the existing path, within an area with good visibility and a deep verge. WSCC raise no objections in principle to this new discharge point onto the highway, but this will require further detailed review through a S278 agreement. A condition is recommended to secure the details of the construction, implementation and maintenance of this route.

8.17 The applicant proposes the installation of a series of concrete blocks along the western side of the access route, to segregate the footpath and bridleway users from the vehicular traffic accessing the application site. This is the arrangement currently in place next to the Museum. As advised by WSCC (Rights of Way), a minimum of 3m width is required for pedestrian/cycle/horse access (as shown on the plans). Separate consent will be required from WSCC under Section 66 of the Highways Act as the proposed access and structures are on a Public Right of Way.

8.18 In summary on this issue, the proposed development will provide various options for pedestrian and cycle access to the site, and will safeguard the existing bridleway and permissive routes using the perimeter track. The proposed alternative route onto Church Lane will improve accessibility and public safety and this complies with the aims and policies of the Tangmere Neighbourhood Plan and CLP policy 52.

(iv) Noise

8.19 While this is a designated HDA for large horticultural development, the background noise levels on site are relatively quiet, particularly overnight towards the southern part of the

HDA. The site is on the periphery of Tangmere and many dwellings and gardens back directly onto the HDA. There are also residential neighbours to the south and south west of the application site along Church Lane where the environment is rural with limited man-made noise experienced. It is recognised that a number of third parties have raised noise as a concern, and Environmental Health have investigated noise complaints in relation to the impacts of activity on the eastern side of the HDA from Easthampnett residents. These issues relate to different businesses and operators. Nevertheless, this development must effectively minimise and manage its noise impacts and not exacerbate existing problems.

- 8.20 The noise concerns raised and those relevant to this type of development relate to such matters as traffic volume, HGV access routes and numbers, use of refrigeration vehicles, hours of activity, sounds transmission and relay from the large areas of glass and noise generated by plant and equipment. Further acoustic information has been provided during the assessment in response to the EHO's queries on the original acoustic assessment, and a revised assessment was submitted in April 2018.
- 8.21 It is proposed that traffic noise impacts will be minimised and managed by way of a combination of engineering and management solutions. The proposed hard mitigation features will include the creation and use of the new access track with landscaped bank, the use of signage and surfacing to reduce road speeds and noise (not speed bumps), ensuring the continued maintenance of the surfaces to prevent noise caused by uneven ground. A Travel Plan statement will encourage sustainable travel modes which makes the most of the pedestrian, cycle and bus connections and options for car sharing for staff. As recommended by the Environmental Health Officer, HGV movements will be restricted overnight between 23:00 and 04:30 with limited movements (2 HGV loads) permitted between 04:30-06:00. Operational noise impacts will be minimised and managed by the layout of the site enclosing the noisier elements of the yard and plant to the south of the glasshouse, erecting acoustic fencing around the yard, enclosures around plant and equipment as set out in the acoustic report, the provision of landscaped banks, reservoirs and basins to the south and west. Management measures to minimise operational noise will include scheduling of lorry deliveries and providing mains power supplies at the docks for the refrigerated lorries to plug into while loading.
- 8.22 Taking advice from Environmental Health, officers are satisfied that the revised assessment and conclusions, hard mitigation and supporting management proposals, will effectively reduce noise emissions from the site to no more than 5 dBA above background levels when measured 3.5m from any noise sensitive property. Following a period of negotiation which resulted in the revised acoustic assessment and mitigation plans, officers are now satisfied that the acoustic report realistically reviews the potential noise impacts of the proposal and all reasonable efforts have been made to minimise the sound experienced as a result of this development. The split of the 24 hour period into 3 distinct time bands (daytime, evening and night) and scheduling activities on site accordingly has resulted in a proposal that enables the business to run efficiently and effectively while taking the sensitivities of the nearby residents and the experience of the local environment into account.
- 8.23 The report concludes that, with mitigation and management, the noise from the development will not exceed 5dBA above the existing background level during the daytime, evening or night time periods. A level of no more than 5dBA above background will mean that some noise may be experienced, but officers are satisfied that this noise will not be significant. The recommended condition as advised by the EHO sets specific noise

levels based on current background levels which results in a maximum of 30dBA night, 35dBA evening and 38dBA daytime. This provides clarity for the applicant and ensures that any increase in background sound from other sources, including other horticultural uses and the A27 does not then allow the user of the application site to generate more noise. CLP policy 32 requires HDA development to generate "no significant adverse increase in noise levels". The Environmental Health Officer is satisfied with the calculations in the submitted report and has recommended the proposed noise conditions. It is considered that the proposed development will not result in a significant adverse increase in noise levels. It is recommended that the maximum noise levels and the associated mitigation and management arrangements are secured and managed through the use of conditions. On this basis, it is considered that the application complies with CLP policy 32 (1) and NPPF paragraph 123. Construction noise will be managed through a Construction Management Plan which is recommended to be secured by condition.

(v) Landscape and visual impact

- 8.24 The application site forms part of an open and largely flat arable agricultural landscape, with uninterrupted views across the HDA from public vantage points including by the Museum and from the nearby bridleway to the north and west, and filtered views from Church Lane to the south. Longer distance views are limited to a handful of points on the higher ground in Eartham/Boxgrove parishes (approx. 3-4km away) and the Trundle (approx. 6km away) from where the site will be viewed in the context of the existing horticultural development.
- 8.25 Given the piecemeal way the land has been brought forward for development, the size of the HDA and the scale of the proposed development, initially the proposed development will appear isolated to some degree from the existing glasshouse and associated development on the eastern half of the HDA. The proposed development is also substantial in scale, with a site area of over 6.6ha, a glasshouse of 3.45ha up to 7.4m to ridge, continuous built form extending to some 290m in length along the eastern boundary and a packhouse/coldstore that is 78m wide and up to 14m tall. However, the site is allocated for large scale horticultural development including glasshouses and packhouses. The proposal is of the same character and similar form as the existing adjacent established horticultural development. Therefore in both immediate and longer views, the proposal will be seen in this context. It would not be unusual or unexpected to see this development in this location.
- 8.26 Negotiations between the applicant and officers have resulted in the various amendments to reduce landscape and visual impact. The packhouse/coldstore element on the southern side of the site has been reduced in height with the bulk and massing of the structure reduced by the breaking up of the ridge line. Particular attention will be paid to materials and finishes, and a condition is recommended to secure these details. The proposed reservoir/banks and planted areas will soften and filter views. The planted belts which in places are up to 12m deep (these will be broader on site due to additional planting on banks), will include a mix of native trees with under storey planting suitable to the climate of the site and will include larger specimens to give some immediate impact. Officers consider these new planting belts in addition to the protection and retention of the existing vegetation will be sufficient to mitigate the landscape and visual impacts of development to comply with CLP policy. The management of the planting and banks is part of a recommended condition which would include a requirement for the replacement of any trees or plants that die or are removed within the first 10 years of the development.

Additionally, there will be a landscaped bank along part of the access route to reduce the visual impact of HGV movements on the residents to the north of the site.

Lighting

- 8.27 The hydroponics system relies on LED lighting within the glasshouse. The applicant proposes to use integrated blinds to restrict light spill from the glasshouse which will be electronically operated, and closed between dusk and dawn and whenever the lights are on. The final details of the blinds and operating systems are the subject of a recommended condition. The remaining buildings will be fully enclosed, with solid roofs. Some external lighting will be required for security and safe operation of the site. The proposed layout encloses the yard with all the building openings facing into the yard, which will contain the light to some degree, with sensible siting and direction of light fittings in accordance with the Institute of Lighting Engineers' Guidance. The bank along the access route will help protect the amenities of neighbouring properties from light pollution. Lighting will also be subject to a management plan to limit disturbance and minimise the light spill from the development.
- 8.28 In summary on the issue of landscape and visual impact, it is accepted that horticultural development of this size will lead to some landscape and visual impact, particularly where the site is in close proximity to public rights of way and vantage points and where there are limited intervening landscape features. However this must be balanced against the policy designation of the HDA, and the quality of the landscape affected. Officers consider that the revised proposals including mitigation, are sufficient to reduce the landscape and visual impact to a level that is compliant with CLP policy 32 (3) and (5) and policy 48. It is considered that the proposed methods of restricting light spill will comply with policy 32(2), as the lighting from the development will not cause significant adverse impact.

(vi) Drainage, sewerage and water use

- 8.29 The site is in flood zone 1. The proposed drainage strategy prioritises attenuation methods, to allow the business to capture and re-use surface water from the glasshouse roof and rainwater for the hydroponic and related systems including the heating and cooling mechanisms. Two reservoirs are proposed, with a total capacity of 7,475m³, of which 3,395m³ is the stormwater storage capacity. The largest reservoir will be lined. The smaller reservoir/basin will be unlined to take advantage of some limited capacity for infiltration on this site. It is proposed that the rest of the water will be piped (controlled discharge) or transported by swale along the north of Church Lane to Decoy Lane, where a culvert is proposed to connect to an existing ditch. The principle of the proposed drainage strategy is supported by CDC Drainage Engineers and complies with CLP policy 32 (7), 42 and the Council's Drainage SPD. Conditions are proposed to require full details of the drainage design, including the results of additional groundwater monitoring, and details of the maintenance of the proposed systems. It is proposed to use a Grampian type condition to secure the implementation of the off-site drainage. The applicant has advised that their lease arrangements with the landowner enable them to install the necessary drainage features.
- 8.30 The nearest sewer is a high pressure rising main, so instead it is proposed to use a package treatment plant. The EA raises no objection in principle, but advises that a permit will be required. This is considered acceptable in planning terms. Conditions are proposed to require full details of the proposed plant and associated maintenance.

(vii) Ecology

8.31 The site is currently in arable use with a mature vegetation boundary to the south and an area of scrub to the south west. Surveys have identified the presence of protected species that would be likely to be affected by development, including Great Crested Newts, reptiles, bats, water voles and arable breeding birds. Method statements and mitigation strategies have been submitted to deal with those species, which are considered acceptable. A biodiversity area will be created around the proposed landscaped bank and planting to the south of the site, in addition to the protection of existing field boundaries. A condition is recommended to secure appropriate planting or seeding and management of these areas for ecological and landscape purposes. The proposal is considered to comply with the requirements of CLP policy 49 and TNP policy 8.

(viii) Archaeology

8.32 The archaeological potential of the application site has been assessed using a desk top study. This identifies low to moderate archaeological potential and finds from the Bronze Age to Medieval periods and high potential for the post-Medieval and early modern periods. The Archaeology Officer considers this potential can be appropriately dealt with by means of a pre-development investigation, comprising a written scheme of investigation and trial investigation. This is advised as a condition. On this basis, it is considered that the proposal complies with CLP policy 47 and section 12 of the NPPF.

(ix) Pollution and contamination including hazards

8.33 The proposed development will not cause unacceptable levels of soil, water, odour or air pollution. Soil, water and air pollution can be appropriately controlled through details embedded in the drainage design (including interceptor features) and site and vehicle management including the Travel Plan Statement and Construction Management Plan. Horticultural developments of this type operate within strict environmental controls to protect their crop and do not cause odour pollution. There is however some risk to the development from existing contamination and unexploded ordnance (UXO) devices remaining from the past use of the site as an airfield. These risks have been reviewed in specialist studies submitted with the application and CDC Environmental Health. No objections are raised, with conditions advised including the requirement for a further detailed UXO study prior to any ground works taking place and a watching brief for unexpected contamination during groundworks. On this basis, the development is considered to comply with CLP policy 32 (2) and NPPF section 11.

Other matters

8.34 The proposed development will be powered by a combined heat and power plant.

Significant Conditions

8.35 Significant conditions include those relating to surface water and foul drainage details, noise levels and mitigation, lighting, construction details including construction management procedures, provision of safe pedestrian and cycle access, materials and finishes, protected species mitigation and a full landscaping and planting scheme including a management plan.

Section 106 Agreement

- 8.36 A section 106 agreement is required to secure the provision of access to the site. This will specifically secure:
- A routing agreement to confirm the use of the A27/Meadow Way/City Fields Way for all HGV access to the site
 - Future use of the proposed access road across the HDA. The applicant intends to construct and maintain the access road. They will be required not to unreasonably frustrate the use of the proposed new access road by other horticultural businesses to access other parcels of land within the HDA, for example by charging unreasonable or disproportionate fees for the use or maintenance of this road.

Conclusion

- 8.37 Based on the above details, it is considered the proposal complies with development plan policies including CLP policy 32 and TNP policies 8 and 9 and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

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

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

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

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans:

0917-P1-100 L, -101 L, -102 M, -103 M, -104 L, -105 J, -106 I, -107 L, -108 M (drainage), -109 L, -110 L, -111 L, -112 L, -113 I, -114 L, -115 L, -116 L

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

- 3) **No development shall commence**, including any works of demolition or site clearance, until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the programme of demolition/site clearance and construction works including the construction of the access route,
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction including routing arrangements (with regard to the S106 agreement), booked delivery slots and the use of banksmen where required,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public notification both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control and minimise the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use, and plant servicing,
- (p) waste management including prohibiting burning,
- (q) protection of existing infrastructure on site (including along/intersecting with the access route), including pre-commencement investigation and the provision of markers, fencing, surfacing and exclusion zones where required, and
- (r) protection of access to and along public rights of way, cycle paths and permissive paths during works, and
- (s) protection of all existing retained landscape features including trees, hedgerows and retained agricultural land/biodiversity areas on and adjacent to the site.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and capacity, in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the construction of the development does not have a harmful environmental effect.

- 4) **No development shall commence** until a further detailed unexploded ordnance (UXO) study is completed and the results, with recommendations and mitigation measures (if required), has been submitted to and agreed in writing by the Local

Planning Authority. The approved development shall only proceed in full accordance with the agreed recommendations and mitigation measures (if required).

Reason: It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the commencement of development in order to manage the UXO risk at the site.

- 5) **No development shall commence on the site until** a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological significance. 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) **Notwithstanding the details on plan 0917-P1-108M, no development shall commence** until full details of the proposed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

The surface water drainage scheme shall include:

- (i) The drainage of the full site including the access and the full route to the point of discharge into the public ditch network at a point where the necessary capacity exists
- (ii) Details of the means of re-use of water from reservoir 1, including associated treatment processes if required
- (iii) Appropriate pollution control measures which shall be integrated into the design of the scheme
- (iv) A full timetable for implementation
- (v) Full details of the maintenance and management of the SUDS system, set out in a site-specific maintenance manual, including include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life.

The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. **No building shall be**

first used until the complete surface water drainage system serving the site has been implemented in full accordance with the approved surface water drainage scheme. Upon completed construction of the SUDS system the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase. The efficient maintenance and ongoing operation for the SUDS system shall accord with best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: C687 Chapter 22. The details are required to ensure the SUDS are designed appropriately and properly maintained and managed as soon as they are installed.

Note: Open storage and attenuation is preferred over piped systems.

- 7) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site and a scheme for its maintenance and management have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and/or Southern Water. All development shall be undertaken in accordance with the approved details.

The development shall not be first used until the approved works have been completed. Upon completed construction of the sewerage treatment system the approved maintenance and management scheme shall be strictly adhered to in perpetuity.

Reason: To ensure adequate provision for drainage. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

- 8) **No development shall commence** unless and until details of a Public Right of Way and Permissive Path Safeguarding Scheme have been submitted to and approved by the Local Planning Authority in consultation with WSCC. The Scheme shall include provision for the delineation of the definitive line of the existing bridleway (3581) together with details of its surfacing, drainage, maintenance, boundary treatment and the means of providing safe crossing and use of it, including appropriate signage and visibility splays, by vehicles using the access road serving the development.

The buildings hereby permitted shall not be first used until the measures set out in the agreed Scheme have been fully implemented. Thereafter the measures will be retained as approved.

Reason: To ensure the public right of way is retained in a safe and appropriate manner and that such matters are comprehensively addressed at the development's formative stage.

- 9) Notwithstanding the details on the plans, **no development shall proceed beyond the site clearance stage** until plans of the site (including the access road) showing details of all earthworks and final levels for the landforms and buildings hereby

approved have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- (i) the proposed grading and mounding of land areas including the levels and contours to be formed,
- (ii) the relationship of proposed mounding to existing vegetation, approved buildings, the access road and surrounding landform
- (iii) measures to ensure the retention of topsoil at the site.

The submitted details shall take into account the noise mitigation and drainage requirements. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent land.

10) No development shall proceed beyond the site clearance stage unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include:

- (i) a planting plan including all areas of planting identified on plan 103M
- (ii) schedule of plants noting species, plant sizes and proposed numbers/densities
- (iii) details of all bunds
- (iv) timetable for the implementation of all elements of landscaping. Planting early in the build programme will be expected
- (v) a full maintenance and management strategy including irrigation and the management of ecological areas including field margins.

The scheme shall include seeding with a Native British Wildflower Flora mix appropriate to the soil and climate of the site and shall make particular provision for the conservation and enhancement of biodiversity on the application site.

The details submitted shall include the ecological recommendations detailed in Section 4 of the Phase II Ecological Survey Update.

All planting, seeding or turfing and bunding comprised in the approved scheme of landscaping shall be carried out **in full accordance with the implementation timetable** unless otherwise agreed in writing by the Local Planning Authority.

The approved maintenance scheme shall be complied with in all respects unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants, including any existing trees or hedgerows indicated as being retained in the approved scheme, which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development and to comply with the Natural Environment and Rural Communities Act 2006.

- 11) **No work shall commence on the approved access route** from City Fields Way to the site entrance until full details of the construction of the road including construction profiles, surfacing, and the construction and finishing of the associated landscape bank, have been submitted to and approved in writing by the Local Planning Authority. The road must be designed and managed in such a way so as ensure vehicles are prevented from driving in excess of 20 mph.

The construction of the access shall only proceed in accordance with the approved details. Once constructed, the surface of the access road must be maintained in good condition in perpetuity so as to provide a continuous even surface, free from defects.

The development shall not be first used until the approved access has been completed and made available for use. Vehicular traffic shall not use any alternative route other than that identified in the approved plans. At no time shall any operational traffic use the northern or eastern perimeter track to access the site.

At no time shall vehicles associated with the approved development park or wait on the access or perimeter track.

Reason: To ensure the details of this aspect of the development are fully agreed before works start, and the route is provided and used in accordance with the terms of the application.

- 12) **No development shall commence on the surface water drainage system** until the discharge of any flows to a watercourse has been approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority (WSCC). Any discharge to a watercourse must be at a rate no greater than the predevelopment run off rates. The approved discharge rates must be adhered to.

Reason: The details are required to ensure that the proposed development is satisfactorily drained and does not increase flood risk on or off site

- 13) **No development shall commence on the surface water drainage system** until the arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted to and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site. The access and maintenance arrangements shall be implemented as approved throughout the life of the development.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. The details are required pre-commencement these details relate to the construction of the development and thus go to the heart of the planning permission.

- 14) **No development comprising the construction of the superstructure of any building or structure hereby permitted shall commence** unless and until a full schedule of all external materials and finishes, including samples where requested by the Local Planning Authority, has been submitted to and approved in writing by the

Local Planning Authority. The approved materials and finishes shall be used in the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to minimise the landscape impact of the development.

- 15) **No development comprising the construction of the superstructure of any building or structure hereby permitted shall commence** until a detailed lighting scheme including lighting management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out how the design of the lighting shall not exceed the obtrusive light limitations for exterior lighting of the Institution of Lighting Professional Guidance for Environmental Zone E2; as shown below:

Sky Glow ULR [Max %]: 2.5

Light Intrusion (into windows) Ev [lux] pre-curfew: 5

Light Intrusion (into windows) Ev [lux] post-curfew: 1

Luminaire Intensity in candelas pre-curfew: 7500

Luminaire Intensity in candelas post-curfew: 500

Building Luminance pre-curfew, Average, L [cd/m²]: 5

The curfew is 22:00.

The scheme shall include an isolux diagram showing the predicted luminance in both the horizontal and the vertical plane (at a height of 3.5 metres) for the development.

The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details. The works and scheme shall thereafter be retained and managed in accordance with the approved details.

Reason: These details are required to protect the appearance of the area, the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.

- 16) **The construction of the glasshouse shall not commence** until full details of the proposed blinds system including operational procedures and maintenance requirements are submitted to and approved in writing by the Local Planning Authority. The glasshouse shall not be first used until confirmation is given that the approved blinds are fully installed and operational. The blinds shall therefore be used in accordance with the agreed operational procedures. No lighting shall be used within the glasshouse between dusk and dawn without the blinds being fully closed.

Reason: To prevent light spill and harm to the landscape, wildlife and amenity.

- 17) **No development comprising the construction of the superstructure of any building or structure hereby permitted** shall take place unless and until details of boundary treatments including screen walls and/or fences to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. No building shall be first used until such screen walls and/or fences associated with them have been erected. Once erected the screen walls and fences should be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

- 18) **No part of the development hereby permitted shall be first used** until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council as the Local Highway Authority. The Travel Plan Statement shall be based on the measures proposed in the draft Travel Plan Framework by GTA Civils within the Transport Statement dated May 2017.

Once approved, the Travel Plan Statement shall thereafter be implemented as specified within the approved document and in accordance with the agreed timescales. The Travel Plan Statement shall include procedures for monitoring and review to ensure it remains up to date and effective. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

- 19) **No part of the development shall be first used** until the proposed foot/cycle permissive route from Church Lane to the existing foot/cycle permissive route shown on drawing number 0917-P1-116L has been constructed in accordance with plans and details which have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the construction (including levels and drainage), surfacing, marking, lighting (if required) and the maintenance and management of the path. The path shall thereafter be retained and maintained as approved.

Reason: In the interests of local amenity and highway safety.

Note: Separate consent will be required from West Sussex County Council for the connection of the path to the highway.

- 20) **No part of the development hereby permitted shall be first used** until the vehicle parking and turning space has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient vehicle parking and manoeuvring on-site to meet the needs of the development.

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

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

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

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

- 23) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Thereafter **the development shall not be first used until**

- i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and
- ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority.

Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and

- iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

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

- 24) **The development shall not be first used** until all the noise mitigation measures listed below have been installed in accordance with the specifications in the Sound Planning Report dated 30 January 2018 (reference 02886R3) supported where specified by the contents of the Sound Planning Report dated 5 June 2017 and the supplementary addendum letter from Sound Planning dated 16 April 2018:

- (i) Building continuation screening enclosing the yard, including an acoustic gate as identified on plan 104L
- (ii) Cogeneration Unit main body fully enclosed within a 100mm acoustic panel enclosure
- (iii) Cogeneration Exhaust fitted with a 20% Free Area inline duct attenuator 2.4m long/high
- (iv) 5m high landscaped bund along part of the northern and western boundary of the access route as identified on plan 107L

These mitigation measures shall be retained in perpetuity.

Reason: In order to protect the amenity of nearby residents and the rural character of the locality

- 25) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700

hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: To protect the environment and the amenities of the public, residents and businesses

- 26) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in Section 4 of the submitted Phase II Ecological Survey Update produced by GPM Ecology, dated 7 October 2017, unless otherwise agreed in writing by the Local Planning Authority on receipt of further ecological evidence.

Reason: To ensure that the protection of ecology and/or biodiversity is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

- 27) At no time shall the noise generated by this development and associated use of the site including the use of the access road exceed 30dB(A) during the night time period (23:00-06:00), 35dB(A) during the evening period (19:30-23:00) and 38dB(A) during the daytime period (06:00-19:30) measured 3.5m from any noise sensitive property.

The rating sound levels and uncertainty shall be obtained in accordance with BS 4142:2014.

Reason: In order to protect the amenity of nearby residents and the rural character of the locality

- 28) The site shall only be operated within the following restrictions (unless otherwise agreed in advance in writing by the Local Planning Authority):
- (i) Daytime (06:00-19:30) 8 HGVs per hour (16 movements) for loading and access
 - (ii) Evening (19:30-23:00) 4 HGVs per hour (8 movements) for loading and access
 - (iii) Night time (23:00-04:00) no HGV movements
 - (iv) Early morning (04:30-06:00) 2 HGVs per hour (4 movements) for access only.

Reason: To protect the amenities of nearby noise sensitive properties and the surrounding environment, particularly in the quieter evening and overnight periods.

- 29) Refrigerated trailer units must be powered using mains electrical supplies whenever the trailer unit is stationary.

Reason: In order to protect the amenity of nearby residents and the rural character of the locality.

- 30) Unless otherwise agreed in advance in writing by the Local Planning Authority, vehicles reversing on site shall not use a single tone 'bleeping' audible reversing alarm.

Reason: To protect the amenities of local residents.

- 31) The development hereby approved shall only be used for the growing of fresh and chilled horticultural products and other ancillary processes directly related to the preparation of vegetable and salad products, such as washing, packing, shredding, storing and assembling. At no time shall the development hereby approved be used for the processing, including cooking, of horticultural or other products other than that prepared for staff within the facilities hereby approved.

Reason: To accord with the terms of the planning permission and the designation of the site as part of a Horticultural Development Area under Chichester Local Plan policy 32.

- 32) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

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

INFORMATIVES

- 1) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
- 2) The applicant is advised to have regard to the contents of the consultation response from the Environment Agency dated 2 August 2017.
- 3) The applicant is advised to have regard to the contents of the consultation response from Southern Water dated 2 August 2017.
- 4) The applicant is advised to have regard to the contents of the consultation response from WSCC Rights of Way dated 24 October 2017 and to ensure the relevant consents are obtained from WSCC before any works commence that may affect Public Right of Way number 3581.
- 5) The applicant is reminded that the prior written consent of the Environment Agency, West Sussex County Council as Lead Local Flood Authority and other external organisations may be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010. Additional consents may be required in respect of water and foul discharge off site including Ordinary Watercourse Consent.
- 6) When submitting lighting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the Obtrusive Light Limitations for Exterior Lighting Installations for

Environmental Zone (to be specified for the circumstances) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" issued by the Institute of Lighting Professionals.

- 7) The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 8) For further information and technical guidance regarding land contamination the applicant should contact the District Council's Environmental Protection Team (01243 785166).
- 9) 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 (with 24 hours of any work).
- 10) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Naomi Langford on 01243 534734

Parish: Oving	Ward: North Mundham
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O/16/01785/FUL

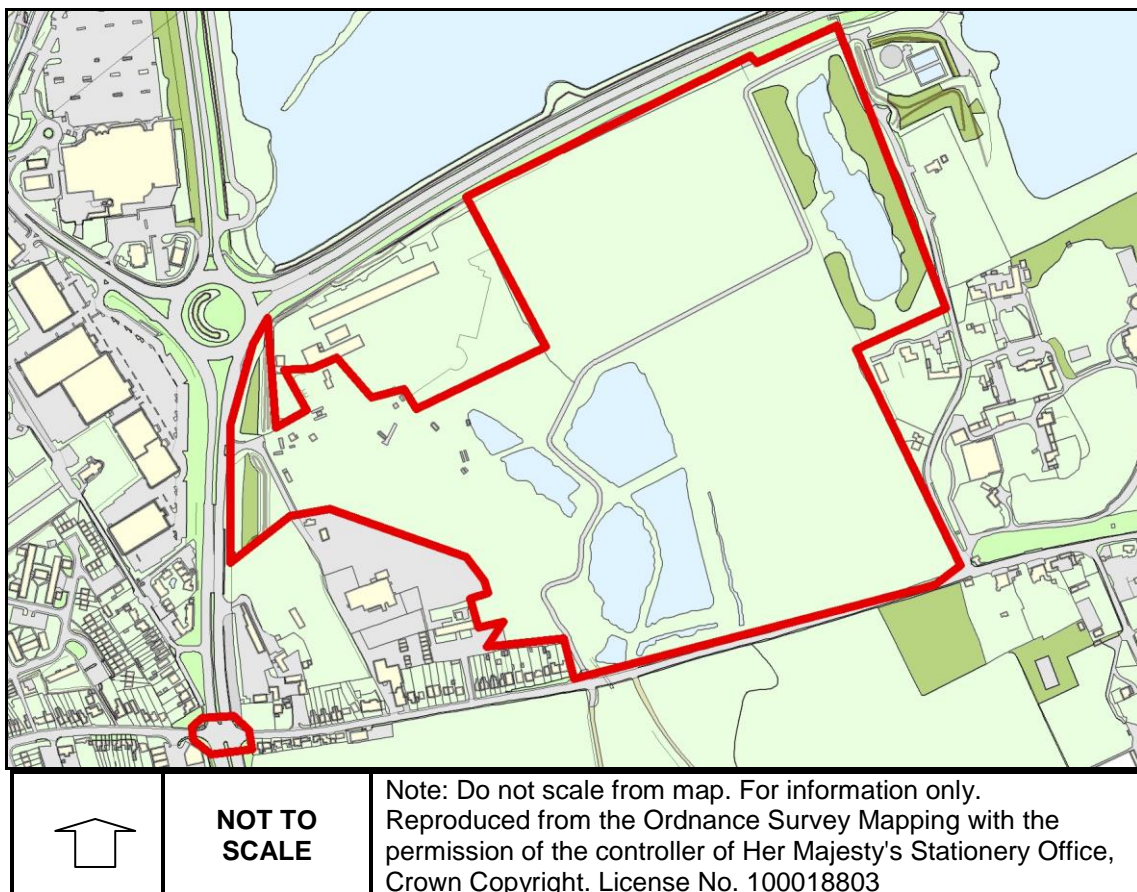
Proposal Removal of conditions 9 and 11 from planning permission O/11/05283/OUT which require the closure of the Oving Traffic Lights and to retain the junction as it currently functions.

Site Land On The North Side Of Shopwhyke Road Shopwhyke West Sussex

Map Ref (E) 488000 (N) 105000

Applicant Sjoerd Schuyleman

RECOMMENDATION TO REFUSE



BACKGROUND

The following report was originally considered by the Committee at its meeting on 14 September 2016 where the officer recommendation to refuse permission was not agreed. The resolution of the Committee at that meeting was to:

Defer for referral to the Secretary of State and either;

- 1) In the absence of any direction under article 25 of the Order to defer for a section 106 agreement then permit, or;
- 2) In receipt of a direction from the Secretary of State, carry out that direction.

The Secretary of State's subsequent Direction to the Council on 14 November 2016 was reported to the Planning Committee meeting on 11 January 2017. The Direction which is attached to this report advised that:

'...the Secretary of State hereby directs an indefinite non approval for the application for the reasons set out below:

- a. It would go against transport policy, which is laid out in DfT Circular 02/13 Development on the Strategic Road Network which explains the practices of Highways England for maintaining, managing and operating a safe and efficient strategic road network;
- b. It would go against planning policy which is explained in the *National Planning Policy Framework* issued by the Department of Communities and Local Government. It states that planning permission should not be refused on transport grounds unless the residual and cumulative impacts are severe. In this case the conditions were applied to mitigate the severe impacts of the development on the Strategic Road Network;
- c. The developer does not support the removal of the conditions;
- d. The applicant has had opportunities to substantiate their case for the application to remove the conditions but has not provided robust evidence to support their application.

At the Planning Committee meeting on 11 January 2017 the following resolution was agreed:

'To defer making a decision on the above application until 11 January 2018 or a government announcement on the preferred route /changes to the A27, if before that date'.

1.0 Reason for Committee Referral

1.1 Red Card: Cllr Jarvis. Exceptional level of public interest

2.0 The Site and Surroundings

2.1 This application relates specifically to the existing traffic lights east and west of the junction of the A27 with Oving Road B2145. The traffic lights regulate the number and flow of vehicles entering, crossing and leaving the A27. A separate toucan crossing to the north of the lights provides safe passage for pedestrians wishing to cross the A27.

3.0 The Proposal

3.1 The proposal is to delete the requirements imposed by planning conditions 9 and 11 on the outline planning permission for the Shopwyke Lakes development reference O/11/05283/OUT. That application, permitted on 09.08.2013, was for: 'Urban extension comprising a residential development of 500 dwellings within a parkland setting together with employment redevelopment and associated vehicular, cycle and

pedestrian access, drainage and landscape, community facilities, elderly care village, localised retail units, major new public open spaces.'

3.2 Condition 9 on O/11/05283/OUT states:

No more than 297 dwellings in the development hereby permitted shall be occupied until the completion and opening to public use of the works to the A27 / Oving Road / Shopwhyke Road signalised junction, comprising a left in and left out operation restricting right turns and cross carriageway movements, as shown on drawing number 2010/1227/030 - rev A (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport)).

Reason: To satisfy the reasonable requirements of road safety and to ensure that the A27 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

3.3 Condition 11 on O/11/05283/OUT states:

No more than 399 dwellings in the development hereby permitted shall be occupied until the completion and implementation of the works to the A27/Oving Road/Shopwhyke Road signalised junction as shown on drawing number 2010/1227/014 - rev E (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport)).

Reason: To satisfy the reasonable requirements of road safety and to ensure that the A27 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

3.4 The result of both the above conditions is to achieve a staged but eventual closure of the existing traffic lights to all traffic with the exception of limited movements for buses, entering and crossing over the A27 carriageway from east (Oving Road) to west then travelling north along the A27 to the Portfield roundabout. Removing these two conditions from the Shopwhyke Lakes outline planning permission would mean that the traffic lights are retained and continue to function as they currently do.

4.0 History

11/05283/OUT	PER106	Urban extension comprising a residential development of 500 dwellings within a parkland setting together with employment redevelopment and associated vehicular, cycle and pedestrian access, drainage and landscape, community facilities, elderly care village, localised retail units, major new public open spaces.
14/01777/OUT	WDN	Removal/variation of those conditions on planning permission O/11/05283/OUT which require the closure of the Oving Traffic Lights and to retain the junction as it currently functions.
14/02826/REM	PER	Construction of spine road and associated

site levelling and re-profiling works

14/03560/OUT	PER106	Urban extension comprising a residential development of 500 dwellings within a parkland setting together with employment redevelopment and associated vehicular, cycle and pedestrian access, drainage and landscape, community facilities, elderly care village, localised retail units, major new public open spaces - Variation of condition 17 regarding Shopwhyke Road access.
15/03720/OUT	PER106	Additional 85 dwellings on land with outline approval for 500 dwellings under reference O/11/05283/OUT.
15/03964/REM	PER	Proposed 398 dwellings together with commercial and community use floorspace. Application for approval of reserved matters following outline planning permission O/11/05283/OUT in respect of appearance, layout, landscaping (phase 1A and spine road) and scale.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Oving Parish Council

The Parish Council is the applicant.

6.2 Chichester City Council

RESOLVED that Chichester City Council strongly supports the application to retain the Oving Road/A27 Traffic Lights Controlled Junction by removing the relevant conditions attached to the Shopwhyke Lakes planning permission.

Reason: It is considered that the inconvenience to the large number of road users following the closure of the junction cannot be justified on safety grounds based on the latest evidence and the existing junction arrangement is therefore safer than diverting the traffic to roundabouts which are already heavily congested.

6.3 North Mundham Parish Council

North Mundham Parish Council wishes to record its whole-hearted support for this application. The Council regards the prospect of the closure of the Oving cross-roads traffic light controlled crossing as a severely retrograde step. Our reasons are set out below.

If the Oving Road is closed to traffic at its junction with the A27, all the traffic that uses the road for access either side of the A27 will be forced to find an alternative route. This will lead to greater pressure on the other junctions, most significantly the Bognor roundabout which is already congested and difficult to negotiate when entering it from any of the roads except the A27. Because of this difficulty it is inevitable that there will be an increase in rat-running through the new development at Shopwyke lakes and additional traffic on other minor roads in the area such as Marsh Lane, as traffic diverts to the B2166 and B2145 to use the Hunston roundabout.

While we appreciate that residents and businesses situated on the Oving Road close to the A27 may regard the proposed closure of the junction as a desirable benefit, we do not believe this should have any weight in the argument. If the junction is left as it is there will be no reduction in their existing conditions which they have accepted for many years.

The relatively recent upgrading of the traffic lights has been notably successful. It has provided a controlled and safe environment free of the stress attached to negotiating a busy roundabout with its ever-present risk of minor collisions. Pedestrians are able to cross the A27 in safety without the expense of providing another footbridge. Although the lights impose an interruption in the flow of traffic, the effect of this is negligible and in some cases actively beneficial:

For west-bound traffic, heading towards Portsmouth, any queue at the lights only serves to control the rate at which traffic joins a much more significant queue at the Bognor roundabout there is no reduction in overall journey time. There might be some benefit in providing a dedicated left-turn lane between the Portfield roundabout and the lights for traffic wanting to turn left towards Oving and Tangmere, and it would appear there is space to widen the road to achieve this.

For east-bound traffic, the lights impose a short but useful interruption in the traffic flow which provides a valuable benefit to traffic using the Portfield roundabout. Without an occasional break in the traffic it would be near-impossible for vehicles coming from the retail park or from the Goodwood and Westgate approach road to join the roundabout.

In summary, it is our perception that the Oving Traffic Lights offer the most efficient junction on the A27, and the one that is easiest to negotiate coming from any direction. Removal of the lights and closure of the junction would be a severely retrograde step, and we would urge the District Council to approve this application.

6.4 Tangmere Parish Council

Tangmere Parish Council would like to support the application by Oving Parish Council to retain the traffic lights in their current form on the A27.

The proposal to prohibit traffic from crossing the A27 at Oving Road, is not just a matter of minor inconvenience to a few locals. Its repercussions to all those who have to

migrate north/south each day across this strategic artery will be felt by everyone across the district, particularly those who live south of the A27.

Far from speeding up traffic on our under-invested Trunk Road, this will just ensure that the traffic gets to the clogged-up roundabouts at Portfield and Bognor Bridge even faster, meaning not only will they have to wait longer there, but will make it even more difficult and frustrating for those trying to enter the Portfield Roundabout from Chichester, or those from Bognor trying to leave the A259. As our colleagues rightly say, the lights in their current form acts as a de facto throttle on speeding traffic, managing its flow, allowing others a small window to join the main carriageway. Of course the other effect of the move will be to force motorists to travel further along our country roads, to cross the A27 at junctions elsewhere that are already operating at over capacity.

Whilst removing these lights will speed up traffic, the Toucan crossing that will replace it to assist pedestrians, and the possible lights at Stockbridge and Whyke Road (for Selsey) planned to replace existing roundabouts, will not speed up traffic. This clearly is contradictory. We all agree that the A27 needs upgrading and we look forward to the forthcoming consultation on possible improvements. This is a time to comprehensively resolve the A27 issues, not cherry-pick certain locations for dubious returns.

6.5 Aldwick Parish Council

We support the application because the relatively recent upgrading of the traffic lights is an intelligent system which has been successful and has addressed the issues. Existing lights do not contribute to queues on the A27, if anything, they somewhat regulate the flow toward the very congested roundabout at the junction with the A259 (Bognor Roundabout). If closed, alternative routes will need to be found through the new residential estate at Shopwyke Lakes, a winding route fraught with dangers and risk to residents - especially during rush hour periods, school, work etc. This will add to pollution in a residential area. Closing the Oving lights will exacerbate congestion problems at Bognor Roundabout, which is almost impossible to navigate at all times throughout the day with the convergence of the A259 and Pagham Road. It will greatly hinder control of traffic, both East and West and will contribute to a constant flow in both directions, further limiting access to both Portfield and Bognor Roundabouts making them both more dangerous than they are at present. The development of some 585 homes already in progress and the proposed blocks to house 521 students on another site; 99 homes on the South side of Oving Road, plus developments in Tangmere will cause further build-up of traffic. A great deal of traffic from these future developments will almost certainly pass through the Shopwyke residential estate. The safety and environmental issues make the closing of the Oving Lights impractical and unsustainable.

6.6 Bognor Regis Town Council

Bognor Regis Town Council wish to offer their full support to Oving Parish Council and their planning application to retain the traffic lights and the A27 junction with Oving Road. It is a well used local route and closure of the traffic lights will lead to a dramatic increase in traffic on the Bognor roundabout and the A27, leading to more congestion around Chichester. In view of the implications of the possible closure, Bognor Regis Town Council would like the lights at this junction to remain.

6.7 Highways England

Formal recommendation - that the application be refused.

The conditions which Oving Parish Council wishes to have removed relate to closing the Shopwhyke Road arm of the A27 / B2144 Shopwhyke Road junction (the 'Oving traffic lights') to vehicular traffic except for buses. This alteration forms part of the highway mitigation scheme which was proposed by the developer of Shopwhyke Lakes as mitigation for introducing a new access onto the A27 in order to 'unlock' the development site.

The Shopwhyke Lakes highway scheme effectively re-routes the B2144 Shopwhyke Road through the development site to the A27 trunk road. The highway scheme, including A27 junction capacity improvements, new pedestrian footbridges across the A27, new local roads through the site, a new access onto the A27 and alterations to the A27/Shopwhyke Road junction was accepted by both the Highways Agency and the local highway authority, West Sussex County Council, after many months of consultation with the developer.

Conditions 9 and 11 of planning permission O/11/05283/OUT "Shopwhyke Lakes"

The conditions that Oving Parish Council objects to (which are the subject of this planning application) are attached to a planning permission to develop 500 dwellings, employment redevelopment, community facilities, elderly care village and localised retail units on a site known as Shopwhyke Lakes. The conditions were directed by the Highways Agency having been agreed with the developer.

From the outset of pre-application discussions with the Highways Agency, the Shopwhyke Lakes developer explained that a new access onto A27 Arundel Road was necessary to 'unlock' the site and make it viable for the development. The developer proposed to close the Shopwhyke Road arm of the junction in order to mitigate the additional danger that the new northern access onto the A27 Arundel Road creates. Any junction or access is inherently less safe than no junction or access. As such, the additional risk posed by the additional access onto the A27 Arundel Road required mitigation in order to gain the Agency's acceptance in line with Department for Transport's Circular 02/2007 which was in place at the time. The Shopwhyke Lakes highway scheme provides this mitigation in the form of accident risk reduction by the alterations to the A27 / Shopwhyke Road junction.

The developer proposed a transport scheme which included capacity enhancements to Portfield roundabout and Bognor Road roundabout and demonstrated that with this scheme the development would not have a material impact upon the operation of the A27 trunk road.

The evidence provided was based upon area wide traffic modelling using the Chichester Area Traffic Model approved by both the Agency and local highway authority West Sussex County Council. The modelling included the re-distribution effects of the revised highway layout and the impacts of the traffic generated by the development. With the developer's proposed highway scheme including junction improvements, the modelling results showed that the future year scenario would be no worse along the A27 trunk road as a result of the development than it would be without the development and associated mitigation.

The planning application for Shopwhyke Lakes was submitted in December 2011 and granted by planning committee with the approval notice issued on 9 August 2013.

Condition 9 requires movements from the Shopwhyke Road arm to be restricted to a left in, left out arrangement, in combination with providing the north-south spine road through the Shopwhyke Lakes site between Shopwhyke Road and the A27 Arundel Road. The

toucan crossing facility for pedestrians and cyclists is retained. This is an interim phase which allows the developer to raise the funds to provide the full scheme in condition 11. The scheme is shown in Drawing 2010-1227-030 Rev A (attached).

Condition 11 requires alterations to restrict all movements in and out of the Shopwhyke Road arm, in combination with provision of the north-south spine road between Shopwhyke Road and A27 Arundel Road, and the east-west link through the Shopwhyke Lakes site between the A27 Chichester bypass and Shopwhyke Road. The toucan crossing facility for pedestrians and cyclists, whilst retained within the junction layout, is reconfigured to maintain east-west connections. This is shown on Drawing number 2010-1227-014 Rev E (attached).

The altered arrangement allows left in and left out access at Oving Road on the western side of the Chichester Bypass. A pedestrian and cyclist crossing facility are provided. The option of bus access at Shopwhyke Road is maintained including crossing the A27, which promotes sustainable transport in line with NPPF.

Previous submission (reference 14/01777/OUT).

Oving Parish Council's original application was supported by a Transport Assessment. The Highways Agency had serious concerns as the information provided did not demonstrate that the proposal would not have a material impact upon the safety and capacity of the A27 trunk road. The Highways Agency issued two letters setting out their comments on the transport assessment provided and what information would be required in order to allay their concerns. The Highways Agency also met with Oving Parish Council's consultant to discuss the further information the parish would need to provide.

At the request of Oving Parish Council, Chichester District Council held a meeting with the Highways Agency, West Sussex County Council and the parish. Chichester District Council advised Oving Parish Council that they would need to provide the information required by the Highways Agency and West Sussex County Council. Oving Parish Council withdrew the application in June 2015. The required information was not provided.

Current application

The applicant has not provided any of the information requested by the Highways Agency, but is relying upon the Transport Assessment submitted with their original planning application.

The Highways Agency has now been replaced by Highways England. Highways England's position on the Transport Assessment submitted to support this application is unchanged from the Highways Agency's as set out in the Highways Agency's letters of 22 September 2014 and 2 January 2015 (attached for ease of reference).

In response to this re-submission, Highways England's letter of 5 July 2016 to the local planning authority and copied to the applicant explains the correct reference case for assessing the impact upon the A27, reiterates the concerns raised by the Highways Agency over the original submission of this application and repeats the request for further information. In response, Oving Parish Council's letter to Highways England dated 20 July 2016 and sent 21 July 2016 states that they will not be providing the information requested.

Comments on applicant's Transport Assessment

Highways England's concerns with the applicant's Transport Assessment are as set out in the Highways Agency's letters of 22 September 2014 and 2 January 2015 (attached). In summary, Highways England's concerns with the Transport Assessment are:

Reference case

The Transport Assessment uses the incorrect reference case by revisiting the Shopwyke Lakes Transport Assessment. As the Shopwyke Lakes development is committed, and has started, the associated Shopwyke Lakes highway scheme is committed and is now the reference case. Accordingly this application effectively proposes to re-open the Shopwhyke Road arm of the junction, from closed except to buses, to allowing all movements including across the A27.

Chichester District Local Plan

The Transport Assessment does not include an assessment of the impact of the applicant's proposal to allow all movements at the junction instead of the simplification committed by the Shopwyke Lakes development on the adopted Chichester District Local Plan transport mitigation strategy. The transport strategy supporting the adopted Local Plan includes the Shopwyke Lakes highway alterations to the Oving lights and Portfield roundabout. The impact of this application's proposal needs to be reviewed for the end of the Local Plan period to assess whether the Local Plan mitigation package continues to offset the impact of the development in the Local Plan.

Traffic diversion assumptions

The Transport Assessment makes assumptions regarding reduction of traffic flow along A27 due to diversion into the Shopwyke Lakes western access (to the south of the A27 Portfield roundabout). This has not been tested by area wide modelling. By contrast, the redistribution effects of the Shopwyke Lakes highway schemes were tested by area wide modelling using the CATM model approved by the Highways Agency and West Sussex County Council.

Incorrect model inputs

Highways England's letter of 22 September 2014 notes a number of inaccuracies with the junction modelling in the applicant's Transport Assessment. In particular the stage sequencing for the signals is incorrect. Consequently we consider that the 'With Devt' capacity improvements claimed in 3.7 and 3.8 of the Transport Assessment would not occur.

Our consultants re-ran the applicant's models with correct signal sequencing, however this is still not a fully fit for purpose model. It also uses diversions assumed in the applicant's Transport Assessment which have not been tested in CATM.

With the junction layout as it currently exists, the amended modelling indicates that with the Shopwyke Lakes development there is an overall increase in delay even with the assumed 50 per cent traffic diverting through Shopwyke Lakes. This would be detrimental to the junction operation and takes this junction further over capacity. The committed Shopwyke Lakes scheme, which is the reference case against which this proposal should be compared, achieves benefits to capacity and delays at the A27 / Shopwhyke Road junction and brings the junction within capacity.

Funding of alternative scheme at Oving signals

The Transport Assessment suggests that the former 'Site 6' scheme of an additional southbound left turn bay should be implemented instead of the Shopwyke Lakes scheme. However, there is no funding for this alteration to the junction and Oving Parish Council has stated they cannot fund it. The scheme is no longer committed and no

money has been collected towards a developer funded improvement at this junction. There is therefore no realistic prospect that this scheme is likely to be deliverable.

Modelling was included in the Transport Assessment for the suggested alternative scheme with an additional southbound left turn bay. The amended modelling indicates that the impact of the applicant's assumed level of reduced traffic flows due to diversion through the Shopwyke Lakes western access would reduce overall traffic delays for the AM and PM peak combined, although it would worsen delays in the AM peak, and the junction would be overcapacity. However, the correct reference case, the committed Shopwyke Lakes scheme, achieves far greater benefits to capacity and delay at the A27 / Shopwhyke Road junction and brings the junction within capacity.

Safety

DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" policy on new accesses onto the strategic road network is underpinned by the safety risk that is posed by any access onto the network. It highlights the additional risk to safety of new accesses on busy high speed strategic roads. It opposes new accesses onto motorways and routes of near motorway standard unless agreed as essential for delivery of strategic planned growth. It sets out a graduated and less restrictive approach to accesses on the remainder of the strategic road network but states preference will always be that development should make use of existing junctions.

The Transport Assessment uses the incorrect reference case of re-visiting the Shopwyke Lakes planning application. In that scenario the Shopwyke Lakes new access onto the A27 Arundel Road is a new access onto a busy high speed strategic road creating an additional risk to safety as highlighted in DfT Circular 02/2013. Adopting a graduated approach to enabling this new access requires that the additional safety risk is mitigated. The Shopwyke Lakes development achieves this by the alteration to the junction at A27 / Shopwhyke Road. There is no indication in the Transport Assessment of how this additional safety risk would be mitigated should the Shopwhyke Road arm of the junction be retained as all movements.

Using the correct reference case, then the proposal to allow all movements at the A27 / Shopwhyke Road junction is effectively opening a new access onto the A27 Chichester Bypass at Shopwhyke Road. This new access is not being proposed to enable a new development and therefore is not required to enable economic development. There is no economic development benefit to consider against the additional safety risk. There is also no indication of how the additional safety risk would be mitigated.

Sustainability

The Shopwyke Lakes alterations to the Shopwhyke Road arm of the junction allows for its use by buses. In doing so it provides a priority route for buses services between the development site and Chichester city centre. This formed part of the development's provision for sustainable transport in line with NPPF paragraphs 29 and 35. Should the Shopwyke Lakes junction scheme not be implemented then this would impact upon the sustainability of the Shopwyke Lakes development.

Comments on applicant's 'Statement on re-submitted planning application'

Highways England has the following comments on the applicant's 'Statement on re-submitted planning application' submitted with the planning application.

Regional Investment Strategy

The "Statement on re-submitted planning application" refers to the A27 Chichester bypass improvement that was announced in the Regional Investment Strategy (RIS). Oving Parish Council states that, because of the development of options for

improvements at the A27 junctions, any modelling work to assess the impact of their application on the A27 would be invalidated.

As Highways England's letter of 5 July 2016 explains, Oving Parish Council's understanding of the situation is incorrect. The RIS schemes for the A27 Chichester Bypass are currently under public consultation (14 July to 22 September 2016) and no preferred options have yet been announced. It should be noted that all of the five RIS scheme options subject to public consultation do not retain all movements at the A27 /Oving Road / Shopwhyke Road junction because they are obliged to take account of the Shopwyke Lakes planning permission.

In terms of planning proposals in the Chichester area, the reference case for assessing impact upon the A27 trunk road is the schemes in the Chichester District Council's Local Plan. Therefore the applicant should assess the proposal in the context of the adopted Chichester District Local Plan as there is no committed RIS scheme for the A27 Chichester Bypass.

Use of Shopwyke Lakes roads instead of Shopwhyke Road

The Statement submitted by Oving Parish Council comments that the use of Shopwyke Lakes for traffic travelling between Oving and Chichester city centre is not realistic on safety or environmental grounds. There is no explanation given or evidence provided to support this statement. As stated above, the development's roads are intended to carry re-routed traffic. The Statement also claims that allowing all movements at Shopwhyke Road would reduce rat runs through the Shopwyke Lakes development. However, traffic travelling through the Shopwyke Lakes site to and from the A27 would not be rat running since the roads are intended to carry the re-routed traffic as well as traffic generated by the development site.

Conclusions in Applicant's Transport Assessment

The Statement claims that Oving Parish Council's Transport Assessment concludes that closure of Shopwhyke Road would not improve flow along the bypass. However the Transport Assessment does not make this conclusion. In fact, the applicant's consultant states the opposite in their letter of 12 November 2014: 'Clearly, if the junction remains open, it is almost inevitable that there will be greater delay to traffic on the A27 strategic route than if the junction is closed.'

The Transport Assessment claims that if the A27 / Shopwhyke Road junction is left open the effects of traffic from the Shopwyke Lakes development on the junction are limited particularly when minor adjustments to the signal phasing are incorporated. As noted previously, incorrect model inputs were used including incorrect signal phasing and so the benefits of minor adjustments to the signal phasing claimed in the Transport Assessment would not be achieved. The Transport Assessment does not consider the effect of allowing all movements at the Shopwhyke Road arm of the junction compared to the correct reference case of the committed scheme to close it except to buses. As the Transport Assessment states, the junction would be over capacity if the Shopwhyke Road arm is not closed. By comparison, in the reference case scheme the junction is within capacity.

Oving signals as preferred route

The Statement says that a significant number of vehicles use Oving signals as the preferred route into and out of Chichester. The proposed changes to Oving signals are part of the Shopwyke Lakes highway scheme which includes providing additional capacity at Portfield roundabout and Bognor Road roundabout. Evidence from the CATM modelling, which is area wide and so includes redistribution and diversion around the network, shows that in the AM peak hour of future year 2021, the journey times in the

'with Shopwyke Lakes scenario' travelling through the development site via the northern access and around Portfield roundabout is quicker than the 'without Shopwyke Lakes scenario' travelling via Oving lights.

Re-routeing impact of closing Shopwyke Road arm

In their Statement, Oving Parish Council express concern that grid lock will result from closing the Shopwhyke Road arm of the junction and the resulting re-routeing of traffic. No evidence is provided to support this view and the evidence from the CATM area wide modelling does not concur with this view.

Recommendation

Highways England considers that the applicant has failed to demonstrate that conditions 9 and 11 can be removed without resulting in a materially detrimental impact upon the safety and capacity of the A27 trunk road.

On the basis of the information currently provided, the proposal would worsen congestion and safety on the A27 trunk road without enabling economic development. In contrast, the committed highway scheme in conditions 9 and 11 which will be provided by the Shopwyke Lakes development, provides safety and traffic flow benefits. In the absence of information from the applicant to address our concerns, we consider that it is against the public interest of users of the strategic road network to allow this proposal.

Highways England's formal recommendation is that planning permission should be refused on the basis that the applicant has failed to demonstrate that the proposal will not have a serious impact upon the safety and capacity of the A27 Trunk Road.

6.7 i) Further comments from Highways England - 21.05.2018

The Secretary of State for Transport has directed that your Council may refuse or not determine this application but cannot approve this application. Our position on this application is unchanged and continues to be that we recommend refusal.

6.8 WSSC - Highways

Objection.

West Sussex County Council (WSSC), in its capacity as the local highway authority (LHA), has previously been consulted on the proposed removal of conditions 9 and 11 on planning permission 05283/11 through application 01777/14. The LHA attended a meeting with the District Council, Parish Council and Highways England where the LHA indicated that there was insufficient information submitted in support of the application to determine whether the proposal would have a severe impact on the operation of the local network.

The closure of the Oving lights forms part of the transport strategy associated with the adopted Chichester Local Plan. Prior to its adoption, this development strategy was supported by a comprehensive transport evidence base. Whilst the current application is accompanied by a Transport Statement, this does not contain any information on the impact that the proposed retention of the Oving lights would have on the operation of the local network, and in turn the wider impact that it would have on the adopted development strategy.

The LHA objects to the proposed removal on condition, on the grounds that the proposal is contrary to paragraph 32 of the National Planning Policy Framework in that it has not

been demonstrated that the proposal would not have a severe residual impact on the operation of the local highway network.

6.9 31 Third Party Support

- Traffic lights provide a safe direct route into Chichester from Oving.
- Recent installation of 'intelligent lights' means the junction works well, moderating the flow of traffic, there is no need to change.
- It is the only safe place to cross the A27 at busy times especially for elderly and nervous drivers.
- Building of hundreds of houses will increase the need for this crossing.
- Do not believe Highways England, they do not live here.
- Closure of lights will increase local journey times and cause great inconvenience.
- Do not believe developers analysis or statistics.
- Traffic lights are safer than roundabouts.
- Less likely to come into Chichester if the lights go.
- Will create a rat run through Shopwyke Lakes development.
- Sending all traffic to Bognor roundabout will cause gridlock creating more pollution.
- Closing lights will further congest the already overburdened access routes via the A259.
- Bognor road and Sainsburys/ Portfield Area.

6.10 8 Third Party Objection

- B2144 Oving/Shopwhyke Road is a B road not designed to take the extra traffic. It is already under stress especially on city side of A27.
- Road is not wide enough, parked cars along its length on the west side of the lights makes it single a single lane with non-designated passing places.
- Traffic in Oving Road has got dramatically worse with tail backs to Shopwhyke corner.
- Lights have a harmful impact on health and safety. Stationary cars pump toxic exhaust fumes into the air. Can't open windows at front of house. Noise from car radios, hands-free phones and car engines running effect quality of life and health.
- Increased traffic is causing damage to properties due to vibration and cracks appearing.
- Right of way to/from driveways impeded by cars queueing at lights. Danger reversing in or out.
- Shopwyke Lakes was permitted on basis of lights being closed, this should be upheld.
- Will result in capacity and safety concerns on the A27 and could delay the implementation of wider improvements on the A27.
- This is not the only route into Chichester.

6.11 Applicant/Agent's Supporting Information

The application contains a statement from LOLA (Leave Oving Lights Alone) on the re-submitted planning application. This summarises the previous application O/14/01777/OUT which was accompanied by a transport report prepared by Bellamy Roberts and which was subsequently withdrawn following a series of holding directions issued by the Highways Agency. It documents the change in the name of the Highways Agency to Highways England and the removal of its power to issue a holding direction. It refers to the government's announcement in July 2015 regarding the Chichester by-pass

scheme which may propose changes to the Oving crossroads. In view of this the Parish Council does not consider it appropriate to prepare a further traffic and transport report because all the proposed traffic modelling for the A27 will be carried out by Mott MacDonald working on behalf of HE.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no adopted neighbourhood plan for Oving at this time.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 13: Chichester City Transport Strategy

Policy 16: Shopwyke Strategic Development Location

Policy 39: Transport, Accessibility and Parking

National Policy and Guidance

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

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

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

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

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles) and paragraph 32 (transport).

Other Local Policy and Guidance

7.5 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2021 which are relevant and material to the determination of this planning application are:

Transport and Access

- To ensure that residents can access work, leisure and support services in the district.
- To support and promote initiatives that encourage alternative forms of transport and encourage the use of online services.

- To work with WSCC and local transport providers to improve transport links throughout the district and influence any future plans.

8.0 Planning Comments

8.1 The main issue arising from this proposal is:

- Whether retention of the existing traffic lights at the Oving crossroads in conjunction with the road improvements and new accesses approved and being implemented as part of the approved Shopwyke Lakes development would result in a *severe* impact on the local and strategic transport network contrary to government policy in paragraph 32 of the NPPF.

Assessment

8.2 This planning application is to remove two conditions - 9 and 11 - from the outline planning permission granted for the Shopwyke Lakes development (reference O/11/05283/OUT) in August 2013 and has been made not by the Shopwyke Lakes developer but by Oving Parish Council. It is a re-submission of Oving Parish Council's previous application in May 2014 (reference O/14/01777/OUT) which the Parish Council withdrew in June 2015. The conditions were imposed as part of the planning permission granted by the Council following agreement between the developer, Highways England and West Sussex County Council as the local highways authority as part of a carefully considered package of transport measures designed to successfully and safely integrate traffic arising from the Shopwyke Lakes development onto the existing strategic and local road networks whilst accounting for existing traffic levels and predicted future increases.

8.3 In terms of the desired outcome from this application, Oving Parish Council wishes to retain the existing access from Shopwhyke Road onto the A27 with all movements permitted including crossing the A27 between Shopwhyke Road and Oving Road.

8.4 As permitted, the Shopwyke Lakes development would result in a staged closure of the A27/Oving Road/Shopwhyke Road junction to most traffic movements. Condition 9 (paragraph 3.2 above) provides for the first stage of this closure. It is preceded by the upgrading of the existing pedestrian crossing over the A27 to a toucan crossing (a crossing suitable for bicycles as well as pedestrians) which has to be completed before first occupation of any dwelling on the Shopwyke Lakes site (condition 6). The effect of condition 9 is that before occupation of the 298th dwelling on the Shopwyke Lakes site, the existing signalised crossroads junction will be modified. This interim change will permit all left-in and left-out movements but prevent cross-A27 carriageway east-west movements and right turn movements. It is not until occupation of the 400th dwelling on the site that the final proposals for the signalised junction will require the measures set out in condition 11 (as shown on the associated approved drawing) to be carried out. After the 400th dwelling is occupied only the following movements will be permitted: left-in and left-out of Oving Road west. From Oving Road east, only buses will be able to access the A27, turning right only onto the northbound carriageway of the A27. Use of the junction of Oving Road East with the A27 will be controlled by automated bollards.

8.5 Rather than requiring the final junction proposals early on in the Shopwyke Lakes development, the staged closure of the lights has been designed by Highways England to allow road users time to gradually change and adapt their travel patterns and behaviour. No changes to the junction are required until occupation of the 298th dwelling. At the time of writing the developer at Shopwyke Lakes (Cala Homes) has secured reserved matters approval for 398 dwellings of the 500 dwellings approved and

is preparing the foundations and sub-structure for 145 dwellings as the first phase of this. Based on the developers proposed build timetable it is currently estimated that the trigger point for the interim changes to the signalised junction (i.e. those required by occupation of 298th dwelling) will not occur until around 2019/20. It is estimated thereafter that the final junction proposal, removing all but bus movements at the Oving Road east junction with the A27 will not be required until 2021/22. At the time of this report therefore there is a significant period of time, anticipated to be around 5-6 years, before the proposed junction changes will take full effect. However, this is an estimation of timings and as such needs to be treated with some caution. This is because if the remaining balance of 187 dwellings at Shopwyke Lakes (585-398=187) which are consented or have a resolution to permit are commenced within this 5-6 year period and delivery rates are therefore quicker than expected then the timescale for the junction changes may be earlier.

8.6 The applicant states that because of the development of options for improvements at the A27 junctions, any modelling work to assess the impact of its application on the A27 would be invalidated. However, this understanding of the situation is incorrect. The Regional Investment Strategy (RIS) schemes for the A27 Chichester Bypass are still under development and the consultation on the five proposed different options concludes on 22nd September 2016. The government's timetable is for the preferred option to be announced by the end of 2016. It is significant to note that all of the five RIS scheme options subject to public consultation do not retain all movements at the A27 /Oving Road / Shopwhyke Road junction because they are obliged to take account of the Shopwyke Lakes planning permission. In terms of planning proposals in the Chichester area therefore, the reference case for assessing impact upon the A27 trunk road remains the schemes in the Chichester Local Plan.

8.7 The developer at Shopwyke lakes has a valid planning permission and is progressing that development on the basis of the carefully constructed planning conditions and highway requirements negotiated in detail with both Highways England (the then Highways Agency) and the County Council. Members will note that both Highways England and the County Council have been consulted as part of this application and their comments are reported above. The applicant has not prepared or submitted any further material or evidence to enable Highways England or WSCC to consider departing from their previous position.

8.8 Highways England maintains that its position has not changed since it provided its consultation comments (as the then Highways Agency) on the previous identical application which was subsequently withdrawn. On the previous application the Highways Agency maintained that it had serious concerns because the information provided by the applicant did not demonstrate that the proposal would not have a material impact upon the safety and capacity of the A27 trunk road. The Highways Agency issued two letters setting out their comments on the transport assessment provided by Bellamy Roberts and what information would be required in order to allay their concerns. The Highways Agency also met with Oving Parish Council's consultant to discuss the further information the parish council would need to provide. At the request of Oving Parish Council, Chichester District Council held a meeting with the Highways Agency, West Sussex County Council and the parish to discuss the information required by the Highways Agency and West Sussex County Council. Oving Parish Council withdrew the application in June 2015.

8.9 In summary the Highway Agency's concerns were that:

- The junction modelling submitted was inaccurate and the basis of the assumed traffic distribution was not robust;

- The applicant's transport evidence should be based upon the correct reference case which is implementation of the Shopwyke Lakes permission as it currently exists since it is classed as a committed development;
- The applicant was not offering to fund the alternative junction scheme for A27 / Shopwhyke Road proposed in the Transport Assessment which has no other funding source;
- The implications for the adopted Chichester Local Plan's transport strategy of removing the Shopwyke Lakes alterations to the A27 / Shopwhyke Road junction had not been assessed; and
- There was no scheme to mitigate the safety risks of an additional access onto the A27.

8.10 Highways England's position is that it still requires the information above requested by the Highways Agency in response to the original planning application (O/14/01777/OUT). The applicant has been asked to provide evidence to robustly demonstrate that the proposal will not have a severe impact on traffic flows and safety on the A27 trunk road but has advised that it is unwilling and/or unable to do this. In the absence of robust technical evidence to demonstrate that the proposal in combination with the Shopwyke Lakes access arrangements will not result in severe detriment to the A27 trunk road, Highways England has formally recommended that this Council refuses the application.

8.11 Officers recognise that whether or not the status quo at the signalised junction should be maintained was a significant and keenly debated issue when the original Shopwyke Lakes application was considered by the Planning Committee. It is also recognised that there was a significant level of opposition to closing the junction to existing vehicular movements as part of the previous and subsequently withdrawn application by the Parish Council. The current application has also generated strong opinions both for keeping the junction as it is, but also in favour of closing it as required by the two conditions on the Shopwyke Lakes planning permission. Members can see the representations for and against closure in paragraphs 6.9 and 6.10 above.

8.12 Ultimately in reaching a recommendation to place before the Committee officers have had to consider the substance and content of the application and assess whether this is sufficient to enable an accurate assessment to be made and whether the proposal accords with adopted policy. In this instance the officer's assessment relies on whether the applicant has produced sufficient technical evidence to clearly demonstrate that keeping the junction as it is, operating in conjunction with the access changes approved for the Shopwyke Lakes development would not result in a severe adverse impact on the operation of the highway network. The applicant has not produced such an assessment and the ramifications have not been modelled in accordance with the requirements. On the basis that insufficient evidence has been submitted, the conclusion of Highways England as statutory consultee and WSCC as the local highway authority is that the proposal should not therefore be permitted. Your officers concur with this recommendation.

8.13 The Committee is advised that in the event of the officer recommendation to refuse this application being overturned in favour of permitting the development, the Council must consult the Secretary of State for Transport under The Town and Country Planning (Development Affecting Trunk Road) Direction 2015. The decision of the Secretary of State will be binding on all parties, subject only to challenge on a point of law. Even if the application is subsequently approved, the developer of the Shopwyke Lakes site who has already implemented the outline planning permission cannot be required to implement a permission for alternative highway access arrangements. There can be no guarantee that a permission to remove conditions 9 and 11 from the Shopwyke Lakes permission would automatically translate into the signalised junction remaining as it

currently is. That would be a separate matter outside of the planning process to be negotiated between the applicant on this application and the Shopwyke Lakes developer who may decide to progress the development on the basis of the existing outline planning permission. The developer of the Shopwyke Lakes site has made no representations in respect of this planning application.

Conclusion

8.14 The concerns of the Parish Council as applicant on this application are noted and understood by officers as is the strength of feeling on both sides of the 'retain or not retain' debate. However, the current application is accompanied by a general statement on transport matters relating to the Oving traffic lights rather than the detailed technical highways assessment necessary to evidence the appropriateness of an alternative highway arrangement to that approved for the Shopwyke Lakes development. Whilst the previous application by the Parish Council for this proposal did have a transport statement this was not accepted by Highways England because it was either inaccurate or deficient in the areas flagged in paragraph 8.9 above. The applicant was either unwilling or unable to correct the report and produce the evidence required by Highways England and the resultant impasse led to that application being withdrawn. In the absence of this evidence, officers concur with the conclusions of Highways England and WSCC highways that it is not possible to conclude that the deletion of conditions 9 and 11 would not result in a severe impact on transport grounds.

8.14(i) The Committee is advised that with the passage of 17 months since January 2017 when the Committee resolved to defer the application for one year or until a preferred route announcement by Highways England in relation to the A27 Chichester improvement scheme within the government's Roads Investment Strategy (RIS1), the overall position with regard to the A27 is now very different. The RIS1 scheme was cancelled by the Secretary of State for Transport in February 2017 and in September 2017 the Council resolved to pursue development of a scheme with Highways England to be put forward for inclusion in RIS2. Highways England has advised that if the A27 Chichester is included in the RIS2 programme, public consultation on scheme options would not take place until mid-2020 with a preferred route announcement to follow that and construction likely to start in 2023/24. The original justification for holding the current application in abeyance has therefore passed and there is no certainty at this stage regarding an A27 Chichester improvement scheme being included within RIS2. Even if it is included, it would be inappropriate to hold the application in abeyance for a further 2-3 years, i.e. until any preferred route announcement is made.

8.14(ii) In addition, the Shopwyke Lakes development is well underway with 53 completed dwellings recorded by March 2018. The Council's delivery expectations for Shopwyke Lakes for the 5 year period 2017 to 2022 (which were recently endorsed by an independent Planning Inspector at the Breach Avenue, Southbourne appeal), anticipate the completion of 250 dwellings by that time. The first required change to the existing junction based on this anticipated trajectory would therefore be during 2023 before the 298th dwelling is first occupied or earlier if the annual rate of housebuilding were to increase above the expected level with associated preparatory work by the developer before this. Given the uncertainty in relation to RIS2 as outlined above, a further lengthy period of abeyance would create uncertainty for the Shopwyke Lakes development which would also be very unsatisfactory. Highways England has in any case confirmed (para 6.7(i) above) that its position has not changed in the intervening time and that the application is

still recommended for refusal. In light of the foregoing the Committee is therefore asked to now determine the application.

8.15 The application is therefore recommended for refusal for the following reason:

In the absence of any technical highways assessment to the contrary including accurate junction modelling, robust analysis of transport distribution evidence and mitigation of the safety risks of an additional access onto the A27, the Local Planning Authority in consultation with Highways England as the strategic highway authority and WSCC as the local highway authority is not able to conclude that the proposal to remove conditions 9 and 11 from outline planning permission reference O/11/05283/OUT dated 09.08.2013 would not result in a severe adverse residual impact on the safety and performance of the A27 SRN and on the operation of the local highway network. The proposal is therefore contrary to government policy in paragraph 32 of the NPPF and to policies 13 (Chichester Transport Strategy) and 39 (Transport, Accessibility and Parking) of the Chichester Local Plan: Key Policies 2014-2029.

Human Rights

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

RECOMMENDATION REFUSE

1 U04304 - Insufficient evidence - severe impact

INFORMATIVES

1 Plans subject of decision

For further information on this application please contact Jeremy Bushell on 01243 534734

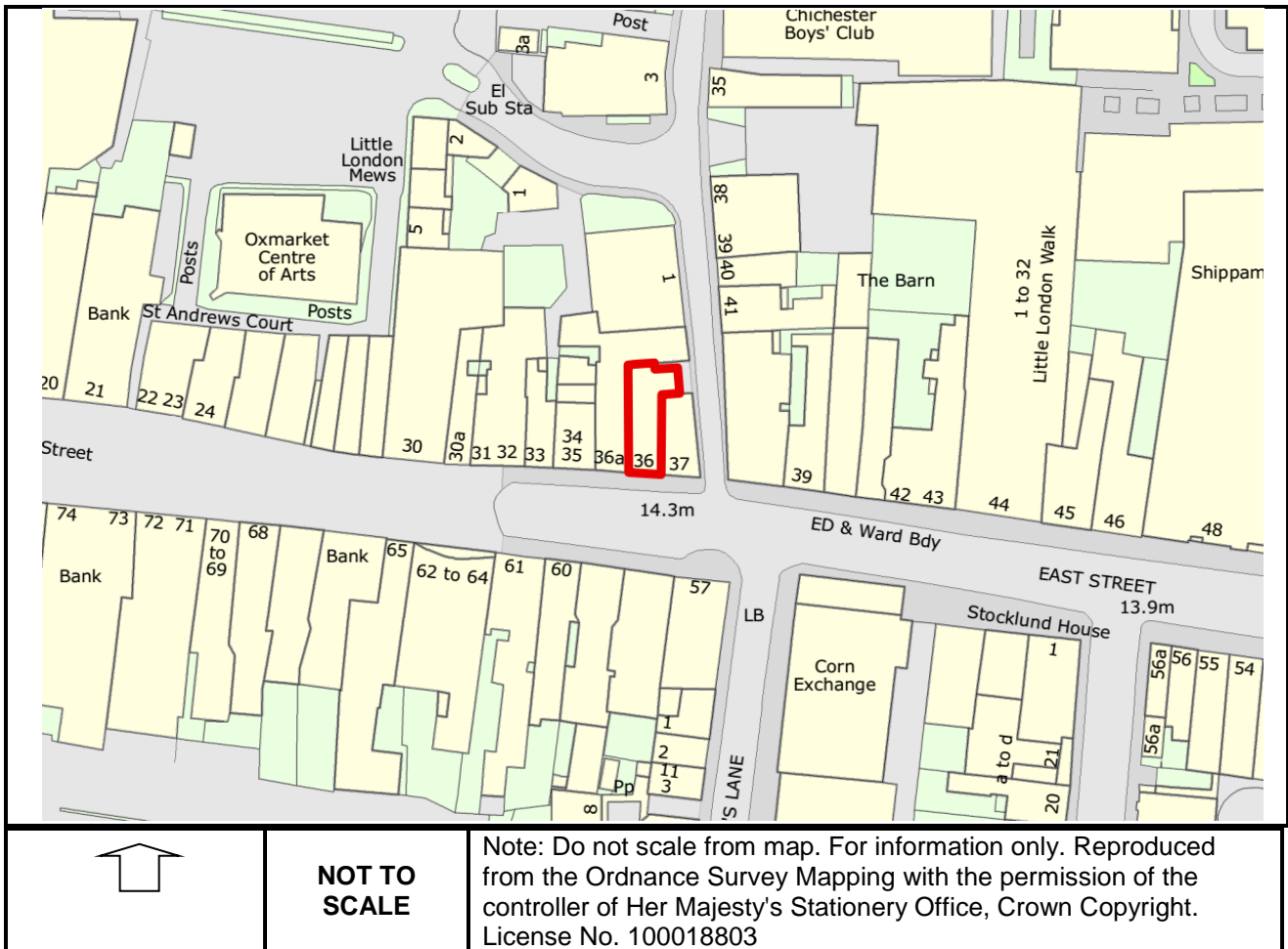
Agenda Item 7

Parish: Chichester	Ward: Chichester North
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CC/18/00553/FUL & CC/18/00554/LBC

Proposal Replacement shop frontage.
Site 36 East Street Chichester PO19 1HS
Map Ref (E) 486282 (N) 104806
Applicant MECABURY PROPERTIES LTD

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Parish Council Objection – Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is a Grade II Listed Building and the listing description from Historic England is as follows: "EAST STREET 1. 972 (North Side) Nos 36 & 37 SU 8604 NW 4/462 II 2. Early C19 earlier timber framed core to No 36. Slate roof. 3 storeys. 5 windows. No 37 projects slightly. Stuccoed front. Parapet. Cornice in No 37. Sash windows in flat arches; some in reveals. Small windows on 2nd floor in No 37. Narrow centre windows to No 36. All glazing bars intact. Plate glass shop fronts on ground floor."
- 2.2 The application site is located to the north of East Street, in a prominent position within the Chichester City Centre and within the Conservation Area. The existing shopfront contains a large glazed shopfront with a recessed single door located to the side of the shopfront. The site sits within a row of glazed shopfronts, which vary in terms of their window arrangements. No. 37 has a flush frontage and a set of central double doors with stallrisers and large glazed shop windows either side. No. 35 has central set of double doors which are recessed and has a shallow stallriser. The prominent arrangement of shopfronts along East Street is central double entrance doors, most of which are recessed.

3.0 The Proposal

- 3.1 The application proposes to replace the existing shopfront by removing the existing recess and installing central double doors flush with the frontage to match the neighbouring shopfront at No. 37 East Street. The proposals have been amended through the course of the application to improve the design of the double doors.

4.0 History

74/00157/CC	PER	Change of use of about 1/4 ground floor office space for the use of printing journals.
75/00254/CC	PER	Change of use, first floor to office accommodation.
75/00622/CC	PER	Provision of one additional window.
79/00582/CC	PER	Advert.
87/00856/CC	REF	New shopfront.
89/00444/CC	PER	Fascia advertisement comprising individual moulded letters (non-illuminated).
89A/00444/CC	PER	Fascia advertisement comprising individual moulded letters (non-illuminated).
99/01446/LBC	REF	Demolition of listed & non-listed buildings & erection of new retail development with ancillary space above.

99/01447/LBC	REF	Demolition of listed & non-listed buildings & erection of new retail development with ancillary space above.
99/01455/FUL	REF	Demolition of listed & non-listed buildings & erection of new retail development with ancillary space above.
99/01456/FUL	REF	Demolition of listed and non-listed buildings and erection of new retail development with ancillary space above.
00/01286/LBC	PER	Insertion of essential structural tie bars, plates and 'structural' rain water pipe to brace cracked and leaning building.
02/02131/LBC	REF	Fix name/corporate identity to existing fascia/shop frontage.
02/02146/ADV	REF	1 no. fascia sign and 1 no. window sticker.
03/01374/LBC	PER	Fix name/corporate identity to existing fascia/shop frontage.
03/01375/ADV	PER	Non-illuminated fascia sign.
03/02409/FUL	PER	Alterations to existing retail units, part demolition and rebuilding of rear retail, conversion of existing offices to storage/retail, 3 no. flats and refurbishment of existing residential space.
04/03100/LBC	PER	Shopfitting works.
04/03492/ADV	PER	1 no. fascia sign.
04/03595/LBC	PER	New shopfront signage.
07/05345/FUL	PER	Change of use and alteration of first and second floors to provide 4 no. flats. Internal and external adaptations to suit.
07/05346/LBC	PER	Change of use and alteration of first and second floors to provide 4 no. flats. Internal and external adaptations to suit.
13/00293/LBC	REF	Retrospective new non illuminated signage to replace existing.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 City Council (23/05/18)

Amended plans have not addressed the issues members raised with the development and our objection still stands.

Prior to amendments:

City Council

Objection as the replacement shop front, particularly the double doors, would harm the character and appearance of the Listed Building and Conservation Area.

6.2 Chichester Historic Building Adviser

The proposed Drawing No. 900/SF.103/ Rev.3 shows a traditional timber shopfront with central entrance double doors with kick- plates and an overhead transom, flanked by two rectangular plate-glass shop display windows supported by panelled stall-risers. The shop frontage is completed by a timber fascia above which is painted, all to oil painted grey colour.

This design is wholly in keeping with the Listed Georgian town-house which is now converted to retail at ground floor, as with most of the town-centre premises. The design represents a distinct improvement over the existing bland frontage and adds traditional detailing and materials, so is recommended for Approval of LBC.

Prior to amendments:

Chichester Historic Building Adviser

Amendments regarding door design required in order to be acceptable. No concerns with filling the recess. (Verbal comments)

6.3 Chichester Society

Amendments advised: the new central entrance doors with their mid rail is out of character with a traditional shopfront which otherwise the proposed is intending to create. This can be remedied by the omission of the mid rail and the provision of a bottom solid panel lining with the stall riser of the proposed shop window.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Westbourne at this time. The principal planning policies of the Chichester Local Plan Relevant to the consideration of this application are as follows:

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 10: Chichester City Development
- Policy 27: Chichester Centre Retail Policy
- Policy 47: Heritage and Design

National Policy and Guidance

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

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

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

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

7.3 Consideration should also be given to paragraph 7, 14, 17 generally.

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:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

Other Local Policy and Guidance

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

- CDC Shopfront and Advertisement Design: A Guidance Note
- CDC Chichester City Conservation Area Character Appraisal
- CDC External Alterations to Listed Buildings in Chichester District Development Advice Note

7.5 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2021 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

7.6 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and Impact upon Visual Amenity/ Character of Area
- iii. Heritage and Design

- i) Principle of Development

8.2 The application site falls within the Chichester settlement boundary and is an existing shopfront. Alterations to the shopfront can be considered acceptable whereby they are appropriate and sympathetic additions to the building and meet the requirements of Policy 27 and 47 of the Chichester Local Plan and the Shopfront Design Guidance.

8.3 The considerations for each application to which this report relates are different. For example, for the planning application to alter the shop front the main considerations are the principle of development, the impact of the proposal upon visual amenity and the character of the conservation area, and the impact upon the special historic and architectural importance of the listed building. In respect of the application for listed building consent for the proposed replacement shopfrontage to the listed building the main consideration is the impact upon the historic and architectural importance of the listed building.

- ii) Design and Impact upon Visual Amenity/ Character of Area

8.4 S. 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the planning Authority (LPA) to have special regard to the desirability of preserving or enhancing the character of that area. In addition, the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore, Policy 47 of the Local Plan requires new development to recognise, respect and enhance local the distinctiveness and character of the area and heritage assets. Policy 27 of the Chichester Local Plan also seeks to ensure that the additional retail development respect the character of the existing shopping centre in terms of design, scale and materials.

- 8.5 The proposals would rearrange the existing shopfront so that the entrance doors are located centrally within the shopfront and flush with the display windows either side. The double doors originally proposed had two separate large glazing panels. The City Council objected to the use of double doors due to the perceived harm to the character and appearance of the listed building and conservation area. CDC officers also considered that the design of the double doors were inappropriate and did not achieve a sympathetic design solution for the shopfront. Amendments were therefore requested in order to improve the design. The application, as amended, now proposes a larger main glazing panel in each door and a smaller panel below, which aligns in shape and size of the stallrisers on the existing shop frontage.
- 8.6 The proposals would create a shopfront that would be identical in appearance to the existing arrangement at No, 37 East Street in terms of the position of the entrance door, depth of the stallrisers and size of the window displays. The resulting shopfront would also match the existing shopfronts along East Street whereby the majority comprise of central double entrance doors, stallrisers and display windows either side. Whilst the proposed double doors would not be recessed, it is considered that the proposals would create a traditional shopfrontage which would be in-keeping and similar in design to the neighbour units. Whilst the City Councils concerns still remain regarding the design of double doors, it is considered that the revisions to the double doors to include a large glazed panel and alignment of the lower panel with the stallrisers either side of the door would achieve a sympathetic and appropriately designed shopfront.
- 8.7 For the reasons set out above it is considered that the proposed alterations to the frontage of the building would not detract from the visual amenity of the host building or the surrounding area, and the proposal would preserve the character of the conservation area. The proposal would therefore meet the requirements of policies 27 and 47 of the Local Plan, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained within Shopfront and Advertisement Design Guidance.

iii) Heritage and Design

- 8.8 Under sections 16 (2) and 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works the local planning authority shall have special architectural or historic interest which it possesses. Policy 47 (Heritage and Design) of the Chichester Local Plan: Key Policies 2014 to 2029 requires development to demonstrate that the proposal “conserves and enhances the special interest and settings of designated and non-designated heritage assets” including listed building and the conservation area, and “respects distinctive local character and sensitively contributes to creating places of a high architectural and built quality”. Under Section 12 of the NPPF the authority is required to consider that heritage assets are irreplaceable and that any harm would require clear and convincing justification,

although the significance of the asset and degree of harm should be weighed against securing best viable use.

- 8.9 No. 36 and 37 are Grade II Listed Buildings, whose ground floor shopfronts vary in terms of their appearance. No. 36 comprises of a recessed entrance off set within the frontage. No. 37 is a more recent shopfront (circa 2009) which comprises of a flush frontage and central double doors and stallriser. Whilst it is not known whether this recess is in its original location on the building, the existing large display windows forming the shopfront are acknowledged within the listing text as 'plate glass shop fronts on ground floor' which by their appearance indicates that these are more modern and later alterations to the 19th Century listed building.
- 8.10 The application proposes the replacement of the shop frontage to infill the recess and the addition of central double doors flush with the frontage. The resulting shopfront would match the existing shopfront at No.37 which forms one Listed Building with the application site. Given that the existing shopfrontages are later additions to the Listed Building and the proposals would result in two identical shopfronts which would incorporate traditional features such as a defined and continuous stallriser, central doors and formal display windows, it is considered that the proposals would enhance the overall appearance of the building by creating a visually coherent shop frontage. Furthermore it is considered that the proposals would not have an adverse impact upon the historic fabric or the character of the Listed Building.
- 8.11 The design of the doors has been amended. Despite these amendments, the City Council's concerns still remain regarding the design of double doors, however it is considered that the revisions to the double doors through the use of a large glazed panel and alignment of the lower panel with the stallrisers either side of the door would relate appropriately and sympathetically to the Listed Building.
- 8.12 As such, the proposal is considered to comply with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy 47 of the Chichester Local Plan and which requires new development to respect, conserve or enhance the host listed building.

Conclusion

- 8.13 Based on the above assessment it is considered that the alterations to the shopfront would not have an adverse impact upon the amenity of the site and its surroundings, it would preserve the character of the conservation area and the special architectural and historic character of the listed building. It is therefore considered that the proposal would respect, conserve and enhance the existing shop frontage and its sensitive surroundings and therefore complies with Policies 27 and 47 of the Chichester Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the applications for planning permission and listed building consent are all recommended for approval.

Human Rights

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

RECOMMENDATION FOR 18/00553/FUL

PERMIT subject to the following conditions and informatives:-

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

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

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 900/SF101 01, 900/SF102 01 and 900/SF 103 REV 03

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

- 3) Details of the proposed external materials and finishes of the windows and doors shall be submitted to and approved by the Local Planning Authority before construction commences on site. Once approved the windows and doors shall not be altered or replaced without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to ensure a building of visual quality.

Informatives

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

RECOMMENDATION FOR 18/00554/LBC

PERMIT subject to the following conditions and informatives:-

- 1) The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) The works hereby permitted shall not be carried out other than in accordance with the approved plans: 900/SF101 01, 900/SF102 01 and 900/SF 103 REV 03

Reason: To ensure the works comply with the listed building consent.

- 3) Details of the proposed external materials and finishes of the windows and doors shall be submitted to and approved by the Local Planning Authority before construction commences on site. Once approved the windows and doors shall not be altered or replaced without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to ensure a building of visual quality.

- 4) All new works and making good of the retained fabric whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture, profile and style.

Reason: To safeguard the architectural and historic character of the Listed Building or to ensure the detailing and materials maintain the architectural interest of the building

Informatives

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Summer Sharpe on 01243 534734

Agenda Item 8

Parish: Chichester	Ward: Chichester South
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CC/18/00175/ADV

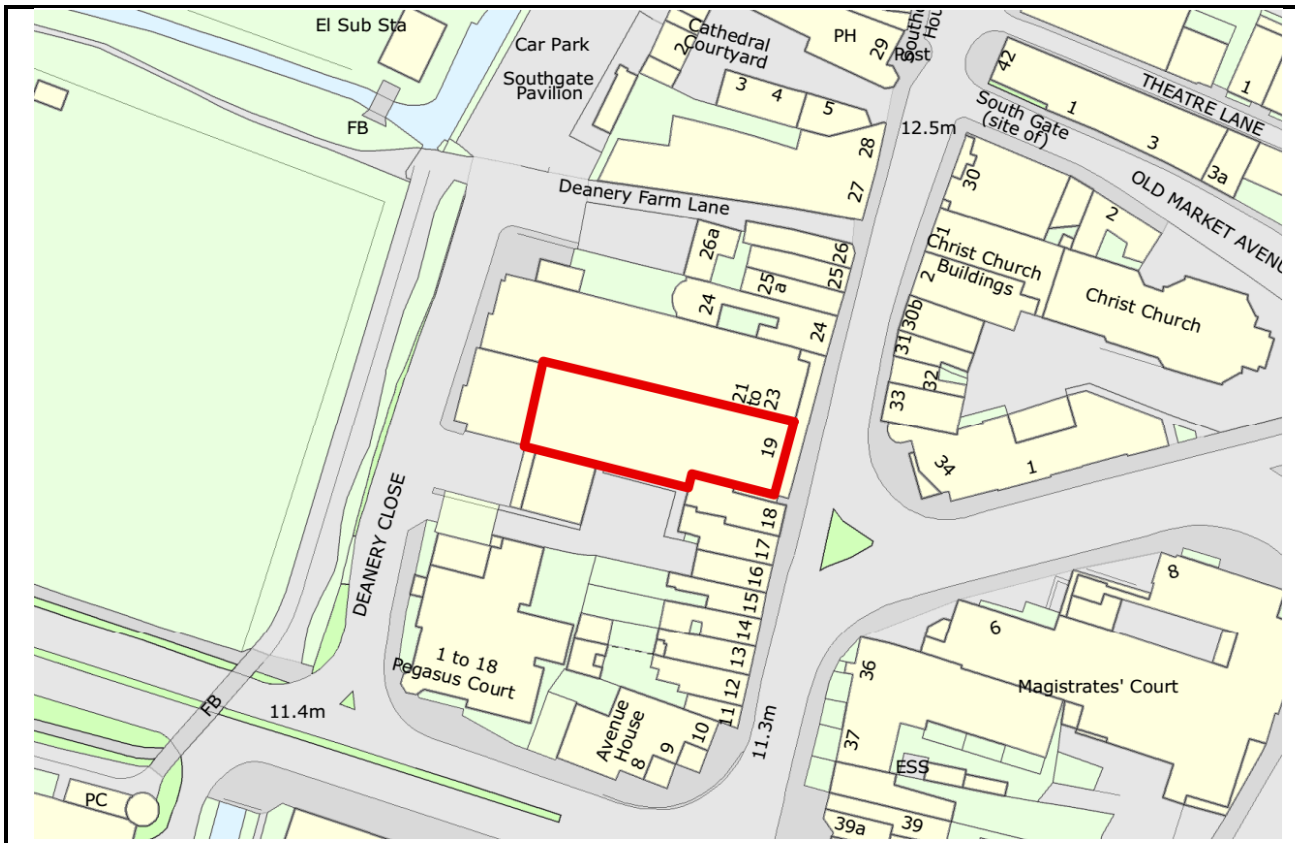
Proposal 2 no. fascia signs and 1 no. hanging sign.


Site 19 Southgate Chichester PO19 1ES

Map Ref (E) 485991 (N) 104489

Applicant British Heart Foundation

RECOMMENDATION TO PERMIT



	<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 is located within the historic city centre of Chichester and to the west side of Southgate, within the Chichester Conservation Area. The street is lined on both sides with a combination of shops and restaurants at ground floor, and the application site forms part of the secondary shop frontage. The premises were vacated by Argos in 2017 and the British Heat Foundation is proposing to move from North Street to 19 Southgate.
- 2.2 The east elevation facing Southgate features an orange and black brick façade with brick detail to arches at ground floor level and the windows above, plus a Flemish style brick bond.
- 2.3 This building is not nationally or locally listed and has a modern appearance in comparison to other buildings in the locality.

3.0 The Proposal

- 3.1 New advertisements are proposed to the fascia boards and a replacement projecting sign is also proposed.
- 3.2 Timber fascia boards are proposed in line with the size of the existing fascia boards and with timber architrave detail framing each. The boards and architrave would be painted red matt finish (RAL colour 3028). The letters would be white matt applied vinyl for both fascia boards and the projecting sign. The advertisements would be limited to the name and logo of the intended occupiers and no illumination is proposed.
- 3.3 The scheme has been amended during the application process to ensure that the fascia signs and projecting sign are proposed in line with those previously permitted for this premises (see reference; 03/00545/ADV). The previous occupants (Argos) were granted consent for two fascia signs and a projecting sign in the same positions as proposed as part of the current application.
- 3.4 During the course of the application the width of the fascia sign has been reduced to be in line with the existing and the size of the lettering has been reduced so that the lettering would not be more than 65% of the height or 75% of the width of each fascia, and would be centrally placed.

4.0 History

00/00107/FUL	PER	Change of use from Class A1 (retail) to Class A3 (food and drink) at ground floor with ancillary hotel bedroom accommodation at 1st floor and external works.
00/00276/FUL	PER	New external fire escape.
93/00652/FUL	PER	Refurbishment of ex retail unit to include new shopfront.

93/00653/ADV	WDN	1 no fascia and 1 no projecting sign.
93/01358/ADV	PER	2 no. fascia signs.
93/01772/FUL	REF	3 no 3 storey office units.
93/01773/CON	PER	Demolition of circa 1979 former foodstore site boundary wall to Avenue De Chartres frontage to allow office development to proceed.
94/00332/FUL	REF	3 no. three storey office units.
CC/00214/83	REF	Extension to car park over River Lavant.
CC/00231/78	PER	Supermarket
CC/00276/85	REF	Modification of car park access by providing back up entry lane and automatic car park barrier control.
CC/00346/77	REF	Retail unit
CC/00418/83	PER	Formation of draught lobby to rear elevation sales floor entrance.
CC/00516/92	PER	Demolition of single storey brick built refuse bay area to the rear of the store to allow redevelopment to proceed.
CC/00518/92	REF	Offices
03/00545/ADV	PER	Display of 2 no. non-illuminated fascia signs and 1 no. non-illuminated projecting sign.
11/05457/ADV	REF	2 no. fascia signs and 1 no. hanging sign.
12/01734/ADV	PER	2 no. non illuminated Argos fascia signs.
17/01217/PASUR	ADVGIV	Extension on flat roof for use as accommodation and retail space.
17/02777/FUL	WDN	Flexible change of use of the existing building from Use Class A1 to Use Class A1, A2 or A3 at ground floor level and from Use Class A1 to Use Class D1, D2 or B1(a) at first floor level, including infill extension.

17/03136/FUL	PER	Formation of 9 no. dwellings through creation of 2nd floor and change of use of part of ground floor and 1st floor. Various external alterations including localised increases in height of roof and changes to its form, 1st floor infill extension and the introduction of new and changes to existing door and window openings.
17/03162/FUL	PER	Construction of infill extension at 1st floor level to provide additional ancillary retail space (use class A1) and insertion of 4no. windows into south-facing wall at first floor level.
18/00026/PLD	REF	Proposed lawful development certificate for the change of use of the first floor from Use Class A1 retail to Use Class C3 residential to form 2 no. flats. Conversion of first floor to form 2 no. residential units pursuant to Class G Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended 2017). Associated internal layout changes.

5.0 Constraints

Listed Building	No
Conservation Area	Yes - Chichester
Countryside	No
AONB	No
Tree Preservation Order	No
EA Flood Zone	
- Flood Zone 2	No
- Flood Zone 3	No
Historic Parks and Gardens	No

6.0 Representations and Consultations

6.1 City Council

24/05/2018

Following email correspondence with the case officer the Parish Council responded stating;

..the committee did have regard to those points [the fact applied vinyl letter had been supported elsewhere in the conservation area and the proposal would be in-line with signage previously approved for the former retailer occupying the site], but the on balance determined that vinyl lettering would not be acceptable. The design

guidance states that it is not acceptable (regardless if the building is newer or older). The proposal site is not simply a single fascia, it has a large and prominent frontage, featuring 2 fascia signs and a projecting sign. It was therefore felt that in order to support the application, it would need to comprise appropriate materials in accordance with the design guidance. No objection would apply should the lettering be hand painted, but with vinyl lettering the objection remains. I hope this helps explain the committee's decision.

17/05/2018

Objection as the applied vinyl lettering is unsuitable within the Conservation Area, particularly as it would appear on two fascia signs and a projecting sign. No objection should the applied lettering be replaced with white hand painted lettering.

15/03/2018

Objection. The design does not respond well to the architecture of the building and the internally illuminated fascia and projecting signs would be harmful to the character and appearance of the conservation area.

6.2 CCAAC

The Committee objects to this application. The large internally-illuminated fascia spanning the two oriels will affect the visual integrity of this building. This fascia sign is internally illuminated and will thus be intrusive as well as non-compliant with the Council's shop front guidance and be damaging to the Conservation Area. There is an inconsistency between the application form and the drawings: the former states that the hanging sign is internally illuminated but the drawings do not bear this out.

6.3 Third party comments

1 letter of objection has been received stating;

- a. The Executive Committee considers that this proposal is unacceptable on the grounds that the proposed fascia sign spans unattractively across the upper feature paired window bays disfiguring the original architectural design intent
- b. The internally illuminated signs contravene the CDC Guidance on Shopfront Design in the Conservation Area.

7.0 Planning Policy

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 47: Heritage and Design

National Policy and Guidance

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

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

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

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

- 7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), paragraph 67 is also relevant to advertisement applications.

Other Local Policy and Guidance

CDC Shopfront and Advertisement Guidance
Chichester Conservation Area Character Appraisal

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:

- 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. Impact on amenity
- ii. Public safety

Assessment

- 8.2 For advertisement applications they must be considered in accordance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. These regulations allows the LPA to consider amenity and public safety, taking into account; the provisions of the development plan, so far as they are

material; and any other relevant factors. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In this case the factors relevant to public safety include; the safety of persons using any highway, whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

i. Impact on amenity

- 8.3 During the course of the application the size of the lettering has been reduced so that the lettering would not be more than 65% of the height or 75% of the width of each fascia and would be centrally placed. This approach would be in accordance with the CDC Shopfront guidance. Vinyl letters are proposed and there are other vinyl letters in the locality. Another alternative would be fret cut letters which would have a more bulky and cumbersome appearance than stuck on vinyl and would be difficult to read in this narrower part of the road. Furthermore, the LPA has supported the use of matt vinyl letters within the historic city centre, and on balance this approach is considered to respect the historic character and quality of the site and surroundings.
- 8.4 This building is not listed or locally listed and is relatively modern in appearance in comparison to other building in this locality. The site is located within the core of the Chichester Conservation Area (a designated heritage asset) and the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. In this case, the signage would be seen in the context of this more modern building and would be of an appearance that would have limited impact on the setting of the adjacent grade II listed buildings, and the character and appearance of the conservation area would not be harmed by the proposed advertisements.
- 8.5 Policy 47 of the Local Plan requires new development to recognise, respect and enhance local the distinctiveness and character of the area and heritage assets. The proposed signage would be of a size and appearance that would be considered to enhance the local area and its historic character. The City Council have objected to the use of applied vinyl letters to the fascia signs and projecting signs. Officers have considered the objections and in this case the signage is considered to respect the character and quality of the site and surroundings, given the more modern appearance of the existing building. All other aspects of the signage have been amended to comply with the shopfront guidance and the use of vinyl letters is not restricted by the guidance and has been regularly supported for modern buildings, which are not listed, within the Chichester Conservation area. Whilst hand painted letters is the preference of the Shopfront guidance, in this case, given the modern appearance of the existing building, applied vinyl lettering would be in keeping with the character of the building and would be consistent with the previous approach to advertisement on the fascia of this building.

8.6 The proposed projecting sign would measure 600mm x 450mm and has been reduced in size to a size that would be in accordance with the shopfront guidance and would be of a size and position comparable to that of the projecting sign previously permitted for Argos. In addition, Southgate is a section of road that has a narrower form than that of the four wide main streets and projecting signs to this part of Southgate have been supported previously, including by Inspectors determining Planning Appeals.

8.7 On balance, by reason of the detailed design of the proposal in the context of this building and locality, the amended scheme is considered to propose a respectful form of advertisement that would be considered sympathetic to the visual amenities of the locality and site and would not harm the significance of the heritage assets.

ii. Public safety

8.8 In this case the factors relevant to public safety include; the safety of persons using any highway. To this regard the height of the signage from the pavement to the bottom of the projecting sign and fascia boards and the size of the projecting sign are considered to be such that would not cause harm to those users of the highway (the pavement in this case). Further the signage would not be likely to obscure, or hinder the ready interpretation of any traffic sign and/or hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Conclusion

8.9 Based on the above it is considered the proposal complies with the Advertisement Regulations and the development plan and therefore the application is recommended for approval.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The advertisement hereby permitted shall only be implemented in accordance with approved plans: 01 and CHI-F-I-DS/02 REV C

Reason: To ensure the advertisement complies with the application details.

2) All paint and vinyl finishes shall be matt in appearance.

Reason; In the interest of conserving the visual amenities of the conservation area.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Maria Tomlinson on 01243 534734

Chichester District Council

Planning Committee

Wednesday 13 June 2018

Report of the Head of Planning Services

Schedule of Planning Appeals, Court and Policy Matters

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

Note for public viewing via Chichester District Council web site to read each file in detail, including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

* - Committee level decision.

1. NEW APPEALS

Reference/Procedure	Proposal
* <u>17/01712/FUL</u> Chichester Parish Case Officer: Rob Sims Written Representation	Whyke Lodge Residential Care Home 115 Whyke Road Chichester West Sussex PO19 8JG - 6 no. dwellings.
<u>17/02162/FUL</u> Loxwood Parish Case Officer: Caitlin Boddy Written Representation	Beech Farm Roundstreet Common Loxwood RH14 0AN - Proposed mixed use live work development - conversion of commercial equestrian buildings and barns into flexible B1 offices and light industrial workshops/B8 commercial storage uses and 9 no. residential dwellings together with re-routing of internal access and removal of outdoor menage and enclosed horsewalker.

2. DECISIONS MADE

Reference/Procedure	Proposal
<p>SDNP/17/01998/FUL Bury Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Arun Cottage The Street Bury RH20 1PA - Demolition of existing dwelling and erection of replacement dwelling with associated landscape design.</p>
<p>Appeal Decision: APPEAL ALLOWED</p>	
<p>The appeal results from the Authority's failure to determine the planning application within the prescribed period. I note the assessment and conclusions submitted in the Authority's report to Planning Committee dated 17 January 2018 and the related minutes of that meeting. I have treated this as the basis of the decision the Authority would have made, had it been empowered to do so. The application has been subject to revisions during the course of consideration by the Authority. The associated amended plans were before the Authority at the time of its Committee resolution. And I have determined the appeal on that basis. I conclude that the proposed development would be an appropriate form of development in this location, having regard to relevant local planning policies, including saved Policy H12 of the CDLP and emerging BNDP Policy 4. I note that emerging Policy SD30 proposes net increase restrictions for replacement dwellings outside settlement boundaries. However, the draft SDLP has not yet been examined and it therefore attracts very little weight in this appeal. The new dwelling would be significantly larger than the existing bungalow. However, this is not currently expressly precluded by relevant local planning policies. Moreover, the proposed design and materials take reference from the local area and the history of the site, and the building would be partly set down, which would limit its overall prominence in the landscape. While it would be visible from various public viewpoints, including the adjacent public right of way, this would be principally against the backdrop of other residential properties nearby, together with existing and proposed trees and landscaping. As a result the proposal would not be unduly imposing in public views, or result in the loss of significant views. The proposal would represent an enhancement in the overall appearance of the site, which is currently somewhat degraded. I therefore conclude that the proposal would not harm the character and appearance of the area and would accord with saved Policies H12 and BE11 of the CDLP. It would also accord with the relevant requirements of emerging BNDP Policy 4, and BNDP Policy 2, which seeks to ensure that the built character of development responds to the heritage and character of the area. In forming this view, I have given great weight to conserving the landscape and scenic beauty of the national park. I further conclude that the proposal would not harm the character or appearance of the BCA, I therefore find no conflict with saved Policy BE6 of the CDLP. It has been suggested that the granting of planning permission for the proposed development would be a precedent for other development nearby. However, there is no significant evidence before me that similar proposals are particularly likely to come forward, or that significant harm would necessarily ensue. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed and planning permission granted.</p>	

Reference/Procedure	Proposal
<p data-bbox="92 248 395 286">SDNP/17/02952/FUL</p> <p data-bbox="97 288 268 322">Bury Parish</p> <p data-bbox="97 360 475 394">Case Officer: Derek Price</p> <p data-bbox="92 434 448 472">Written Representation</p>	<p data-bbox="528 248 1377 322">Hadworth Barn Hadworth Lane Bury RH20 1PG - Proposed agricultural storage building.</p>

Appeal Decision: APPEAL ALLOWED

Hadworth Barn is a residential property set in a rural position within the designated South Downs National Park. It has a walled garden area adjacent to the house, with a wider domestic lawned area around it, adjacent to which is a substantial area of gravelled driveway and parking. The proposed store would be positioned opposite Hadworth Barn and sunken somewhat below the prevailing level of the adjacent lawns so as to limit its overall height. The new store would be of traditional design and materials, with two open bays and one enclosed bay with timber cladding and doors, under a hipped, slate roof. The design and materials proposed would be generally consistent with those common to the highly rural surroundings. The site is visually exposed, being open to some clear views from nearby public paths, including immediately along the side of the wider garden area to Hadworth Barn. However, the store would be visually subservient to Hadworth Barn, and other buildings in the cluster, and would be wholly contained within the existing wider domestic garden area associated with it. Moreover, it would be perceived in the wider landscape as part of the modest cluster of buildings. The prominence of the building would also be limited by the existing hedge, together with its set down position. Furthermore, the traditional design and materials would ensure that the store would not appear alien in the immediate or wider landscape. Furthermore, the traditional design and materials would ensure that the store would not appear alien in the immediate or wider landscape. While the store would be visible from public paths, at least in part, it would not be discordant or unduly dominant in those views, or detract from the mainly agricultural setting of the now-converted barn or the wider national park setting. I am therefore not persuaded that the proposal would have any significant effect on the perceived tranquillity of the national park landscape, either in visual or aural terms. I conclude that the proposed development would not harm the character and appearance of the area. Emerging policies of the Pre-Submission South Downs Local Plan, relating to landscape character, design, safeguarding views, tranquillity, and agriculture. They have not yet been through examination in public. Therefore, I have afforded them only very limited weight in this appeal, having regard to paragraph 216 of the Framework. Evidence to support any agricultural need for the building is similarly limited, so as not to be persuasive in itself. Nonetheless, I have found that the proposed building would not harm the character and appearance of the area, or conflict with national park purposes. Also note that there is no significant storage provision at Hadworth Barn at present, and that the appellants have taken storage some distance away at Chichester. The site lies in the vicinity of the Bignor Roman Villa. Due to the generally modest scale of the proposal, its relationship to the existing cluster of buildings, and the degree of separation between the appeal site and the Roman Villa, I am satisfied that the appeal scheme would not have any significant effect on the historic or cultural significance of that heritage asset, or its setting. I conclude that none of these other matters adds significantly to the case for or against the appeal.

Reference/Procedure	Proposal
<p data-bbox="86 255 304 327">17/01892/DOM Selsey Parish</p> <p data-bbox="86 389 363 461">Case Officer: Maria Tomlinson</p> <p data-bbox="86 483 399 519">Householder Appeal</p>	<p data-bbox="523 255 1345 327">47 Wellington Gardens Selsey PO20 0RF - Retrospective single storey detached outbuilding ancillary to the house.</p>
<p data-bbox="440 551 1011 584">Appeal Decision: APPEAL ALLOWED</p>	
<p data-bbox="65 584 1396 2007">“... The grounds of appeal seek to further amend the appellants’ position in that an amended plan proposes that the outbuilding be used as a home office and games room/playroom incidental to the dwelling rather than as ancillary accommodation. The appellants have also decided to move and the outbuilding is no longer required to accommodate a parent. Of further significance is the fallback position and in email correspondence the Council has not disputed that, leaving aside the exact use of the outbuilding, the structure could be re-erected on the same site under permitted development. I am aware that this issue of ‘fallback’ was raised in the 2016 appeal, but the Inspector’s rejection of it was in relation to the building’s past and proposed use as an additional dwelling independent form No.47. The materiality of a fallback position in the decision-making process is in part influenced by the likelihood of its implementation, and there is now extensive case law that there need only be greater than a theoretical possibility that the permitted development might take place (in the case the re-erection of the building on the same site, with the continuation in perpetuity of the substantial harm already caused). Despite the substantial cost of this retention option, given its implications for an enhanced value of the house it would still be significantly more viable than the alternative of outbuilding’s demolition with the sale of the second hand materials to third party for re-erection elsewhere. I therefore attach significant weigh to the fallback in this case. I am also mindful of Government policy in the Planning Practice Guidance 2014 that conditions can and should be imposed to enable development proposals to proceed where it would otherwise have been necessary to refuse permission. By mitigating the adverse effects of development. In this instance the problem of independent use and its effect on the character of the area and residential amenity has now been resolved subject to ongoing monitoring, and the main issue is now the adverse physical impact of the building on its surroundings. ... I consider that the incongruous and harmful effect on the character and appearance of the area through the upper part of the building being visible from Denny’s Close and be addressed by a robust condition. The exact details would be a matter for the Council to agree, but I am satisfied that the existing interwoven panel fencing is of insufficient standard. It needs to be replaced by a good quality close boarded fencing of up to 2 metres and surmounted by a metre high trellis, with climbing plants on the fence and a row of evergreen trees or shrubs inside the fence line. Conditions to safeguard the character and appearance of the area and to regulate the outbuilding’s future use are required. These comprise compliance with the amended and now approved plans; the restriction to incidental use to the dwelling; the restriction of alterations to the outbuilding; the restriction of any form of enclosure of the outbuilding within the garden, and its re-painting with a more suitable</p>	

Reference/Procedure	Proposal
Appeal Decision: APPEAL ALLOWED - continued	
<p>colour. With the imposition and subsequent enforcement if and when necessary of these conditions, I consider that the screened outbuilding can remain without having an unacceptable effect on the character and appearance of the area in harmful conflict with Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 and the core planning principles and Section 7: 'Requiring Good Design' of the Framework. The appeal is accordingly allowed."</p>	
<p><u>16/00094/CONMHC</u> Westbourne Parish</p> <p>Case Officer: Reg Hawks</p>	<p>Racton View Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ – Without planning permission, stationing of a mobile home for the purposes of human habitation. Appeal against enforcement notice. Linked to 16/03010/FUL.</p>
Appeal Decision: APPEAL DISMISSED	
<p>"... The appeals are dismissed, the enforcement notice is upheld, and planning permission is refused on the application. ...</p> <p>The ground (d) enforcement appeal ... The Appellant...had not provided sufficiently precise and unambiguous evidence to justify a conclusion, even on the balance of probability, that the alleged change of use of the land to a mixed use for agriculture and the stationing of a mobile home for the purposes of human habitation occurred more than ten years before the date of issue of the enforcement notice. The ground (d) appeal thus fails.</p> <p>The ground (a) enforcement appeal and the planning appeal The main issue is whether there is an essential need for a full-time agricultural worker to be resident on the land. ... Fundamentally, there is no proven essential need for an agricultural worker to be resident on the land and, even if there were, there is no need for a resident full-time worker base on the proposed business. ... There is no real prospect that within three years the business would be viable and sufficiently profitable. The proposed development conflicts with LP policy 37... The ground (a) enforcement appeal and the planning appeal thus fail.</p>	
<p><u>16/03010/FUL</u> Westbourne Parish</p> <p>Case Officer: Caitlin Boddy</p>	<p>Racton View Marlpit Lane Hambrook Westbourne PO10 8EQ - Retention of mobile home for a temporary period of 3 years (revised application further to 16/01547/FUL). Linked to 16/00094/CONMHC</p>
Appeal Decision: APPEAL DISMISSED	
<p>As Above in Linked Case</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p>16/00933/OUT Birdham Parish</p> <p>Case Officer: Jeremy Bushell</p> <p>Public Inquiry</p> <p>Awaiting Decision</p>	<p>Koolbergen, Kelly's Nurseries And Bellfield Nurseries Bell Lane Birdham Chichester West Sussex PO20 7HY - Erection of 77 houses B1 floorspace, retail and open space with retention of 1 dwelling.</p>
<p>SDNP/17/02952/FUL Bury Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Hadworth Barn Hadworth Lane Bury RH20 1PG - Proposed agricultural storage building.</p>
<p>15/00064/CONLB Chichester Parish</p> <p>Case Officer: Sue Payne</p> <p>Public Inquiry</p>	<p>13 Parchment Street Chichester West Sussex PO19 3DA - Appeal against removal of 3 no. wooden casement windows and replacement with 3 no. UPVC casements in Grade II Listed Building & Conservation Area - appeal against LB enforcement notice.</p>
<p>SDNP/17/03896/HOUS Duncton Parish</p> <p>Case Officer: Bev Stubbington</p> <p>Written Representation</p>	<p>Duncton Mill House Dye House Lane Duncton GU28 0LF - New detached ancillary residential outbuilding comprising with garaging, storage and attic room.</p>
<p>SDNP/17/03224/FUL Easebourne Parish</p> <p>Case Officer: Rafael Grosso Macpherson</p> <p>Written Representation</p>	<p>Vine House Elderly Peoples Residence Easebourne Lane Easebourne Midhurst West Sussex GU29 9AZ - Single storey extension to south elevation, single storey and part two storey extension to the west elevation.</p>

Reference/Procedure	Proposal
<p>SDNP/16/04519/FUL East Lavington Parish</p> <p>Case Officer: John Saunders</p> <p>Written Representation</p>	<p>Copse Cottage Norwood Lane East Lavington Petworth West Sussex GU28 0QG - Replacement dwelling and associated garaging.</p>
<p>SDNP/17/02266/FUL Fernhurst Parish</p> <p>Case Officer: Bev Stubbington</p> <p>Written Representation</p>	<p>October House Marley Heights Fernhurst Haslemere West Sussex GU27 3LU - Change use of land to garden land and construction of tennis court with 2.75m high surrounding fence.</p>
<p>SDNP/17/00949/FUL Funtington Parish</p> <p>Case Officer: Derek Price</p> <p>Hearing</p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex - Retention and continued use of mobile home for gypsy family occupation including existing timber shed and refuse enclosure.</p> <p>Linked to SDNP/16/00496/OPDEV</p>
<p>SDNP/16/00496/OPDEV Funtington Parish</p> <p>Case Officer: Shona Archer</p> <p>Hearing</p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex – Mobile home inc installation of a cesspit and engineering works - appeal against enforcement notice.</p> <p>Linked to SDNP/17/00949/FUL</p>
<p>SDNP/17/05536/CND Harting Parish</p> <p>Case Officer: Rafa Grosso-Macpherson</p> <p>Written Representation</p>	<p>Tye Oak Farm, East Harting Hollow Road, East Harting, Petersfield, West Sussex, GU31 5NA - Variation of Condition 2 of planning permission SDNP/17/01720/FUL - Modifications to internal layout, external appearance and landscape layout.</p> <p>Linked to SDNP/17/05537/CND</p>
<p>15/00375/CONCOU North Mundham Parish</p> <p>Case Officer: Reg Hawks</p> <p>Public Inquiry Awaiting Decision</p>	<p>Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex - Without planning permission, the change of use of a building to use as a dwellinghouse. Without planning permission, the erection of a dwellinghouse – appeal against enforcement notices.</p>

Reference/Procedure	Proposal
<p data-bbox="86 232 416 300">16/00424/ELD North Mundham Parish</p> <p data-bbox="86 367 448 400">Case Officer: Reg Hawks</p> <p data-bbox="86 461 363 528">Public Inquiry Awaiting Decision</p>	<p data-bbox="525 232 1374 412">Ten Acres Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex PO20 1YU - Continuous occupation for in excess of 4 years of barn style building erected under planning permission 10/00517/FUL granted on 28 April 2010. CLU appeal.</p>
<p data-bbox="86 600 363 667">17/00074/CONENF Oving Parish</p> <p data-bbox="86 734 480 768">Case Officer: Shona Archer</p> <p data-bbox="86 828 440 862">Written Representation</p>	<p data-bbox="525 600 1334 701">Decoy Farm Decoy Lane Oving Chichester West Sussex PO20 3TR - Appeal against non-compliance with Enforcement Notice O/11 - O/12.</p>
<p data-bbox="86 920 296 987">16/03997/OUT Selsey Parish</p> <p data-bbox="86 1055 459 1088">Case Officer: Steve Harris</p> <p data-bbox="86 1122 363 1189">Informal Hearing Awaiting Decision</p>	<p data-bbox="525 920 1358 1021">Land On The South Side Of Warners Lane Selsey West Sussex - Outline application for the construction of 68 no. residential units with primary access off Old Farm Road.</p>
<p data-bbox="86 1256 363 1323">16/00359/CONTRV Sidlesham Parish</p> <p data-bbox="86 1391 491 1424">Case Officer: Emma Kierans</p> <p data-bbox="86 1458 344 1525">Informal Hearing 04/07/2018 Chichester District Council Committee Room1</p>	<p data-bbox="525 1256 1366 1357">Land Adj To Ham Road Sidlesham West Sussex - Appeal against Enforcement Notice SI/69 Linked to 16/03383/FUL</p>
<p data-bbox="86 1671 336 1738">16/03383/FUL Sidlesham Parish</p> <p data-bbox="86 1805 472 1839">Case Officer: James Cross</p> <p data-bbox="86 1895 464 2040">Informal Hearing 04/07/2018 Chichester District Council Committee Room1</p>	<p data-bbox="525 1671 1350 1839">Land Adjacent To Ham Road Sidlesham West Sussex - Use of land as a travellers caravan site consisting of 2 no. touring caravans, 1 no. amenity structure and associated development. Linked to 16/00359/CONTRV</p>

Reference/Procedure	Proposal
17/00031/CONMHC Southbourne Parish Case Officer: Shona Archer Public Inquiry	Land North Of Marina Farm Thorney Road Southbourne Hampshire - Without planning permission, change of use of the land to a mixed or dual use for the grazing of horses and the stationing of a mobile home for the purposes of human habitation – appeal against enforcement notice.
16/00191/CONCOU Westbourne Parish Case Officer: Reg Hawks Written Representation	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex, without planning permission change of use to HGV operating centre/tarmac contractors yard – appeal against enforcement notice.
17/00378/FUL Westbourne Parish Case Officer: Caitlin Boddy Written Representation	The Old Army Camp Cemetery Lane Woodmancote Westbourne PO10 8RZ - Retrospective application for change of use of land as open storage for vehicles and use as HGV Operating Centre, with ancillary office and stores. Linked to 16/00191/CONCOU.
17/01644/FUL Westhampnett Parish Case Officer: Claire Coles Written Representation	Land North Of Junction With Old Arundel Road Stane Street Maudlin Westhampnett West Sussex - Proposed construction of 5 no. dwellings.

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage
Decoy Farm, Aldingbourne	Civil recovery of costs incurred for clearance	Waiting for trial dates to be fixed between September and December 2018.

Prosecutions		
Site	Breach	Stage
Field West of Five Oaks	Breach of Enforcement Notice	Worthing Magistrates' Court on 25/5/18: matter adjourned upon request by Mr Tobitt as he has lodged a further planning application. Next hearing: 3 August 2018.

7. POLICY MATTERS