

Public Document Pack

JOHN WARD

Head of Finance and Governance Services

Contact: Katherine Davis or Lisa Higenbottam
Email: kdavis@chichester.gov.uk or
lhigenbottam@chichester.gov.uk

East Pallant House
1 East Pallant
Chichester
West Sussex
PO19 1TY
Tel: 01243 785166
www.chichester.gov.uk



A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 13 December 2017 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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** (Pages 1 - 11)

The minutes relate to the meeting of the Planning Committee on 15 November 2017.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 15 (b).

4 **Declarations of Interests** (Pages 12 - 13)

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 13 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 14 - 53)
Glasshouse, harvesting, packaging and cold store facilities. Reservoirs and associated access and landscaping.
- 6 **SY/17/01458/DOM - 11 Beach Gardens Selsey Chichester West Sussex PO20 0HX** (Pages 54 - 66)
Proposed extension and alterations.
- 7 **SI/17/01148/FUL - 79 Fletchers Lane Sidlesham PO20 7QG** (Pages 67 - 77)
Erection of 1 no. custom/self build dwelling - Alternative to dwelling permitted by virtue of Class Q Prior Approval for Change of Use from Agriculture to Class C3 (Dwelling house) under SI/16/04026/PA3Q.
- 8 **SI/17/01059/FUL - 63 Street End Lane Sidlesham PO20 7RG** (Pages 78 - 89)
Erection of 2 no. dwellings.
- 9 **KD/15/03367/FUL - Land On The East Side Of Plaistow Road Plaistow Road** (Pages 90 - 135)
Proposed construction of 54 residential dwellings and associated works.
- 10 **EWB/17/01722/FUL - South Downs Holiday Village Bracklesham Lane** (Pages 136 - 152)
Change of use of a former holiday park to agricultural workers accommodation and associated works for a temporary period until 31st October 2019.
- 11 **E/17/01911/FUL - 101 First Avenue Almodington Earnley PO20 7LQ** (Pages 153 - 165)
Erection of 1 no. custom/self build dwelling - alternative to dwelling permitted by virtue of Class Q Prior Approval for change of use from agriculture to Class C3 (dwellinghouse) under E/15/02353/PA3Q.
- 12 **CC/14/01018/OUT - Graylingwell Hospital College Lane Chichester PO19 6PQ** (Pages 166 - 205)
Outline application for Graylingwell Park including Kingsmead Avenue incorporating revised masterplan layout for up to 218 dwellings. Proposals include increased overall parking provision, revised architectural styling, CCDT community buildings, revised employment floor space, a C2 care home, works to Havenstoke Park to include re-location of children's play area, and a gated car parking area for temporary event parking.
- 13 **BO/17/01800/FUL - The Oaks Main Road Bosham PO18 8PH** (Pages 206 - 219)
Retention and use of existing bungalow as holiday accommodation.
- 14 **Schedule of Planning Appeals, Court and Policy Matters** (Pages 220 - 229)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 15 **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 (agenda item 3) 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
- 16 **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)

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

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 Householdiers
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

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
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 15 November 2017 at 9.30 am

Members Present: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), 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

Members not present: Mr G Barrett

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Mr J Bushell (Principal Planning Officer), Mr S Dommatt (Senior Environmental Health Officer), Mr A Frost (Head of Planning Services), Miss N Golding (Principal Solicitor), Miss L Higenbottam (Democratic Services), Mr T Horne (Principal Environmental Health Officer), Miss R Jones (Senior Planning Officer), Ms H Nicol (Rural Enabling Officer), Mr J Saunders (Development Manager (National Park)), Mrs F Stevens (Principal Planning Officer) and Mr T Whitty (Development Management Service Manager)

78 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting and drew attention to the emergency evacuation procedure.

He advised that item 15 had been withdrawn from the agenda.

Apologies were received from Mr Barrett.

79 **Approval of Minutes**

Mr Oakley referred to minute 67, paragraph six (application CC/98/02043/OUT, Warrendell Adjacent to Centurion Way off Plainwood Close, Chichester, West Sussex) regarding the gated access from Plainwood Close located north of the site onto Centurion Way outside of the applicants control. It was agreed that following the meeting new information had come to light regarding the access and the application should return to the Committee in December for further discussion.

RESOLVED

That the minutes of the meeting held on 11 October 2017 be approved and signed by the Chairman as a correct record.

80 Urgent Items

The Chairman announced that the Committee would receive a Part II update relating to SB/16/03569/OUT – Land East of Breach Avenue, Southbourne under agenda item 18b.

81 Declarations of Interests

Mrs Duncton declared personal interests in respect of applications BX/17/00898/REM, CC/16/03791/OUT, FU/16/04131/FUL, HN/17/01301/ADV, LX/17/02304/FUL, SY/17/00951/FUL and SDNP/17/02780/FUL as a member of West Sussex County Council.

Mrs Duncton also declared personal interests in respect of applications CC/16/03791/OUT and SDNP/17/02780/FUL as a West Sussex County Council appointed member of the South Downs National Park Authority.

Mr Dunn declared personal interests in respect of applications CC/16/03791/OUT and SDNP/17/02780/FUL as a Chichester District Council appointed member of the South Downs National Park Authority.

Mr Hall declared a personal interest in respect of application CC/16/03791/OUT as a Chichester District Council appointed member of the Goodwood Airfield Consultative Committee.

Mr Hixson declared personal interests in respect of applications CC/16/03791/OUT, CC/17/01988/FUL, CC/17/01989/LBC and CC/17/02160/ADV as a member of Chichester City Council.

Mrs Kilby declared personal interests in respect of applications CC/16/03791/OUT, CC/17/01988/FUL, CC/17/01989/LBC and CC/17/02160/ADV as a member of Chichester City Council.

Mr Oakley declared personal interests in respect of applications BX/17/00898/REM, CC/16/03791/OUT, FU/16/04131/FUL, HN/17/01301/ADV, LX/17/02304/FUL, SY/17/00951/FUL and SDNP/17/02780/FUL as a member of West Sussex County Council.

Mr Plowman declared personal interests in respect of applications CC/16/03791/OUT, CC/17/01988/FUL, CC/17/01989/LBC and CC/17/02160/ADV as a member of Chichester City Council.

Mr Plowman also declared personal interests in respect of applications CC/17/01988/FUL, CC/17/01989/LBC and CC/17/02160/ADV as a Chichester

District Council appointed member of the Chichester Conservation Area Advisory Committee.

Mr Plowman also declared a personal interest in respect of application CC/16/03791/OUT as a member of the Goodwood Motor Circuit Consultative Committee.

Mrs Purnell declared personal interests in respect of applications BX/17/00898/REM, CC/16/03791/OUT, FU/16/04131/FUL, HN/17/01301/ADV, LX/17/02304/FUL, SY/17/00951/FUL and SDNP/17/02780/FUL as a member of West Sussex County Council.

Mrs Purnell also declared a personal interest in respect of application SY/17/00951/FUL as a member of Selsey Town Council.

Mrs Tassell declared a prejudicial interest in respect of application SDNP/17/02780/FUL as a friend of the applicant. Mrs Tassell withdrew to the public seating area during the item.

Planning Applications

(To listen to the speakers and the full debate of the planning applications follow the [link](#) to the online recording)

The Committee considered the planning applications together with the agenda update sheet at the meeting detailing observations and amendments that had arisen subsequent to the despatch of the agenda. During the presentations by officers the applications, members viewed photographs, plans, drawings, computerised images and artist impressions that were displayed on the screen.

RESOLVED

That the following be decisions be made subject to the observations and amendments as set out below:-

82 BX/17/00898/REM - Land West Of Abbots Close, Priors Acre, Boxgrove, West Sussex

Information was reported on the agenda update sheet relating to the deletion of condition 6 due to duplication with condition 4 and a further condition relating to external lighting. Miss Jones introduced the item by reference to plans and photographs of the site and surroundings.

The following members of the public addressed the Committee:

- Mr M Bish – Boxgrove Parish Council
- Mrs T Moignard – Objector
- Mr G Beck - Agent

Miss Bell, Miss Jones and Ms Nicol responded to members questions. With regard to the wording of the proposal '*up to 22 dwellings*' it was agreed that the words '*up to*' should be deleted. With reference to concerns about the location of the acoustic fence it was confirmed that the fence would be situated inside the application boundary and condition 4 required submission of a detailed specification prior to development. Officers are to clarify with the applicant the impact on trees from the acoustic fence. With regard to the quality of flint and other construction materials condition 2 sets out a requirement for materials to be agreed. With regard to concerns relating to the width of the access road within the site, it was noted that West Sussex County Council (WSCC) Highways had not raised any objection to the proposal. Officers considered the 4m road width adequate and confirmed that some properties would be allocated garages in addition to the parking allocation. Officers also confirmed WSCC were content with the safe turning of HGVs.

With reference to concerns that the site layout and distribution of affordable housing would not encourage community integration, Miss Jones and Miss Nicol explained that the grouping of affordable units accorded with the council's usual requirements and that officers had suggested the split of open space to the developer to enable a better acoustic environment to be achieved to the southern boundary of the site (located next to the A27). Officers agreed to discuss the integration of affordable housing further with the developer with a view to suggesting two areas of affordable housing rather than one. Mr Whitty explained that it would be easier to find a housing provider to manage the site if the affordable housing were less spread and therefore easier to maintain.

Following the discussion the Committee still favoured a spread of affordable housing throughout the site and one larger area of open space.

Mrs Tassell proposed the application be deferred for further discussion between officers and the developer. Mrs Kilby seconded the proposal which was carried.

Defer for further discussions between officers and the developer regarding the site layout.

The Committee took a 10 minute break.

83 **CC/16/03791/OUT - Phase 2 Of The Westhampnett/North East Chichester SDL Land North East Of Graylingwell Park, Chichester, West Sussex**

Mr Bushell introduced the item. Information was reported on the agenda update sheet regarding an amendment to the report relating to the Section 106 agreement and amendments to planning conditions 5, 23 and 25.

The following members of the public addressed the Committee:

- Mr C Beaumont – Objector
- Mr I Smith – Supporter
- Mr J Allen - Applicant

Mr Bushell and Mr Horne responded to members questions. With regard to the proposed 400 metres sound buffer Mr Horne explained that based on World Health Organisation standards there should be no adverse impact to any persons living at a property on the site a distance of 400 metres or further from the Goodwood motor circuit. With regard to the character of the sound it was confirmed that motor racing events are held at Goodwood five days per year with additional driving activity on the circuit subject to strict noise management conditions.

With reference to concerns that the application was submitted with all matters reserved Mr Bushell explained that although unusual this was an acceptable approach. Members were shown a series of parameter plans provided by the applicant to demonstrate how the development could be achieved. With regard to concerns relating to a 6m wide access road passing through Graylingwell Park it was noted that WSCC Highways had no objection to the proposal. Mr Bushell explained that a letter from solicitors for Linden Downland LLP had been received confirming that a legal agreement was in place with the applicant allowing vehicular access to the development across Graylingwell Park. He confirmed that pedestrian access to Winterbourne Road via potential connection points provided up to and abutting the site boundary as shown on the parameter plans would be expected. With regard to footpaths the applicant was under no Local Plan policy obligation to provide a new circular footpath but had agreed to contribute £50,000 towards an upgrade of footpath 459 extending north from Fordwater Road to New Road to a bridleway. With reference to concerns about potential flooding on the Lavant Valley footpath/cycleway officers considered that the wider public benefits of providing the footpath outweighed the possible flood risk. Mr Bushell explained that arrangements for foul water disposal were yet to be determined but conditions 6 and 26 required submission of additional information. With regard to assimilating the development into its surroundings, the landscaping design approach was to include informal groups of trees planted on the east site boundary adjacent to the River Lavant, tree planting along streets within the site and gapping up of the hedgerows on Stocks Lane and at Fordwater Road.

In response to a request to consider further landscaping off site Mr Frost agreed that an informative could be added to highlight the importance of considering the impact of landscaping and planting both on site and to the surrounding area. He confirmed that landscaping could be discussed further following submission of the relevant reserved matter application.

Mr Bushell agreed to take forward members suggestions relating to an additional condition to require electric charging points.

Defer for a Section 106 agreement then Permit.

84 **CC/17/01988/FUL, CC/17/01989/LBC, CC/17/02160/ADV - 13 East Street, Chichester, PO19 1HE**

Mr Oakley left the meeting during this item and did not return.

In response to members concerns regarding the impact of the lettering on the character of the shop front Mrs Stevens explained that the previous occupier had used a similar size and style.

The Committee favoured removal of the vinyl poster panels located in the front windows of the shop. Mrs Stevens agreed to add an informative requesting removal following completion of internal building works.

CC/17/01988/FUL

Recommendation to **Permit** agreed.

CC/17/01989/LBC

Recommendation to **Permit** agreed.

CC/17/02160/ADV

Recommendation to **Permit** agreed.

85 **E/17/02376/FUL - Dragon Nursery, Third Avenue, Batchmere, West Sussex**

During the presentation the Committee were shown recent pictures of the site where additional building work had commenced inside the glass house.

The following member of the public addressed the Committee:

- Mr C Charter – Earnley Parish Council

Some of the Committee expressed concerns regarding the additional building activity on site but felt that the application before them was acceptable.

Recommendation to **Permit** agreed.

86 **E/17/02419/FUL - 129A Third Avenue, Almodington, Earnley, PO20 7LB**

Information was reported on the agenda update sheet relating to further consultation responses from the parish council who had withdrawn their objection and a correction to the wording of condition 12.

In response to members questions Mr Whitty confirmed that the question of the curtilage had been addressed in respect of the earlier prior approval application. With regard to whether the removal of the feature door at the front of the building would cause any detrimental impact to the character of the building officers had not identified any harm in its removal.

Mr Frost clarified that changes to the General Permitted Development Order (GPDO) had led to the government's expectation that subject to approval of certain specific details, local planning authorities should be enabling the conversion of

buildings which are no longer required for their original purpose as long as they are capable of such a conversion.

Recommendation to **Permit** agreed.

87 **FU/16/04131/FUL - Land West Of North Lodge, Scant Road, East Hambrook, Funtington, West Sussex**

Information was reported on the agenda update sheet relating to a further consultation response from the Health and Safety Executive, additional supporting information from the agent and an amendment to the recommendation to read '*subject to no objection being received from Southern Gas Networks by 7 December 2017*'.

In response to members questions regarding the suitability and size of the facilities officers considered the grazing and stable block sufficient for the number of horses proposed. With regard to the size of the parking area Mrs Stevens confirmed that the space would be proportionate to the estimated number of visitors. Concerns relating to light pollution would be managed by condition 7.

Recommendation to **Permit** agreed.

88 **HN/17/01301/ADV - Brook Lea, Selsey Road, Hunston, Chichester, West Sussex, PO20 1NR**

The Committee agreed that the temporary sign and associated timetable for removal were both reasonable.

Recommendation to **Permit** agreed.

The Committee took a 30 minute lunch break.

89 **LX/17/02304/FUL - Buildings North Of Mallards Farm And Bluebell Cottage, Guildford Road, Loxwood, West Sussex**

The following members of the public addressed the Committee:

- Mr T Colling - Loxwood Parish Council
- Mr J Aldous - Agent

With regard to members concerns in relation to the type of materials to be used, Mr Frost drew attention to condition 3 requiring materials to be agreed with the council and agreed to add an informative detailing the Committee's preference for use of brick and tiles.

Recommendation to **Permit** agreed.

90 **SY/17/00951/FUL - Selsey Regeneration 53A High Street Selsey Chichester West Sussex PO20 0RB**

This application had been deferred at the Planning Committee meeting held on 16 August 2017 for a site visit, which was held on 13 November 2017 in order to obtain a better understanding of the proposed development and its impact on the surrounding area, including the shared access and, in light of the concerns raised in particular about the potential for illegal parking, waste storage and collection, the emission of food and waste smells.

The following member of the public addressed the Committee:

- Mr C Alden – Selsey Town Council

With regard to members remaining concerns relating to cooking odours Mr Whitty explained that the Environmental Health officer had no objection to the proposal subject to the installation of an extract ventilation system as detailed in condition 4. With reference to concerns that delivery drivers and members of the public could illegally park on the double yellow lines at the front of the site Mr Whitty confirmed that the applicant had agreed to instruct the drivers to park appropriately. The applicant had also volunteered to place a notice in the front window to discourage illegal customer parking. Officers had also assessed the nearby public car park as being within a reasonable distance for customer use.

Members debated the merits of the proposed use and although some members thought the application was not appropriate they found no reasonable planning reason for refusal.

Recommendation to **Permit** agreed.

91 **SDNP/17/02780/FUL - Kimpton Cottage, Durford Wood, Rogate, GU31 5AS**

Mrs Tassell declared a prejudicial interest in respect of application SDNP/17/02780/FUL as a friend of the applicant. Mrs Tassell withdrew to the public seating area during the item.

In response to members questions Mr Saunders clarified that the South Downs National Park Authority had adopted the Community Infrastructure Levy (CIL) in April 2017 and therefore the application would be liable for CIL.

Recommendation to **Permit** agreed.

92 **SDNP/16/03326/FUL - Garden of 1 Stone Pit Cottages, Marleycombe Road, Camelsdale, Linchmere, West Sussex**

This item was withdrawn from the agenda.

Land west of Centurion Way and west of Old Broyle Road, Chichester - Progress of the S106 agreement and commercial negotiations update

Mrs Tassell returned to the Committee table.

Miss Bell updated the Committee on progress to date of the Section 106 agreement and the commercial land negotiations for Phase Two.

Section 106 Agreement

Miss Bell clarified that the Section 106 Agreement had been delayed for seven months due to ongoing discussions between the applicant, WSCC Education Department and officers to resolve the issues regarding education provision. A redrafted Agreement had now been issued to the applicant and WSCC for final comment and it was anticipated that it could be finalised by the end of November 2017. Miss Bell explained that the developers continued to work towards the progression of the reserved matters and a timetable for the reserved matter applications was detailed in the report.

Commercial Land Negotiations for Phase Two

Miss Bell confirmed that commercial land negotiation discussions had continued throughout the summer regarding the design of the southern access fronting Bishop Luffa School, the entrance to the school, the layout of the playing pitches and associated elements. The parties had now agreed a bus drop off/pick up point and associated access. Agreement on the layout of the playing pitches and position of the access road was anticipated by December 2017 which would enable commercial land negotiations to take place between January and September 2018.

Miss Bell confirmed the current expectation that the southern access road would be available for construction traffic by March 2021 and full residential traffic by December 2021. She explained that it appeared likely that the construction of the Phase One development would have reached some 250 dwellings by the time the southern access was available.

Mr Plowman wished to note concerns relating to work on the roundabout of the Old Broyle Road but acknowledged that appropriate action had been taken.

In response to a request that officers clarify the status of the sewerage pipeline Mr Frost confirmed that it was understood that Southern Water were working with the developers to agree terms to enable a connection to the new sewer but that until the developers were satisfied regarding the timescale for delivery, the alternative option was a fall-back position.

In response to a request to clarify concerns regarding the impact of the southern access on Centurion Way, Miss Bell confirmed that all matters relating to Centurion Way would be considered following submission of the Phase Two planning application.

The Committee took the opportunity to wish Miss Bell well in her time away from the council and thanked her for her hard work on the Whitehouse Farm application.

94 Schedule of Planning Appeals, Court and Policy Matters

Appeals at Summerfield Cottage, Graffham Street, Graffham, GU28 0NP and New Barn Cottage, Newbarn Lane, Lordington, Stoughton, PO18 9DU.

Mr Saunders drew attention to the letter dated 29 September 2017 detailed on page 191 of the agenda pack. He explained that the appeals had been assessed by the same inspector who in both cases had failed to reference the location of the site within the National Park or the statutory duty to conserve and enhance the cultural heritage of the National Park.

With regard to Summerfield Cottage, Graffham Street, Graffham officers felt that once the Inspector had identified harm to the character of the National Park he had not correctly applied the test in paragraph 134 of the National Planning Policy Framework and had failed to identify any public benefit to outway the perceived harm.

Mr Saunders explained that in both cases the letter acknowledged the inspectors errors however officers disagreed with the conclusion that the errors made little impact on the overall decision.

Due to the scale of these cases, officers were not minded to challenge the outcome but wished to draw attention to the errors made in order to inform future Inspector training.

The Committee noted the schedule of planning appeals, court and policy matters.

95 Exclusion of the Press and Public

Further to the Chairman's earlier announcement he proposed to take the meeting into Part II. Mrs Kilby seconded the proposal which was carried.

RESOLVED

That the public including the press should be excluded from the meeting on the following ground of exemption in Schedule 12A to the Local Government Act 1972 namely Paragraph 5 (Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

96 Consideration of any late items as follows:

The Committee received a Part II oral update from Miss Golding relating to the Inspector's Decision Letter dated 2 November 2017 for SB/16/03569/OUT – Land East of Breach Avenue, Southbourne.

Miss Golding and Mr Frost answered member's questions relating to points of detail.

The Committee voted in favour of making the resolutions set out below.

RESOLVED

1. That the decision to send a letter before claim in respect of a potential challenge of the decision letter be ratified;
2. That an application be made to the High Court for a declaration (in the event parties agree) or to lodge a claim to quash the Inspectors decision letter;
3. That any further decisions necessary in the process be delegated to Andrew Frost, Head of Planning Services in consultation with legal services.

The meeting ended at 2.34 pm

CHAIRMAN

Date:

Agenda Item 4

Chichester District Council

Planning Committee

Wednesday 13 December 2017

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 are set out in the attached agenda report.

The interests therein are disclosed by each member in respect of planning applications or other items in the agenda which require a decision where the council or outside body concerned has been consulted in respect of that particular planning application or item.

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

Personal Interests - Membership of Parish Councils

The following members of the Planning Committee declare a personal interest by way of their membership of the parish councils stated below in respect of the items on the schedule of planning applications where their respective parish councils have been consulted:

- Mr J F Elliott – Singleton Parish Council (SE)
- Mr R J Hayes - Southbourne Parish Council (SB)
- Mr L R Hixson – Chichester City Council (CC)
- Mrs J L Kilby – Chichester City Council (CC)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mr R E Plowman – Chichester City Council (CC)
- Mrs L C Purnell – Selsey Town Council (SY)

Personal Interests - Membership of West Sussex County Council

The following members of the Planning Committee declare a personal interest by way of their membership of West Sussex County Council in respect of the items on the schedule of planning applications where that local authority has been consulted:

- Mrs J E Duncton - West Sussex County Council Member for the Petworth Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs L C Purnell – West Sussex County Council Member for the Selsey Division

Personal Interests - Chichester District Council Representatives on Outside Organisations and Membership of Public Bodies

The following members of the Planning Committee declare a personal interest as Chichester District Council appointees to the outside organisations or as members of the public bodies below in respect of those items on the schedule of planning applications where such organisations or bodies have been consulted:

- Mr G A F Barrett - Chichester Harbour Conservancy
- Mr T M E Dunn – South Downs National Park Authority
- Mr R Plowman – Chichester Conservation Area Advisory Committee

Personal Interests – Chichester City Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a Chichester City Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

NONE

Personal Interests – West Sussex County Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a West Sussex County Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

- Mrs J E Duncton – South Downs National Park Authority

Agenda Item 5

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

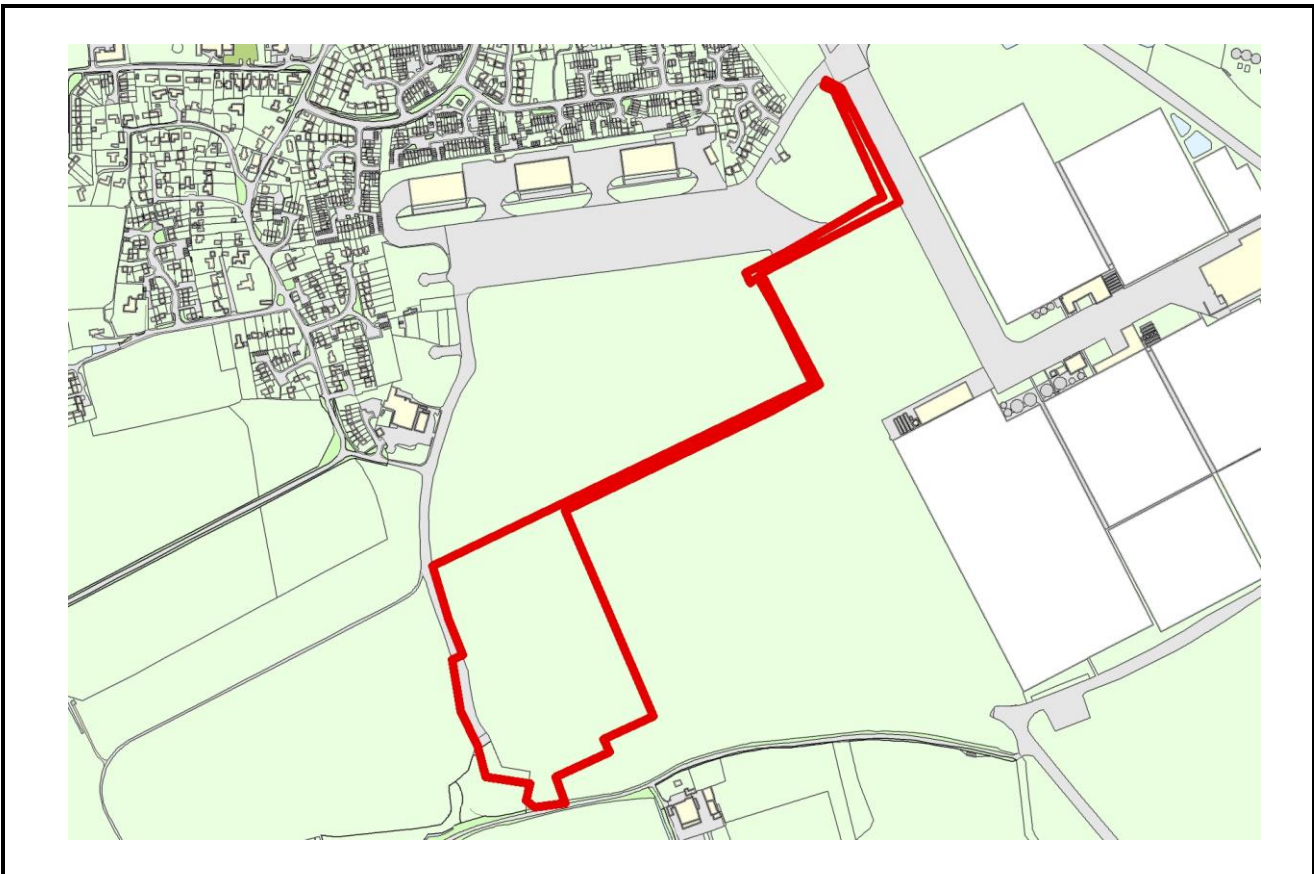
Proposal Glasshouse, harvesting, packaging and cold store facilities. Reservoirs and associated access and landscaping.


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



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

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.

2.0 The 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. 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 which are nearing completion and also around the museum (including allotments). The nearest neighbour to the south of the site is Oakham Farm, at the junction of Church Lane and Ham Lane. Church Lane is the boundary between the parishes of Tangmere and Oving.

2.5 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, encompassing a footprint of 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 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, including the glasshouses and associated development, is 42,845sqm (4.28ha).

3.5 The packaging and cold store element is the tallest part of the development 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 also 15m in diameter.
- 3.7 The proposed access to the site for all vehicles is shown along a new spine road 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 (8m tall) is proposed to the south and east boundaries of 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 and 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 high banks and some below ground storage capacity. It is intended that this will be unlined and will accommodate runoff from the yard, parking area (filtered), packaging and cold store building, and overspill from the larger reservoir. The provisional drainage strategy proposes a network of pipes that lead from basin 2 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 strip of planting is proposed along the western boundary, in addition to planting on the lower slopes of the larger reservoir. A minimum 10m planting belt 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 development would provide for 35 full time jobs. It is proposed that the site operates 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
- 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.

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 site 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.

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 applicants 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 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 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

WSSCC Highways Comments on revised plans

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.

6.7 WSSCC 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 or 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.

WSCC Rights 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 RoW Team is consulted before any works take place on the particular section where the HGV route meets the Right of Way.

6.8 WSCC 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 as 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.

6.9 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.

CDC Senior Drainage Engineer Comments on revised scheme

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.

CDC Senior Drainage Engineer Further comments on revised scheme

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, this is because they 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.

6.10 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 proposed site area is greater than 1 Ha and more than 10 parking spaces are proposed, however the development is not predicted to cause a significant change in light duty vehicles traffic flows (i.e. an increase of 500 AADT) or cause a significant change in Heavy Duty Vehicles (i.e. an increase of 100 AADT). 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.

It is noted that a Transport Statement has been submitted which includes a Travel Plan Statement. 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.

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

6.11 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.

CDC Environmental Health Officer (Noise) Comments on further information

Thank you for consulting Environmental Management on the above application. 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 which you kindly provided, including that by the Planning Inspector for the existing glasshouse. 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; the 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.

The 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 following conditions are recommended for the control of sound.

(Full text in recommended condition list)

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

6.12 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.

6.13 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 construction fencing. Any gaps or replacement hedging should be filled in using native hedge species to improve connectivity. 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

CDC Environment Officer 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 is given on hedgerow protection and enhancement.

6.14 18 no. Third party letters raising the following concerns:

- 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

6.15 17 no. 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

6.16 Applicant/Agent's Supporting Information

The proposal was amended during the course of the assessment to reduce the scale and massing of the cold store/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.

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

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

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

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

7.5 Consideration should also be given to paragraphs 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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- (i) Principle of development 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 of development and policy context

8.2 The application site is located within the designated Horticultural Development Area, 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. The site at Tangmere will then 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 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 carefully considered whether the development could be revised to ensure all aspects are within the HDA boundary and whether this would be necessary in order to make the proposal policy compliant. 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 allows extensions to or development outside HDAs in specific circumstances (with considerations of horticultural justification, land quality, infrastructure and landscape impact in addition to the criteria for development within HDAs including noise, pollution, planting, access, water resources and drainage) and 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, accessing the site 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 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 a S106 agreement. This is in progress between the parties.
- 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 hours a day, 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 consider this level of traffic 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 would 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 would 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 or museum access, save for emergency service purposes.

- 8.12 The new route is proposed to be a 6m wide concrete track, which is of a sufficient width to enable two HGVs to pass each other. The road would be dug into the ground by up to 1m and a supported landscaped bank 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 closest dwellings back onto the perimeter road a minimum of 135m north of the proposed new road. 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. It is therefore proposed that the S106 agreement also includes clauses to 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.

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 identifies the importance of these routes particularly for recreational purposes, and this is identified in some of the third party comments that have been received to the application. 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.

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. It is proposed to 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 between the applicant and WSCC. 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 would 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 would provide various options for pedestrian and cycle access to the site, and would 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 complies with the aims of the Tangmere Neighbourhood Plan and CLP policy 52.

(iv) Noise

- 8.19 While the site lies within a designated HDA for large horticultural development, the site is on the periphery of Tangmere and many dwellings back directly onto the HDA. There is also a residential property to the south of the application site (Oakham Farm). It is recognised that a number of third parties have raised noise as a concern, and the Council's environmental health officers are investigating noise complaints from Easthampnett residents in relation to the impacts of activity within existing development on the eastern side of the HDA. These issues relate to different businesses and operators. Nevertheless, it is expected that this development effectively minimises and manages its noise impacts and would not exacerbate existing problems.
- 8.20 The noise concerns raised and also those more generally generated by 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 Noise Assessment. It is proposed that traffic noise impacts will be minimised and managed through such measures as 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, and the Travel Plan statement encouraging sustainable travel modes which makes the most of the pedestrian, cycle and bus connections and options for car sharing for staff.

Operational noise impacts would 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/basins to the south and west and management measures including management of lorry deliveries and providing power supplies at the docks for the refrigerated lorries.

8.21 With the specified mitigation, it is considered that the proposed development will not result in a significant adverse increase in noise levels. It is recommended that the control of noise is secured and managed through the use of conditions, to specify that noise from the development cannot exceed set levels and to require the implementation and management of the mitigation necessary to reduce noise to an acceptable level. 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

8.22 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.

8.23 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 7.4 high to the ridge, continuous built form extending to some 290m in length along the eastern boundary and a packhouse/cold store that is 78m wide and up to 14m high to the ridge. However, the land 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.

8.24 Negotiations between the applicant and officers have resulted in various amendments to reduce landscape and visual impact. The packhouse/cold store 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 need to 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 will include a mix of native trees with under storey planting suitable to the climate of the site and will include larger specimens to provide some immediate impact.

The management of the planting and banks is part of a recommended condition which would include the 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

- 8.25 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 whenever the lights are on. The final details of the blinds and operating systems are proposed to be the subject of a recommended condition. The remaining buildings will be fully enclosed, with solid roofs, albeit 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.
- 8.26 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

- 8.27 The site is in flood zone 1. The proposed drainage strategy prioritises attenuation methods, to allow the proposed 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 storm water 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. 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.

8.28 The nearest sewer is a high pressure rising main, so instead it is proposed to utilise a package treatment plant to deal with foul waste water. The EA raises no objection, 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

8.29 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

8.30 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

8.31 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. 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 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 unexploded ordnance (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

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

Significant Conditions

8.33 Significant conditions include those relating to surface water and foul drainage details, noise, 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

8.34 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

8.35 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

8.36 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

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 I, -101 J, -102 J, -103 K, -104 K, -105 J, -106 I, -107 I, -108 K (drainage), -109 J, -110 J, -111 J, -112 J, -113 I, -114 J, -115 J, -116 K

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

- 2) **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 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.

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 use of the site 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 provisional details on plan 0917-P1-108K, **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.
- (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.

- 7) **No development shall commence** 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 (WSSC). 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 pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

- 8) **No development shall commence** 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.

- 9) Notwithstanding the details on the plans, **no development shall commence** 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 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. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

- 10) 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

- 11) **No development shall commence on site including demolition and earthworks** until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as the protection measures need to be in place before works commence.

- 12) **No development shall commence** 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
- (ii) schedule of plants noting species, plant sizes and proposed numbers/densities
- (iii) details of all bunds
- (iv) protection of all existing retained landscape features including trees, hedgerows and retained agricultural land/biodiversity areas on and adjacent to the site
- (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.

The protection measures detailed under part (iv) above shall be complied with at all times during the development process.

All planting, seeding or turfing and bunding comprised in the approved scheme of landscaping shall be carried out **in the first planting and seeding seasons following the commencement of development** 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.

- 13) **No development shall commence** unless and until details of a Public Right of Way 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.

- 14) **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.

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.

- 15) **No development shall commence on the Sustainable Urban Drainage System (SUDS)** until full details of the maintenance and management of the SUDS system, set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SUDS system the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure 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.

- 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 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: This is required pre-commencement 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.

- 18) **No development comprising the construction of the superstructure of any building 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.

- 19) **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.

- 20) **No part of the development shall be first used** until the connection from Church Lane to the proposed foot/cycle permissive route on the route shown on drawing number 0917-P1-116K 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, 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.

- 21) **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.

- 22) **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.

- 23) **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.

- 24) The construction of the development and associated works shall not take place at any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 1000 hours and 1600 hours on Saturdays, Sundays and Bank Holidays

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

- 25) 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.

- 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) The operation of the development hereby permitted shall be carried out strictly in accordance with the following requirements:
- i) The rating sound level with the maximum expression of uncertainty added to it, of the cogeneration plant at any residential or other noise sensitive premises shall be at least 7 dB(A) below the background sound level (LA90) of 30 dB.
 - ii) The rating sound level with the maximum expression of uncertainty added to it, of any other activity permitted as part of this development and not referred in i) above, including loading of vehicles and pulling away of vehicles, shall be no more than 2 dB(A) above the background sound level (LA90) of 30 dB at any residential or other noise sensitive premises.
 - iii) The LAfmax during the night period (23:00 to 07:00) from all activities hereby permitted shall not exceed 45 dB when determined at a position 3.5 metres from the façade of any existing residential premises.

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) As a minimum, the mitigation assessed in Section 7 of the Soundplanning report titled "Project J02886 Noise Impact Assessment: Tangmere Road-Proposed Glass House" and listed under paragraph 8.4 as detailed below shall be incorporated into the development.

For the Noise sensitive receivers to the North this is a 5 metre high landscaped bund to the roadway to the North in the location shown on plans 0917-PI-107i and 0917-PI-102J, and

For receivers to the South this is:

- (i) the installation of an 8 metre high noise barrier that achieves an insertion loss of at least 16 dB(A), in the location identified on plan 0917-PI-103K and 0917-PI-104J, and
- (ii) the use of rigid sided vehicles; housing the co-generation unit within a 100mm acoustic panel enclosure, and
- (iii) fitting the co-generation unit exhaust with 20% free area in line duct attenuator at least 2.4m long.

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

- 29) **No later than 3 months following the first use of the site**, a report of post completion validation testing of the requirements of conditions 27 and 28 above shall be submitted to the Local Planning Authority for approval in writing.

Where non-compliance is identified further mitigation and testing shall be agreed in writing by the Local Planning Authority and carried out by the site operator until such time as it is demonstrated that the above conditions are complied with. In such circumstances compliance must be achieved within 12 months of the date of first use and complied with in perpetuity thereafter.

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

- 30) While parked, loading or unloading on the site, functioning refrigerated trailer units must be powered using electrical supplies whenever the trailer unit is stationary.

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

- 31) 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.

- 32) The development hereby approved shall be used for the growing and packing 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.

- 33) 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 may be required in respect of water and foul discharge off site.
- 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

Agenda Item 6

Parish: Selsey	Ward: Selsey South
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SY/17/01458/DOM


Proposal Proposed extension and alterations.

Site 11 Beach Gardens Selsey Chichester West Sussex PO20 0HX

Map Ref (E) 485449 (N) 92302

Applicant Mr Daniel Bates

RECOMMENDATION TO PERMIT

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

1.0 Reason for Committee Referral

Red Card: Cllr John Elliot - Exceptional level of public interest

2.0 The Site and Surroundings

- 2.1 The application site falls within the settlement boundary of Selsey and is surrounded by existing residential development. The site is located off Beach Gardens, a private road to the south of Seal Road. The application site historically comprised 1 no. two storey dwelling with a double garage attached to the dwelling by a single storey link extension. However, following fire damage to the property part of the building has been demolished, with the garage and link extension remaining.
- 2.2 The access from Beach Gardens is located in the northwest corner of the application site and off-street parking for several cars is available within the site, a single storey garage building is located to the north east corner. The existing link extension runs south from the garage building alongside the eastern boundary to the main dwelling, which is situated centrally within the main part of the site. The site also includes a long narrow garden that extends south towards the foreshore.
- 2.3 To the west of the application site there is a 2 storey detached dwelling (10 Beach Gardens) which is set considerably forward of the application property and has a large garden wrapping around the east and south of the dwelling. To the east of the application site is a single storey detached dwelling (Weston) which shares a comparable building line to 11 Beach Gardens, and to the south east there is a terrace of several bungalows.

3.0 The Proposal

- 3.1 The application seeks permission to re-build the part of the dwelling which was damaged by fire, incorporating a partially constructed single storey extension (which had not been built in accordance with its planning permission) and alterations to the design and footprint of the dwelling. The changes to the building would include;
- new roof form
 - first floor extension to eastern elevation
 - rear two storey extension
 - revised link extension
- 3.2 The original gable roof of the dwelling would be altered to provide a hipped roof, finished in interlocking concrete slates. A new first floor extension is proposed to the eastern elevation which would feature a Juliette balcony to the south elevation. The proposal includes a new two storey rear extension featuring a gable end to the southern elevation. This rear extension would include patio doors leading out to a spiral staircase to access the garden.
- 3.3 The proposed floor plans detail 4 split levels. There would be a living room at first floor level with an open plan kitchen/dining area within the upper ground floor. A total of 4 bedrooms with 3 bathrooms, plant room and exercise/gym room would be provided on the ground floor, whilst the lower ground floor would provide a further gym space.

- 3.4 The extension linking the dwelling to the garage has not been built in accordance with previously approved plans and therefore permission is sought for the link extension as constructed to regularise this breach of planning control. The link extension comprises a single storey building with shallow pitched roof, 4 windows on the eastern elevation and 3 high level windows along the western elevation.
- 3.5 The original building had measured approximately 6.9m (h) x 13.17m (w) x 11.87m (d – excluding the link extension). The link extension between the main dwelling and the garage would measure 11m in length and combined with the attached garage would result in an overall maximum depth of approximately 30m.
- 3.6 The proposed height of the main part of the dwelling would remain as existing. The garage would remain as existing. The extensions and alterations would result in the main building measuring approximately 6.9m (h) x 13.17m (w) x 9.45m (d). The link extension would be 10.29m (l) x 5.57m (w) x 2.9m (h). The overall depth of the building would therefore be approximately 27.6m.
- 3.7 As a result of the proposed extensions and alterations to the dwelling the footprint would increase from 226sqm to 286 sqm (20.9% increase), whilst the floor area would increase from 199 sqm to 233 sqm (14.6% increase).

4.0 History

93/00613/FUL	REF	Conversion of existing double garage to habitable accommodation for an elderly relative.
04/03929/FUL	WDN	Alterations and extension to existing garage to form 1 no. 2 bedroom dwelling and demolition of part of ground floor of existing dwelling.
05/02538/FUL	REF	Alterations to existing garage to form 1 no. bedroom dwelling and demolition of part of ground floor of existing dwelling.
12/03587/DOM	PER	Link extension.
SY/00020/89	PER	Double garage
05/00100/REF	DISMIS	Alterations to existing garage to form 1 no. bedroom dwelling and demolition of part of ground floor of existing dwelling.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Selsey Town Council

September 2017:

Have listened to the issues raised at the meeting and considered the amended applications, Members agreed that the concerns raised against the original application had not been addressed. Selsey Town Council therefore resolved to OBJECT as the amended application represented overdevelopment of the site, was out of character with the street scene and was both overbearing and unneighbourly.

June 2017:

Selsey Town Council objects to this application as it represents overdevelopment of the site, is out of character with the street scene and is both overbearing and unneighbourly.

6.4 WSCC Highways (summarised)

No objection

6.2 CDC Archaeology Officer

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

6.3 CDC Drainage Engineer

Flood / Erosion Risk - The proposed property is wholly within flood zone 1 (low risk) and set back approximately 90m from the coast. Therefore we have no objection to the proposed location or scale.

Surface Water Drainage - The proposal will result in a net increase in impermeable area, this will need to be positively drained in accordance with the hierarchy of surface water drainage, whereby infiltration is the preferred approach. Based on our knowledge of the local geology infiltration is likely to adequately drain the proposal.

40 third Party letters of objections have been received (from 15 objectors) concerning;

- a) dominant form and large amounts of glazing and multiple openings across the whole southern elevation;
- c) overlooking of properties to each side and Solent Way to the south east;
- d) loss of light;
- e) level of parking;
- f) impact upon neighbours in respect of being overbearing, shadow, loss of privacy to neighbours on both sides;
- g) noise from extra coming and goings;
- h) impact upon character of area;
- i) impact upon safety of residents;
- j) concern about external staircase resulting in overlooking;
- k) impact upon character of area;
- l) negative impact on the public view and vista of this last semi-rural stretch of Selsey coastline;
- m) increase in traffic from the property which already has poor access via a narrow drive and blind entrance/exit in a corner where access to 5 properties converge;
- n) this has been proven to be a safety problem already by the number of collisions with the gate post at number 10 Beach Gardens and by the fact that emergency vehicles and personnel could not pass through the narrow drive this summer when vehicles were parked there;
- o) the proposal does not show safe and adequate means of access and turning within the site;
- p) proposal is out of character with the adjoining properties which are either bungalows or dormer chalet bungalows;
- q) no properties in the immediate area has the white render/grey window surrounds that is being proposed or the number of balconies and size of window and doors;
- r) a smaller, less intrusive application (ref: 05/02538/FUL) was refused on appeal. The comments from The Planning Inspectorate remain very relevant in important aspects and should be reviewed; and
- s) it is misleading and inaccurate to include the position of an incomplete conservatory in existing plans as this was built by the applicant without permitted development, planning permission or building regulation approval and there is no evidence that this would ever have been approved because of it being longer and higher than permitted development regulations allowed.

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 Selsey 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 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

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 Section 7 Requiring Good Design.

Other Local Policy and Guidance

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

- CDC Planning Guidance Note 3 Design Guidelines for Alterations to Dwelling & Extension (Revised September 2009).

7.6 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. Principle of Development
- ii. Design and Impact upon Amenity of the Local Area
- iii. Impact upon Residential Amenity
- iv. Parking and Highway Safety
- v. Other matters

Assessment

i. Principle of Development

8.2 The existing dwelling on the site has been partially demolished following a fire and the proposal seeks to re-build the fire damaged part of the building alongside a number of extensions and alterations to the 'original' dwelling. Officers are satisfied that the proposal constitutes extensions and alterations to the existing building and the proposal does not constitute a replacement dwelling on the site. The proposal has therefore been considered against policies that relate to the extension and alterations of dwellings within built up areas.

8.3 The application site lies in the settlement of Selsey where the principle of extensions and alterations to existing dwellings is generally acceptable, subject to the design being acceptable in terms of its impact upon the visual amenity of the area, the amenities of neighbouring properties, and the other considerations set out below.

ii. Impact upon visual amenity

8.4 Policy 33 of the CLP and section 7 of the NPPF seek to ensure that new development represents high quality design that respects the site and its surroundings and takes the opportunities available to improve the overall quality of an area. The proposed alterations to the building would change the appearance of the building from how it looked prior to being damaged by fire, however it is considered that the resultant dwelling would not be harmful to the visual amenity of the locality or the character of the surrounding area.

8.5 The proposed hipped roof form, in place of the previous gable ended roof, would provide an overall balance to the property which would accord with the proposed roof line and pitch of the two storey rear extension. The use of the hipped roof form would reduce the overall perception of massing which, in turn, reduces the perception of scale of the property. The applicant has indicated in their plans that the proposed roof would be finished in interlocking concrete slate tiles which would be in keeping with the character of the surrounding area.

8.6 The proposed first floor extension to the eastern elevation of the original dwelling would match the height of the main dwelling, however it would not extend across the whole of the ground floor element below. Instead, the proposed extension would be set in from the side wall at ground floor level by a metre ensuring the proposal would not result in an overly dominant extension to the dwelling.

- 8.7 The proposed fenestration of windows to the first floor extension would relate well to the lower ground floor windows. Also, the proposed Juliette balcony railings would match the height and style of the railings surrounding the terrace/balcony, which already existed on the property. It is therefore considered that the first floor side extension would not detract from the host dwelling or the visual amenity of the locality.
- 8.8 In addition to a first floor side extension the proposal also includes a 2 storey extension to the south (rear) elevation. The proposed extension would be set down from the height of the main dwelling, and would feature a pitched roof with a gable end. The rear elevation features glazing which would serve the upper floor living/dining area, including a patio door served by a spiral staircase to access the garden. The proposed eaves and ridge height of the extension would be lower than the main dwelling and the pitch of the roof would reflect the pitch of the main roof. The design would result in a subservient form of development that would not detract from the main dwelling or the visual amenity of the wider area.
- 8.9 At ground floor level the proposals include the link extension which was under construction when the application was submitted. Previously a flat roof link extension spanning between the dwelling and the detached garage to the north was permitted. The extension which is being constructed is wider than the permitted extension and it would have a shallow pitched roof. The increase in the width of the link extension would not materially increase the impact of the proposal upon the appearance of the host dwelling or the visual amenity of the locality when compared with the permitted scheme. The proposed link extension would not result in a development much higher than the existing boundary wall surrounding the site and the extension would be considerably lower in height than the garage and the main dwelling which would ensure it appears as a subservient and subordinate addition to the site.
- 8.10 Taking the above factors into consideration, it is considered that each element of the proposed design would result in a coherent design that takes account of the features of the surrounding area. The proposal would therefore accord with the contents of Policy 33 of the Chichester Local Plan, according SPG guidance and Section 7 of the NPPF.

iii. Impact upon Residential Amenity

- 8.11 Policy 33 of the CLP seeks to safeguard the reasonable amenities of the neighbouring properties. A significant number of objection letters have been received during the course of the application and the impact of each element of the proposal has been given careful consideration.
- 8.12 The increase in footprint when comparing the original and proposed dwelling relates primarily to the increased size of the link extension. The increased width of the link extension would be accommodated on western side of the extension which lies within the site and therefore would not impact upon the surrounding properties.

- 8.13 The proposed first floor extension would be set back from the eastern boundary of the site and a sufficient distance from the dwelling to the east, which would sit in line with the extension; thereby ensuring it would not have an adverse impact in terms of being overbearing or causing loss of light.
- In addition fenestration would be limited to the proposed Juliette balcony on the south elevation. The new Juliette balcony would overlook the garden of the application property, and would be approximately 13m from the boundary shared with the dwellings on Solent Way, with a wall to wall distance of approximately 21m. It is considered that the proposal would not result in a materially greater level of overlooking towards the dwellings to the east or south than the existing fenestration and balcony present on the south elevation of the original dwelling. Furthermore, the distance between the proposed Juliette balcony and the neighbouring dwellings to the south would meet the recommended distance of 21m as set out in the Council's Planning Guidance Note 3 for extensions and alterations to dwellings. It is considered that the distance would be sufficient to ensure that the proposal would not have an unacceptable impact in respect of overlooking. It is therefore considered that the proposed first floor side extension would not have an unacceptable impact upon the amenities of neighbouring properties.
- 8.14 The proposed 2 storey rear extension would be located at the western end of the rear elevation adjacent to the boundary with 10 Beach Gardens. Due the way in which 10 Beach Gardens is set forward of the application property the main dwelling when rebuilt at the western end would breach the 45 degree angle taken from the nearest habitable room window. However this relationship existed prior to the building suffering fire damage and the wall to wall distance between the 2 properties would be approximately 16m. It is considered that due to the separation between the application property and the neighbouring dwelling to the west that the proposal would not result in an overbearing impact or loss of light that would be detrimental to the amenities of the neighbouring property.
- 8.15 The main dwelling and the proposed extension would cast a shadow over part of the garden as the sun rises from the east, and this includes part of the garden with a garden room. However, it is considered that this shadow would not affect the light available to the main dwelling due to the distance between the proposal and the main dwelling, and given the southerly aspect of the neighbouring property and the level of natural and sunlight available to the property for the most part of the day it is considered that the proposed development would not have demonstrable detrimental impact upon the amenities of the neighbouring property that would warrant refusal of the application.
- 8.16 The positioning of the full height glazing on the southern elevation would mean that persons within the dwelling would only have visibility of the lower portion of the neighbouring rear garden. This would be comparable to the amount of overlooking afforded by existing first floor windows on the previous existing dwelling that occupied the site. There are no windows proposed on the west elevation facing 10 Beach Gardens, and the external staircase from the upper ground floor living space would be inset from the boundary. It is therefore considered that the proposed development would also not result in an unacceptable level of overlooking.

8.17 Taking the above factors into account, it is considered that the development would not give rise to an unacceptable level of impact upon the amenities of neighbouring residential dwellings and would therefore accord with the contents of Policy 33 of the Chichester Local Plan and Planning Guidance Note 3.

iv. Parking and Highway Safety

8.18 The proposed development includes a total of 4 bedrooms with associated rooms including a utility room, dressing room, gym/exercise room and TV room. The proposal includes sufficient space to park several vehicles to the front of the dwelling, with a further 2 spaces within the garage building. The applicant has also provided a vehicle tracking plan showing how vehicles would be able to enter and exit the site in a forward gear. The Local Highway Authority has raised no objection to the proposal and it is considered that the information submitted demonstrates that there would be sufficient space for cars to park and turn within the site.

8.19 Concerns have been raised by occupiers of neighbouring properties about the ability to turn within the site, however the information submitted indicates that it would be possible and the highway authority has not raised any concerns in this regard.

8.20 Taking these considerations into account, the development would both provide for sufficient parking for the transport demands created and would provide safe and sufficient access to and from the site. On this basis, the proposed development would accord with the contents of Policy 33 of the Chichester Local Plan.

v. Other Matters

Appeal Decision in respect of 05/02538/FUL

8.21 Comments received from third parties refer to a previous appeal decision for development on the site. The 2005 appeal decision related to the proposed development of alterations and extension to existing garage to form a one bedroom dwelling and demolition of part of ground floor of existing dwelling. The Inspector found that the subdivision of the plot would result 'in the position of the proposed dwelling, in front of the main house, and the difference in size of the 2 buildings would result in an incongruous appearance that would be detrimental to the character and appearance of the area'.

8.22 The current proposal does not include the creation of a new dwelling on the site, and therefore the concerns expressed by the Planning Inspector regarding new development do not apply to the current proposal. Therefore, the Inspector's findings on this issue have been afforded limited weight as an overriding material consideration, given the difference between the two proposals.

Conclusion

8.23 Based on the above it is considered the proposal complies with development plan policies and therefore the application is recommended for approval.

Human Rights

8.24 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

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the approved plans; 434sk12 Rev D Proposed Ground Floor Plan, 434sk13 Rev D Proposed First Floor Plan, 434sk14 Rev D Proposed Southern and Northern Elevation, 434sk15 Red D Proposed Eastern Elevations, 434sk16 Rev D Proposed Western Elevations, 434sk10 Proposed Block Plan and 434sk11 Block Plan.

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

3) **Within 28 days of the date of this consent** a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary 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.

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

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

5) **The development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the garage hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the property.

Reason: To ensure the adequate provision of onsite parking for the purpose of highway safety.

7) Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning ((General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no window(s) (including dormer windows) or door(s) shall be inserted into any elevation or roof pitch of the buildings hereby permitted without a grant of planning permission.

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

8) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or any other statutory instrument amending, revoking and re-enacting the Order, the building hereby permitted shall be used for C3 residential purposes only by persons related to one another and for no other purpose (including any other purpose in Class C3; only of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the associated vehicle movements adhere with the considerations of this application, in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

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 James Cross on 01243 534734

Parish: Sidlesham	Ward: Sidlesham
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SI/17/01148/FUL

Proposal Erection of 1 no. custom/self build dwelling - Alternative to dwelling permitted by virtue of Class Q Prior Approval for Change of Use from Agriculture to Class C3 (Dwelling house) under SI/16/04026/PA3Q.

Site 79 Fletchers Lane Sidlesham PO20 7QG

Map Ref (E) 484598 (N) 99402

Applicant Mr & Mrs C Wade

PERMIT WITH S106



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the west of Fletchers Lane, Sidlesham, outside any settlement boundary. The application site is surrounded by Land Share Association (LSA) plots that were established in the early 1950's and generally comprise a dwellinghouse with outbuildings and associated horticultural land; forming a small holding. Some of the LSA plots have changed over time; however the rural and horticultural character of the area remains strong in the locality.
- 2.2 The application site is set back from Fletchers Lane behind an area of planting. There is open space to the north of the building and a nursery to the east. The building lies directly north of the nursery access track, whilst to the south of the track there is a residential property. The nearest dwellings are some 25m distant to the south and 80m distant to the north.
- 2.3 The existing range of buildings on the site (which are adjoined) are timber and blockwork buildings constructed for use as a piggery and battery with an attached tractor store and plant room containing water pumps. The building, including all of these elements, currently measures 26.5m in width with a depth ranging from 5m at its eastern end to 6m at the western end of the building. The existing eaves height ranges from 2.2m to 2.35m and the ridge height ranges from 3.35m to 4m. The building benefits from a 'prior approval' to convert the buildings (except the tractor store and plant room) to a dwelling with a floor area of 130 sqm. The prior approval (SI/16/00281/COUPMB) has not been implemented.

3.0 The Proposal

- 3.1 The application seeks planning permission to erect a 3 bed dwelling with 2 bathrooms and an open plan kitchen/living space. A covered carport would adjoin the western end of the dwelling. The form of the main part of the building would reflect the existing buildings on the site, however the building would be moved back from the nursery access track and with the demolition of the existing tractor store the plant room would become a separate building retained within the nursery.
- 3.2 The proposed dwelling to replace the existing buildings would be 23.4m in length with a depth ranging from 5m to 6.2 m, and a ridge height ranging from 3.4m to 4m with the eaves at between 2.2m and 2.35m in height. The proposed dwelling would have a floor area of 130m to match the floor area granted by the prior approval.

4.0 History

16/04026/PA3Q	YESPAP	Part 3 (Class Q) Application for Prior Approval - Change of Use from Agriculture to 1 no. dwelling (C3 Use Class).
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5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 Sidlesham Parish Council

Sidlesham Parish Council discussed the above Application at its Planning Committee Meeting on 17th May 2017. The Council object to this Planning Application. The Council's view, expressed in December 2016, that the building is inappropriate for conversion, is borne out by this rebuild. This is not a conversion but a complete demolition of the original building and its replacement by a new building. The drawing shows a new, separate entrance to the road and the 1m fence outlining the curtilage, as shown on the drawing, is not in keeping with an agricultural/horticultural property and would turn a field into a garden. The PC referred to the recent High Court judgement defining the convertibility of a building. The ruling defined convertibility by the work required and restricted what is necessary for the building to function as a dwelling. Partial demolition and reconstruction must be limited to the extent reasonably necessary to carry out the permitted building operations.

6.2 CDC Environment Officer (summarised)

Due to the location of the site, the proposed demolition works and the records of bats within close proximity there is a moderate likelihood of bats roosting with the building. A bat survey must be undertaken prior to determination of the application.

Any lighting scheme will need to take into consideration the presence of bats in the local area and should minimise potential impacts to any bats by avoiding unnecessary artificial light spill.

Any clearance of vegetation shall not take place during bird nesting season.

6.3 No third party letters of support or objection have been received.

6.4 Applicant/Agent's Supporting Information

In support of the application, the agent has advised:

- The proposed new dwellings have been designed to mirror as closely as possible the design established under the PNO approvals but improve with additional detailing,
- Proposal follows the principle established on other agricultural conversions that have been allowed - principally with the use of Cedar boarding for cladding the external walls and slate for the roofs.
- The overall scale is identical to that permitted under the PNO procedure.
- This proposed dwelling has exactly the same footprint and is identical to the fall-back position.
- insulation levels; will provide full disabled access and will meet 'Build of Life' criteria.

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 Sidlesham 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 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 45: Development in the Countryside

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

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 sections 5, 7 and 11 generally.

- 7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

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

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

7.7 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:

- Support communities to meet their own housing needs
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Impact upon character of the surrounding area
- iii. Impact upon the amenity of neighbouring properties
- iv. Ecological Considerations
- v. Highway safety

Assessment

i. Principle of Development

8.2 The application site is located outside of any defined settlement boundary and is within the open countryside where new development is usually restricted in accordance with policy 1 and 2 of the CLP, unless otherwise permitted within policies contained in the plan. The development plan seeks to ensure that new development is directed to the most sustainable locations. Although the site lies in a rural area where new dwellings are not usually permitted, regard must be had to the 'fall-back position' for the site, which is that the existing building could be converted to a residential property under the prior approval which has been granted.

8.3 The Parish Council has raised concerns regarding the convertibility of the existing building and this matter has been carefully considered by officers. Part Q of the GPDO allows for the installation of replacement windows, doors, roofs, exterior walls and the provision of services, however these must only be works that are reasonably required for the building to function as a dwellinghouse. There have been cases where the works exceeded those permitted by the GPDO because the building was not capable of being converted. For example in the case of *Hibbit v SSCLG (2016)* the judge agreed with a planning inspector that a barn could not be converted under Class Q of the GPDO because the works went beyond the parameters of a conversion, and instead constituted a rebuild to create a dwelling. The building was a Steel Framed Pole Barn, situated above a concrete slab, which was open on 3 sides and the closed side was not attached to the slab upon which the barn was sited. The poles were to be retained, however all other elements of the building would have been fresh building works. The court therefore agreed that the works necessary to create a dwelling on the site did not fall within the provisions of the GPDO to convert an existing building.

8.4 The building is structurally sound and capable of conversion without significant alteration, and there is no reason to conclude that the existing building could not be converted in situ to provide a dwelling on the site. The fall-back position of the possibility that a dwelling could be created on the site is a material consideration that carries significant weight in the determination of this application. As such, it would be unreasonable to resist the application to 'replace' the permitted dwelling despite the rural location of the site as a matter of principle.

ii. Impact upon character of surrounding area

8.5 The proposed dwelling would be of the same size and scale to the existing building on the site, and the use of dark boarding above a brick plinth combined with a slate roof would be in keeping with the local vernacular for rural buildings. The application site can be seen from Fletchers Lane, however due to the scale and appearance of the proposed dwellings it is considered that it would not represent a harmful form of development that would detract from the rural character of the locality.

8.6 The proposal to move the building back from the access track would allow space to provide a chestnut paling fence and native hedgerow along the front of the building, providing a degree of natural screening that would soften the appearance of the building. The proposal therefore complies with section 7 of the NPPF policy 33 that requires new development to respect the character of the site and its surroundings.

iii. Impact upon amenity of neighbouring properties

8.7 The proposed dwelling would be sufficiently distanced from the neighbouring dwellings to the south (approximately 25m) and north (in excess of 79m) from the existing buildings on the site, to ensure the proposal would not result in any significant impacts upon the amenity of neighbouring properties. The proposal therefore accords with the requirements of policy 33 that requires new development to safeguard the reasonable amenities of neighbouring properties.

iv. Ecological Considerations

8.8 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area (SPA) and the 3.6km zone of influence of the Pagham Harbour SPA, where new development is likely to have significant environmental impacts on this internationally important designation. To mitigate against this, the applicant has provided a signed S106 Unilateral Undertaking and made a financial contribution of £871 to mitigate the harm of the development. It is therefore considered that the proposal complies with the provisions of Policies 50 and 51 of the CLP, and the proposal would not have an adverse impact upon the SPA's.

8.9 The Council's Environment Officer has requested that a bat survey be carried out prior to the determination of the application. The survey has been carried out and no evidence of bat activity or roosts was found within the building, there were also no notable habitats surrounding the building upon which the proposal would impact. The proposal would therefore be acceptable in respect of its impact upon biodiversity and protected species.

v. Highways Safety

- 8.10 The proposed development would not give rise to an increase in vehicle movements beyond the level which would be expected from the authorised use of the existing buildings, or its fall-back position should they be converted to a dwelling. It is therefore considered that the proposed development would not have a significant impact upon the highway network.
- 8.11 The proposed development includes 2 parking spaces, arranged in tandem, to the west of the proposed dwelling. There would be no on site turning provided, however the parking arrangements would be the same as those approved as part of the prior approval for the dwelling on the site. Turning space would be achievable using the access track to the front of the dwelling and therefore the proposal would not give rise to cars reversing out onto Fletchers Lane. It is considered that turning on the driveway would not cause significant detriment to highway safety given the visibility and likely slow speeds of vehicles entering and exiting the nursery.
- 8.12 It is therefore considered that the parking provision and turning arrangements would be sufficient to serve the proposed dwelling and to ensure vehicles to enter and exit the site in a forward gear. It is therefore considered that the proposed development would be afforded with adequate and safe access arrangements. For the reasons stated the proposal would meet the requirements of policy 39 of the CLP in respect of highway safety.

Conclusion

- 8.13 Based on the above it is considered the prior approval which has been granted to convert the existing building from an agricultural use to residential represents a fall-back position for the site which is a material consideration that carries weight. Given the fall-back position that means the site could be developed to provide a dwelling on the site, the proposed 'replacement' dwelling complies with the development plan, which would otherwise restrict the provision of new dwellings in this rural location. The proposal would be acceptable in respect of its impact upon the character of the area, the amenity of neighbouring properties, highway safety, drainage and ecology and therefore the proposal complies with development plan policies 1, 2, 33, 39, 49, 50 and 51 in addition to the NPPF and therefore the application is 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

PERMIT WITH S106 subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1, 2 and 5A

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

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

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

4) **No part of the development hereby permitted shall be first occupied** until the car parking 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 car parking on-site to meet the needs of the development.

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

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

6) Prior to first occupation of the dwelling(s) hereby permitted the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

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

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

Reason: In the interests of protecting the amenity of neighbours.

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

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

8) **The development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

9) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) S106

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

For further information on this application please contact Fjola Stevens on 01243 534734

Agenda Item 8

Parish: Sidlesham	Ward: Sidlesham
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SI/17/01059/FUL



Proposal Erection of 2 no. dwellings.

Site 63 Street End Lane Sidlesham PO20 7RG

Map Ref (E) 485373 (N) 99296

Applicant Mr & Mrs Cawte

RECOMMENDATION TO PERMIT WITH S106

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

1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the west of Street End Lane, Sidlesham, outside any settlement boundary. The application site is surrounded by Land Share Association (LSA) plots that were established in the early 1950's and generally comprise a dwellinghouse with outbuildings and associated horticultural land; forming a small holding. Some of the LSA plots have changed over time; however the rural and horticultural character of the area remains strong in the locality.
- 2.2 The site is situated between the access point to an established nursery to the south and west of the application site, and the access serving a dwelling to the north of the site. The site comprises two agricultural buildings, the Battery, which is located at the eastern end of the site adjacent to Street End Lane, and the Piggery, which is located behind the Battery in the western half of the site. The buildings are set back from the road, however they are very prominent within the streetscene due to the lack of screening around the edge of the site. The buildings were previously in agricultural use and they both benefit from prior approval to convert the buildings to dwellings. To date the prior approval which was secured to convert both buildings into dwellings has not been implemented.
- 2.3 The existing buildings on the site are constructed of blockwork and timber with a relatively low pitched roof of profiled fibre cement sheeting. The Battery building measures approximately 8.6m in depth and 4.9m in width, providing 42.14 sqm of floor area, with an eaves height of 2.2m and a ridge height of 3.5m. The building has 6 windows on each side and double doors to the front and rear of the building. The Piggery building measures approximately 12.9m in depth and 6.15m in width, providing 79.33 sqm of floor area, with an eaves height of 2.3m and a ridge height of 3.65m. The building has 3 windows on each side and a single door to the front and rear of the building.

3.0 The Proposal

- 3.1 The application seeks planning permission to erect two dwellings to replace the existing buildings on the site. The proposed dwelling to replace the Battery would be 8.8m (d) x 5.1m (w) x 3.5m (h) with eaves at 2.1m high. The proposed dwelling to replace the Piggery would be 10.15m (d) x 6.35m (w) x 3.7m (h) with eaves at 2.25m high.
- 3.2 The proposed dwellings would each have 1 bedroom with an open plan kitchen and living area. The proposed design and appearance of the buildings would be very similar to the scheme which was granted prior approval, however each dwelling would be re-sited slightly within the plot.

4.0 History

14/04222/COUPMB	YESPAR	Part 3, Class MB: Proposed change of use from agricultural building to single dwelling (C3 Use class).
15/00281/COUPMB	YESPAP	Part 3, Class MB Proposed change of use from agricultural building to 1no. dwelling. (C3 Use Class).
15/02094/PA3R	YESPAP	Part 3, Class PA3R: Change of use of agricultural building to flexible commercial use (B1 Officers - Photographic Studio).
16/00472/PA3Q	YESPAP	Change of use of agricultural building to 1 no. dwelling (C3 Use Class).

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Sidlesham Parish Council discussed the above Application at its Planning Committee Meeting on 17th May 2017. The PC objects to this Application. It considers the buildings inappropriate for conversion. The PC referred to the recent High Court judgement defining the convertibility of a building. The ruling defined convertibility by the work required and restricted what is necessary for the building to function as a dwelling. Partial demolition and reconstruction must be limited to the extent reasonably necessary to carry out the permitted building operations. In addition, 3 dwellings on this site would be an overdevelopment of the property

6.3 CDC Coastal and Drainage Engineer (summarised)

No objection.

6.4 CDC Environment Officer (summarised)

Due to the location of the site, the proposed demolition works and the records of bats within close proximity there is a moderate likelihood of bats roosting with the building. A bat survey must be undertaken prior to determination of the application.

Any lighting scheme will need to take into consideration the presence of bats in the local area and should minimise potential impacts to any bats by avoiding unnecessary artificial light spill.

6.5 1third party letter of support has been received stating:

Comments

- a) In this age of mega growers the smallholdings are not commercial viable,
- b) The Government is strongly supporting house building for working people.

6.6 Applicant/Agent's Supporting Information

In support of the application, the agent has advised:

- The proposed new dwellings have been designed to mirror as closely as possible the design established under the PNO approvals but improve with additional detailing,
- Proposal follows the principle established on other agricultural conversions that have been allowed - principally with the use of Cedral boarding for cladding the external walls and slate for the roofs.
- The overall scale is identical to that permitted under the PNO procedure.
- If the PNO approvals were implemented the applicants would have 2no dwellings of 57sq m and 47sq m.
- This proposed dwelling has exactly the same footprint and is identical to the fall-back position.
- The application is for 2no new build properties which will have significantly higher insulation levels; will provide full disabled access and will meet 'Build of Life' criteria.

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 Sidlesham 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 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 45: Development in the Countryside

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

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 sections 5, 7 and 11 generally.

7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local

communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

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

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

7.7 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:

- Support communities to meet their own housing needs
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Impact upon character of the surrounding area
- iii. Impact upon the amenity of neighbouring properties
- iv. Ecological Considerations
- v. Highway safety

Assessment

i. Principle of Development

8.2 The application site is located outside of any defined settlement boundary and is within the open countryside where new development is usually restricted in accordance with policies 1 and 2 of the Chichester Local Plan, unless otherwise permitted within policies contained in the plan. The development plan seeks to ensure that new development is directed to the most sustainable locations. Although the site lies in a rural area where new dwellings are not usually permitted, regard must be had to the 'fall-back position' for the site, which is that the existing buildings could be converted to two residential properties under the prior approval which has been granted.

- 8.3 The Parish Council has raised concerns regarding the convertibility of the existing building and this matter has been carefully considered by officers. Part Q of the GPDO allows for the installation of replacement windows, doors, roofs, exterior walls and the provision of services, however these must only be works that are reasonably required for the building to function as a dwellinghouse. There have been cases where the works exceeded those permitted by the GPDO because the building was not capable of building converted.

For example in the case of *Hibbit v SSCLG* (2016) the judge agreed with a planning inspector that a barn could not be converted under Class Q of the GPDO because the works went beyond the parameters of a conversion, and instead constituted a rebuild to create a dwelling. The building was a Steel Framed Pole Barn, situated above a concrete slab, which was open on 3 sides and the closed side was not attached the slab upon which the barn was sited. The poles were to be retained, however all other elements of the building would have been fresh building works. The court therefore agreed that the works necessary to create a dwelling on the site did not fall within the provisions of the GPDO to convert an existing building.

- 8.4 It is considered that the works proposed as part of the prior approval for the buildings on the application are not comparable to those required to convert the building in the case of *Hibbit v SSCLG*. The buildings are structurally sound and capable of conversion without significant alteration, and there is no reason to conclude that the existing buildings could not be converted in situ to provide dwellings on the site should the applicant wish to do so. The works would include cladding the building, replacing the roofing materials and altering fenestration, however these are all works that would fall within the limitations of Class Q of the GPDO.

Therefore the fall-back position of the possibility that two dwellings could be created on the site is a material consideration that carries significant weight in the determination of this application. As such, it would be unreasonable to resist the application to 'replace' the permitted dwellings despite the rural location of the site as a matter of principle.

ii. Impact upon character of surrounding area

- 8.5 The proposed dwellings would be of a similar size and scale to the existing buildings on the site, and the use of dark boarding above a brick plinth combined with a slate roof would be in keeping with the local vernacular for rural buildings. The application site can be seen from Street End Lane, however due to the scale and appearance of the proposed dwellings it is considered that they would not represent a harmful form of development that would detract from the rural character of the locality. The proposal therefore complies with section 7 of the NPPF policy 33 of the CLP that requires new development to respect the character of the site and its surroundings.

iii. Impact upon amenity of neighbouring properties

- 8.6 The proposed dwellings would be sufficiently distanced from the neighbouring dwelling to the north, which is situated in excess of 25m away and would not result in any significant impacts upon the amenity of neighbouring properties. The proposal therefore accords with the requirements of policy 33 that requires new development to safeguard the reasonable amenities of neighbouring properties.

iv. Ecological Considerations

- 8.7 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area (SPA) and the 3.6km zone of influence of the Pagham Harbour SPA, where new development is likely to have significant environmental impacts on this internationally important designation. The applicant has made a financial contribution of £1570 and provided a signed S106 Unilateral Undertaking to ensure the contribution is used to mitigate the impact of the proposal upon the SPA. It is therefore considered that the proposal complies with the provisions of Policies 50 and 51 of the CLP, and the proposal would not have an adverse impact upon the SPA's.
- 8.8 The Council's Environment Officer has requested that a bat survey be carried out prior to the determination of the application. The survey has been carried out and the report is currently awaited. An update will be provided at the committee.

v. Highways Safety

- 8.9 The proposed development would not give rise to an increase in vehicle movements beyond the level which would be expected from the authorised use of the existing buildings, or the fall-back position should they be converted to dwellings. It is therefore considered that the proposed development would not have a significant impact upon the local highway network.
- 8.10 The proposed development includes 1 parking space for the dwelling to the east of the site and 2 parking spaces, arranged in tandem, to serve the dwelling to the west of the site. There would be no on site turning provided, however the access would serve a total of 3 dwellings and it is considered that turning on the driveway would not cause significant detriment to highway safety.
- 8.11 It is therefore considered that the parking provision and turning arrangements would be sufficient to serve the proposed dwellings and ensure vehicles can enter and exit the site in a forward gear. It is therefore considered that the proposed development would be afforded with adequate and safe access arrangements. For the reasons stated the proposal would meet the requirements of policy 39 of the CLP in respect of highway safety.

Conclusion

- 8.12 Based on the above it is considered the prior approval which has been granted to convert the existing buildings from an agricultural use to residential represents a fall-back position for the site which is a material consideration that carries weight. Given the fall-back position that means the site could be developed to provide two dwellings on the site, the proposed 'replacement' dwellings comply with the development plan,

which would otherwise restrict the provision of new dwellings in this rural location. The proposal would be acceptable in respect of its impact upon the character of the area, the amenity of neighbouring properties, highway safety, drainage and ecology and therefore the proposal complies with development plan policies 1, 2, 33, 39, 49, 50 and 51 in addition to the NPPF and therefore the application is recommended for approval.

Human Rights

8.13 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

PERMIT WITH S106 subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1, 2, 3, 26A and 27A

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

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

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

4) **No part of the development hereby permitted shall be first occupied** until the car parking 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 car parking on-site to meet the needs of the development.

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

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

6) Prior to first occupation of the dwelling(s) hereby permitted the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

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

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

Reason: In the interests of protecting the amenity of neighbours.

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

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

8) **The development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

9) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) S106

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

3) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

For further information on this application please contact Fjola Stevens on 01243 534734

Agenda Item 9

Parish:
Kirdford

Ward:
Wisborough Green

KD/15/03367/FUL

Proposal Proposed construction of 54 residential dwellings and associated works.

Site Land On The East Side Of Plaistow Road Plaistow Road Kirdford West Sussex

Map Ref (E) 501416 (N) 127287

Applicant Mr Stuart Forrester

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

Consideration of this application was deferred from the October 11th meeting in order to enable officers to undertake further discussions with the applicant regarding the issue of the phasing of the development. In particular, a number of Members requested that officers seek clarification as to whether phasing over a period longer than the proposed five year development programme could be achieved

2.0 The Site and Surroundings

- 2.1 The main part of the application site comprises a 2.7 hectare, broadly rectangular field located adjacent to the northernmost part of the built-up area of Kirdford village. The field is flanked on all four sides by relatively mature deciduous tree belts, including a thick screen along its Plaistow Road (western) frontage. A public footpath runs along (and is within) the eastern boundary of the site; this links the village to the community playing fields that lie immediately to the north. Although close views into the field are available from the above section of footpath, the nature of the site's boundaries results in it being relatively well-screened in terms of wider landscape views.
- 2.2 An area of landscaped amenity land which incorporates a second public footpath and drainage ditch flanks the site's southern boundary, and beyond this lies the Bramley Close development which comprises approximately 25 dwellings, several light industrial units, a 'village green' and community shop. A field gate currently provides access to the site for agricultural vehicles from Plaistow Road at a point close to its southwest corner. A currently vacant detached dwelling and the Kirdford Chapel are located to the south of this access, with both of these properties backing on to the site. A run of elevated power lines cuts diagonally across the southern part of the site.
- 2.3 The site is located within the Settlement Boundary for Kirdford, following its allocation for residential development in the made Kirdford Parish Neighbourhood Development Plan 2014 (KNP).

3.0 The Proposal

- 3.1 Full planning permission is sought for a development of 54 dwellings comprising 38 market and 16 (30%) affordable units. The dwellings would comprise a mixture of flats (6), bungalows (2) and two storey houses, with the latter consisting of a mix of detached (17), semi-detached (14) and terraced (15) units.
- 3.2 The development would be laid out in four perimeter blocks, with these being defined by the internal roads and footpaths which run through the site and around its perimeter. The overall development density would be 20 dwellings per hectare, with a slight reduction in density across the site from south to north. A total of **133** parking spaces would be provided in a mix of on-plot spaces, garages, parking courts and unallocated visitor spaces (14).

- 3.3 The dwellings would be of a generally traditional design with a mix of hipped, half-hipped and gabled roofs together with a variety of local design details including through-eaves dormers, chimneys, sprocketed eaves and cottage-style windows.

The details of facing and roofing materials would be reserved by planning condition should permission be granted, but these are likely to predominately comprise brick and tile hanging to elevations and plain tiles to roofs, with some garage buildings incorporating an element of timber cladding.

- 3.4 An area of landscaped open space of approximately 0.25 hectares would be formed along the southern boundary of the site. The open space would incorporate an equipped play area of at least 165m² in accordance with the CDC Planning Obligations and Affordable Housing SPD. The overhead electricity cables would be re-routed underground.

- 3.5 In terms of vehicular access, the existing field gate entrance onto Plaistow Road would be widened to 5.5m to form a conventional priority junction. In order to form the access it would be necessary to fell four oak trees located along its northern side. A small part of the access would be formed on Common Land and, in the event of planning permission being granted, it would be necessary for the applicant to make good this loss by re-providing an equivalent area within the site. This procedure is the subject to a separate consent regime which is commenced following the grant of planning permission.

- 3.6 With regard to pedestrian access, links to the eastern boundary public footpath are proposed in the north-eastern and south-eastern corners of the site. Further, in order to provide as direct, safe and practical link to the nearby village facilities as possible, officers and the applicant have held discussions with adjacent land owners. It is understood that there is an in-principle agreement to form a section of bound-surface footpath running from the south-west corner of the site across the adjacent amenity land to link to the existing public footpath on Village Road.

- 3.7 In order to provide the above route and maintain public access over it, it will be necessary to secure the agreement of the adjoining owners. If the co-operation of the relevant landowners is not secured then the likely best alternative would involve surface improvements to and the widening of the existing public footpath that runs along the rear boundaries of the dwellings on the eastern side of Bramley Close, emerging onto Heron's Close. In the event of permission being granted, final details of the path's routing, surface treatment and future maintenance would be secured by the planning conditions and obligations in the S106 agreement.

4.0 History

- 4.1 None relevant to the proposal.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Kirdford Parish Council

These comments are to be read in conjunction with the 2 supporting documents attached at Appendix 1 at the end of this report.

Below is a summary of the issues which the village wishes to bring to the committee's attention when considering this application/recommendation.

1. Impact of the development size
 - a. The Village Settlement Area will be growing by 23% in a very short space of time.
 - b. 54 homes will likely attract in excess of an additional 100 cars into the heart of a small village.
 - c. Kirdford already has a very high proportion of affordable homes in the VSA (Village Settlement Area) some of which lie empty and/or have been let out to private market as not enough demand clearly.
2. Conflicts with Neighbourhood Plan Policies
 - a. General Policy SD.1: The Presumption in favour of Sustainable Development
 - (i) We believe there are significant questions on the Sustainability of this development. The geographical location of Kirdford, away from any significant employers. Pressures from other developments in the area (Billingshurst, Loxwood) on school places, doctor places and nursery places is not sustainable.
 - (ii) Public Transport links are not adequately provisioned and scheduled to link anyone reliant on it for employment.
 - (iii) Kirdford has had huge development in recent years with sites at School Court, Newbarn and Bramley Close. This has placed significant pressures on services and there is still evidence of sites & residents not being fully integrated with the Village.
 - (iv) There is evidence to suggest that some of the current affordable housing stock in the village is being rented into the private sector as they have been empty for some time. This further highlights our argument for a longer phasing to ensure housing stock comes "online" at the point at which it is needed.

b. Definition of Local Need

Policy H1. Local Occupancy Conditions for affordable housing. This policy is quite clear on the requirement for developments to be aligned with "evidenced local need". At present we only have evidence of a need for 8 Affordable homes which would lead to an approval (in proportion) for 24 houses. If this were the plan before us, Kirdford Parish Council would not be making any objections what so ever. Quite the opposite, we would welcome the development and encourage its delivery.

I would encourage the planning committee to acknowledge the difference between "demand" and "need". We are quite sure there will always be a demand for nice new housing, but there are significant gaps in evidencing the need for them. This is particularly illustrated by the fact that existing affordable homes stock in the village is being let out in the private market because it cannot be filled.

If there is an issue with quality, then we need to be putting pressure on the Registered Providers to ensure their condition. With this in mind, it might be fair to question whether 8 people in Kirdford would actually have a "need" if these properties were available.

The definition of "Local Need" therefore comes under question. This is not the Kirdford & Petworth & Loxwood Neighbourhood plan! It's the Kirdford Neighbourhood plan and we cannot / should not be burdened with a wider definition because other villages have failed to make adequate provisions.

Policy H1 makes it clear that Social housing/ affordable housing should be secured in perpetuity for local occupancy. We would like this reflected in the Section 106 for this site and would seek the committee's support to safeguard a key policy which has been adopted as part of our plan.

The Neighbourhood plan was always intended to allow communities to drive forward a pace of development which met their needs. Overburdening these communities with the responsibilities which rest with CDC as a whole is unfair and makes a mockery of the process. The need for CDC to keep and maintain a 5 year housing supply is CDC's responsibility and its responsibility alone. Building homes in the wrong quantity and in the wrong area, achieves nothing but the aim of delivering a target on a spreadsheet. Forcing families into areas which are remote, void of adequate public transport links, long distances from schools, doctors, shops and any prospect of finding gainful employment to sustain them in that location is frankly a huge social failing that we should take very seriously.

c. Viability of phasing

The question of viability of phasing has become central to the recommendation made by CDC. Phasing was always intended in the plan to be a way by which together we CDC and the Kirdford Parish Council could ensure that housing stock is delivered in line with local need. Instead it has been used as an academic tool to ensure that a maximum number of properties are delivered as quickly as possible irrespective of local need.

The Kirdford PC has gone to great lengths to assess the viability of the Cala proposal and has employed its own consultants to give a view. CDC referred the deadlock to the District Valuer who concluded that 3 years and 5 years were viable but 10 years were not. The 10 year, 2 phases business case was deemed unviable by a mere £189,000 deficit. Interestingly the 10 year, 4 phases showed a deficit of only £174,097. When we examine the DV's report in detail we learn that if the DV had applied Cala homes own property market rates, which one would assume would be more accurate (if not pessimistic) , then the 10 year phasing would have resulted in being viable.

I have every confidence that given instructions by the planning committee to deliver the project over the 10 years as per the Neighbourhood Plan, that CALA can find a way to reduce the fee which it is paying for the land by the amount to make the project viable.

I include our Consultant's comments for a more detailed explanation

Our comments on the district valuer's response are as follows:

Construction Costs- The build costs should reflect the latest BCIS figures in line with viability guidance and we therefore accept the revised costs.

Professional Fees- These are a % on build costs and therefore should increase accordingly. This is reflected in the modelling.

CIL/S106 Costs- This cost has been increased by Chichester and therefore be reflected within the appraisal.

Finance Costs - Again, are a % of build costs and therefore should increase accordingly. This is reflected in the modelling.

Sales Value of bungalows- The DV's initial report contains lower sales values for these units compared to both our and Cala's valuations. The overall difference in GDV between the DV's values and our Pod's original values is £292,200.

The key difference is now sales values given everything have been explained through. For reference the various GDV of the homes assumed is as follows: Cala Homes £15,933,325; DVS £16,705,635; Pod £16,997,835.

If the DVS was to apply Cala's original valuations for the 2 and 3 bed bungalow units this would equal and additional £190,000 of GDV for the scheme.

Accepting all the adjustments mentioned above, save for the GDV position, we would conclude that a ten year, 4 phased scheme would be financially viable to the developer.

NB: It should be noted that the Parish Council approached CDC with the proposition to reduce the CIL by the equivalent loss reported by the District valuer in order to protect the principle of the Neighbourhood plan.

3. Use of Community Land Trust

Kirdford has a viable team assembled under a Community Land Trust "For Kirdford" which stand ready to play an active role in protecting important assets for the long term benefit of the community. To date, CALA has failed to proactively engage with

the CLT despite several approaches. It has been disappointing to see the developer take such a poor regard for aims, ambition and needs of the community. The Neighbourhood plan makes clear that the CLT should be engaged in any development, a factor which has been ignored by CALA.

The Parish would welcome the committee insistence that the developer actively use the Community Land Trust through a Section 106 order ensuring all reasonable/applicable assets are transferred to the CLT.

The Committee, should know that if CALA back out of the development, that "For Kirdford" Community Land Trust has the expertise, knowledge and ability to fund and deliver its commitment to CDC of 60 homes in the timeframe outlined in our Neighbourhood plan.

4. Infrastructure challenges

- a. Poor roads - Road conditions around the village are already at a significant state of disrepair. It has not seen an adequate level of investment in a very long time and adding this development at this speed will greatly impact that condition. It also greatly reduces the window of opportunity to get our roads to the right level to support sustainable growth.
- b. Schools spaces - Schools are filling quickly and there is huge alarm at the impact of the Billingham development will have on places like The Weald School and the villages ability to send children there. Alternatives like Midhurst pose a significant logistical and cost challenge for any residents who live here. The speed of this development will impact this greatly and leaves little time to develop a strategic plan to accommodate the level of development in the area.
- c. Doctor places - Doctors surgeries have stopped registering new patients. Billingham, Loxwood and Petworth Surgeries are at breaking point and struggling to cope. Families moving to the area will be greatly disadvantaged and I am sure disappointed at the provision of these key services. A slower pace of development will give time for these services to ramp up to cater for increases.
- d. Communications/ Broadband

Policy DS.4 - Local Fibre or Internet Connectivity

"New developments must demonstrate how it will contribute to and be compatible with local fibre or internet connectivity..." This policy aims to see new developments connect to the internet with a minimum symmetrical speed of 25Mbps. There is a need for the developer to ensure this is implemented for the site. With a growing trend of people working from home and the need to ensure both old and young people can access the benefits of internet access, this is key.

It is our view that a number of principles will be tested on the outcome of this decision which have far wider ramifications for communities across the U.K.

1. What is the real value of having a Local Neighbourhood Plan if it can be ignored based on such a marginal loss profile which can be easily mitigated by the developer in order to conform with the NP as adopted by CDC.

2. What is the value of the Community Land Trust if it has no protection/power given to it in the section 106 forcing developers to transfer assets to its register which are appropriate to be protected for the benefit of the community.

3. What is the definition of "Local need" when making an interpretation in relation to planning.

6.2 Southern Water (summarised)

The position of the existing surface and foul water sewers along the site frontage should be noted. There is adequate capacity within the local sewage network to accommodate the proposed foul flows; no additional off-site works are required. Applicant will need to ensure that appropriate measures are in place for the long term maintenance of any surface water disposal infrastructure.

6.3 Sussex Police (summarised)

It is pleasing to note that the prevention of crime has been taken into account in the design of the scheme. Outward-facing perimeter blocks provided good security. Open space and play areas are subject to good levels of surveillance. Further consideration of the detailed treatment of the boundaries and individual properties' security measures will be required in order to maximise crime prevention opportunities.

6.4 WSCC Local Development Division (summarised)

Achievable visibility at the proposed vehicular access is acceptable. A Stage 1 Road Safety Audit of the access arrangements has been carried out, with no safety problems being identified by its auditor. There may be difficulties in forming a footway from the site access southward towards the Plaistow Road-Village Road junction. Consequently, an alternative utilising and possibly upgrading the existing public rights of way to the south of the site should be considered; this should be secured through a Section 106 Agreement. There are no objections to the site's internal layout. There is no requirement for street lighting given that this would be contrary to the village's characteristics, but further consideration of the detailed treatment of surfacing materials will be required given the resulting low light environment. Sufficient parking is proposed. No objection subject to conditions concerning access details, maintenance of visibility splays, provision of car and cycle parking and the submission and agreement of a Construction Management Plan.

6.5 WSCC Flood Risk Management (summarised)

No objections subject to the final details of the means of surface water disposal and the subsequent maintenance of any necessary infrastructure being reserved by condition/S106.

6.6 CDC Environmental Health Officer (summarised)

No objections subject to the imposition of a condition securing Construction Management Plan.

6.7 CDC Housing Enabling Officer (summarised)

Original comment

The scheme proposes a development of 54 residential units, of which 16 will be delivered as affordable housing. This is in-line with the 30% requirement, equating to 16.2 units, set out in policy 34 of the Chichester Local Plan. The 0.2 will be sought as a commuted sum payment of £75,585. This figure has been calculated in-line with the Planning Obligations & Affordable Housing SPD

Affordable Housing Mix

The proposed affordable housing mix is set out below:

Affordable Rented	Shared Ownership
2 x 1 bedroom flats	N/A
3 x 2 bedroom houses	2 x 2 bedroom houses
7 x 3 bedroom houses	2 x 3 bedroom houses

2 of these properties will be delivered as 6 person units in-lieu of the 4 bedroom requirement, to reflect the changes in housing allowance.

The SHMA recommends that the mix of affordable units should be 70% affordable rent and 30% shared ownership; the proposed mix meets this. The SHMA is a forward looking piece of evidence, looking at the District's housing need over the plan period. The SHMA advises that the need for affordable housing of different sizes will vary by settlement across the District and over time.

It recommends that the affordable housing mix to be provided should be:

- 1 bed 10-15%
- 2 bed 30-35%
- 3 bed 35-40%
- 4+ bed 15-20%

In considering the mix of homes to be provided within specific development schemes, the SHMA advises that this information should be bought together with details of households currently on the Council's housing register in the local area, the stock turnover of existing properties and information from local needs surveys.

On the 6th July there were 8 households on the housing register who have claimed a local connection to Kirdford. These figures are only an indication of the need now and they are not definitive, as some households on the register do not register a local connection to a parish until they are aware a property is coming forward, and some households do not register as they know the likely hood of securing one is limited due to the low availability.

The housing register figures do not take account of future need, unlike the SHMA.

There is limited evidence available for the demand of shared ownership, as new development always encourages people who have not previously done so to register. Experience has shown that shared ownership homes usually sell very well in the district.

Two bedroom flats and houses are the most popular and affordable, though there is also demand for one bedroom flats and three bedroom houses. It should be noted that the affordable units bought forward on a market scheme are required to meet the needs of not just the parish but of the surrounding areas.

On reviewing the SHMA recommendations, housing register figures, existing housing stock and turnover and housing needs survey results, the proposed overall affordable housing mix is acceptable.

The District Valuer (DV) has carried out an independent viability assessment to assess the viability of the scheme against the neighbourhood plan policies. The DV has concluded that a scheme of 54 units of 2 phases over 5 years would be viable. The DV has made the assumption that the following affordable units would be delivered in each phase:

Phase 1

Affordable Rent	Shared Ownership
2 x 1 bedroom flats	2 x 2 bedroom houses
3 x 2 bedroom houses	1 x 3 bedroom house
4 x 3 bedroom houses	

Phase 2

Affordable Rent	Shared Ownership
3 x 3 bedroom houses	1 x 3 bedroom house

It is strongly advised that the applicant enters into discussion with Kirdford Community Land Trust, regarding the disposal of the affordable units or one of the Council's registered provider partners as soon as possible. The Housing Delivery Team is aware that many of our partners are focusing on larger numbers to improve their efficiencies.

This scheme would deliver above the minimum affordable housing numbers most RP's will consider. However, the phasing may impact our RP's interest in that the complexities of costing the purchase of a few affordable housing units over a longer period may put many off. However, both Kirdford Community Land Trust and Green Oak Housing Association (possibly working in partnership) have advised the Housing Delivery Team that they are interested in these units, even if they come through a phased development. The Housing Delivery Team have provided a full list of our RP partners to the applicant to encourage discussions at the earliest opportunity, to ensure that a 5 year 2 phased scheme would enable the delivery of the affordable housing requirement.

Local Occupancy Condition for the Affordable Housing Units

In line with the Council's adopted Allocation Scheme, Policy KSS1 and Policy H.1 of Kirdford Neighbourhood Plan, it is required that the S106 Agreement and Nominations Agreement gives priority allocations to households on the housing register in priority need with a local connection to Kirdford.

It is advised that for the 1st lets a Local Lettings Plan is entered into with the Council and the future Registered Provider / Community Land Trust to ensure that anyone with a local connection to Kirdford gets priority, even if they are not considered to be in priority housing need. To ensure this, a copy of a draft Local Lettings Plan should be attached to the S106 with the Nominations Agreement.

Market Housing Mix

Policy KSS1 of Kirdford Neighbourhood Plan states "a mix of 1, 2 and 3 bedroom market properties, primarily weighted to fall in-line with an up-to-date assessment of local housing need" is to be delivered on the site. During pre-application discussions, a housing needs survey was undertaken by the applicant.

The results did not provide sufficient evidence to warrant variation from the housing mix policy set out under KSS1 of the Kirdford Neighbourhood Plan. It should be noted that this policy does vary from CDC's usual housing mix position of a SHMA compliant scheme. The SHMA recommends a market mix of 35% 1/2 bedroom properties, 50% 3 bedroom properties and 15% 4+ bedroom properties. The applicant is seeking to deliver the below market mix:

- 4 x 1 bedroom properties
- 12 x 2 bedroom properties
- 22 x 3 bedroom properties

The above mix will deliver 42% 1/2 bedroom properties and 58% 3 bedroom properties. When compared to the SHMA recommendations, the applicant is providing a far greater number of smaller units, which are generally more affordable for first-time buyers and young families. The provision of the smaller units will also provide an opportunity for older households to down-size, which in turn may free up larger family units elsewhere in the area. The addition of the 2 x 2 bedroom bungalows is welcomed.

Generally, larger sized units (4+ bedrooms) provide the greatest return for the developer. Discussions were held at the pre-application stage regarding the unit sizes and the affect this has on scheme viability. The applicant increased the number of units on site to 54, to ensure the scheme was both viable and provided a policy-compliant mix. The DV's viability appraisal has found that a policy compliant mix can be delivered on a site of 54 units of over a 2 phased 5 year plan. Overall, the Housing Delivery Team is supportive of the proposed market mix.

Conclusion

The Housing Delivery Team supports this application.

Additional comment

As at 20 September 2017 there are 9 households on the housing register who have claimed a local connection to Kirdford.

6.8 CDC Drainage Engineer (summarised)

The surface water proposal is to attenuate the water and discharge it at the existing greenfield run-off rate. This approach is acceptable given that, due to the local geology, soakaways are very unlikely to be adequate. Measure should be in place to ensure the maintenance of any surface-water-disposal infrastructure. No objections subject to conditions.

6.9 CDC Environmental Strategy Officer

The applicant's ecologist has recommended various mitigation be carried out in respect of reptiles and bats. No objections subject to this mitigation being secured by planning conditions.

6.10 CDC Conservation and Design Manager (summarised)

The proposed site layout provided is similar to the illustrative layout in the Kirdford Neighbourhood Plan in many respects. Whilst normally I would encourage greater integration of street frontages into the village streets, I appreciate that the existing western boundary appears fairly historic and retention of the trees and raised wooded bank is appropriate in this instance. Therefore the best opportunity to integrate the development into the existing village is the way the development relates to the open space and stream to the south and also the existing Chapel and house fronting onto Plaistow Road to the south-west of the south of the site.

The earlier residential extension to the south unfortunately backs onto the existing open space adjacent to the stream and existing footpath, so the new development should provide an opportunity to introduce some natural surveillance with new houses facing onto an enlarged area of open space.

The proposed layout in the form of a series of perimeter blocks is appropriate, and there is an indication of a fairly clear hierarchy of roads. The parking, as shown, has been relatively well integrated into the development with plenty of development on-plot provision, avoiding large areas of end on parking dominating the streets. The layout suggests a reasonable variety of building sizes and footprints and also a variety of garden sizes which is supported. However, in terms of character, the density does appear quite uniform and some of the garages still infill the gaps between houses which could give the perception of a higher density. There would, therefore, appear to be scope to create more of a transition in density from the existing settlement edge to the rural edge of the site.

There appears to be good connections with the local footpath network to encourage healthy, sustainable alternative travel modes linking to the village centre and the village stores.

In terms of design I note the developers have worked closely with the Parish Council's architectural advisor to develop a bespoke housing scheme, although there is a degree of similarity between some of the units. Timber boarding should be avoided on residential properties - this is more appropriate to agricultural and some commercial buildings, like the Village Stores. I also note the reference to "painted brickwork".

I am not sure of the justification for this as it is not really a feature of the local vernacular and painting brickwork can adversely impact on the materials natural breathability resulting in damp and spalling causing future maintenance issues. The local materials are predominantly brick, Wealden Stone and often decorative tile-hanging and I suggest sticking to these materials and avoiding painted brickwork and timber weatherboarding, except on some of the outbuildings/garages.

I consider the form of the buildings, comprising a mix of short terraces and pairs of semi-detached houses is appropriate, consideration could also be given to using buildings to foreclose or frame views as appropriate.

I note a Building for Life Assessment has been carried out, using the old format (20 questions) rather the most recent (BfL 12 Third Edition Jan 2015). It is not clear who assessed it and what credentials they have in terms of use of the criteria. They have resisted, unlike some architects, giving a 100% score (highly exceptional design) but it is fairly high for example in terms of innovation on construction. The affordable housing seems to be concentrated into the south-east corner rather than pepper-potted throughout the site. Locating it close to the public open space and play facilities is to be supported.

6.11 CDC Waste Services Officer

No objections. Road surfaces should be constructed in a manner sufficient to take the weight of waste vehicles.

6.12 CDC Planning Policy Manager (summarised)

Policy KSS1 of the Kirdford Parish Neighbourhood Development Plan 2014 sets out various criteria required for residential development at land to the north of Kirdford Growers. In addition, the policy states that piecemeal development will not be supported and that any application should provide for a phased development using the entirety of the site.

Extended discussions have been undertaken with the developer in order to achieve a form of development for the site that is considered to be acceptable and deliverable, including in relation to phasing. The policy is not prescriptive in this latter respect but the reasoned justification indicates that there is a desire for partnership working to reach a satisfactory outcome. Further information has been received from the District Valuer in relation to viability and, as a result of on-going discussions with the developer, the scheme now comprises 1, 2 and 3 bedroom homes in line with Policy KSS1.

The reasoned justification for Policy KSS1 states that 'The scope, timing and volume of the phasing will be determined by local housing need, site layout and financial viability.' It would appear that in considering what may be acceptable in terms of phasing to meet the objectives of the policy, this process has been undertaken astutely and a position that is acceptable has been reached in terms of compliance with the policy. On this basis at this stage no policy objection would be raised to the proposal in this respect.

6.13 38 Third Party Objection

There should be no street lighting; developers have not consulted the neighbouring residents' association regarding the proposed public footpath over private land; Kirdford has insufficient infrastructure to cope with 54 additional dwellings; increased traffic on local roads; Kirdford has no jobs to offer residents and homes should therefore be built elsewhere; trees will be put at risk; development is not phased as the Neighbourhood Plan requires; there is no local need for all of the proposed affordable housing units; parking is insufficient; not enough emphasis on green energy; application makes a mockery of the Neighbourhood Plan which has been ignored; housing density is too high; loss of agricultural land; impact on ecology including rare bats; there has been very little consultation with local residents; diversion of power lines should not result in harm to trees; affordable housing should be distributed more throughout the development; the ownership of trees along the southern boundary is not clear; not enough social housing for the elderly; no explanation of why numbers have increased from 45 to 54; there is no need for flats; the Neighbourhood Plan needs updating; conflict with the Neighbourhood Plan is contrary to the Government's advice in respect of them.

6.14 Applicant's/Agent's Supporting Information

See paragraph 8.26 and Appendix 2 for applicant's updated position.

The application was submitted in October 2015, almost 2 years ago. It was submitted with the benefit of a pre-application enquiry to Chichester DC and numerous meetings were held with the Parish to agree the broad layout, design and housing mix principles. The application proposes 54 dwellings rather than 45 specified as a minimum in the policy.

Originally around 45 dwellings were proposed which included 4 and 5 bed units. At this time there was no CIL charge levied on development in the District. It was agreed with the Parish that with the extra CIL costs and to meet the policy requirement for 1, 2 and 3 bed units only, the application could be amended to show more smaller units.

Phasing

Ever since the application was submitted the issue of phasing has not been resolved between the applicant and the Parish. The applicant has consistently disagreed with the Parish Council that the site should be phased over the Plan period (up to 2028) because this would not be commercially viable and would deliberately frustrate the delivery of housing to meet identified need. An independent assessment of the phasing and viability of the development has been carried out at the applicant's expense by the District Valuer (DV) to reconcile the phasing issue once and for all. The DV's appraisal dated 4 May 2017 confirms a 5 year phasing would be viable and a longer period required by the Parish would not. The applicant has accepted the DV's findings and proposes to deliver the 54 dwellings which results in a:

- 5 year, 2 phase scheme with;
- 32 dwellings in Phase 1 comprising 20 open market and 12 affordable and
- 22 dwellings in Phase 2 comprising 18 open market and 4 affordable.
- Undergrounding of the electricity cables on the site, provision of open space and an equipped play area will be in Phase 1
- A footpath link to be provided in Phase 1 from the south west part of the site to the adjacent footpath and down to the road.

Notwithstanding the applicant's undertaking to agree a 5 year phased development it is the case that, assuming permission is granted, the first phase will only deliver 32 dwellings. As a defined Service Village in the Local Plan settlement hierarchy (intended to accommodate small scale housing developments) Kirdford is likely to be a candidate for more housing in the next Local Plan. The Local Plan review is likely to be completed by 2020, and at this point the development, if permitted, would still be under construction. In the applicant's view this serves to demonstrate that a 10 year phasing of the application site will serve no planning purpose and simply frustrate the delivery of housing for which there is a pressing and overriding need. The applicant therefore hopes that the phasing issue is considered in detail by the Council when considering the merits of the proposal.

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 Kirdford Neighbourhood Development Plan was made 22 July 2104 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 25: Development in the North of the Plan area

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 54: Open Space, Sport and Recreation

Kirdford Parish Neighbourhood Development Plan 2014

SD.1: Presumption in favour of sustainable development

EM.1: Management of the water environment

CP.1: S106 Agreements and CIL

H.1: Local occupancy conditions for affordable housing

H.2: Housing for older people

DS.2: Encouraging quality design

DS.3: Provision of off-road parking

DS.4: Local fibre or internet connectivity

R.1: Local Green Space

R.3: Catering for cyclists and pedestrians

E.1: Renewable energy

KSS1: Land to the north of Kirdford Growers

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, amongst others, the Framework's following paragraphs and sections: paras 7-17, S4 (Promoting Sustainable transport), S6 (Delivering a wide choice of high quality homes), S7 (Requiring good design), S8 (Promoting healthy communities), S11 (Conserving and enhancing the natural environment), paras 183-185 and Decision taking (paras 186-187, 196-198 and 203-206).
- 7.5 The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 7.6 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of house building, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic,

six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax.

The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

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

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Drainage SPD 2016
Kirdford Village Design Statement 2011

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:

- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- 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) The principle of the development
- (ii) Layout and Design
- (iii) Phasing and housing mix
- (iv) Highways and access
- (v) Residential amenity
- (vi) Surface and foul water disposal

Assessment

(i) The principle of the development

- 8.2 Kirdford is categorised as a Service Village in the Local Plan's Settlement Hierarchy (Policy 2), with these settlements identified as being suitable for "small scale housing developments consistent with the indicative housing numbers set out in Policy 5". Policy 5 identifies an indicative allocation of 60 dwellings for Kirdford. In view of this allocation the Kirdford Parish Neighbourhood Development Plan (KNP) identifies a number of sites to "deliver a minimum of 61 dwellings". The application site is allocated by KNP Policy KSS1 for a development of a minimum of 45 dwellings. Accordingly, there is no objection to the principle of housing development at the site.
- 8.3 Policy KSS1 sets out a number of criteria for the development of the site, and these can be summarised as follows:
- a single development of a minimum of 45 units using the entirety of the site
 - a piecemeal approach to the development of the site will not be supported
 - a mix of 1, 2 and 3 bedroom market units, primarily weighted to fall in line with an up-to-date assessment of local housing need
 - Affordable Housing in line with District level requirements with an amount secured in perpetuity for local occupancy
 - an equipped play area
 - appropriate landscaping, retention of boundary trees and the provision of cycle/footpath linkages to the village
 - a phased development
- 8.4 In terms of overall numbers the application proposes the erection of 9 additional dwellings when compared to the figure contained in KSS1. However, it must be noted that the policy refers to a minimum of 45 units. Given that in the following sections of this report it is concluded that 54 units can be satisfactorily accommodated on the site in terms of density, layout and highway safety, no objection is raised to the number of dwellings proposed.
- 8.5 The following sections of this report address Policy KSS1's detailed criteria along with other planning policies and material considerations.

(ii) Layout and Design

- 8.6 As referred to by the Conservation and Design Manager the proposed layout follows established urban design principles, with a clear hierarchy of streets that creates outward-facing dwellings in four perimeter blocks. Given the relatively low density of the development (20dpHa), all properties have reasonable-sized gardens and acceptable levels of privacy.

Parking is primarily provided within the curtilage of dwellings and hard surfacing is therefore not a dominant feature of the layout. The distribution of affordable dwellings throughout the development is considered acceptable.

- 8.7 The proposed public open space is appropriately located along the southern boundary of the site, flanking the existing amenity land adjacent to Bramley Close. The open space would incorporate an equipped play area, and the entire area would be subject to an appropriate level of natural surveillance from the development's southernmost dwellings.

- 8.8 The design of individual dwellings follows a relatively traditional approach and their detailing and general form, comprising a mix of two storey detached and semi-detached dwellings and short terraces, is considered appropriate. A limited palette of materials is proposed which reflects those seen in the locality. The inclusion of 2 bungalows is to be welcomed as is the removal of the existing overhead electricity cables.
- 8.9 The setback of dwellings from the boundaries allows the existing peripheral tree belts to be retained and, coupled with a reduction in density across the site from south to north, it is considered that the development represents a generally appropriate response to the site's edge-of-settlement location.

Phasing and Housing Mix

- 8.10 The detailed criteria of Neighbourhood Plan Policy KSS1 are summarised at paragraph 8.3 above. With regard to the issue of phasing, KSS1 requires that:

"...Piecemeal development on the site will not be supported. Any application should provide for a phased development using the entirety of the site that seeks to provide the sustainable delivery of housing over the Plan period. An appropriate phasing Plan that responds to both immediate and future need should be included in support of any planning application..."

- 8.11 The Reasoned Justification that accompanies the policy goes on to clarify that:

"...The scope, timing and volume of the phasing will be determined by local housing need, site layout and financial viability..."

- 8.12 In order to address KSS1's phasing requirement the applicant has submitted a Viability Appraisal Report which assesses the viability of a 54 unit scheme in the following scenarios: (i) a 2 Phase scheme over a 3 year period, comprising a slow build programme with a 1 month break between phases; (ii) a 2 Phase scheme over 5 years; and (iii) a 4 Phase scheme over a 10 year period. The applicant's viability appraisal has been the subject of an independent review by District Valuer Services (DVS) which is part of the Government's Valuation Office Agency. Furthermore, Kirdford Parish Council has engaged its own valuation expert to assess the viability of various phasing options.

- 8.13 The detailed comments of the three valuation experts are available in full on the application file, however, their conclusions can be summarised as follows:

- The applicant's valuer found that only the 3 year phased scheme would be viable.
- The Parish Council's valuer concluded that all of the phasing options would be viable.
- DVS (instructed by the Council) found that the 3 and 5 year schemes would be viable, but that a 4 phase scheme over 10 years would not be viable. At the officers' request the DVS also appraised a 2 phase scheme over a 10 year period, and found that this would not be viable.

- 8.14 Whilst it is acknowledged that the three valuers have each reached different conclusions on the same schemes, this is not altogether surprising given that such appraisals involve multiple inputs and variables, and that the value of each of these depends to a degree on the judgement of the expert carrying out that appraisal. However, the District Valuer was appointed by the Council to carry out an independent appraisal and, having considered the viability assessments and views of all parties (including those of the PC's valuer reproduced at para. 6.1 above), has concluded that the 5 and 3 year phased schemes would be viable. Consequently, the conclusions of the DVS are considered to be well founded and reasonable and are accepted.
- 8.15 Following receipt of the DVS report the applicant has confirmed that it would be prepared to carry out the development in 2 phases over a 5 year period [**See updated position at para 8.25 of this report**]; officers had already confirmed to the applicant that a 3 year scheme would not involve meaningful phasing and would not, therefore, be acceptable in terms of the requirements of KSS1.
- 8.16 The 5 year, 2 phase scheme would involve a first phase of 32 dwellings (20 private and 12 affordable) comprised in the two southern perimeter blocks, and a second phase of 22 dwellings (18 private and 4 affordable) in the two northern blocks. The first phase would also involve the laying out of the open space and equipped play area, together with the undergrounding of the existing overhead electricity cables. There would be a 28 month break between the two development phases.
- 8.17 With regard to housing mix, in terms firstly of the market component of the development, 38 dwellings are proposed comprising 4x1 bedroom flats, 12x2 bed houses (including 2 bungalows) and 22x3 bed houses. This mix departs to an extent from the Council's preferred house mix which is set out in the SHMAA which generally requires housing developments to include a range of dwelling sizes, including a proportion with 4 or more bedrooms. The applicant, however, has submitted the application on the basis of policy KSS1's requirement for dwelling sizes to not exceed three bedrooms and, taking both this and the range of available needs-based evidence into account, the CDC Housing Enabling Officer has raised no objection to the proposed market housing mix.
- 8.18 The affordable housing component consists of 2x1 bedroom flats, 5x2 bed houses and 9x3 bed houses in a 70:30 rented-intermediate tenure split. A two phase scheme would involve 9 affordable rented (AR) and 3 shared ownership (SO) dwellings being provided in Phase 1, with 3xAR and 1xSO in Phase 2. A residual commuted sum reflecting a fraction of a unit would be provided in order to meet the requirement of Local Plan policy 34 for a 30% (16.2 dwellings) affordable housing contribution.
- 8.19 Turning to the occupancy of the affordable rented dwellings, as referred at paragraph 6.7 above the Housing Enabling Officer considers that in this case a Local Lettings Plan can be justified, and this would be appended to the Section 106 Legal Agreement. In accordance with the Council's adopted Allocation Scheme – administered by it in its statutory role as Housing Authority - this would mean that the first letting of the affordable rented units would be prioritised for any locally-connected households in housing need (i.e. Bands A-D).

In terms of subsequent lets, these would be prioritised for locally-connected households categorised as being in 'high' housing need (i.e. Bands A-C). Accordingly, the process of prioritising the letting of the affordable rented dwellings would be in accordance with policy KSS1's local occupancy requirements.

- 8.20 The Housing Officer has explained in her consultation response that there are currently 9 households on the Housing Register with a local connection to Kirdford. Whilst it is not possible at this stage to know whether these households would necessarily be willing or able to take advantage of the 9 affordable rented dwellings in the first phase of the development, the proposal clearly provides an opportunity to make meaningful progress toward addressing current local need. Furthermore, experience shows that the prospect of a development going ahead may serve to bring forward as yet unidentified locally-connected households with an interest in the proposed shared ownership units.
- 8.21 In terms of future need, the Housing Officer has highlighted why it is inherently difficult to anticipate what this might be, and this is the reason why the SHMAA is by its nature a forward-looking piece of evidence which seeks to address both market and affordable housing need over the entire Local Plan period. Again, however, when the affordable rented dwellings in the second phase of the development become available, they would be prioritised for locally-connected households in housing need at that time.
- 8.22 In summary on this issue it is considered that the scheme as proposed goes some considerable way towards meeting the phasing and mix requirements of Neighbourhood Plan policy KSS1. The proposed development makes good use of the entire site, provides an opportunity to meet currently identified affordable housing need and, with a significant mid-scheme break, would allow for the phased introduction of additional housing into the village.
- 8.23 It is noted that the Parish Council and others in the village may have expected the development to be phased over a longer period, however, the District Valuer has concluded that such an approach would not be viable. Furthermore, it is important to acknowledge that in order to maintain housing land supply, the Local Plan seeks to encourage the Parish Housing Sites in Local Plan Policy 5 to be brought forward as early as possible in the Plan period. In this respect Members will be aware that many Parishes have already met, and in a number of cases exceeded, their housing requirements through the grant of planning permissions, and that a number of these developments have already or are in the process of being built-out.

In the case of Kirdford, it is noted that even if works on the application site were to commence relatively quickly after the grant of permission, it is unlikely that the development would be completed until sometime in 2023, nearly 10 years into the Neighbourhood Plan's 14 year Plan period. Taking this and the viability issues into account, a delay to the delivery of this scheme beyond the 5 year phasing proposed cannot be justified.

Update on phasing issues

8.24 Following the deferral, officers held a meeting which was attended by the applicant, representatives of the Parish Council and the District Council Ward Member. A wide-ranging discussion took place which culminated in the applicant undertaking to consider the matters raised by the Parish Council and to provide a written response. That response, which is in the form of a letter from the applicant and a covering email from the planning agent, is attached to this report as Appendix 2. A copy of this correspondence has been sent to the Parish Council.

8.25 Members will note that the applicant has fundamentally changed its position with regard to the phasing issue and, in effect, has withdrawn the previous agreement to construct the 54 dwellings in accordance with a five year development programme.

The applicant has set out a number of practical and policy-related considerations that, in their view, strongly militate against any phasing of the development. Particular attention is drawn to the fact that an un-phased development would have a beneficial effect on the Council's five year housing land supply, a consideration which they consider should be given great weight, given the two recent appeal decisions where Inspectors concluded that the Council could not demonstrate a 5 Year Housing Land Supply (5YHLS).

8.26 The change in the applicant's position is, at this stage in the application process, highly disappointing. It is accepted that carrying out a development of this relatively small scale in a phased manner does present some practical difficulties. However, the scheme has been drawn up in a manner that would minimise such issues, and any costs associated with those issues were fully taken into account by the appointed representative of the District Valuer (DV) in reaching the conclusion that a 5 year phased scheme would be viable. Following receipt of the DV's report the applicant agreed to carry out the development over this period, and officers therefore find it difficult to understand such a radical change in position on this issue.

8.27 With regard to the issue of housing land supply, it is the case that the Inspector in the most recent appeal case at Breach Avenue, Southbourne concluded that the Council could not demonstrate a five year supply.

8.28 In any case, your officers' view is that the weight to be given to this consideration should be limited due to the fact that a 5 year phased scheme would be unlikely to have a detrimental effect on the current supply position. Currently, 45 dwellings from this site are included in the supply figures (the minimum number quoted in Policy KSS1), and provided the commencement of a 5 year phased scheme was not unduly delayed, it is likely that at least 45 dwellings would be completed within the 5 year supply-calculation period.

8.29 It is acknowledged that a grant of permission on the basis of no phasing could make the scheme's contribution to the 5YHLS more robust. However, when considering the planning balance in this case, officers do not consider that this is of overriding weight and does not comprise sufficient justification to set aside policy KSS1's clear requirement for the development to be carried out in a phased manner.

On the other hand, phasing over a period that exceeds five years would, by definition, be likely to result in housing numbers dropping out of the 5YHLS. This could result in other communities being more vulnerable to unplanned developments. Phasing over a longer period cannot, therefore, be recommended to members.

8.30 In conclusion, whilst the change in the applicant's position with regard to phasing is noted, this is not considered sufficient justification to warrant a change to the recommendation to grant planning permission subject to a five year phasing programme as detailed in paragraph 8.16 above and it is recommended that such a requirement remain within the Section 106.

Highways and Access

8.31 The proposed vehicular access arrangements onto Plaistow Road (see para.3.5 above) are considered acceptable in highway safety terms. The removal of four mature trees to facilitate creation of the access is regrettable; however, their loss should not prove significant given that these form only a small part of the very substantial tree-belt along the site's western boundary.

The width and geometry of the development's internal roads are sufficient to allow circulation of waste and other service vehicles. **The proposed parking provision comprises 103 on-plot allocated parking spaces and 14 visitor spaces. Further, 16 of the dwellings also have an additional unallocated space for a further vehicle to park off-road. This provides a level of parking that is slightly in excess of the predicted demand of 125 spaces but which, in the particular circumstances of this case, the Highway Authority considers acceptable.** The number and distribution of parking spaces is **therefore** considered sufficient to meet the needs of both residents and visitors.

8.32 The detail of traffic calming measures within the development will be reserved by planning condition. Given the absence of street lighting and the inclusion of some shared surfaces, a traffic calming scheme is likely to primarily involve the use of contrasting surfacing materials rather the introduction of features such as raised tables which could prove difficult to negotiate in a low-light environment.

8.33 In terms of pedestrian access, two connection points onto the eastern boundary public footpath are proposed. As referred to in paragraphs 3.6 and 3.7 above, discussions are on-going with regard to securing a more direct pedestrian route from the site onto Village Road, and these are shown indicatively on the application drawings. Securing this route will require the cooperation of third parties, and if agreement is not secured then upgrading of the section of the eastern boundary public footpath (to a bound surface) through to Heron's Close will be required.

Residential amenity

8.34 In terms of prospective residents, the relationship between the proposed dwellings is such that an appropriate level of privacy will be provided. In the case of some units, however, it will be necessary to prevent (by planning condition) the future formation of additional first floor windows in certain elevations as this could result in an unacceptable level of overlooking.

- 8.35 Existing residents positioned close to the site's southern boundary would be located a minimum of 40m from the nearest proposed dwellings and would benefit from some intervening tree and shrub screening. These occupiers will not, therefore, experience any loss of privacy.
- 8.36 If the direct pedestrian route referred to in para 8.26 above were to be secured, then this would result in a footpath being located close to the rear boundary of Brookside (on Plaistow Road) and the side boundary Stonewall Cottages (on Village Road). Whilst use of the path would inevitably result in an increase in activity close to these properties, the nature and frequency of such activity would be such that undue harm to these residents' living conditions should not be caused.

Surface and foul water disposal

- 8.37 The indicative surface water disposal scheme submitted with the application indicates the use of permeable surfacing materials alongside the use of storage tanks beneath the open space and two sections of internal road. Surface water would ultimately outflow to the existing surface water sewer located in Plaistow Road, with outflows restricted mechanically so as to be no greater than current greenfield rates.

Final details of the disposal scheme would be reserved by condition. Future maintenance of the surface water disposal infrastructure would be secured via the Section 106 agreement.

- 8.38 The development's foul flows would enter the public sewer in Plaistow Road. Southern Water has confirmed that there is sufficient capacity in the network to accommodate any additional flows.

Significant Conditions

- 8.39 A number of conditions accompany the recommended below in respect of various matters including development phasing, materials, landscaping, external lighting, tree protection, off-site footpath provision, surface and foul water disposal, ecological mitigation, access and parking provision.

Section 106 Agreement

- 8.40 It is necessary for any planning permission to be accompanied by a Section 106 Legal Agreement to secure elements of the scheme that make it acceptable in planning terms.
- 8.41 The Agreement would include obligations relating to:
- the phasing of the development over a minimum period of 5 years including a requirement for a mid-development break of at least 28 months
 - the provision of 30% affordable housing in the tenure/mix set out above and with the rented units prioritised for local people in housing need
 - the payment of an affordable housing commuted sum of £75,585
 - the future maintenance of SUDS infrastructure
 - the provision and future maintenance of landscaping, peripheral tree belts and open and equipped play space (minimum 165sqm)

- 8.42 It is noted that the Parish Council has raised the matter of the S106 Agreement giving priority to the Kirdford Community Land Trust (CLT) in respect of the future control of certain community assets included in the proposal (such as the proposed affordable housing and open space areas). In this regard it is normal practice for S106 Agreements to be drafted to allow a degree of flexibility with regard to the delivery and future management of such assets and, consequently, it is likely that a CLT could, for example, have control over the affordable housing provided it was working in partnership with a Registered Provider. However, it would not be appropriate for the Council to require a developer to prioritise one provider or manager over another. That said, officers have already and will continue to encourage the applicant to liaise with the Parish Council and CLT on this issue.
- 8.43 This development is also liable to pay the Council's CIL charge which would amount to £884k, of which the Parish Council would receive 25% due to there being a made Neighbourhood Plan in place.

Conclusion

- 8.44 This planning application has been the subject of a lengthy determination period resulting primarily from the need to carefully consider the proposal against the various criteria set out in the Neighbourhood Plan, and to allow key stakeholders the opportunity to have an input into that assessment process.
- 8.45 It is fully acknowledged that the Parish Council and other members of the community retain some concerns over certain aspects of the application. However, the preceding sections of this report demonstrate that the proposal goes some considerable way towards meeting the Neighbourhood Plan's requirements.
- 8.48 In terms specifically of the criteria of Neighbourhood Plan policy KSS1, the proposal achieves:
- a phased development using the entire site, with a meaningful mid-development break that will result in the phased introduction of housing into the village
 - an opportunity for the first phase of the development to help meet the current identified local housing need
 - affordable rented dwellings that will be prioritised for locally-connected people in housing need
 - dwelling sizes that do not exceed 3 bedrooms
 - a suitable layout with good footpath connections, appropriately designed dwellings and a moderate development density that results in good-sized gardens, acceptable levels of privacy and sufficient parking
 - an area of public open space and equipped play space for the benefit of the whole community
 - the retention of boundary tree belts and the provision of adequate landscaping which results in a development that responds appropriately to its edge-of-settlement location
- 8.49 The proposal is also acceptable in terms of other relevant planning policy requirements and material considerations relating to matters such as drainage, highway safety, residential amenity and ecology. Consequently, subject to the S106 obligations referred to above and the planning conditions set out below, it is recommended that permission be granted.

Human Rights

8.50 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

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 3 years from the date of this permission.

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 2015027 P - 01G, 02, 03, 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11B, 12, 13A, 14A, 15, 16, 17, 18A, 19A, 20A, 21, 22, 23B, 24B, 31F and H001; 4889.001A; 4889.003; 4889.004; 14167-BT8; CALA 20108-10C; H703-401 REV F.

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

3) **No development shall commence** unless and until a Phasing Scheme which sets out the sequence in which the proposed buildings, car parking, internal vehicular and pedestrian access routes (including links to and beyond the site boundary), SUDS infrastructure, landscaping, overhead cable re-routing and public and other open space will be provided or carried out has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out other than in accordance with the approved Scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure consideration is given to the development as a whole in the interests of ensuring the timely delivery of an appropriate mix of housing, other uses and open space during the construction of the development.

4) **No development shall commence** unless and until a new pedestrian footpath link from the site boundary to Village Road or an improved pedestrian footpath link from the site boundary to Herons Close has been provided in accordance with drawings and details that have first been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details shall be based on the indicative routing and annotation shown on application Site Layout Plan 2015027/P01G and shall include evidence to demonstrate that (i) all reasonable endeavours have been used to provide the preferred new footpath route to Village Road; and (ii) the use of the new or improved footpath by members of the public is secured in perpetuity.

Once provided, the new or improved footpath shall at all times be kept free from obstruction and made available for use by all members of the public.

Reason: To ensure the provision of adequate pedestrian access to and from the development.

5) Notwithstanding any details submitted **no development in respect of any phase agreed pursuant to condition 3 of this permission shall commence** until a full schedule of materials and finishes to be used for the external walls, roofs and windows of the buildings and all roads, footpaths and parking areas in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

6) **No development in respect of any phase agreed pursuant to condition 3 of this permission shall commence** until details of the associated boundary treatments have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (a) scaled plans showing the location of the boundary treatments to all public and private areas, and
- (b) details of the materials and finishes.

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

Reason: In the interests of protecting the amenity of neighbours and the character and appearance of the locality.

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

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

8) **No development shall commence** in respect of any phase agreed pursuant to condition 3 of this permission until a strategy outlining details of the sustainable design and construction for all new buildings in that phase, including water use, Building for Life standards, sustainable building techniques and technology and energy consumption maximising renewable resources has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

9) **No development shall commence** until full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on site during works and shall include details of above-ground infrastructure such as equipment cabinets.

The development will thereafter proceed only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development benefits from appropriate infrastructure. This is required prior to commencement to ensure all appropriate infrastructure is installed at the groundworks stage.

10) **No development in respect of any phase agreed under the terms of condition 3 of this permission shall commence**, until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that Phase 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 phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (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 engagement 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 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, and
- (p) waste management including prohibiting burning.

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

11) No part of the development hereby permitted shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ensuring safe and adequate access to the development.

12) No part of the development shall be first occupied until visibility splays of 2.4 metres by 53.0 metres to the north and 2.4 metres by 56.0 metres to the south have been provided at the proposed site vehicular access onto Plaistow Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

13) No part of the development in respect of any phase agreed pursuant to condition 3 of this permission shall be occupied until the car parking, garaging and turning accompanying that phase has been constructed and laid out in accordance with the approved site plan and the details specified within the application form.

For the avoidance of doubt, all garage spaces shall have minimum internal dimensions of 6.0m long by 3.0m wide. These spaces shall thereafter be retained at all times for their designated purpose.

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

14) No development in respect of any phase agreed pursuant to condition 3 of this permission shall be occupied until details of covered and secure cycle parking spaces to accompany that phase have first been submitted to and approved by the Local Planning Authority. The cycle parking shall be provided in accordance with the agreed details and thereafter 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.

15) Notwithstanding any details submitted no development in respect of any phase agreed pursuant to condition 3 of this permission shall be occupied unless and until a fully detailed landscape and planting scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development in that phase, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

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

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

17) 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: In the interests of residential amenity.

18) The development shall not be carried out other than in accordance with the mitigation and protection measures at Section 5 of submitted Kirdford Bat Trapping Survey 2016 and Section 2.5 of the submitted Habitat and Protected Species Survey and Report July 2014.

Reason: In the interests of biodiversity.

19) Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning ((General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no windows shall be inserted at first floor level into the rear (west-facing) elevation of the Plots 50 and 51 as annotated on the approved Site layout plan without a grant of planning permission.

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

20) No form of artificial lighting shall be installed outside of any residential curtilage within the application site unless done so with the prior written consent of the Local Planning Authority.

Reason: In the interests of biodiversity and the rural character and appearance of the locality.

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.

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

3) With regard to site drainage your attention is drawn to:

(i) the comments contained in Southern Water's consultation response of 01 December 2015 concerning the proximity of public surface water and foul sewers with the site; and

(ii) the possible need to gain the prior written consent of the Environment Agency, West Sussex County Council as Lead Local Flood Authority and other external organisations in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 in respect of water and foul discharge off site.

4) The dedication of the new route as a public right of way would satisfy the requirements of condition 4 in respect of use by members of the public.

5) Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

These make it an offence to:

- Kill or injure any wild bird or bat
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use)
- Damage or destroy the breeding sites and resting places (roost) of certain animals including those used by all bats and certain moths.

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523.

6) With regard to condition 8 you are advised that, amongst other things, it is likely to be a requirement that an air-source heat pump be provided for each dwelling in accordance with the submitted viability information, or for an alternative renewable energy source of at least equivalent generation capacity.

7) You are advised that consent under separate legislation will be required in order to make good the loss of any Common Land arising from the implementation of the development hereby permitted. Further, you are reminded that planning permission is granted without prejudice to the need to gain such consent.

8) With regard to condition 5 you are advised:

(i) that the use of render as a facing material is unlikely to be acceptable; and

(ii) to take into account the comments of the Local Highway Authority with regard to the approach to traffic calming as set out in its consultation response of 11 May 2016.

9) 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.

For further information on this application please contact Steve Harris on 01243 534734.

Appendix 1

Additional Supporting Information

Parish Council letter 24 September 2015

The Parish Council strongly objects to this application for the following reasons :-
Application Background Information The Parish Council would advise that together with Greenoak Housing Association, its social housing provider partner, it has sought over the last 10 months to engage and work in a positive manner, initially with Banner Homes, now part of Cala Homes, the applicant development company. All discussions and development of the proposals were generally resolved to accord with the requirements and policies of the Kirdford Parish Neighbourhood Development Plan 2014 (KPNDP) with the notable exceptions of the housing types and phased or sequential delivery of the housing units to meet the local housing need over the term of the KPNDP.

During the pre-application process (some meetings with the Local Planning Authority attended by the representatives of the Parish Council) Chichester District Council Development Management advised that the application must be compliant with all the policies of the KPNDP 2014 which forms part of the CDC Local Plan 2015.

The desire not to comply with the policy on housing numbers, type and phasing was argued by the applicant on the basis of financial non-viability. It was, however, clarified that the applicant's agent, Genesis, partook in all of the KPNDP development workshops and consultations. They were, therefore, fully aware of the policy's phased delivery, house types and numbers and the consequential impact on land value prior to the plan's adoptions. All such information was available in the public and addressed by the Examiner before making recommendation for the plan to go to referendum.

The Parish Council encouraged Banner Homes to undertake a housing needs survey. This was agreed and commissioned. Notwithstanding this, after the initial report findings were queried by CDC Housing Department and the Parish Council, it has received no further information on the survey and no Housing Needs Survey has been submitted in support of the application.

Nevertheless it is noted and appreciated that the application now omits the 4 and 5 bedroom properties, originally proposed, and now provides for 1, 2 and 3 bedroom properties in accord with the policy. Nonetheless, the application has increased the number of units to 54, an increase of 20% over the adopted policy requirement. No credible evidence to support or justify such increased numbers and density appears to be provided.

Key Policy

The application seeks to set aside the KSS1 policy requirement, namely “Any application should provide for a phased development using the entirety of the site that seeks to provide the sustainable delivery of housing over the plan period [2014-2029]. An appropriate phasing plan that responds to both the immediate and future need should be included in support of any planning application.”

This is a significant omission as National Planning Policy makes it clear that District and Neighbourhood Plans must plan for sustainable growth and that is what Kirdford residents did and why their plan was one of the first in the country to be adopted in 2014; it now forms part of the Development Plan against which all planning applications stand to be assessed.

In allocating the site for development Policy KSS1 seeks to deliver over 75% (45 no. units) of the required new housing for the Parish over the next 15 years on a phased (or sequential basis) as required to satisfy the local housing need. The CALA Homes application completely ignores that policy and seeks to develop 54 houses as one single development, delivering all the housing within one to two years, thereby setting aside any consideration of sustainable growth.

To provide some context there are 226 existing households in Kirdford village. Adding 54 new houses to the existing stock in one single development significantly increases the infrastructure demand on local school places, new jobs and doctors lists and increases the size of the village by 24% in one go. This cannot reasonably be considered to be sustainable growth. This, in the view of the Parish Council, is especially as the evidence identifies that the local infrastructure as already being overstretched.

The proposal is contrary to Policy 9 – Development and Infrastructure Provision in the CDC Local Plan 20215 and is equivalent to arguing that it would be sustainable to build 3,250 houses in one year in the City of Chichester to add to its existing 13,491 homes. Clearly, this would not be the case.

Key Policy Argument submitted by the Applicant

Given the absence of any supporting information or justification to set aside such a significant part of the Policy KSS1 it appears that the intent is to challenge the validity of such a recently adopted and up-to-date Policy. That view is supported by the content of the Planning and Design Statement submitted by Genesis.

- It is argued in page 15, paras 5.20 – 5.23, that the Neighbourhood Plan delivery section refers to a possible 10 year construction programme. The Parish Council is not clear as to how reference to a non-statutory part of the Plan is relevant other than to demonstrate the Parish Council's and community's commitment to deliver to policies of the Plan
- Genesis continues by stating in para. 5.20 that the Examiner of the KPNDP did not consider a ten year construction phasing programme to be part of the main Policy KSS1 and that in their view would cause site issues for existing residents, damage to landscaping and result in the site becoming untidy and badly planned.

The Parish Council believes the Examiner was abundantly clear in her recommendations relating to the Plan policy and its requirement for “phased development using the entirety of the site”. It is very common development practice for a single land parcel to be developed in separate lots or stages over an extended period of time without causing issues to residents or the environment. Proper management and site maintenance should ensure that the potential harm identified by Genesis (see above) does not occur in reality.

The NPPF is clear that the purpose of planning is to help achieve sustainable development. This is the ‘golden thread’ running throughout the NPPF, both in terms of plan-making and decision-taking. It identifies three inter-related dimensions to sustainable development, these being an economic role, a social role and an environmental role with no role being taken in isolation, because they are mutually dependent.

The KPNDP has been credited as being comprehensive, embracing the purposes of the NPPF and demonstrating that small rural parishes can deliver sustainable growth over a Plan period.

In contrast the application ignores sustainable growth and seeks to deliver a 24% increase in current village housing stock in a single development, within 2 years or less, far in excess of current local need or demand. Unlike the KPNDP, it ignores the demand such rapid growth would place on local schooling, employment, medical facilities, in an isolated rural location, or any other demand on existing infrastructure all of which local evidence identified as currently struggling to cope with existing demand.

- In para. 5.21 Genesis seeks to argue that a 10 year phased delivery of housing on the site would be inconsistent with Local Plan Policy 5.

CDC adopted the KPNDP in July 2014 on the basis it was compliant with its then emerging plan and that the Chichester Local Plan – Key Policies were adopted in 2015 and the KPNDP remains compliant with its policy 5 Parish Housing Sites 2012-2029 – Indicative Housing Numbers and the referenced Appendix D. Given the recent dates when the plans were publically examined and approved a reference to a footnote seems a rather spurious basis for challenging the substantive and up-to-date policies of the plans. Given both the KPNDP and Local Plan policies have within the last 18 months passed examination and been deemed to be compliant with the Basic Regulations and the NPPF the Parish Council will not seek to comment further.

- Para. 5.23 argues that for all the reasons stated in paras 5.20 to 5.22 a 10 year phasing programme is not justified and would undermine overall viability of the site being developed. No evidence is provided to support this assertion. Policy KSS1 allocates the land for housing and seeks to facilitate its delivery progressively over the plan period 2012-2029 in accordance with a master plan layout identified in the KPNDP. It does not require the development to be delivered as a single construction programme. Any financial viability appraisal based on a single construction period of 5, 10 or even 15 years for the development of the whole of the site under one contract would, therefore, be irrelevant as such a constraint is not imposed by the policy.

It should be noted, as stated in the adopted plan that discussions with the landowner and their agent have been maintained during the development of the plan. The landowner, developer and its agents were, therefore, fully capable to determine the appropriate change in land value from its agricultural value to its enhanced development value the land was designated as development land in accordance with Policy KSS1 prior to and upon adoption of a made Plan.

The Parish Council continues to have an interest, in conjunction with its partner Greenoak Housing Association, to procure the land or jointly develop it, in line with Policy KSS1 and has advised the landowner/developer agent of this before and after the making of the KPNDP.

General Comments and Observations

Layout Planning/Social Housing – Contrary to good practice the location of the social housing in the scheme has been clustered rather than spread or ‘pepper potted’ throughout the site. This leads to social exclusion rather than inclusion, which is something the KPNDP actively sought to deliver in its objectives.

KPNDP Policy EM1 – The flood risk assessment shows the final surface water drainage outfall is the nearby water course and a new connection is required to the culvert within the extent of public highway. This water course network requires extensive maintenance, the lack of which results in road flooding at the Village and Plaistow Road junction as well as adjoining common and private land. There appear to be no details relating to on-going management as required by the policy.

APPENDIX

Observations/discrepancies/comments/clarification required on application KD/15/03367/FUL CALA HOMES documentation:-

Planning & Design Statement

- 1.3 – refers to 1, 2 and 3 bed houses whereas the Design and Access Statement S2 refers to 4 bed.
- Tries to make an argument for single phase development contrary to the Kirdford PNDP.
- 4.18 and 5.12 – attempts to say that KPNDP policy DS5 is superseded by Government legislation and the CDC Local Plan.
- 5.3 – refers to agreement with the Parish Council for a Common Land swop – there is no such agreement and in any event agreement would be with the landowner (not the Parish Council).
- 5.15 – The only vaguely overt “green” feature seems to be water butts. Very disappointed that there are no grey water provision, no solar panels, nothing 21st century at all. To construct ecologically sound and pioneering buildings at no more cost is possible – is it not possible to build something pioneering and something that everyone would be proud of.

Transport Statement

- 2.15 – Train services incorrectly stated.
- 4.3 – Will anyone really use public transport – the figures need verifying.
- 4.6 – refers to close proximity to bus stops but very limited service.
- 5.3 – refers to School Buses in the afternoons.
- 5.4 – refers to Billingshurst Station being accessible by bus – in any meaningful sense this is not true.

Site Layout

- Shows a new footpath across private lane (Bramley Close) – is there agreement with the landowner?
- Does the layout accord with what was discussed previously with Cala?

Travel Plan

- 4.17 – table refers to a 2 x hourly bus service – not in Kirdford
- 4.18 – Train services incorrect

Design and Access Statement

- 2 – Proposals – “housing will be a mix of 1 bed flats, 2, 3 and 4 bedroom houses”
- S1 – refers to abutting Cricket pitch – this is not correct. -2-
- S9 – refers to gas boilers, but there is no indication of siting of gas tanks/bulk tank as no mains gas in Kirdford. Should there not be consideration being given to some form of sustainable energy?
- P.6 – Visual Impact – boundary zones remain within the ‘public’ realm. Control over the future appearance and maintenance is retained? Which authority are they referring to?
- 9 – Sustainability – Building to Level 3 per Local Plan not Level 5 per KPNDP
- P.15 – refers to street lighting – against KPNDP Policy – “where street lighting provided – designed to cover areas vulnerable to crime”. Kirdford is a ‘dark sky area’.
- P.16 – level of car parking – should each 2 bed + property have 2 parking places?
- P.18 – Car Parking – Illuminated communal parking areas BS.5489 – 1,2003 low level bollard lighting will not be used. As stated above, Kirdford is a ‘dark sky area’.
- P.18 – Street Lighting – The principal roads will be constructed to adoptable standards and will consequently incorporate street lighting to an acceptable standard. As stated, Kirdford is a ‘dark sky area’.
- Who will maintain roads/open space?

Flood Risk Assessment

- 6.2 – refers to existing sewers – there is need for confirmation that the pipes and/or treatment plant can cope.
- 6.3 – refers to land drainage. From local observation the ditch system outside the site is obstructed.
- 12.1 – states soakaways are not appropriate due to clay – how will surface water be handled?
- 12.3 – refers to a new connection to a culvert/outfall to existing watercourse – overload? SUDS

- The document lists Appendices A – H but these are not available on the website.
- Appendix E – Thames Water – Sewer Records - Kirdford is within the area of Southern Water.
- Ethos Environment Planning – Habitat and Protected Species Survey and Report
- 1 - Bat Survey – 8 species of bat within 1km – however, there are known to be 15 of the 17 British species of Bat in Kirdford.
- 1.5 - Second paragraph – “ensuring no significant light spill in this area”
- 2.4 – Low population of Grass Snakes and good population of Slow Worms
- 2.5 - Reptile translocation exercise required prior to construction – mitigation measures
- 3.2 – Breeding birds – Barn Owls, Green Woodpecker, Starling
- 3.7 – Glow Worms
- Nightingales are known to be in that meadow.
- The Ethos inspection of August, 2015 stated that Slow Worms were present.

Affordable Housing Statement

- Third from last paragraph states “split 50% affordable and 50% intermediate – what does this mean? Should this be for first-time buyers, then it would be vital to build a cap into re-sale values because otherwise within a few years the prices would be out of the reach of the next generation of first time buyers.
- What is meant by Affordable Rentals?

Draft S.106 Agreement

- Includes requirement for Public Artwork, but nothing included about Play Equipment and there does not appear to be any reference to Play Equipment provision within the documentation.

Building for Life

- Item 4 states that “Bus Route runs right outside the entry to the site”!! The only buses that go past the entry to the site are School Buses.

Application Form

- This states that “no new public roads to be provided within the site” whereas the Design and Access Statement states “principal roads will be constructed to adoptable standards” – which is it?

Loss of Trees

- 4 Oaks at entrance and Ash, dog rose and thorn for new footpath route.

Plans

- Some plans show a bed 4, but only 3 bedrooms.
- Query design/size of some bedrooms reference intent of the KPNDP

Parish Council's Solicitor's letter of 8 September 2016

There are three issues in particular which I should like to bring to your attention to ensure that the Report to the Committee can be in no doubt as to the position that the residents of Kirdford wish the Members to fully consider.

1 Issues with the application generally

a. The Parish Council has analysed the Application in detail. It has raised very real concerns with the quality and accuracy of the information submitted and these have been set out in their correspondence to you, most notably 26 November 2015 and 19 January 2016. Whilst some of these issues have been resolved through submission of further documentation through the Application process, many have not. I would urge careful consideration of the points the Parish Council have raised and the acceptability in planning terms of granting planning permission for the Application unless these issues are addressed, corrected or adequately and properly mitigated via condition or s 106 Agreement and that those mitigation measures are placed in front of Members at Committee for them to properly have considered them before a decision can lawfully be made.

2 The number and make-up of units on the Site

a. The Kirdford Parish Neighbourhood Development Plan ("the NDP") was adopted in July 2014 and form part of the Development Plan for Chichester. As per s38(6) of the Planning Act 2004, all decisions made in the NDP Neighbourhood Area need to be made in accordance with it unless there are material considerations indicating otherwise.

b. The NDP was produced and adopted having regard to the Localism act 2011, the Neighbourhood Planning (General) Regulations 2012 and all other relevant statutory policies and guidance, including the National Planning Policy Framework 2012 ("the NPPF"). It was examined by an Inspector, passed a public referendum with circa 95% approval and adopted by CDC.

c. The NDP includes both general and site-specific policies. A proposal with objectives is clearly set out on page 38 of the NDP. Importantly, a specific policy (KSS1) was approved and adopted and is set out on pages 39 and 40 of the NDP. Policy KSS1 is very clear and I do not reproduce it here, except to highlight the following:

i. A minimum of 45 units is proposed. In line with the objectives, that is the number that residents of Kirdford expect to be delivered on the Site. 54 units is 20% larger than that set out in the NDP. That has not been properly justified and represents an unacceptably large increase on proposed numbers, especially if the development is not to be phased. The sustainability for the development is of key importance and again in line with national policy and guidance. By way of example, if the site were to be delivered in a single phase that would represent an increase of housing stock of nearly 25% in one go. That level and speed of delivery is not appropriate and hence the NDP specifically seeks to prevent this from happening.

ii. A mix of 1, 2 and 3 bedroom market properties is proposed in KSS1. Originally the Application included larger 4 and 5 bedroom properties. These have been removed subsequently but it is essential that if planning permission is granted the sizes and types of dwellings are adequately controlled by CDC.

3. The delivery rate of units on the Site.

a. Policy KSS1 is clear that "any application should provide for a phased development using the entirety of the Site that seeks to provide the sustainable delivery of housing over the Plan period." The Plan period referred to is 15 years from July 2014. It goes on to state "An appropriate phasing Plan that responds to both immediate and future need should be included in support of any planning application" and, in the justification (not the policy itself) "to bring forward the development over the first 10 years of the Plan period. The scope, timing and volume of the phasing will be determined by local housing need, site layout and financial viability". It is therefore clear that phasing over at least a 10 year period is essential to this site-specific development plan policy.

b. The section of the NDP entitled "Delivering the Plan" states in the table providing additional detail on the proposals on page 63 of the NDP that the site has a 1 – 15 year (phased) timescale for delivery.

c. In line with the NPPF, the residents of Kirdford have sought, specifically and clearly through NDP Policy KSS1 to plan for sustainable growth through a phased delivery policy.

d. It should be noted that this Policy KSS1 is not so prescriptive as to actually set the phasing plan required. It is sufficiently flexible and commercially realistic to allow for a phasing plan to be developed to suit both the village and the developer alike.

e. Sadly, the Developer has not provided an Application which is compliant with KSS1. Despite ongoing discussions with the landowner's agent during the plan-making process, and latterly with the Developer, the Application is not for a development which is suitably phased over the plan-period of the NDP. Justification for this is provided to the Parish Council in a somewhat inadequate "Viability Appraisal Report - Executive Summary" dated May 2016. As a result, the Parish Council has commissioned its own expert Financial Viability Assessment by Pod LLP dated July 2016 which I would commend to you. You will no doubt had a chance to read this report in full and so I do not analyse its contents here, but merely to its conclusion on page 14 which clearly demonstrates that a number of scenarios of phased development including over both a 10 and 15 year phased development are commercially viable .

The Parish Council is not a commercial developer, and is not the Planning Authority for the area the Site falls within. It has however invested considerable time and money in producing a Neighbourhood Development Plan to provide a pro-growth agenda for the village for the next 15 years or so .

It would be extremely disappointing to say the least if having gone to such lengths to identify a site suitable for development, to have lawfully set the parameters for its development and to have such a policy ratified by the Secretary of State, the Local Planning Authority and most importantly the people of Kirdford, for that policy to simply be ignored by the first planning application which is made on this Site. The lawfulness of such a decision would be immediately under considerable scrutiny and no doubt would be considered to be of national importance given the continuing agenda of the Government to ensure as many areas as possible are covered by a Neighbourhood Plan.

The Parish Council cannot insist on a particular decision being made, nor can it insist on a particular phasing plan being imposed, but must protect the interests of those who have contributed to the plan-making process and the tax-payers who have funded it. As a result, the Parish Council wishes to continue to **STRONGLY OPPOSE** the Application in its current form unless it can be suitably mitigated to ensure it is policy compliant. It should be noted that the Parish Council continues to be happy to meet with the applicant to discuss the phasing and other aspects of the development with a view to coming to a mutually acceptable agreement.

If I may respectfully suggest, your recommendation in the Report to Committee should be to refuse, unless the issues outlined above and in the correspondence from the Parish Council to CDC are resolved and in particular a suitable phasing plan is imposed by condition on any permission which is lawful, in line with policy and ensures delivery in phases over the duration of the plan period without possibility of rapid, early delivery and the obvious and detrimental impacts that would have on Kirdford.

Appendix 2 – Further correspondence from applicant

Subject: FW: Land at Kirdford - LA Ref KD/15/03367/FUL

Thank you for arranging the meeting with the Parish Council last week when we discussed the phasing issues for the Kirdford application, deferred by planning committee members at the last October committee. At our meeting we asked for a draft minute to be circulated to all those present to agree the various points raised and we look forward to receiving that at your earliest convenience.

In the meantime and as requested, Mr Forrester has discussed the suggestion of the Parish Council with his own Land Director for a 10 year phasing programme but with additional dwellings to close the viability gap identified by the District Valuer (DV) in his earlier recommendations. They also considered extending the mid-point 28 month minimum break in the 5 year construction programme between phases set out in the planning committee addendum sheet as a formal amendment to proposed condition 3.

However after careful consideration of the above the attached statement from Mr Webber at CALA Homes confirms that no phasing even with additional dwellings can be agreed. Nor is a further extension of time in the mid-point break between phases agreed. Setting viability aside it is CALA's position that any phasing would make the entire scheme unworkable from a practical point of view.

There are also the planning policy issues we set out at our meeting which would count against any extended phasing of the site and to recap:

- 5 year phasing or indeed no phasing would be policy compliant with the N Plan anyway as policy KSS1 (page 40 of the made plan) simply says the site should be brought forward for development over the first 10 years of the plan period (it was adopted June 2014 and we are already in year 3 of the plan)
- N Plan policy M3 requires a plan review at a minimum of every 5 years - that would be 2019 - and the parish indicated at our meeting that it intended carrying this out with a view to identifying additional sites for housing to maintain conformity with the local plan – itself under review with an expected adoption date of 2020.
- Whilst the review has not yet commenced and no sites have been identified, Page 38 (iv) of the made N Plan states that land north of our site at the football field is 'designated for potential future development' and is shown within the settlement policy boundary of the Plan on page 37. There is an expectation therefore that additional sites will come forward at Kirdford and it would be a perverse outcome if the football field site or another, as yet unidentified site came forward and was completed ahead of site KSS1 because it was being hampered from completion by a phasing restriction.
- If it was approved with no phasing restriction, CALA could deliver 54 dwellings towards a 5 year housing land supply - over 10 years that supply would be halved.

- You will also know from a very recent appeal for land at Breach Avenue, Southbourne (APP/L3815/W/17/3173380) issued on the same day of our meeting, 2 November (copy attached) that an appeal inspector has allowed a development of 34 houses in conflict with the made Southbourne N Plan precisely because of difficulties with the delivery rate of other consented sites and has led to a land supply shortfall.

Any phasing restriction imposed on the Kirdford site by your Council would simply add to the problems of housing delivery. If this was perceived to be unreasonable, it would also put your Council at a significant risk of an award of costs if our client was obliged to take the matter of phasing to an appeal.

- However if allowed to come forward now the site could deliver 16 units of affordable housing. It is common ground that there is an identified need for 9 units at Kirdford and with no phasing restriction, this could be met promptly.
- And phasing of any length would in our view be contrary to paras 47 and 173 of the NPPF as it would not boost significantly the supply of housing or ensure viable and deliverable development which is a fundamental pre requisite for sustainable development.

We trust the above is self-explanatory and helpful to your further consideration of the issues prior to reporting the application back to planning committee for a decision in December.

Kirdford

The issue with any form of Phasing:

I have been asked to comment on the proposal of Kirdford Parish Council to extend the phasing period for the construction of 54 dwellings for a period of 10 years. In short this is unacceptable to CALA Homes for the straightforward reason that it would render the implementation of the Neighbourhood Plan allocation unviable and for practical purposes, would be unworkable given the usual site operating practices of volume house builders.

Financial viability on gross profit comes into play to a certain extent, and it has been demonstrated that financial viability is marginal at 5 years and not viable at 10 years. This was the conclusion of the District Valuer (DV) who considered the viability evidence of the applicant and the parish council. Planning officers of Chichester DC have accepted the findings of the DV and recommended planning permission should be granted with a proposed 5 year phasing programme.

However, the practical and physical act of delivering 54 units over 10 years (5 units or so a year) or delivering the site with a long break between 2 or 3 phases must also be understood and appreciated.

The site (54 units) is far too big for a local builder to take on bearing in mind the cash investment before the 1st house can be delivered which will be in excess of £10,000,000.

- The land has to be bought, all stamp duty land tax (SDLT), VAT and other land acquisition costs are paid up front
- The site must be fully hoarded and a site compound created with a site manager and assistant employed on a full time basis
- The electric power lines need undergrounding
- The access needs to be formed, the on site estate roads need to be delivered up to the 1st phase
- All services need to be installed to service the entire scheme and the drainage solution must be in place to service the entire scheme.
- Section 106 and CIL payments will be due at implementation and on first occupation,
- The houses must also be built.
- Sales and Marketing and Legal fees must also be expended

Interest on such a figure will be close to around £750,000 per annum based upon a 7% interest rate which is likely to be charged against residential development given it has a lot of associated risk.

It is therefore clear and undeniable to see that a site of this size can only be delivered by a large house builder with access to significant borrowings / funding.

The construction industry and in particular the residential sector is focused heavily on return on capital employed. Little focus is paid to the gross margin and instead shareholders are more concerned with how quickly will the development be complete and when can the money be reinvested into the next project.

The house building industry would expect one developer to deliver 750-900 houses off one site in a 10 year period. Delivering 50 or so units in that period is simply not a position any developer or bank/lender would entertain. Why would they tie up investment and resource for such an unsatisfactory return?

The real issue here is that a 54 unit planning permission with any form of phasing restriction will be unsellable and undeliverable in the open market. It will be too large for smaller builders as the level of investment required is far beyond their borrowing capabilities. Medium to Large developers and house builders would not be interested in purchasing the site as it would not deliver return on capital employed required by their lenders and or shareholders, they will simply invest their time, efforts and money in land that will deliver returns in an acceptable time frame.

The Risk to Kirdford PC and Chichester DC is that permission is granted for a site that will simply never be developed.

It has also been brought to my attention that two appeal decisions have gone against Chichester DC recently because appeal inspectors have identified a shortfall in housing land supply arising from delays in the delivery rate of other consented schemes in the District. One of the appeals was allowed even though the proposal was in conflict with an adopted Neighbourhood Plan such was the need to boost the supply of housing in the area. For this reason and setting aside any agreement we reached with you previously solely on viability grounds, CALA now take the view that any phasing of the Kirdford site would be considered unacceptable and unreasonable.

I trust this explains matters and hope you can reconsider the recommendation to the planning committee for an approval unencumbered by any phasing whatsoever.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'D' followed by a long, sweeping horizontal line that ends in a small upward curve.

Daniel W Webber BSc MRICS

Land Director

Agenda Item 10

Parish: East Wittering And Bracklesham	Ward: East Wittering
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EWB/17/01722/FUL



Proposal Change of use of a former holiday park to agricultural workers accommodation and associated works for a temporary period until 31st October 2019.

Site South Downs Holiday Village Bracklesham Lane Bracklesham PO20 8JE

Map Ref (E) 480841 (N) 97079

Applicant Mr Matthew Brown

RECOMMENDATION TO PERMIT

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

1.0 Reason for Committee Referral

Contentious application on which Officers consider decision should be by Committee.

2.0 The Site and Surroundings

- 2.1 The site lies north and east of the junction of the B2198 Bracklesham Lane with Clappers Lane. It comprises an area of approximately 2.1 hectares and adjoins the settlement boundary for Bracklesham which is defined by Clappers Lane. Adjoining the north and north-east of the site is the Holdens/Island Meadow Parks caravan and camping park. There is an outdoor swimming pool, an outdoor amenity area and car parking to the front of the site for 52 cars plus an overflow car parking area to the rear for 32 cars. The site is served by a vehicular access point onto both Bracklesham Lane and Clappers Lane. Mature boundary vegetation is located along the southern boundary screening views of the site from the south. To the south of the site are a number of detached residential dwellings on the south side of Clappers Lane. Further mature vegetation is located sporadically on the east, north and west boundaries. To the east of the site are a number of detached dwellings fronting onto Clappers Lane. The last use of the site was for holiday accommodation as part of the Sussex Downs Holiday Village. The site comprises a mix of 10 no. flat-roofed single storey holiday chalet blocks totalling 121 units, staff accommodation at single storey totalling 22 units and a two storey main complex housing a ballroom, dining room, kitchen, games room, bar and arcade. A hotel at first floor in the main complex houses 51 bedrooms.
- 2.2 The use of the site as a holiday park ceased in January 2017. The site began to be partly used for the seasonal accommodation of agricultural workers in the chalet blocks only on 3 April 2017.

3.0 The Proposal

- 3.1 The application is retrospective in nature and seeks planning permission for the change of use of the former holiday park to agricultural workers accommodation and associated works for a temporary period until 31st October 2019. The occupants will serve as seasonal agricultural workers for business enterprises in the local area. The existing accommodation provision (hotel, staff and chalets) will be utilised to accommodate these seasonal agricultural workers. The proposed accommodation provision is:

- Main Complex /Hotel (Blocks A, B & P) - 51 units;
- Block S (Staff) - 22 units; and
- Chalet (Blocks C, D, E, F, G, H, I, M, K & L) - 113 units.

Within the above units the proposal enables a potential peak capacity of 485 persons to be housed on the site at any one time, however the applicant anticipates the actual peak will be between 430-440 persons (due to voids between booking, holidays etc.). The proposal includes the provision of 8 full time equivalent workers (staff) to manage, maintain and provide welfare for the occupants.

3.2 Vehicle movements include a mix of private car and minibuses (or similar). Based on a maximum anticipated occupancy of 440 persons and assuming the worst case number of private vehicles, the applicant assumes vehicle movements will be as follows:

- 20 Mini buses (nine seat) transporting approximately 240 people (some buses will do multiple trips with a total of 26 to 28 return trips per day).
- 40 (five seat) private vehicles transporting approximately 200 people.
- Typical departure time 6:00am to 7:30am. Typical return time 16:30pm to 18:30pm.

3.3 The application proposes no external alterations to existing buildings or any hard or soft landscaping alterations. There are no current plans to renovate the existing swimming pool or provide it as a facility for the proposed occupants.

4.0 History

99/00315/FUL PER Continuance of use without complying with condition 3 of EW/38/78 which states "No chalet shall be occupied before 31st March or after the 31st October in each year".

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	FZ1
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

Parish Council

6.1 The Parish Council has no objection to this application but would like two conditions applied to any permission as follows:

1. That the holiday use remains included in the permission and that at the end of the temporary period it reverts totally to holiday use. East Wittering and Bracklesham's main economy is tourism and the loss of tourist accommodation should be avoided.

2. That the total number of occupants is limited to 300. This application will not provide any economic benefit to the community the applicant confirmed that their residents are bused out to large city supermarkets once a week to shop and they are endeavouring to provide all facilities on site. There is concern that an additional 300 people will put the existing medical provision under too much pressure.

However we are concerned with the wording "former holiday park". We believe that it is possible that a company may wish to take up this option at some date in the near future.

The lack of wording such as "holiday use" at this stage removes a hurdle to developers who may wish use the site for housing in the future. Bracklesham is a holiday destination for many people and Richardsons was particularly popular with the older generation. The holiday village was occupied all year round and provided vital employment for around 60, mainly local, people.

We have now lost those 60 jobs and these could be reinstated if the site reverts back to a holiday park. Should the site be used for housing the loss of those 60 jobs will be permanent and as employment opportunities are limited in the parish, this will lead to further stress on the road network with parishioners seeking employment elsewhere.

The applicant has stated that the workers are taken to Chichester for shopping with a resultant loss of trade to the parish. Entertainment/cafe, shop, etc, are to be provided on-site so there would be little need for the workers to go into the village.

The proposed use does nothing at all for the tourist industry on which the area is reliant. It would detract from the former holiday environment of the area. Tourism and its income is vital to both CDC and the Parish as per the Chichester Plan Local Review 2034 and the emerging Parish Neighbourhood Plan. It is vital to retain the site as capable of continuing to be used as holiday accommodation. We would like to see holiday use remain in the planning application.

The Parish needs holiday accommodation to encourage tourists back into the area and to provide much needed employment for locals and income for local businesses. Local businesses have reported losses since the closure of Richardson's. We have no issue with migrant agricultural workers as they work extremely hard doing jobs that most of us would not want to do or be capable of doing but generally their aim is to earn money and either save it up or send it to families back home. Bracklesham needs this site to remain as a holiday venue in order that the local economy can survive.

Policy 26 of your Local Plan relates to employment and states that employment sites should be retained in employment use unless the site is unlikely to be reused or redeveloped for employment uses. At this stage we do not know for certain that the site is not viable to be continued as a holiday park.

Policy 30 states that the loss of existing tourist accommodation will only be permitted where there is no proven demand for the facility and it can no longer make a positive contribution to the Local economy. As stated above at this stage we do not know for certain that the site is not viable to be continued as a holiday park. The last tourism

accommodation study carried out on behalf of Chichester District Council identified a shortage of holiday accommodation in the Manhood Peninsular and identified East Wittering as a good location for traditional holiday accommodation. The opportunity should not be lost.

The NPPF outlines that the Government is committed to securing economic growth both in urban and rural areas. It supports tourism and a prosperous rural economy. This site is important to the local economy in East Wittering and Bracklesham and forms an important part of the tourism industry of the parish.

We believe that the proposal is contrary to:

- (a) The Chichester Local Plan,
- (b) The Chichester Local Plan Review 2034,
- (c) The emerging Parish Neighbourhood Plan and
- (d) The NPPF.

The site should remain available for tourism use. Only if it is shown that there is no demand after proper marketing, should a change of use be made permanent.

6.2 WSSC - Highways

No Objection. No alterations are proposed to the access arrangements. The site has previously been used, and retains consent for, use as holiday accommodation. This use generates a significantly greater volume of traffic than that generated by use as workers accommodation. To minimise vehicular movements, the Applicant is proposing to use minibus and private vehicles to transport workers between the accommodation and employment locations. A total of 20 minibuses are to be used along with a further 40 cars. The retention of 84 spaces is sufficient to cater for the parking demand of 60 spaces generated by these vehicles. This arrangement is necessary to ensure the effective operation of the site, and it is recommended that a site specific Travel Plan is secured via condition requiring the implementation of these arrangements during operation.

A condition or other control mechanism should be imposed to enable 24 spaces to remain available for visitors and staff.

6.3 Sussex Police

With the level of crime and anti-social behaviour in Chichester district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered. Given that the workforce will be away for the majority of the week, I recommend a security presence on site to protect the facilities during the day and absent periods. In order to provide a safe and secure environment in which people can be expected to live safely and securely (this environment will act as permanent residential dwellings for the occupants for the said period), reducing the opportunity for crime from within as well as externally, and reducing the fear of crime several recommendations are made relating to: securing doors and windows, installing secure external postal boxes, licensing arrangements, intruder alarms, strict control of vehicles registered on site along with some form of parking / access enforcement, utilising the existing vehicle control measures to the former holiday village. This would reduce unwanted unauthorised access and control entry.

6.4 CDC - Community Warden

When news broke that the Richardson's site was going to be used to house Agricultural workers, there was a great deal of rumour mongering and comments on Social Media. A group of local mums were incensed by the negative rumours and baked Welcome cakes for the visitors, and I think that was a real turning point.

Since the guys moved on to the site, I have had very few incidents to deal with where the workers were responsible for any ASB. There have been cases where I have had quiet words with individuals about things like spitting, littering and swearing, but they have always accepted what I have said to them. When there have been cases where I have needed the support from staff on site, Mark Marriot and Jess Rodwell from Cre8 have both been superb.

Looking back to the very early days when locals were saying that the Witterings and Bracklesham would become the crime capital of the south coast, it is amazing how quickly things have mellowed. I deal with hundreds of locals, and I honestly cannot remember the last time I heard anything negative about the site. Crime has not increased, ASB has not increased. In 9 months, things have settled down nicely. There are occasionally complaints about noise at the site when the mini-buses ferry the workers to their workplaces, but Cre8 seem to have dealt well with those and locals have become more tolerant too. It's nice that some local shops now sell Eastern European food and drinks.

My view is that Cre8 are doing a good job. They work well with the community and do their level best to help the workers integrate successfully. I believe the vast majority of local residents now accept the Eastern European workers, and certainly do not see them as a threat or as a danger.

6.5 CDC - Economic Development Service

It is understood that there is a requirement for temporary housing for agricultural workers and we support this, however the retention of the site for tourism use in the longer term should be maintained. Tourism and Horticulture are two of the most economically important sectors to this area. Permanent loss of holiday accommodation/tourism use in this location would not be supported unless thoroughly underpinned by an evidence base as required by the Local Plan.

For horticultural companies in this district, finding appropriate staff for their operations is a challenge, due to the high average house and rental prices. If a company cannot provide accommodation then it is nearly impossible to retain suitably experienced staff.

This site, while needing a considerable amount of investment, is a prime site for tourism, close to the seafront. Holiday Parks, throughout the UK, are experiencing resurgence in popularity as the pound has fallen against the euro, making it more cost effective for many families to remain in the UK for their holidays. A report by Sanderson Weatherall supports this. Their 2017 Market Report "the Sunny Side of Brexit" explains that as well as the UK market "The fall in the value of the pound

made foreign travel more expensive and UK holidays better value for money in the eyes of foreign tourists".

In regards to static holiday pitches, the report also explains, "There has been a gradual improvement over the past 3 years on static caravan pitch values, culminating in a 12% rise over the past 12 months".

The Economic Development Service supports the temporary change of use on the understanding that at the end of this period the use will revert back to holiday use.

6.6 CDC - Contract Services

Request a bin collection point/store at the entrance to the site.

6.7 52 Third Party Objections

- a) The village needs holidaymakers not agricultural workers;
- b) Area infrastructure cannot cope with an influx of an unknown number of people;
- c) Workers should be accommodated on farms where they do seasonal work;
- d) Applicant has totally disregarded planning rules;
- e) Appearance of site is a disgrace;
- f) Chalet units were not built for long term accommodation only built for sleeping and ablutions therefore are not of a suitable standard for the workers;
- g) What workers will need to be accommodated during the winter and what will they be doing?;
- h) Site should be re-developed for much needed houses not for European farmworkers;
- i) Community safety is at risk from large influx of workers;
- j) Medical Centre cannot cope.
- k) Why has an alcohol license been granted?;
- l) People find large groups of workers in the village intimidating;
- m) Anti-social behaviour has increased;
- n) Noise nuisance;
- o) 400 workers totally different to families on holiday;
- p) Accommodation is too far from where the workers are employed;
- q) Local Plan policy resists loss of tourist accommodation unless it is proven there is no demand for the facility and it can no longer make a positive contribution to the Local economy.

6.8 4 Third Party Support

- a) Roundstone Nurseries Ltd - seasonal labour is critical to keeping our business running 12 months of the year. Employ 100 permanent employees but from February to end of June our labour requirements increase to up to a further 300 workers. Hard to recruit workers from local community and have had to rely on the migrant workforce. Crops will fail if Roundstone Nurseries and other businesses do not maintain their labour supply. Holiday park with its existing infrastructure far exceeds one of the other alternative solutions of caravans. With Brexit on the horizon sourcing a supply of labour is high on the list of future challenges.

b) Landlink Estates Ltd and Langmead Farms Ltd - support proposals. Own and operate two worker accommodation sites within the Chichester District being Home Farm, Selsey and River Farm, Petworth. Two further sites within the Arun District, one of which is occupied by workers employed by Pro-Force.

c) We are acutely aware of the severe shortfall and availability of both affordable housing and housing or accommodation facilities specifically for workers. The nature of employment within these industries has changed within the last 5-10 years. The industry now relies much more on agency labour providers such as Pro-Force to provide specialized and skilled labour. Workers employed by agencies are not directly linked to any one holding and may be employed across multiple industries with a fresh produce or processing focus and may not be linked to any particular season. Concept of worker accommodation being seasonal is also a dated theory. In essence there is year round demand for short term labour.

d) Hills Brothers (Chichester) Ltd - business employs average of 80 people of which 34 are seasonal. Over last few years recruitment of seasonal labour has become increasingly more difficult. Number of factors have contributed - high employment levels across Europe, sterling devaluation and concern over Brexit. Imperative to address this shortfall in good quality accommodation. Without seasonal labour we will struggle to harvest our plants during the peak seasons. For these reasons the application is supported.

6.9 Applicant/Agent's Supporting Information

The applicant has submitted a Design and Access Statement which includes a detailed analysis of the Planning issues raised by the application. This can be read in detail on the Council's website but concludes with the following points:

- the existing site is not attractive to serve as holiday accommodation, will need significant investment to be enticing for holiday accommodation use.
- proposals provide viable interim use for seasonal agricultural workers to serve the labour requirements of nearby local employers.
- proposal is for a temporary period until 31st October 2019 with pre-existing uses reinstated at the end of the period.
- seasonal workers are a vital component of the local agricultural and horticultural businesses without which entire industry would not be able to compete in the international market.
- will lead to increased pressure on existing housing stock and ultimately an inability to meet the labour demands.
- proposal ensures the amenity of occupants and the local community is safeguarded
- during the temporary period.
- development is sustainable and in full compliance with the development plan.

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 East Wittering and Bracklesham 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 2: Development Strategy and Settlement Hierarchy
- Policy 3: The Economy and Employment Provision
- Policy 8: Transport and Accessibility
- Policy 22: Integrated Coastal Zone Management for the Manhood Peninsula
- Policy 24: East Wittering and Bracklesham Strategic Development
- Policy 26*: Existing Employment Sites
- Policy 30*: Built Tourist and Leisure Development
- Policy 37*: Accommodation for Agricultural and other Rural Workers
- Policy 39: Transport, Accessibility and Parking
- Policy 45: Development in the Countryside
- Policy 46*: Alterations, Change of Use and/or Re-use of existing Buildings in the Countryside

*applications which fall under these policies are required to be accompanied by robust and credible evidence that adequate marketing has occurred in order to support the argument that the property/land is no longer required.

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), 18-22 (Building a strong, competitive economy), 28 (Supporting a prosperous rural economy), 55 (sustainable development in the rural area - including rural workers), 186-187 (Decision-taking), 196-197 (Determining applications)

Other Local Policy and Guidance

7.5 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
- Support and empower communities and people to help themselves and develop resilience
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services

8.0 Planning Comments

8.1 Background

The authorised use of the site as a holiday park ceased in January 2017 when the site was closed down. The Council were notified on 2 May 2017 that an alternative use of the holiday camp use had commenced. A site visit was carried out by officers on 3 May 2017 where it was ascertained that the site was being partially used for the accommodation of seasonal agricultural workers - within the chalet blocks only. On 15 May 2017 a Breach of Condition Notice was served advising that the occupation of the site was not authorised under the terms of the existing planning permission and with a requirement that the agricultural/farm workers should permanently vacate the holiday chalets. Following a subsequent meeting with the applicants/directors of Cre8 Property Ltd and Pro-Force it was agreed that the Council would withhold from taking further enforcement action pending the submission and determination of a planning application seeking to regularise the unauthorised use, for the Council's consideration.. It was additionally agreed that during this period there would be a restriction on numbers residing at the site to 230. The current planning application was submitted and then validated on 18 July.

8.2 The applicant is applying retrospectively for planning permission to accommodate agricultural workers on the former holiday park site for a 2 year period (until the end of October 2019). The applicant has applied for a temporary use rather than a permanent use for 2 main reasons. The site owners, Seaward Properties, have indicated that a lease much beyond 2019 does not fit with their longer term aspirations to bring forward an alternative proposed use of the site. The applicant also has concerns beyond 2019 about the longer term supply of migrant labour under Brexit and whether a facility of this size would therefore still be viable. At the end of the proposed two year period the applicant will have the option of either applying for an extension of the temporary use, applying for a permanent use (notwithstanding the freeholder's position) or the site would revert back to being a holiday park. The granting of a temporary permission as applied for would not in itself automatically extinguish the former use of the site as a holiday park. The site would not, in other words, be left with a 'nil' use after the proposed two year temporary period.

Assessment

The main issues relevant to this application are;

- i) Principle of the change of use and loss of existing tourism use
- ii) Impact on the amenities of the locality and that of neighbouring residents
- iii) Highway implications

i) Principle of the change of use and loss of existing tourism use

8.3 Both agriculture and tourism form key sectors of the District's economy in Chichester. Local Plan policy 30 is quite explicit in its requirement that *'Proposals involving the loss of tourist or leisure development, including holiday accommodation, will only be granted where there is no proven demand for the facility and it can no longer make a positive contribution to the economy'*. The applicant is not proposing a permanent loss of the holiday park. The application submission was not as a consequence *'...accompanied by robust and credible evidence that adequate marketing has occurred in order to support the argument that the property/land is no longer required'* as it would have needed to have been by Local Plan Appendix E for a permanent proposal. Officers are separately aware that the site has, and continues to be, marketed through Flude for holiday use, but that those sale terms do not include either long term leasehold or freehold options. The fact that the existing site would need significant investment to bring it up to modern tourism standards and holidaymakers expectations means that taking it on a short-term leasehold basis is unlikely to be an attractive option to potential major holiday/tourism providers. This is an inherent weakness in the marketing strategy. On the basis of a short term temporary use whilst the site is effectively between holiday park operators and to allow for a revised and credible marketing exercise to be carried out in the interim, officers are satisfied that the proposal is acceptable in principle in the knowledge that it will be required to revert back to holiday use at the end of that period.

8.4 The accommodation of agricultural workers in a rural district so-reliant on agriculture as a key part of the economy is also a significant issue. As a consequence of price pressure from retailers, there continues to be a downward price pressure on local businesses to drive down costs and achieve greater efficiencies and economies of scale and this includes the labour supply. The agricultural labour market in the UK and particularly in this District is now heavily dependent on migrant labour which is increasingly being provided via agency labour providers such as Pro-Force. The rise in agency farm workers has resulted in an attendant need to provide accommodation for them in convenient locations to the agricultural/horticultural holdings where their labour is required. This marks a sea change from the traditional employment pattern of around 10-15 years ago when seasonal workers were employed by specific farms rather than by an agency and were accommodated at their place of employment. The changed circumstances relating to meeting the current needs of the industry and the lack of dedicated workers accommodation in the District are currently being re-appraised by the Council as part of the review of the Local Plan.

- 8.5 In many ways the accommodation at South Downs Holiday Village is well suited to meeting the needs of agricultural workers. The features which made it successful to previous holiday camp occupants apply equally well to the proposed temporary use. The site is self-contained, providing all the facilities and significantly more than would normally be expected for workers accommodation. The main complex/hotel building for instance provides indoor sporting facilities (including a gym, table tennis, snooker tables, 5 aside football and darts), a shop, coffee shop with hot snacks, lounge area, bar, high speed internet and a cinema. The facilities are provided to ensure that the current and proposed occupants are engaged and entertained on site and to ultimately reduce their impact on the local community and local services.
- 8.6 The workers currently at the site are already providing key labour input into the local area and economy at the Chichester Food Park (travel time 14 mins, 8.1 miles) and at Batchmere (6 mins, 2.3 miles). The applicant advises that further businesses at Runcton (Vitacress), Bognor, Merston, Bosham, Sidlesham, Highleigh, Almodington, Midhurst and Selsey are also likely to require seasonal labour from the accommodation at South Downs Holiday Village. The occupants are typically on a six day week and spend the majority of the week off site working at local businesses leaving for site by mini bus typically between 6:00am and 7:30am and returning between 16:30pm and 18:30pm. The seasonal occupants have a 60/40 male-female split, are typically fit because of the nature of the work, are within the age range 18 and 55 and come predominately from a farming or labour intensive background. The work across the sites includes land preparation, husbandry, planting, harvesting, packing, sorting, processing and distribution and is 'year round' but with a higher concentration during the growing months. The applicant has advised that all the seasonal workers are employed in accordance with the law on preventing illegal working which is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.
- 8.7 Officers have carefully considered the use of the site which although in policy terms is in the countryside is not in an isolated location and is immediately adjacent to the settlement boundary for Bracklesham. The application relates to previously developed land and involves the re-use without external alteration of existing buildings. The proposal finds some support in Local Plan policy 46 and there is also strong industry backing for the proposals from West Sussex Growers Association, Wight Salads, Roundstone Nurseries, Langmead Farms and Hill Brothers who collectively point out that the existing housing stock cannot provide for the needs of the agricultural sector in the District. Seasonal workers are seen as a vital component of the local and horticultural businesses without which the industry would be at risk of not being able to compete in the international market. Officers understand these concerns and consider that whilst the marketing of the site to try to find an alternative holiday park operator takes place, it would be appropriate for a temporary period to permit occupation of the site by agricultural workers rather than to have it remain vacant, deteriorating and potentially being vandalised.

8.8 Balanced comments from the Council's Economic Development Service (EDS) recognise that for horticultural companies in this district, finding appropriate staff for their operations is a challenge, due to the high average house and rental prices. If a company cannot provide accommodation then it is nearly impossible to retain suitably experienced staff. However, by the same token the significant importance of tourism to the District is also acknowledged. EDS therefore recommends that the proposal is supported on a temporary basis only to foster the short term need of the agricultural industry to meet its workers accommodation requirements, but longer term the site should continue in tourism use being a prime site close to the seafront. Officers share this view and conclude on the first issue that the use finds support in the Local Plan and is acceptable for a limited period.

ii) Impact on the amenities of the locality and that of neighbouring residents

8.9 The sudden influx of agricultural workers onto the site without planning permission caused an initial degree of unrest locally including media exposure and online petitions. The abrupt change from a site latterly vacant but last used by holidaymakers, to a use for housing agricultural workers met with mixed reaction and a significant level of third party objection is detailed in this report. Concerns were raised about how the migrant workforce with language and cultural differences might integrate into the local community and the potential impact this might have on existing services and amenity as well as the loss of the holiday park use.

8.10 During the intervening weeks the pattern of routine use and the 'impact' has settled down. The site is considered by officers to be well run and given the level of on-site facilities is to a large extent self-contained minimising the impact on the wider settled community. This impression about the impact of the use is reinforced through the observations of the Council's Local Community Warden whose observations are reported at paragraph 6.4;. These observations are that over the last few months the use has settled down. Any incidents of anti-social behaviour are few and isolated and dealt with swiftly by the on-site management.

The Warden's comments conclude by saying, *'My view is that Cre8 [the applicant] are doing a good job. They work well with the community and do their level best to help the workers integrate successfully. I believe the vast majority of local residents now accept the Eastern European workers, and certainly do not see them as a threat or as a danger.* The Committee will also note the comment from Sussex Police at paragraph 6.3 that, *'I have no major concerns with the proposals'*. In fact the Police go on to advise how the site might be made a more safe and secure environment for people to live and to avoid the potential for crime during the majority of times when the workforce are away from the site.

8.11 The impression or otherwise of the use having now settled down after a somewhat turbulent initial period does not of course in anyway condone the fact that it remains unauthorised, it does not benefit from planning permission, and it is subject to potential enforcement action pending the outcome of this application. However, the year round occupation of the existing holiday chalets by agricultural workers as opposed to holidaymakers means that the overall change in impact on 'amenity' in officers' opinion is not significant and is acceptable.

Officers are mindful of the fact that the number of workers currently on the site (an informal restriction of up to 230 arising from the Breach of Condition Notice was agreed with the applicant) could potentially more than double if the application proposals are approved and fully implemented with the site being used to its full capacity. Whilst the current situation appears to officers to have settled down it is not known how a more than doubling of the number of occupants might have a different impact in terms of management, servicing and amenity issues. For that reason, and in recommending approval of the application for a temporary period, it is additionally considered that the upper limit of workers accommodated at the site should not exceed 300 (i.e. 70 additional workers or a 30% increase over the current agreed limit).

8.12 On the second issue officers are satisfied from observations of the site and consultation responses that a site restricted to 300 agricultural workers would not result in material harm to residential amenity and/or the amenity of the site's surroundings.

iii) Highway implications

8.13 The Committee will note the observations of WSCC Highways in respect of the likely impact or otherwise of the use on the local highway network. No new access to the highway is proposed as part of this application and no alterations to the existing access points at Bracklesham Lane and Clappers Lane. The previous use of the site as holiday accommodation would have generated a significantly greater volume of traffic than that which would be generated by the agricultural workers accommodation where the use of 20 minibuses to move workers around will provide a significant reduction in overall trip rates. No objection is therefore raised subject to the formalisation of the transport arrangements through a site specific travel plan and the safeguarding of 24 spaces on site for the exclusive use of staff and visitors to the site. Both these matters can be addressed by condition.

Significant Conditions

8.14 The proposal is recommended for approval subject to two key conditions. The first is to restrict the occupancy of the accommodation to 300 agricultural workers only and the second is to restrict that occupancy for a temporary period of 1 year from the date of the permission rather than the 2 years applied for. The recommended 1 year permission is in the circumstances considered to be reasonable and takes account of the period which the site has already been operating as an unauthorised use. The two conditions work together to enable the Council to review the circumstances under which the permission is given in terms of impact on amenity and to allow a continued more credible marketing exercise to be undertaken promoting the disposal of the site as a holiday park on more flexible terms which recognise the need for inward investment to improve its condition.

Conclusion

8.15 In recommending the application for approval officers have had to balance the competing needs of two key economic sectors in the District - agriculture and tourism. Both are important as the Council's Economic Development service make clear. However, officers are not satisfied that the continued future use of the site for holiday accommodation / tourism purposes has been fully exploited by the site owner since it closed in January 2017. The Local Plan requires robust and credible marketing to support the argument that the property/land is no longer required for its present purpose. It is clear that some significant investment would be needed to bring the site up to more modern standards. The site occupies a prime site close to the seafront and with appropriate investment it is considered that it could be attractive to a holiday park operator. This is against a backdrop of holiday parks generally throughout the UK experiencing a resurgence in popularity as the pound has fallen against the euro, making it more cost effective for many families to remain in the UK for their holidays. So longer term there is an expectation from officers that the site will remain in holiday park / tourism use. In the interim period whilst the site is not occupied by a holiday park operator, and to support the continued viability of the District's agricultural/horticultural businesses which rely on migrant labour, a short term approval for 1 year with a review thereafter is considered acceptable. The application is therefore recommended for approval.

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 permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The use of the site shall be for the accommodation of agricultural workers only and shall be for a limited period of 1 year from the date of this permission, at the end of which time the site shall be restored to its original condition or to a condition to be approved in writing by the Local Planning Authority.

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

Note: For the purposes of this condition agricultural workers are defined as those persons employed solely in agriculture as defined in Section 336 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: 006; 051-001; 051-002REVQ; 051-003REVP; 051-006REVB; 051-007REVC; 051-009REVA; 051-011REVA; 051-012REVB; 051-014REVB; 051-015REVB; 051-017REVA; 051-018REVA; 051-020REVA; 051-021REVA; 051-023REVB

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

3) At no time shall the maximum number of agricultural workers accommodated at the site exceed 300.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity.

4) Within 1 month of the date of this permission the applicant shall provide a designated refuse bin collection point on the site adjacent to the site entrance on Bracklesham Lane in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To facilitate the efficient weekly collection of refuse from the site.

5) Within 1 month of the date of this permission plans shall be submitted to and be approved in writing by the Local Planning Authority showing the allocation of 24 car parking spaces for staff and visitors to the site. Once approved the spaces shall be provided and maintained for car parking purposes only until the use hereby permitted ceases to continue.

Reason: To ensure adequate car parking is provided for the use within the site.

6) Within 1 month of the date of this permission a site specific Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority detailing measures to transport workers between the accommodation and the employment locations.

Reason: To ensure the effective operation of the site and the maximising of sustainable means of transport to reduce traffic generation on the highway.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) This permission authorises a Change of Use only and does not authorise any other development that may require planning permission.

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

Parish: Earnley	Ward: West Wittering
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E/17/01911/FUL



Proposal Erection of 1 no. custom/self build dwelling - alternative to dwelling permitted by virtue of Class Q Prior Approval for change of use from agriculture to Class C3 (dwellinghouse) under E/15/02353/PA3Q.

Site 101 First Avenue Almodington Earnley PO20 7LQ

Map Ref (E) 482427 (N) 98898

Applicant Mrs O Anderson

RECOMMENDATION TO DEFER FOR s106 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>

1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the south of First Avenue, Almodington within the rural area and outside of any settlement boundary. First Avenue is surrounded on each side by Land Share Association (LSA) plots that were established in the early 1950's and generally comprise a dwellinghouse with outbuildings and associated horticultural land; forming a small holding. Some of the LSA plots have changed over time, moving away from horticulture, although some remain in horticultural use. Many have been extended and, more recently, converted to dwellings under the Town and Country Planning (General Permitted Development) Order 2015, as amended. However, the road retains a spacious and informal rural character.
- 2.2 The application site is situated at the western end of First Avenue. There is a 2 storey dwelling to the north (101 First Avenue) and another 2 storey detached dwelling to the east (102 First Avenue), whilst to the south there is a nursery. To the north west of the site there is a single storey detached agricultural building which was granted prior approval for the conversion to a dwelling (15/01666/PAQ3) and subsequently granted planning permission to convert the building to residential and to erect a new pitched roof over a flat roof section of the building. To date neither the prior approval nor planning permission has been implemented.
- 2.3 The existing building on the site is constructed of blockwork and timber with a relatively low pitched roof of profiled fibre cement sheeting and has a central roller type door facing onto the turning area to the front. The building measures approximately 9.6m in depth and 7.5m in width, providing 72 sqm of floor area, with an eaves height of 2.3m and a ridge height off 3.65m. The building has 3 windows on each side and a single rear door. Previously, the building was used for battery chickens and subsequently as a general agricultural store. The application building was granted 'prior approval' for the conversion of the building to a residential unit (15/02353/PA3Q), the prior approval is valid until 15 September 2018 however this has not yet been implemented.

3.0 The Proposal

- 3.1 The application seeks planning permission to erect a dwelling with a floor area of 72sqm to replace the existing building on the site. The proposed dwelling would be 9.6m (d) x 7.5m (w) x 3.65m (h) with eaves at 2.3m high.

- 3.2 Externally the proposed replacement building would have a narrower opening than the existing building to the north, providing a door with narrow glazed panels on each side. There would be a single rear access door to the south elevation. On the east side of the proposed building there would be 3 windows, similar, albeit slightly wider than the existing. On the west side 2 similar but slightly wider windows are proposed and in addition a pair of patio type doors also with a glazed panel on each side. Materials are proposed to be slate for the roof and black Cedral boarding on a low red brick plinth for the elevations. The roof would also include a single row of PV panels on each side along most of its length.
- 3.3 It is proposed to re-site the new dwelling to the west of the position of the existing building by approximately 2.5m. A single car parking space (2.4m by 4.8m) is proposed to the front/side of the dwelling where it has been moved away from the east boundary. The site is irregularly shaped, but on average is approximately 13m in width and 12.5m in depth. The proposed dwelling would be located on average approximately 3m from the west boundary, approximately 0.8m from the rear boundary and approximately 1.1m from the front boundary.

4.0 History

15/02353/PA3Q YESPAP Part 3 Class Q application for prior approval - change of use of agricultural building from agriculture to 1 no. dwelling (C3 use class).

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

At its meeting on 20th July 2017 Earnley Parish Councils Planning Committee reviewed this application and resolved to object to the proposal to build a new building which would represent over urbanisation of a rural location and in addition the development would cause an increase in vehicle movements which would be contrary to the aims of sustainability both of which would be contrary to the Local Plan and National Planning Policy Framework.

6.2 WSCC Highways (summarised)

No objection. Conditions requiring the provision of cycles storage and car parking are recommended.

6.3 CDC Coastal and Drainage Engineer (summarised)

September 2017

No objection based on the additional information submitted.

July 2017

No objection. The site is close to flood zones 2 and 3 and recommend a condition that finished floor levels be set at a minimum of 300mm above the ground level of the site.

6.4 CDC Environment Officer (summarised)

Due to the location of the site, the proposed demolition works and the records of bats within close proximity there is a moderate likelihood of bats roosting with the building. A bat survey must be undertaken prior to determination of the application.

Any lighting scheme will need to take into consideration the presence of bats in the local area and should minimise potential impacts to any bats by avoiding unnecessary artificial light spill.

6.5 Third party comments

No letters of objection or support have been received.

6.6 Applicant/Agent's Supporting Information

In support of the application, the agent has advised:

- The applicant wishes to build a dwelling to meet both current needs and also latter life requirements - being constructed to full disabled requirements and at 'Build for Life' standard.
- Being a new build, as opposed to a change of use, the overall U values required for energy efficiency are far greater, thus resulting in a building with a much high energy efficiency levels
- The proposed siting is moved in order to move the property away from the driveway to the east that serves another nursery to the south
- Prior Approval has been granted for the change of use of the present building at the site from agriculture to 1no dwelling, this is both a viable and realistic option for the applicants to pursue. It is therefore clear that 1no dwelling will be provided on this site.
- I have instructed the services of a very experienced structural engineer from Archibald Shaw. Mr Peter Wilmott, a Chartered Civil and Structural Engineer. His letter submitted with the application notes that he has supervised a conversion of similar buildings at 82 Fletchers Lane, Sidlesham and that he considers the buildings on this site to be suitable for conversion. His expert opinion must carry significant weight.

- The availability of such a fall-back option - which is clearly both achievable and realistic - constitutes a compelling factor in this case. That said, I submit that this is not what the 'fall-back' requirement requires in order for it to be a significant material consideration. The relevant test of the fall-back position is not as the LPA have previously stated namely "a realistic prospect" - it does not have to be probably or likely: a possibility will suffice. This is the legal position as made clear in Samuel Smith Old Brewery (Tadcaster) V Secretary of State for Communities and Local Government, Selby DC and UK Coal Mining Ltd [2009] J.P.L. 1326.
- The LPA must not apply a different - and more stringent - test. Such an approach would be contrary to established case law and would be unreasonable.
- It is therefore plain beyond uncertainty or doubt that the planning balance clearly indicates that planning permission should be granted.

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 Earnley 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 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 33: New Residential 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 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

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 sections 5, 7 and 11 generally.

- 7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

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

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

7.7 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:

- Support communities to meet their own housing needs
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Impact upon character of the surrounding area
- iii. Impact upon the amenity of neighbouring properties
- iv. Ecological Considerations
- v. Highway safety
- vi. Flood Risk

Assessment

i. Principle of Development

8.2 The application site is located outside of any defined settlement boundary and is within the open countryside where new development is usually restricted in accordance with policy 1 and 2 of the CLP, unless otherwise permitted within policies contained in the plan, which seeks to ensure that new development is directed to the most sustainable locations. Although the site lies in a rural area where new dwellings are not usually permitted, regard must be had to the 'fall-back position' for the site, which is that the existing building could be converted to a residential use under the 'prior approval' which has been granted. The building is structurally sound and capable of conversion without significant alteration, and there is no reason to conclude that the existing building could not be converted in situ to provide a dwelling on the site. The fall-back position of the possibility that a dwelling could be created on the site is a material consideration that carries significant weight in the determination of this application. As such, it would be unreasonable to resist the application to 'replace' the permitted dwelling despite the rural location of the site as a matter of principle.

ii. Impact upon character of surrounding area

8.3 The proposed dwelling would be of the same size and scale as the existing building on the site, and the use of dark boarding above a brick plinth combined with a slate roof would be in keeping with the local vernacular for rural buildings. The application site can be seen from First Avenue, however due to the scale and appearance of the proposed dwelling it is considered that it would not represent a harmful form of development that would detract from the rural character of the locality. The proposal therefore complies with section 7 of the NPPF policy 33 that requires new development to respect the character of the site and its surroundings.

iii. Impact upon amenity of neighbouring properties

- 8.4 The proposed dwelling would be sufficiently distanced from the neighbouring dwellings to the north (33m) and east (21m) to ensure that the proposal would not result in any significant impacts upon the amenity of neighbouring properties. The proposal therefore accords with the requirements of policy 33 that requires new development to safeguard the reasonable amenities of neighbouring properties.

iv. Ecological Considerations

- 8.5 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area (SPA) and the 3.6km zone of influence of the Pagham Harbour SPA, where new development is likely to have significant environmental impacts on this internationally important designation. To mitigate against this, the applicant has agreed to provide a S106 Unilateral Undertaking and make a financial contribution of £871 to mitigate the harm of the development. It is therefore considered that the proposal complies with the provisions of Policies 50 and 51 of the CLP, and the proposal would not have an adverse impact upon the SPA's.
- 8.6 During the course of the application a bat survey has been undertaken and submitted for consideration. The bat survey did not find any evidence of bats roosting or foraging within the building, and no evidence of birds nesting within the building either. The ecologist who completed the survey does however identify that the vegetation to the south of the building could provide a habitat for nesting birds, and therefore recommends that the no site clearance is undertaken during bird nesting season.
- 8.7 Other recommendations from the ecologist include the strimming of grass surrounding the building prior to the works being undertaken to discourage reptiles from using the area, and also the provision of a bat and bird box is recommended in the interests of encouraging an increase in biodiversity on the site. Subject to the recommended measures being secured by condition it is considered that the proposal would meet the requirements of policy 49 of the CLP which seeks to ensure that biodiversity is not adversely affected, and where possible a net gain is secured.

v. Highways Safety

- 8.8 The proposed development would not give rise to an increase in vehicle movements beyond the level which would be expected from the authorised use of the existing building, or the fall-back position should it be converted to a dwelling. It is therefore considered that the proposed development would not have a significant impact upon the highway network. The proposed development includes a parking space to serve the dwelling, and space would be provided to the front of the dwelling to accommodate turning.

8.9 It is considered that the parking provision and turning arrangements would be sufficient to serve the proposed dwelling and to ensure vehicles can enter and exit the site in a forward gear. It is therefore considered that the proposed development would be afforded with adequate and safe access arrangements. For the reasons stated the proposal would meet the requirements of policy 39 of the CLP in respect of highway safety.

vi. Flood Risk

8.10 The application site lies in Flood Zone 1, however flood zone 2 wraps around the eastern side of the building. The Council's drainage engineer originally requested that the floor levels within the building be raised by 300mm due to the proximity of the flood zone. Following the submission of additional information setting out the proposed flood mitigation measures, as shown below, the drainage engineer is satisfied that the risk of flooding can be adequately managed using appropriate construction measures and removed this request.

8.11 The proposed flood mitigation measures include;

- The ground floor being constructed on a water exclusion strategy, with a finished ground floor slab a minimum of 200mm above existing ground level,
- Waterproof sealant on external walls and waterproof paint on internal walls,
- Solid floor construction with no air bricks,
- Hollow fibre internal doors will not be used on the ground floor,
- Electrical sockets will be sited at least 900mm above floor level,
- Flood boards will be provided for the external doors, and
- In event of a flood it is also proposed to link the property to an alarm system to warn of an imminent flood event.

8.12 It is recommended that the proposed measures are conditioned to ensure the development is carried out in accordance with these details to ensure the proposal would effectively manage the flood risk. The proposal therefore complies with policy 42 in this respect.

Conclusion

8.13 Based on the above it is considered the prior approval which has been granted to convert the existing building from an agricultural use to residential represents a fall-back position for the site which is a material consideration that carries weight. Given the fall-back position that means the site could be developed to provide a dwelling on the site, the proposed 'replacement' dwelling complies with the development plan, which would otherwise restrict the provision of new dwellings in this rural location. The proposal would be acceptable in respect of its impact upon the character of the area, the amenity of neighbouring properties, highway safety, drainage and ecology and therefore the proposal complies with development plan policies 1, 2, 33, 39, 49, 50 and 51 in addition to the NPPF and therefore the application is 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

PERMIT WITH S106 subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1B, 2B and 18A

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

3) **No part of the development hereby permitted shall be first occupied** until the car parking 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 car parking on-site to meet the needs of the development.

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

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

5) **Prior to first occupation of the dwelling(s) hereby permitted** the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

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

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

Reason: In the interests of protecting the amenity of neighbours.

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

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

7) **The development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

8) The development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment produced by Stephen Jupp; and the following mitigation measures detailed within the Flood Risk Assessment:

- The ground floor being constructed on a water exclusion strategy, with a finished ground floorslab a minimum of 200mm above existing ground level, hard-core bed at least 100mm thick, of well compacted inert material, blinded with fine inert material to provide a smooth base, damp proof membrane of polythene at least 1200 gauge and concrete slab at least 150mm thick, and insulation as rigid closed-cell material.
- Waterproof sealant on external walls and waterproof paint on internal walls,
- Solid floor construction with no air bricks,
- Hollow fibre internal doors will not be used on the ground floor,
- Electrical sockets will be sited at least 900mm above floor level,
- Flood boards will be provided for the external doors, and
- In event of a flood it is also proposed to link the property to an alarm system to warn of an imminent flood event.

The **mitigation measures shall be fully implemented prior to occupation** and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

9) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

10) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the recommendations section of the submitted Bat Scoping Assessment dated 17 October 2017 produced by The Ecology Co-op.

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.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) S106

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

3) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996).

These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

For further information on this application please contact Fjola Stevens on 01243 534734

Agenda Item 12

Parish:
Chichester

Ward:
Chichester North

1. CC/14/01018/OUT

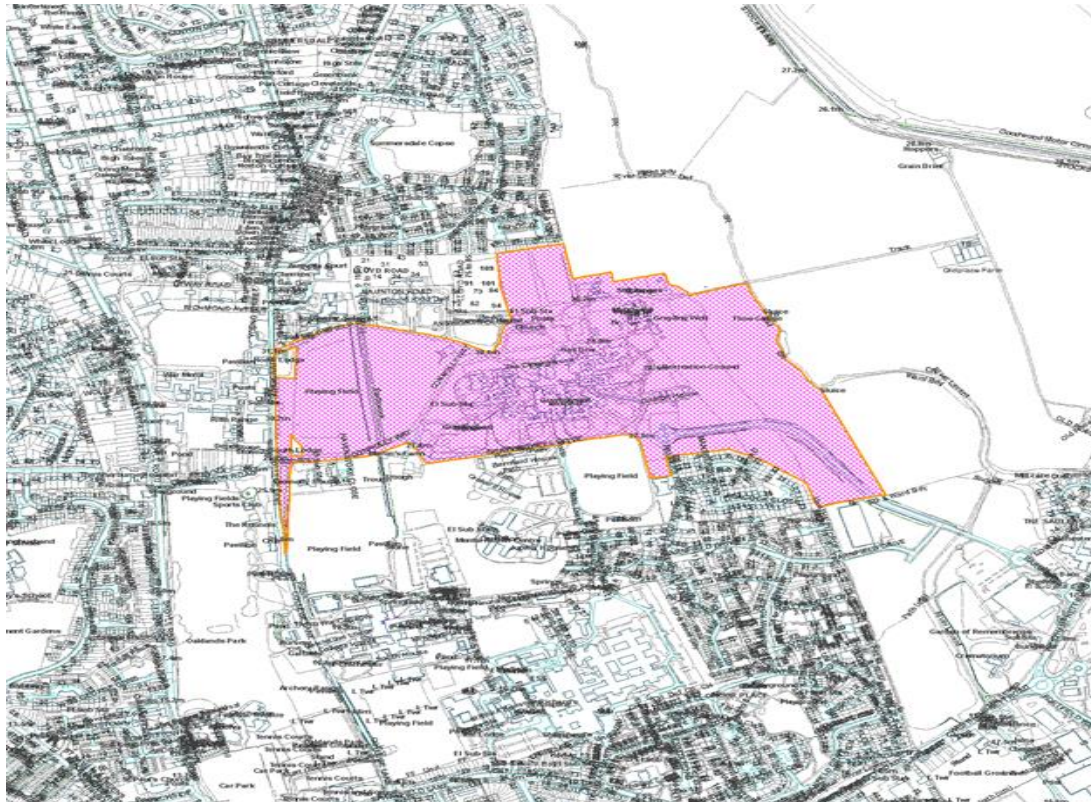
Proposal Outline application for Graylingwell Park including Kingsmead Avenue incorporating revised masterplan layout for up to 218 dwellings. Proposals include increased overall parking provision, revised architectural styling, CCDT community buildings, revised employment floor space, a C2 care home, works to Havenstoke Park to include re-location of children's play area, and a gated car parking area for temporary event parking.

Site Graylingwell Hospital College Lane Chichester West Sussex PO19 6PQ

Map Ref (E) 486789 (N) 106346

Applicant Mr Robin Pearmain

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

City Council Objection - Officer recommends Permit

This application was deferred for negotiations/further information at the Planning Committee meeting on 12th November 2014. At the Planning Committee meeting on 10 December 2014 members resolved to agree the officer recommendation to permit the development subject to completion of the associated section 106 agreement (s106).

During the intervening period, detailed discussions and negotiations have been taking place with the developer to try to resolve issues relating to the required s106 obligations in order to complete the agreement and allow the decision notice on the application to be issued. Certain obligations and triggers from the original 2009 agreement more particularly relating to transport matters with WSCC had not been met by the developer and protracted negotiations ensued to try to rectify this. During discussions with the developer, the Council was advised that the development was facing serious viability issues which meant that several of the previously agreed triggers in the 2009 s.106 agreement would not be met and would need to be re-visited. The developer requested that triggers for the delivery of infrastructure were pushed back further towards the end of the construction programme. The developer submitted a viability report in 2015 which concluded that the development was making a loss. The District Valuer (DV) assessed this report on behalf of the Council in late November 2015 and agreed that the development was effectively making a loss on a year-by-year basis. This was partly due to the required 40% affordable housing provision and the particular issues relating to this scheme. The recommendations of the DV to the Council were that consideration was given to either a reduction in the level of s.106 contributions sought or a removal of index-linking.

In February 2016 the Council adopted the Community Infrastructure Levy (CIL). This introduced an additional level of complexity in terms of the drafting of the revised s.106 agreement requiring those matters which were now covered by CIL to be extracted from the s.106. Drafting of the s.106 encompassing the amendments necessary for CIL continued throughout 2016 and into this year with the developer focussing on meeting their outstanding s.106 payments from the 2009 agreement.

Through the continued significant work of officers from both CDC and WSCC and the associated legal representation, as well as the new impetus at Graylingwell Park created by a new developer management team, work on completing the revised legal agreement has now significantly advanced to the point where at the time of writing the document is ready to be engrossed and it is anticipated completion will take place early in the new year, whereupon the revised outline planning permission can be issued.

Following the December 2014 Committee resolution the developer continued to build out the remaining reserved matters approval for 245 dwellings in the inner and outer core of the site. Beyond that for commercial reasons there was a need to maintain a presence on site to keep the momentum of construction and housing

delivery going. To enable that end, separate full applications were submitted during 2016 for the 10 additional dwellings at the Wooded Hamlet and the 3 no. additional apartments in converted building I which were formally part of this application. An additional reserved matters application for phase 4 of the site for 160 dwellings pursuant to the 2009 outline permission was also submitted and approved in January 2016.

In the 3 years following the 2014 Committee resolution therefore, 173 additional dwellings have been permitted and are either under construction or have been completed. The current outline application as amended is therefore for the re-adjusted balance of dwellings remaining to be built i.e. 218 (391 – 173) at Graylingwell Park including the site at Kingsmead Avenue. For the avoidance of doubt the description of the development attached to the head of this report has been amended to reflect the development now being recommended for approval.

For completeness and comparison the original 2014 application description with strikethrough amendments reads:

~~Hybrid eOutline application for Graylingwell Park including Kingsmead Avenue incorporating revised masterplan layout for up to 391 218 dwellings. Detailed permission is sought for 10 of these dwellings in the Wooded Hamlet extension and 3 new apartments in converted Outer Core Block I plus parking, landscaping of the Airing Courts and engineering and landscaping works on the Eastern Fringe.~~ Proposals include increased overall parking provision, revised architectural styling, CCDT community buildings, revised employment floor space, a C2 care home, works to Havenstoke Park to include re-location of children's play area, and a gated car parking area for temporary event parking.

In terms of the content of the s.106 agreement, the summary table attached to this report sets out the obligations and the revised triggers which have been agreed between officers at CDC, WSCC and with the developer. The triggers set out in the table are in the context of approximately 384 completed dwellings at Graylingwell Park.

The remainder of this report is the report from December 2014 which has been amended where necessary in respect of updates to the site history and certain conditions which needed amendment.

On the basis of the above, the recommendation before the Committee remains unchanged. Officers have negotiated a revised s.106 agreement the terms of which are considered to address the infrastructure requirements of the development, to continue to reflect the original ethos behind Graylingwell Park of providing a mixed use, low carbon development and to deliver the facilities which the new residents rightly expect to be delivered.

The Committee is asked to re-endorse the 2014 resolution with the amended s.106 heads of terms to allow the remaining housing and supporting components in this key strategic site for the Council to be delivered.

2.0 The Site and Surroundings

- 2.1 The application site comprises the grounds and retained buildings of the former Graylingwell mental asylum now being re-developed and renamed as Graylingwell Park in north east Chichester. A key characteristic of Graylingwell Park is the parkland setting of the buildings, interspersed with significant areas of green open space, mature trees and shrubbery.

This results in the site having a spacious campus-like feel which is most apparent at Havenstoke Park, a large open greenspace enclosed by tree planting. The application site is currently being re-developed following the hybrid outline/full planning permission granted in August 2009 for a mixed use housing-led development of 750 dwellings. The site includes the triangular parcel of land at Kingsmead Avenue which was subject to a separate grant of outline planning permission for 43 dwellings in 2010. The applicant has sub-divided Graylingwell into 14 character areas with the development proposed to be carried out in 9 phases. Phase 1 of the development at the 'Linear Mews' character area for 110 dwellings is now complete and occupied. The second phase of the development for 248 dwellings in the 'Inner and Outer Core' of the converted former hospital buildings is progressing and is partly occupied. A third built phase comprising 35 dwellings in the 'Wooded Hamlet' is currently under construction to the south-west of the outer core buildings.

3.0 The Proposal

- 3.1 The application site relates to the remaining balance of land at Graylingwell Park which has not already been developed out either as a result of the original 2009 permission or which is not already subject to a reserved matters approval. It comprises an area of 27.71 hectares. A total of 394 dwellings fall into the already built or already benefitting from detailed permission category and are not subject to the proposals in this current application. These are the dwellings at the Linear Mews, the Wooded Hamlet and in the Inner and Outer Core character areas (with the exception of the refurbishment of the Airing Courts and Block I in the Outer Core).
- 3.2 The revised cumulative total number of dwellings now proposed for the 'Graylingwell' development as a whole is 785. This is 8 fewer than the combined total of 793 for the original 2009 planning permission and the development at Kingsmead Avenue. This relatively small reduction in overall numbers is as a result of the amendments that have been carried out to the mix of dwellings. The revised mix now provides for fewer apartments and more houses which require a correspondingly greater land take.
- 3.3 As with the original application, the proposals are submitted as a hybrid application - partly in outline and partly in full. In terms of the outline aspect of the proposal, the only matter for consideration in addition to the principle of the development, the mix of dwellings and the range of different uses, is the 'access' to the site. Although the application is accompanied by an 'illustrative' masterplan as well as a detailed Design and Access Statement and supporting reports and plans, the final layout of the development, the scale, appearance and relationship of buildings to each other on the site are reserved matters which are not for determination at this time and will form part of a subsequent application.

However, given that the proposals have been worked up to a significant degree in order to establish that the component parts can all be accommodated on the site within normally expected development parameters, it is considered likely that the final layout will not depart in any significant respect from the illustrative masterplan.

3.4 The key components of the outline and full proposals are as follows:

Outline proposals

- A proposed 391 dwellings. This is the remaining balance out of the revised total of 785. (The 391 includes details submitted in full for 10 of these dwellings in the Wooded Hamlet and 3 new apartments in the converted Outer Core Block I.)
- A change to the overall size and mix of dwellings to accord with the Strategic Housing Market Assessment (SHMA) and the Council's objectively assessed housing needs
- The 391 dwellings include:
 - an extension of the 'Mews with Views' character area further to the east to provide 20 new dwellings
 - 2 additional dwellings added to the 'Arrival Avenue' character area
 - 10-12 apartments in a 2 storey building on the west side of 'Chapel Green'
- The childrens Adventure Play Area moved from the south to the north side of Havenstoke Park closer to the existing Pavilion
- A gated area on the north side of Havenstoke Park providing informal temporary community event parking for up to 59 vehicles
- Use of the Chapel for a range of community facilities in addition to its use as a place of worship
- The Pavilion on Havenstoke Park to be used for community facility purposes and as sports changing rooms
- An increase in the overall number of car parking spaces. Across the whole development the provision would be approximately 1.72 spaces per dwelling. For the remaining 391 dwellings the ratio would be 1.9. By comparison the original permission (not including the Kingsmead Avenue site) resulted in approximately 1.5 spaces per dwelling.
- Revisions to the non-residential elements so that the development now provides:
 - A convenience store of approx. 372sqm adjacent to Graylingwell Farmhouse
 - Graylingwell Farmhouse to be used as pub/restaurant 561.4sqm
 - B1 offices and artist studio space totalling 1010sqm at the converted Marchwell buildings (955sqm) and in the Water Tower (55sqm)
 - Residential care home of 3500sqm
 - The Chapel to be used as community space 396.5sqm (net)
 - The Havenstoke Pavilion to be used as community space/café 144.8sqm and sports changing rooms 113.7sqm

Full proposals

- 10 new dwellings as an eastern extension to the Wooded Hamlet
- 3 new apartments within the converted roofspace of the retained former hospital building Block I in the Outer Core
- Landscaping of the Airing Courts at the Outer Core
- Landscaping of the Eastern Fringe - Fields, Meadows and Allotments character area

4.0 History

91/00546/CC	ALLOW	Change of Use and conversion of Core buildings to B1 Business use, multi-purpose hall primary school open space, landscaping, car parking, access and roads.
98/01390/OUT	PER106	Erection of 154 dwellings.
99/01467/FUL	PER106	The change of use & conversion of existing hospital buildings to Class B1 use; provision of open space; landscaping, car parking and alterations to the junctions of internal roads with Summersdale Road (renewal of unimplemented permission).
6/02011/OUT	PER106	Erection of 154 dwellings. Renewal of unimplemented permission CC/98/01390/OUT.
08/03533/OUT	PER106	A hybrid outline application for the comprehensive phased residential and mixed use regeneration and change of use for 750 market and affordable dwellings, care home, commercial accommodation within use classes B1, A1, A2, A3, A4, A5, D1, community facilities including use classes D1 and D2. A combined heat and power energy centre, car parking, public open space, sports pitches, art and culture strategy, landscaping, vehicular access and earthworks. Phase 1 fully detailed application for 110 new dwellings, a temporary sales centre/sports changing room to be converted to

		changing rooms and cafe later, 251sq m energy centre, associated SUDS and landscaping relating to the heart space.
08/03534/CAC	PER	Proposed demolition of a number of buildings and structures within the former Graylingwell Hospital Site, College Lane, Chichester and regeneration for residential and mixed use development.
09/06376/FUL	PER	A district heating and energy centre providing heat and power to the surrounding development as application number 08/03533/OUT. Providing larger accommodation than stated in the previous application, owing to further detailed design of the plant required to meet the requirements of the outline development.
10/02926/REM	PER	Provision of 245 residential dwellings including 102 affordable units, allocated residential car parking, open space, landscaping and 24 visitor parking spaces around Havenstoke Park (phases 2, 3 and 6A).
11/01283/FUL	PER	Proposed building for sports pitch temporary changing accommodation.
11/03775/NMA	PER	Non Material Amendment to CC/10/02926/REM - Amendments to the external elevations of units within the western inner core of new build housing to the above application.
12/00884/FUL	WDN	Re-location of Havenstoke Park play area within the former Graylingwell Hospital site.
12/04307/REM	PER106	Approval of 18 no. car parking spaces as an alternative to the layout of the car parking spaces approved under CC/10/02926/REM.

13/00837/REM	PER	Application for Phase 5 of Graylingwell for 35 residential dwellings, 67 car parking spaces including 6 visitor spaces, open space and landscaping.
13/00907/REM	PER106	Approval of 8 dwellings in the northern half of Block G and 4 no. car parking spaces as an alternative in part to approval CC/10/02926/REM.
14/01514/FUL	PER	Erection of a temporary timber frame building for a period of up to 5 years for community facilities for the benefit of residents at Graylingwell Park and the wider community.

5.0 Constraints

Listed Building	YES
Conservation Area	YES (part)
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	YES
South Downs National Park	NO
- Flood Zone 2	YES (part)
- Flood Zone 3	YES (part)
Historic Parks and Gardens	YES

6.0 Representations and Consultations

6.1 City Council

Objection [CDC Planning Officer comment: whilst this is described as an objection there are elements of 'no objection' and 'support' as detailed below]

1. Minor amendments to parking areas around northern edge of park to allow enhanced landscape treatment
2. Size of temporary visitors parking area reduced and landscape treatment simplified
3. Parking area redesigned to allow retention of more trees

Recommendation: No objection to 1,2,&3.

4. Proposed north-western extension to Wooded Hamlet (Site A) 6 homes removed to allow retention of trees.

Recommendation: (Site A) Support reduction in extent of development in north west, but concerned that garden enlargements to south should leave a sufficient buffer for a viable landscape belt.

5. South-eastern extension to Wooded Hamlet - Redesigned with two additional homes.

Recommendation: (Site B) Reiterate previous objection to northernmost of two blocks in principle and to the addition of two homes and maintain that the southern block should be no more than two storeys in height with a greater separation distance to afford views of the central core.

6. Flat block on the western side of Chapel Green moved further away (south and west) from the Chapel and reduced by a storey in height to two storey with set-back upper floor with more traditional materials.

Recommendation: Support the principle however, it is considered that the design is inappropriate and needs to recognise the setting and proximity of the listed Chapel.

7. Larger homes (2.5 - 3 storey) along northern boundary swapped with smaller, shorter homes (2.0 - 2.5 storey) from western boundary

Recommendation: Support

8. A number of additional homes provided through redesign of terraces

9. Minor amendment to parking area to improve adjacent garden sizes

10. Two additional homes provided through redesign of the area to the north of the playing fields

Recommendation: No objection to 8, 9 and 10.

11. Further amendments to allotments and orchard planting as part of detailed landscape and drainage design

Recommendation: Support

12. Proposed development in eastern airing court removed

Recommendation: Support

13. Redesign of street pattern provides two additional homes in Arrival Avenue character area.

Recommendation: No objection

14. Two houses in Summersdale Road: It is considered that this is an unnecessary and damaging intrusion into the landscape belt which currently extends along the east side of Summersdale Road and will adversely affect the character and appearance of the area and the setting of the existing Lodge.

Recommendation: Objection.

6.2 CCAAC

Object to the proposed houses on Summersdale Road. Will harm setting of South Lodge and the Conservation Area.

6.3 Chichester Harbour Conservancy

The Conservancy's initial concern 23.10.2008 related to wastewater treatment capacity and the quality of treated foul sewage entering the harbour. Since that time UV screening has been introduced at Apuldram WWTW. It is noted that SUDS are to be incorporated within the development to attenuate surface water run-off. It is noted that several mitigating payments have been made for potential recreational disturbance at the harbourside, agreed as an overall package to make the environmental effects acceptable. There has been a modest decrease in the number of dwellings proposed. The Conservancy raises no objections to the application.

6.4 Environment Agency

No objections. Require re-imposition of relevant conditions.

6.5 Southern Water Services

An existing agreement is in place between Southern Water and Scottish and Southern Electric for the disposal of foul water from this development. The connection point to the public sewerage system and the agreed flow rate must be complied with.

6.6 Natural England

Recreational disturbance: no objection. Not likely to have a significant effect on Chichester and Langstone Harbour SPA, SSSI, Ramsar site subject to the mitigation measures and obligations previously secured being complied with.

6.7 Sussex Police

Have been working closely with the applicants in securing Secured by Design (SBD) Full Award for the development and its phased construction. Confident that any amendments will be suitable in keeping with SBD principles and requirements.

6.8 Sport England

Has considered this as a non-statutory consultation as the site is not considered to form part of or constitute a 'playing field' and it therefore has no comments to make.

6.9 WSCC - Infrastructure

In accordance with the Infrastructure SPG the following contributions are sought:

Libraries - £109,588;

Fire and Rescue Service Provision - £12,084

Education, including Early Years - tbc

Fire Hydrants - tbc

Highways - bus service - £1,130,601; Real Time Information - £117,783;

Westhampnett Road/Spitalfields Lane/St.Pancras contribution - £90,949;

Highways bond (for all contributions) - £284,500; Parking Study - £284,500;

TOTAL: £1,908,333.

6.10 WSCC - Highways

No objection to the proposed development, subject to conditions and a Section 106 Agreement.

Impacts

Residential:

The applicant suggests that flats typically generate 45% lower vehicle trips than houses in the AM peak period and 55% fewer vehicle trips in the evening peak. The applicant estimates that the net impact of the proposal is anticipated to result in an increase of 21 two-way vehicles in the morning peak period 08:00-09:00am and 12 two-way vehicle movements in the evening peak period 17:00-18:00pm.

Based on an analysis using TRICS data the estimated net impact of the proposal is anticipated to result in an increase of 41 two-way vehicle movements in the morning peak period and 18 two-way vehicle movements in the evening peak period.

Impact on 60-40% traffic split (Kingsmead Avenue and Summersdale Road/College Lane).

Using the TRICS figures, the conclusion with regard to traffic impact is that all net increases, and taking into account the 60-40% traffic split (which is maintained), results in less than the 30 vehicles per hour junction threshold as set out in the DfT's Transport Assessment Guidance. As such, the overall increase in traffic cannot be considered *severe* when assessed against NPPF.

Commercial

The overall reduction in commercial floorspace results in fewer trips on the network; this offsets the increase in movements associated with the revised residential element, minimising the impact on the highway network. The LHA considers that the proposed development accords with paragraph 32 of the National Planning Policy Framework in that the development would not have a severe impact on the operation of the network.

Parking

Residential:

Given the location of the development so close to the City centre and to further reinforce the sites' sustainable credentials, the original Masterplan targets associated with the approved scheme reduced parking provision to approximately 75% of the maximum standards quoted above. This resulted in an average provision of about 1.5 spaces per dwelling. The applicant's own experience suggests that the approved ratio has proved too low for some of the dwellings proposed. Following redevelopment based on the revised Masterplan (the subject of this application but including that already built/committed to), the overall parking ratio for residential development would be 1.72. For the subject of the current proposal (the 391 dwellings), the ratio would be 1.90 per dwelling. The level of parking provided is in accordance with the WSCC Parking Demand Calculator and therefore provides a parking supply in-line with the anticipated residential demand generated by the site. The LHA considers the 1.9 ratio to be an appropriate parking provision.

Commercial:

Further parking has been provided at the request of the Highway Authority and is in accordance with the revised County Parking Standards (2010). The LHA consider the parking provision to be appropriate to satisfy the anticipated demand generated by the commercial element of the scheme.

6.11 CDC - Historic Buildings Adviser

No objection.

The revisions to the design of the dwellings at the east end of the Wooded Hamlet and the four dwellings at the Western Gateway are welcome improvements. Although the height of the residential apartments at the western side of Chapel Green have been reduced from four storeys to two maximum, any development in this location remains likely to result in harm to the setting of the listed Chapel, registered park, and Conservation Area more generally. The design of the apartments in relation to the Chapel and historic grouping including the water tower and the former Administration Block will have to be of the highest standard to mitigate impact. Dwellings at the Mews with Views will require careful consideration to protect setting of the listed farmhouse.

6.12 CDC - Environmental Health Officer

As there are proposed alterations to the land uses within the revised masterplan eg a reduction in commercial floorspace, an increase in the number of houses and a decrease in the number of flats we would expect additional site investigation work within areas where land uses have become more sensitive. Standard land contamination condition is recommended.

There will be a slight decrease in vehicle movements due to the reduction in commercial use on the site and therefore no need to require any additional air quality assessment.

6.13 CDC - Housing Enabling Manager

The local housing authority supports this scheme, which is an important strategic housing site. The housing mix proposed, for both market and affordable units will give a good range of homes in a highly sustainable and attractive setting.

6.14 CDC - Archaeological Officer

Archaeological potential of this site would justify a programme of trial trenching. Recommend Council's standard planning condition in this respect.

6.15 CDC - Drainage Engineer

The SUDS surface water drainage design through infiltration is acceptable. Conditions recommended.

6.16 CDC - Tree Officer

The scheme has been revised following detailed discussions with the applicant's tree consultant to ensure that important elements of tree cover which were initially proposed to be removed as part of this application to make way for new houses and extra parking are now to be retained.

6.17 CDC - Environmental Strategy

Reptile and Bat surveys and appropriate mitigation will need to be undertaken in key areas of the site. A full mitigation strategy will be required prior to reserved matters stage and a condition should be imposed to that effect.

6.18 CDC - Open Space

There is no reduction in open space and play provision and consultation has been carried out with residents to enable their input. I consider the changes acceptable.

6.19 CDC - Sport and Leisure

Requirements will be the same as the original permission plus a contribution of £43,713 in respect of the additional 43 dwellings at the Kingsmead Avenue which are now part of the one application.

6.20 CDC - Economic Development

Regret the loss of employment space at the Graylingwell development. This particularly applies to the B1 premises within the "wrap building". We would want the remainder of the B1 premises to be available on flexible terms to micro-businesses, in order to encourage take up of the space. There are a large percentage of micro-businesses within Chichester District and many currently struggle to find suitable premises. Small businesses are unlikely to be interested in off-plan sites due to uncertainty regarding the standard of construction, layout and building timescales. Marketing off-plan accommodation is highly unlikely to produce much, if any, interest. The emerging Local Plan supports the provision of employment space within Graylingwell under Policy 14.

The Council's Economic Development Service has reconsidered the trigger for provision of the commercial units within the development in the light of the agent's further information. The original S106 states that the original trigger is by the time 60% of the residential development has been occupied, the commercial space should be provided. With 785 residential properties, this would mean delivery by 471st dwelling. We are reluctant to deviate from this figure, however if it could be agreed that all of the B1 commercial space as well as the convenience store but with the exception of the care home are completed by the occupation of the 550th (70%) residential property, we would accept this as the trigger.

6.21 CDC - Community and Partnerships Support Manager

I am satisfied that the revised application effectively makes comparable provision for the community to that proposed in the previous outline permission, albeit in a significantly different form. The wider "package" of assets to be endowed to the community remains broadly unchanged. Whereas five years ago we were anticipating the future needs of the community through the theoretical structure of a proposed Community Development Trust, we now at least have a reasonably informed view from Chichester Community Development Trust.

A separate contribution of £1759 per dwelling, so £75,637 is sought for the dwellings at Kingsmead Avenue reflecting the previous separate S.106 agreement.

6.22 5 Third Party Objections

Removal of the Community Hall from the proposals
Object to residential block on east and west side of Chapel Green
Tree removal destroys parkland setting
Reduction of allotments and orchard space

Object to housing on Summersdale Road
Not clear that 60:40 traffic split is being maintained
Insufficient food retail space
Reduction in the employment space
Petition with 357 signatures opposing the 4 storey building on Chapel Green.

Officer Comment - The building on the west side of Chapel Green whilst originally proposed at 4 storeys is now reduced to 2 storeys. The original outline permission was for a 4 storey building on the east side of Chapel Green with the siting, layout and appearance to be agreed through a later application. The current application also proposes a maximum 4 storey building in this area again with the final siting, layout and appearance to be agreed through a later application.

6.23 1 Third Party Other

Comments from the Chichester Community Development Trust (CCDT). Confirm that the CCDT will take on the following assets;

- The Chapel
- Chapel Green - Land
- Sales Office - The Building that is currently being utilised as a Sales Office to be transferred to the CCDT as a replacement for the original planned new build Community Hall. The CCDT board in consultation with local residents and the GPRA have agreed that if the Sales Office is passed to the CCDT in its entirety then this would be a suitable replacement for a community hall.
- The Studios 10,000 sqft of new build and refurbished studio space
- The Water Tower refurbished and made fit for purpose
- Havenstoke Park Land - to include a sum to be agreed with the LLP and CDC for future maintenance of the Land at Havenstoke Park

6.24 Applicant/Agent's Supporting Information

This is a major development and in addition to the Design and Access Statement and the schedule of plans the application is accompanied by a comprehensive suite of detailed technical reports on the following matters: Planning, Affordable Housing and Management; Statement of Community Involvement; Heritage Statement and Impact assessment; Transport Assessment; Landscape Strategy; Landscape and Visual Impact Assessment; Arboricultural Report; Ecology Report; Archaeological Specification; Flood Risk and Drainage Strategy; Statement on Wastewater; Geo-environmental Review. All the above reports can be read on the Council's website.

Applicants cannot accept requirement for delivery of the commercial units once 50% residential occupancy has been reached. There were no comparable occupancy restrictions placed on commercial units delivery in the previous S106 agreement that accompanied the 2009 planning permission. The delivery of the commercial units may not accord with the phase of development being undertaken by the applicants at the time 50% occupancy is reached. It would not be appropriate from a phasing, development or construction perspective to look to deliver these units in isolation to the surrounding components of the particular phase in which the commercial units are located.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District currently comprises the saved policies of the Chichester District Local Plan First Review 1999.

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

Chichester District Local Plan First Review 1999:

- BE1 Settlement Policy Areas
- BE3 Archaeology
- BE4 Buildings of Architectural or Historic Merit
- BE5 Alterations to Listed Buildings
- BE6 Conservation Areas
- BE11 New Development
- BE12 Alterations, Extensions and Conversions
- BE13 Town Cramming
- BE14 Wildlife Habitat, Trees, Hedges and Other Landscape Features
- BE16 Energy Conservation
- RE7 Nature Conservation (Designated Areas)
- RE8 Nature Conservation (Non-designated Areas)
- RE15 Major Institutions
- RE28 Historic Parks and Gardens
- TR6 Highway Safety
- H1 Dwelling Requirement
- H4 Size and Density of Dwellings
- H5 Open Space Requirements
- H6 Maintenance of Open Space
- H8 Social and Low Cost Housing in Settlement Policy Areas
- B1 Floorspace Provision
- B6 Redevelopment of Authorised Uses
- B8 Safeguarding Business Floorspace
- R3 Existing and Allocated Open Space
- R4 Public Rights of Way and Other Paths

- 7.3 The Chichester Local Plan: Key Policies and modifications has been submitted to the Secretary of State and is currently undergoing its Examination in Public (EIP). The emerging Local Plan is a material consideration and following Submission it gains increasing weight for decision making purposes. As it progresses through the Local Plan process towards adoption it will gain more weight, paragraph 216 of the NPPF is therefore relevant.

Chichester Local Plan Key Policies (Pre-Submission) Draft 2013 (as now submitted)

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 7: Masterplanning Strategic Development
Policy 8: Transport and Accessibility
Policy 9: Development and Infrastructure Provision
Policy 10: Chichester City Development Principles
Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment
Policy 13: Chichester City Transport Strategy
Policy 14: Development at Chichester City North
Policy 33: New Residential Development
Policy 34: Affordable Housing
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 41: Off-site Renewable Energy
Policy 42: Flood Risk
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 47: Heritage
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
Policy 52: Green Infrastructure
Policy 54: Open Space, Sport and Recreation

National Policy and Guidance

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

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

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

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

- 7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), and section 4 (Promoting Sustainable Transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 and 12 (Conserving and enhancing the natural and historic environment) and paragraphs 159 (using an evidence base for assessing housing needs), 186 (adopting a positive approach to decision-making to foster the delivery of sustainable development), 187 (looking for solutions to approve applications rather than problems), 197 (applying the presumption in favour of sustainable development in assessing and determining planning applications).
- 7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

- 7.7 The following Supplementary Planning Guidance and Interim Statements are material to the determination of this planning application:

The Provision of Service Infrastructure Related to New Development in Chichester District (Parts 1 and 2)
Interim Statement on Planning for Affordable Housing
Interim Statement on Development and Disturbance of Birds in Chichester and Langstone Harbours

- 7.8 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

A1 - A strong local economy where businesses can thrive and grow

A4 - The district to be known as a centre for creative and innovative industries building on our rich arts and heritage base

B1 - Managing a changing environment

B2 - Greener living

B3 - Environmental Resources

C2 - Encourage healthy and active lifestyles for all

C3 - A culturally enriched and empowered community

C4 - Services for older people

D1 - Increasing housing supply

D2 - Vibrant, safe and clean neighbourhoods

D4 - Understanding and meeting community needs

E1 - Traffic management in the district will improve so as to reduce congestion

E2 - There will be improved cycling networks and strong links to public transport to ensure that cycling is a viable alternative to using the car

8.0 Planning Comments

8.1 The fundamental principles and overall vision underscoring the re-development of the Graylingwell site which were established following the 2009 planning permission are not changed by this application. The development permitted in 2009 is well underway and continuing to deliver much needed new housing in Chichester. The application is not therefore starting from a blank piece of paper and the revised masterplan does not seek to unpick much of what has previously been permitted. Whilst the revised scheme provides 8 fewer dwellings overall than previously approved it continues to provide 40% of the new homes as affordable homes. It will continue to be a sustainable net zero carbon development and it remains a residential-led, mixed use scheme with a strong emphasis on community cohesion and a range of assets managed and maintained on site by the community through the Community Development Trust. In terms of traffic movements across the site the revised proposals maintain the previously agreed 60/40, east/west traffic split. This movement will be controlled by the installation of bus gates on Graylingwell Drive and at the northern part of the Inner Core as has been previously permitted.

8.2 The applicant has advised that the reason for needing to re-visit the development permitted in 2009 has been driven by a significant change in market circumstances due to the banking crisis. The result of this has been a reduced rate of sales and a change to the type of housing product the market now requires. The original scheme proposed a high preponderance of flats (over 50%) particularly 1 and 2 bed flats which in parts of the site would have resulted in a very high density of development. For instance the former Apartments in the Landscape character area to the north and east of the Chapel as approved would have resulted in a development solely of apartments with a density in the range 100-120dph. This character area is now re-named the Courtyard Clusters. It differs slightly in its area configuration but the revised housing now proposes a density of approximately 50dph. It is considered that this will result in a more acceptable pattern of development. Clearly the 2009 housing mix corresponded to the accommodation needs as they were at that time. Six years on these housing needs are now

different with the demand greater for family houses rather than flats. The revised mix for Graylingwell would now result overall in 42% apartments and 58% houses. This mix is supported by the Council's housing service and delivers housing that responds to the SHMA.

8.3 The key elements of the proposed revised development are as set out in paragraph 3.4 above. The application clearly contains a significant level of detail which goes beyond the scope of this report in full. The format of the following paragraphs therefore is to provide an assessment of those changes and issues which have been the main focus of consultation responses and third party comments. The report considers the following matters;

- The changes to Chapel Green
- The changed community facility provision
- The reduction in commercial floorspace
- The 4 new houses fronting Summersdale Road.

(Further to the debate arising from the Planning Committee at its meeting on 12th November 2014 and the subsequent resolution to defer the application for negotiations and further information, the applicant has decided to withdraw this element of the application. There are now no houses proposed on the Summersdale Road frontage.)

- The Mews with Views site extension
- The additional housing at the Wooded Hamlet

8.4 Chapel Green

The application proposes that the previously permitted community hall building to be located on the west side of Chapel Green is replaced by a building housing residential apartments instead. The community hall was permitted as part of the outline proposals on the 2009 permission with its siting, form, appearance and materials being reserved matters. The requirement established by the permission was simply for a building of approximately 430sqm. On submission of the current application the proposed residential apartments in this location were conceived as a 4 storey building. It was considered that a building of such scale in this location would seriously compromise the setting of the listed Chapel. Following consultation the height of the proposed building has been reduced twice and is now proposed to be at a maximum of 2 storeys accommodating potentially 10-12 flats.

8.5 There is no doubt that Chapel Green is a sensitive part of the conservation area with the listed Chapel, historic Water Tower and former Administration building enclosing the Green. The Committee will note that the Council's Historic Buildings Advisor (HBA) has expressed some concern about the proposal given the sensitivity of the setting although raising no objection overall. However, the detail of the final building is not a matter which the Committee are being asked to consider under this application. Officers consider the fact that the principle of a 430sqm building in this same location has already been accepted carries some weight in terms of assessing the overall impact of an alternative 2 storey building for residential purposes.

Both the design, form, appearance, materials and final siting of the building can be controlled through the subsequent reserved matters application and the recommendation to permit this application carries with it a condition restricting the maximum height to 2 storeys. Officers are mindful of the advice from the Council's HBA that the resultant building will need to be of the highest standard and consider that this can be achieved through the design process with the reserved matters application.

8.6 Community Facility Provision

A direct consequence of the residential apartment block on the west side of Chapel Green is the loss of the community hall building and potentially therefore the loss of 430sqm of community space. A reduction in community space of this size on a mixed use development of 793 dwellings would not be acceptable. However this space has not been 'lost' to the development. The applicant in association with the Community Development Trust (CCDT) set up for the Graylingwell Park development has re-assessed the needs of the growing community there and the range of assets available to it. Under the revised proposals set out more fully at paragraph 6.23 it is proposed that the community buildings to be transferred to the CCDT will now include the current sales and marketing office within the Pavilion on Havenstoke Park as well as the Water Tower and the Chapel which it is anticipated will be used for a much wider range of community uses than solely a facility for religious worship as originally envisaged. The Chapel and Pavilion combined provide floorspace of 541sqm. The Committee will note that the Council's Community & Partnerships Support Manager having been engaged in the discussions regarding the revised community facilities 'offer' has not raised an objection to the proposals and officers are of the opinion that the revised proposals backed by the CCDT are therefore acceptable in this respect.

8.7 Employment floorspace

The revised scheme provides a total of 4,433sqm of commercial space through the creation of a new pub, care home and a small convenience store. The proposals also provide 955sqm of small B1 enterprise units/artist studios which will be provided fit for purpose with all costs such as land, construction and fit out being met by the developer. Overall from the permitted development there is a reduction of 1,660sqm of business floorspace. This was originally proposed as an L-shaped building wrapping around the outside of retained courtyard buildings at the Marchwell Units. The applicant has provided justification for this reduction from a local commercial property agent which concludes that the original amount of floorspace proposed in 2008/09 was disproportionate to the likely market demand given the suburban location of Graylingwell and the primarily residential-led development. The report identifies demand typically for office space located close to the City centre and the railway station. To build out 6093sqm was therefore likely to result in an unviable development with units remaining vacant.

8.8 The Council's Economic Development Service (EDS) has assessed the development proposals and the applicant's report on the local commercial need. The Committee will note that concern is expressed about the weakening of the commercial offer at Graylingwell. The response identifies that there is a demand from micro-businesses for units which are delivered fitted out (or fit for purpose) rather than ones that are marketed off plan with an uncertain timescale for construction. It recommends that the development should deliver the commercial units once 70% residential occupancy has been reached at the site.

Officers are mindful of the comments from the EDS and propose through the S.106 agreement that the units will be offered if not on a turnkey basis then fitted out and serviced. Notwithstanding the concerns of the EDS regarding the reduction of office space at the site, in terms of employment space generally it is materially significant to note that since the original grant of planning permission at Graylingwell, consent at Barnfield Drive has been granted (or has a resolution to permit pending a S.106 agreement) for cumulatively over 13,700sqm of new commercial space with an estimate of 400 new jobs. Barnfield Drive is within a short distance of Graylingwell and well within the normally accepted walking or cycling distances of 2km and 5km respectively. Therefore while it will not directly replace the office floorspace which is no longer to be provided it will provide accessible, sustainable and local job opportunities for new residents.

8.9 It is not considered that the loss of employment space means Graylingwell no longer fulfils its original brief as a mixed and balanced community development. The brief has changed but the combination of employment and community facility space across the site still amounts to approximately 6,000sqm of non-residential uses. It is considered that when balanced as a package with the residential proposals, the non-residential floorspace overall is proportionate and acceptable.

8.10 Given the overall reduction in B1 floorspace from the original permission officers consider that the remaining balance proposed in this application must be secured through the S.106 with the units delivered as a serviced shell fit out. The practical difficulties associated with delivering these units in what is a more peripheral area of the site and the fact that the intended build phase has this coming later on in the overall development are acknowledged. It is therefore considered that delivery of units, ready to occupy at 70% residential occupation is reasonable and acceptable and accords with advice in the NPPF that local authorities should approach decision-taking in a positive way, looking for solutions rather than problems.

8.11 Mews with Views site extension

The fundamental shift of dwelling types at Graylingwell away from flats to houses has resulted in the need to use more land to build on than was originally envisaged in order to accommodate the associated curtilages and garden spaces etc. Given the Council's present 5 year housing land shortfall, it is important that the overall numbers delivered at Graylingwell are not significantly affected as a result of the change in dwelling types. The overall drop in numbers by 8 units on this application is considered acceptable in the housing supply context but it does mean that certain compromises have had to be made.

Graylingwell's Conservation Area status means there are limited opportunities to find space to fit in the housing. One of the compromises proposed is the Mews with Views site extension at the east side of the site where 20 dwellings are proposed.

8.12 This is a small parcel of land south of the curtilage with Graylingwell Farmhouse and immediately north of the future school playing fields. It is outside the settlement policy area boundary for Chichester but adjoins it on 2 sides to the west and north. The area was originally proposed in 2009 for the provision of allotments but these have now been re-positioned to the north-east corner of the site. Officers are of the opinion that the site has a good relationship to the settlement boundary given the permitted location of the future playing pitches adjoining to the south which are also outside of the SPA and which are likely to have a more maintained, less rural appearance, replete with goalposts and other incidental recreational structures. It will also be viewed in the context of the housing proposed at Kingsmead Avenue which will visually extend further to the east, infilling the currently open land up to that road. It is considered possible that had the Mews with Views come forward under the Council's previous FAD criteria it would have been found to be a logical extension of the SPA. By building in this area key parts of the conservation area at Graylingwell which are important to its history and character such as the Airing Courts are able to be retained and restored. This is important. The Mews with Views extension is therefore considered acceptable.

8.13 Wooded Hamlet - additional housing

Lying to the south-west of the Outer Core, the character area known as the Wooded Hamlet already benefits from outline planning permission and reserved matters approval for 35 dwellings and is currently being built out. On submission of this application it was proposed that a further 17 dwellings be added to this area. This included extending the site at its western end and in order to do so, the felling of a significant number of existing mature trees including the most significant tree on the site, a large Monterey Pine. During the application the proposals have been significantly changed following concerns expressed by officers including the Council's tree officer. The western extension has now been removed in its entirety thus retaining the previously threatened trees.

8.14 The proposals which are submitted in full as part of the hybrid application now propose 10 new dwellings which are all to be located at the east end of the permitted development. Whilst this encroaches further into the landscaped part of the Outer Core than previously permitted, the design of the buildings has been revised and amended to provide a 'book-end' to the run of terraced dwellings. In so doing the front elevations face onto and positively address this part of the public realm. This change stemmed from concerns expressed by the HBA. The concerns of the City Council in respect of the proximity of the new buildings to the retained former hospital buildings are noted but officers consider that the oblique angle separation distance which varies between 13m at the closest point and 26m is acceptable.

8.15 At the Planning Committee on 12th November 2014 Members considered that in addition to the 2 dimensional elevation drawings which were displayed at the meeting a further detailed drawing/s showing the spatial relationship between the terrace of houses forming the eastern end of the extension to the Wooded Hamlet and the retained former hospital buildings in the outer core and the Airing Courts would enable them to better assess the proposals. The applicants have supplied a revised 3 dimensional drawing which shows the relationship and this will be shown at the Committee meeting.

8.16 The Committee also queried the access arrangements onto Kingsmead Avenue in respect of the potential for conflict between cars, pedestrians and cyclists using the footway/cycleway alongside the road. The applicants envisage a segregated footway/cycleway to position cyclists away from the front of the properties and the driveways which is consistent with the existing configuration on Palmers Field Avenue which the cycleway on Kingsmead Avenue will tie into. This would provide in excess of 15m forward visibility for cyclists using the cycleway which accords with guidance. Cyclists will therefore have adequate visibility to any vehicles emerging from driveways. WSCC Highways has considered this and confirmed that the approach is acceptable and that all final details can be considered at reserved matters stage when the final layout of the houses and driveways will be confirmed. Drawings will be shown at the Committee meeting showing the access points onto Kingsmead Avenue.

8.17 Significant Conditions

Conditions from the main 2009 Graylingwell planning permission and the later separate permission at Kingsmead Avenue are essentially rolled forward and amended as necessary to accord with the revised proposals.

8.18 S.106 Agreement

The extant planning permission carries with it a very detailed legal agreement securing a wide range of contributions and obligations to both CDC and WSCC. The current application will have a new agreement based on and not fundamentally different from the existing one. Previously agreed contributions and obligations are to be repeated with updated figures and, where appropriate, amended triggers. **The new agreement will also capture the relevant infrastructure contributions arising from the separate S.106 agreement for the outline planning permission for 43 dwellings at Kingsmead Avenue.**

8.19 Work is continuing on the detailed drafting of the new agreement but in terms of key community facilities and employment provision officers will seek to ensure that these are provided at an appropriate and timely part of the phased development and that provision is not left until near the end of the development overall. For instance in terms of the employment provision it is recommended that a clause is included in the S.106 requiring this to be provided at 70% residential occupancy of the balance of the remaining 391 dwellings and that the buildings are delivered as a shell fit out with water, drainage and power services installed.

In terms of the potential future school land the existing S.106 agreement enables WSCC to call on this land for education use for a period of 10 years. The new S.106 agreement will also seek a 10 year commitment.

8.20 Conclusion

The successful re-development of Graylingwell continues to remain important to the Council in delivering a significant number of affordable and market housing and thereby addressing the overall housing shortfall. By revisiting the 2009 planning approval in order to better reflect currently identified housing, community and employment needs officers consider that the result is a development which is now better conceived, more realistic and ultimately more deliverable. The changes which have taken place are the product of lengthy negotiations between the applicant and officers of the Council. It has proved challenging to integrate the revised housing mix in the space available whilst protecting those assets which are important to the Conservation Area and to Graylingwell's unique character and appearance and certain compromises have had to be made. **In response to the Committee's concerns regarding the 4 houses proposed at the Western Gateway accessing directly onto Summersdale Road, this element of the application has now been removed. Further information in respect of the Wooded Hamlet and Kingsmead Avenue has been provided and officers are of the opinion that an acceptable balance has now been reached.** The application is therefore recommended for approval.

8.21 Human Rights

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 DEFER FOR SECTION 106 THEN PERMIT

- 1 U89111 - Time Limit 10 years - Outline
- 2 U89112 - Time Limit 2 years - Reserved Matters
- ~~3 U89202 - Time Limit 5 years - Full~~
- 4 U89113 - Phasing of development
- 5 U89114 - Permitted Uses
- 6 U89115 - Materials schedule per phase
- 7 U89116 - Site levels
- 8 U89117 - Archaeology
- 9 U89118 - Hard and soft landscaping works
- 10 U89119 - Phased landscaping implementation
- 11 U89120 - Open space kept as open space

- 12 U89121 - Havenstoke play area
- 13 U89122 - Foul drainage
- 14 U89123 - Foul drainage infrastructure
- 15 U89124 - Construction site drainage
- 16 U89159 - Land contamination
- 17 U89160 - Land contamination remediation
- 18 U89161 - Land contamination
- 19 U89128 - Foundation details
- 20 U89162 - Flood risk and surface water mitigation
- 21 U89163 - Wastewater statement compliance
- 22 U89164 - Land contamination
- 23 U89165 - Traffic control/bus gates
- 24 U89166 - Site access details off Kingsmead Avenue
- 25 U89169 - Care home access off Palmersfield Avenue
- 26 U89171 - Internal road layouts
- 27 U89172 - Parking and turning space provision
- 28 U89173 - Remove existing unused access points
- 29 U89174 - Prevent SW draining onto highway
- 30 U89175 - Surface water from hardstandings
- 31 U89176 - Street lighting
- 32 U89177 - Landscaping adopted roads
- 33 U89181 - Construction management plan
- 34 U89141 - Bat and swift boxes per phase
- 35 U89135 - Cultural Strategy
- 36 U89133 - Bins and cycle storage
- 37 U89147 - Access link to rural edge
- 38 U89139 - Reserve school site
- 39 U89140 - Protect existing trees
- 40 U89130 - Ecology - protected species
- 41 U89197 - Tree planting on Kingsmead Avenue
- 42 U89199 - Arrival Avenue setback distance
- 43 U89204 - Landscaping of Airing Courts
- 44 ~~U89236 - Wooded Hamlet boundary treatment~~
- 44 U89849 - Landscaping of Eastern Fringe
- 45 U89818 - Approved plans

INFORMATIVES

- 1 U89237 - Informative - planning permission only
- 2 U89238 - Informative - S.106 Agreement
- 3 U89239 - Informative - Scheduled Ancient Monument
- 4 U89240 - Informative - Southern Water
- 5 U89241 - Informative - Proximity to River Lavant
- 6 U89253 - Informative - road adoption
- 7 U89254 - Informative - S.59 Agreement
- 8 U89255 - Informative - public rights of way
- 9 W36H Wildlife

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

**SUMMARY OF CHANGES BETWEEN EXISTING SECTION 106 AGREEMENTS/DOCUMENTATION
AND PROPOSED NEW SECTION 106 AGREEMENT("2017 S106")
FOR GRAYLINGWELL PARK (APPLICATION REF:14/01018/OUT)**

Updated Version 22 November 2017

Section 106 Agreement dated 28 May 2009("the May 2009 Agreement") between (1) Chichester District Council (2) Homes and Communities Agency and (3) Linden/Downland Graylingwell LLP relating to Graylingwell Hospital Site (planning application CC/08/03533/OUT)

<u>S106 Head of Term</u>	<u>Existing Obligation</u>	<u>Obligation under 2017 S106</u>
<p align="center">The Planning Obligations</p>	<p>On or before the First Occupation of the First Dwelling Unit to pay to the Council to pay the first instalment of the Chichester Harbour SPA Contribution.</p> <p>On the 1st, 2nd, 3rd and 4th anniversary of the above payment to pay the further instalments of the £262,500 Chichester Harbour SPA Contribution– to be paid in five equal instalments of £52,500</p> <p>To pay the £30,000 Chichester Harbour SPA Educational Contribution to the Council on or before the First Occupation of the first Dwelling Unit.</p> <p>To pay the £30,000 Chichester Harbour SPA Interpretation Contribution to the Council on or before First Occupation of the first Dwelling Unit.</p> <p>No occupation of any dwelling unit until first instalment of Chichester Harbour SPA Contribution, Chichester Harbour SPA Educational Contribution and Chichester Harbour SPA Interpretation Contribution has been paid</p>	<p>The parties agree that the Owner has complied with all planning obligations contained within the May 2009 Agreement</p>
<p align="center">Greenspace Obligations</p>	<p>From 29 May 2009 until no less than 7.7 hectares of the Permanent Open Space has been provided to observe and perform the various obligations in Schedule 1 in respect of the Interim Greenspace and the Green Space.</p>	<p>The parties agree that the Owner has complied with all planning obligations relating to the Green Space and Interim Green Space contained within the May 2009 Agreement</p>

Overview of Section 106 Agreement dated 18 August 2009 ("the August 2009 Agreement") between (1) Chichester District Council (2) West Sussex County Council (3) Homes and Communities Agency (4) Linden/Downland Graylingwell LLP and (5) Downland Housing Association Limited relating to Graylingwell Hospital Site (planning application CC/08/03533/OUT)

<u>S106 Head of Term</u>	<u>Existing Obligation</u>	<u>Obligation under the 2017 S106</u>
<p>Affordable Housing</p>	<p>40% of aggregate number of dwellings to be affordable housing.</p> <p>Affordable housing to be provided across the Land in the following proportions:</p> <ul style="list-style-type: none"> • 50% - social rented units • 50% - intermediate rented units and low cost home ownership units <p>Affordable Dwelling Units to be provided to the mix of unit types and tenures set out in the s.106 with the exact size and tenure type to be approved by the Council in writing.</p> <p>At the same time or before each Reserved Matters Application - submit to the Council for its approval details of the Affordable Housing for that Affordable Housing Phase.</p> <p>Restriction - no more than 95% open market occupation in any Affordable Housing Phase until the Affordable Housing for that phase has been provided</p> <p>Affordable Housing only to be disposed of to an Approved body.</p> <p>Up to 10% of the Affordable Housing to be available for use as Supported Housing.</p>	<p>No material changes from the original 2009 S106</p>
<p>Sport and Leisure</p>	<p>To pay to the Council:</p> <ul style="list-style-type: none"> • 50% of the Sport and Leisure Contribution on or before First Occupation of 50% of the Dwelling units in a phase. • The balance of the Sport and Leisure contribution on or before First Occupation of 90% of the Dwelling Units in that Phase 	<p>The Sport and Leisure Contribution is not included in the 2017 S106 as it is now covered by CDC's CIL123 List</p>
<p>Recycling Centre</p>	<p>To pay to the Council the £900 Recycling Centre Contribution on or before the Operative Date and not to allow the Operative Date to occur until this payment has been made.</p> <p>Submit to the Council for its approval a plan showing the size and location of Recycling Centre on or before the Operative Date.</p>	<p>Not to occupy more than 500 Aggregate Dwellings until the £900 Recycling Centre Contribution has been paid to the Council.</p> <p>Not to occupy more than 500 Aggregate Dwellings until the size and location of the Recycling Centre has been approved.</p>

	<p>Allow Council to place and maintain recycling bins within Recycling Centre and rights for Council staff to enter onto the Land between specified hours to install, operate, inspect, repair, replace and maintain recycling bins and Recycling Centre.</p> <p>To transfer Recycling Centre to Council upon request for nil consideration.</p>	<p>No change - allow Council to place and maintain recycling bins within Recycling Centre and rights for Council staff to enter onto the Land between specified hours to install, operate, inspect, repair, replace and maintain recycling bins and Recycling Centre.</p> <p>No change- transfer Recycling Centre to Council upon request and at nil consideration.</p> <p>Construct the Recycling Centre to Council's reasonable satisfaction prior to occupation of 550 Aggregate Dwellings.</p>
Waste and Recycling Bin Contribution	<p>To pay to the Council on or before First Occupation of any Dwelling Unit in a Phase the Waste and Recycling Contribution for that Phase and not to allow any occupation in a phase until this payment has been made.</p>	<p>Not required in the 2017 S106 as it has already been paid by LLP.</p>
Estate Management Areas	<p>Submit to the Council for its approval a Landscape Management Plan at the same time as the Reserved Matters Application for a Phase.</p> <p>Unless otherwise agreed by the Council, not to cause or allow Commencement of a Phase that contains Landscaped Areas and/or Play Areas until the Council has approved Landscape Management Plan for such Phase.</p> <p>Carry out proposed work to Landscaped areas in accordance with the approved Landscape Management Plan.</p> <p>Restriction - not to allow more than 50% occupation in any Phase which contains Landscaped Areas and/or Play Areas until Landscaped and/or Play Area(s) has been provided in accordance with approved Landscape Management Plan.</p> <p>Restriction - not to use the Landscaped Areas and Play Areas other than as open space land available to residents in perpetuity on the terms set out in the s.106.</p> <p>Prior to occupation of last dwelling unit in a Phase to transfer or to grant a long lease of the Estate Management Areas in that Phase to the Estate Management Company and to provide evidence of this to the Council.</p>	<p>No material changes to original s106 obligation.</p>

<p>Havenstoke Park, Sports Pitches, Changing Facilities and Adventurous Play Area</p>	<p>Submit to the Council for its approval details of the specification of Works for Havenstoke Park and the Changing Facilities prior to the First Occupation of the first Dwelling Unit within Phase 1</p>	<p>Submit details and the specification of Works for Havenstoke Park, the 2 Sports Pitches and the Temporary Changing Facilities prior to occupation of more than 400 Aggregate Dwelling Units.</p>
	<p>Restriction – prior to the First Occupation of the 110th Dwelling Unit, Havenstoke Park and the Changing Facilities to be provided in accordance with approved details (unless otherwise agreed in writing) and not to occupy more than 109 dwelling units until the Havenstoke Park and the Changing Facilities have been provided..</p>	<p>Make a start on 2 Sport Pitches prior to occupation of 425 Aggregate Dwelling Units</p> <p>Provide Havenstoke Park, 2 Sports Pitches and Temporary Changing Facilities prior to occupation of 450 Aggregate Dwelling Units</p>
	<p>Submit to the Council for its approval details and a specification for Adventurous Play Area.</p>	<p>Submit details and the specification of Works for Adventurous Play to CDC for approval prior to occupation of more than 400 Aggregate Dwelling Units.</p>
	<p>Restriction – not to occupy more than 199 Dwelling units until Adventurous Play Area, Changing Facilities and Temporary Changing Facilities have been provided in accordance with approved details (unless otherwise agreed in writing). To provide proposals for the future management and maintenance of the Adventurous Play Area.</p>	<p>Provide Adventurous Play Area prior to occupation of 450 Aggregate Dwelling Units</p>
	<p>Once provided not to use Havenstoke Park and Adventurous Play Area other than as open space land and recreational and sports facilities available to Residents and the public in perpetuity on the terms of the s.106.</p>	<p>No change from original s106 obligation.</p>
	<p>Maintain Havenstoke Park and Adventurous Play Area in good and substantial repair and condition.</p>	<p>No change from original s106 obligation</p>
	<p>Not to occupy more than 299 dwelling units until the transfer of the freehold at nil consideration or long lease of the Adventurous Play Area and Havenstoke Park and Changing Facilities with £500,000 commuted sum has been paid to the Council</p>	<p>Not to occupy more than 500 Aggregate Dwelling Units until the freehold transfer of at nil consideration or a long lease of the Adventurous Play Area and Havenstoke Park with commuted sum £670,534.60 has been paid to a management company rather than CDC</p>

<p>Future Management and Maintenance of Maintenance Areas</p>	<p>Supply to the Council proposals for arrangements re the management and future maintenance of the Maintenance Areas in a Phase and state whether responsibility for maintenance and management of such areas is to be transferred as per the s.106 - prior to the First Occupation of the first Dwelling Unit in a Phase which contains a Maintenance Area</p>	<p>No material change to original s106 obligation.</p>
<p>Estate Management Company</p>	<p>In respect of any Maintenance Areas not to be owned or leased to the CCDT or the Council or the Estate Management Company, Owner to provide details and costs for the maintenance of those Maintenance Areas.</p>	<p>No material change to original s106 obligation</p>
<p>Community Facilities</p>	<p>Submit to the Council for its approval details of services and infrastructure for Community Facilities within a Phase – at the same time as submission of the Reserved Matters Application and before commencement of that Phase. No commencement of that phase until such details have been approve</p>	<p>No material change to original s106 obligation.</p>
	<p>Provide relevant Community Facility in accordance with approved details and secure the future management and maintenance of them within the timescales set out in the s.106. Provide evidence to the Council that the future maintenance of Community Facilities has been secured.</p>	<p>No material change from original s106 obligation</p>
	<p>Not to occupy more than 35% dwelling units until the Chapel has been provided and future maintenance and management of the Chapel has been secured.</p>	<p>Provide the Chapel by practical completion of 550 Aggregate Dwelling Units</p>
	<p>Not to occupy more than 50% dwelling units until Multi -Purpose Community Hall has been provided and future maintenance and management of the Multi- Purpose Community Hall has been secured.</p>	<p>The Multi-Purpose Hall is not required and is therefore not included in the 2017 S106 .</p>
	<p>Not to occupy more than 60% dwelling units until Artist Studio has been provided and future maintenance and management of Artist Studio has been secured.</p>	<p>A minimum 1000 square metres Artists Studio to be provided within the Marchwell Buildings prior to 600 Aggregate Dwelling Units</p>
	<p>Not to occupy more than 75% dwelling units until the Water Tower has been provided.</p>	<p>Provide the Water Tower by practical completion of 750 Aggregate Dwelling Units</p>

		Provide the Marchwell Buildings by practical completion of 600 Aggregate Dwelling Units
		Provide the Community Facility Space within space forming the Pavilion (but not including space for Permanent Changing Facilities) prior to occupation of 600 Aggregate Dwelling Units
		Provide the Pavilion by practical completion of 600 Aggregate Dwelling Units
		Pending provision of the permanent changing facilities (to be provided prior to occupation of 600 Aggregate Dwelling Units), to provide the Temporary Changing Facilities prior to occupation of 450 Aggregate Dwelling Units
	Various restrictions on use of Community Facilities for any other purpose save Community Purpose	No material change from original s106 obligation
	Any lease of a Community Facility must contain provisions specified in the S106 and if the freehold of the Community Facilities is transferred then the dispone must enter in to a deed of covenant directly with the council in accordance with the s.106.	No material change from original s106 obligation
CCDT	To submit an outline CDT Business Plan within 2 years of 18 August 2009.	The original s106 obligation to provide the CCDT Business Plan was complied with. An updated CCDT Business Plan will be appended to the 2017 S106
	Not to occupy any dwelling until the CDT has been set up and payment of £38,000 been made to CDDT – note: payment to be made to the Council who will pay the same to the CDDT.	CCDT has been set up and the initial £38,000 has been paid. Going forward there are no changes to annual payment dates to the CCDT Once the Marchwell Farm buildings have been provided and disposed of to CCDT, the annual payment shall be the shortfall (if any) of the income against expenditure of the CCDT up to a maximum in respect of each accounting year of £25,000 and such payment to continue to be paid until CCDT is financially viable

	On the 1 st anniversary of the Operation Date and each anniversary thereafter to pay £35,000 to the Council	No change to payment date
	Once Chapel has been transferred annual payment to reduce to £25,000	No change to annual payment sum
	Once the Multi-Purpose Community Hall is provided to pay to the Council up to £10,000 towards equipment and furniture for use within the hall as per the terms of the s.106.	The Multi-Purpose Community Hall is not required and therefore has not been included in the 2017 S106. However a £10,000 contribution will be paid in lieu of the Multi-Purpose Community Hall being provided, such contribution to be used towards the costs of providing equipment and furniture for the Chapel and/or the Pavilion
	To make available for the benefit of the CCDT an office as per the terms in the s.106.	No change to original s106 obligation
SUDS	To submit to the Council for its approval details for SUDS/maintenance scheme prior to the First Occupation of the first Dwelling. To maintain the SUDS in a good state of repair once constructed. Secure the future repair and maintenance works of the SUDS prior to the First Occupation of the first Dwelling. To allow the Council to enter upon the Land to monitor and inspect the SUDS.	Prior to occupation of 425 Aggregate Dwelling Units, to undertake such financial and practical measure as necessary to secure the future repair and maintenance of the SUDS (backed by restriction on occupation until this has been done) No change to maintenance obligation Secure the future repair and maintenance of the SUDS prior to occupation of 425 Aggregate Dwelling Units No change to original s106 obligation
First Graylingwell Agreement	Prior to the construction of any Dwelling Unit to notify the Council whether the construction is to be pursuant to the Permission or to permission in respect of the First Graylingwell Agreement.	Not required in 2017 S106
Guarantee	To submit to the Council a duly executed Guarantee in respect of the Owners' obligations in relation to the operation, repair and maintenance of the Community Facilities and the Maintenance Areas on or before the Operative Date	Not required in 2017 S106

<p>Primary School Site</p>	<p>Prior to the completion of the Primary School to Site to provide services to the boundary of the Primary School Site.</p> <p>Transfer of Primary School Site to the County Council in accordance with the s.106</p>	<p>No material changes to original s106 obligation here.</p>
<p>Education Contribution and Library Contribution</p>	<p>To pay the Education Contribution and the Library Contribution in the following instalments on the below trigger dates:</p> <ul style="list-style-type: none"> • On or before 111th occupation – 30% of Education Contribution and 30% of Library Contribution • On or before 350th occupation – 30% of Education Contribution and 30% of Library Contribution • On or before 550th occupation – 30% of Education Contribution and 30% of Library Contribution • Before grant of RMA approval for last phase- balance of Education Contribution and balance of Library Contribution 	<p>Education Contributions and the Library Contribution are not payable under the 2017 S106 as these are now covered by CDC's CIL123 List- therefore they have not been included in the 2017 S106</p>
<p>Highways and Bus Service</p>	<p>Prior to the Operative Date to satisfy the council that the Highway Works Contribution the St Pancras/Spitalfields Lane Contribution and the Parking Study Contribution have been secured by a bond in the sum of £250,000 and shall be maintained until the Highway Works Contribution has been reduced to that sum</p>	<p>The bond was provided by the LLP and the 2017 S106 acknowledges this.</p> <p>As WSCC have now confirmed that no Highways Contribution is payable under the 2017 S106 , the bond will be released.</p>
	<p>Upon Commencement of the Proposed Development to pay the Traffic Management Works Consultation Contribution</p>	<p>Not included in 2017 S106 as this contribution has already been paid</p>
	<p>Not to allow first occupation of the first dwelling until the North Lodge Works have been completed and completed certificate provided</p>	<p>Not included in the 2017 S106 as these works have been completed</p>
	<p>Prior to the First Occupation of the 50th Dwelling Unit to either:</p> <ul style="list-style-type: none"> • Construct the Cycle Route 1 Works; or • agree and construct an alternative cycle route. 	<p>The Cycle Route 1(a) works have been completed.</p> <p>WSCC to carry out the Cycle Route 1(b) works using £165,000 financial contribution paid by LLP prior to the occupation of more than 425 Aggregate Dwelling Units</p>

	At the same time as submission of the Reserved Matters Application for each Phase to submit to the County Council for its approval details of bus stops and to construct and install the bus stops within each phase in accordance with the details approved by WSCC	No material change from original s106 obligation
	To pay the Bus Service Contribution within 28 days of the Bus Service Review for the period ending 31 March or as agreed with WSCC	The £184,074.40 balance of the Bus Service Contribution to be paid under the 2017 S106
	Not to occupy more than 111 dwelling units until the traffic Management Works or alternative works have been completed	These works are no longer required by WSCC and are therefore not included in the 2017 S106
	Not to occupy more than 200 dwelling units until St Pancras/Spitalfield Works Contribution has been paid.	WSCC have advised that this contribution is no longer required. In lieu, the LLP will no earlier than 5 months and no later than 7 months after occupation of the final dwelling fronting Kingsmead Avenue will undertake a survey to ascertain any highway safety or speeding issues and in the event of such survey showing adverse highway safety or speeding issues the LLP will undertake such works as agreed with WSCC to address this
	Prior to 250 th occupation to pay the Parking Study Contribution	The Parking Study Contribution has been paid and is not included in the 2017 S106
	Prior to 250 th occupation to complete the Toucan Crossing Works or alternative works	Complete the Toucan Crossing Works prior to occupation of 450 Aggregate Dwelling Units
	Prior to 250 th occupation to complete the Westhampnett/Portfield Road RA works	These works are no longer required by WSCC and therefore have not been included in the 2017 S106
	Prior to 250 th occupation to complete Eastern Access Road Works or alternative works	These works are no longer required by WSCC and therefore have not been included in the 2017 S106
	Prior to 500 th occupation to complete Cycle 2 Works	Complete the Cycle 2 Works prior to occupation of 500 Aggregate Dwelling Units

<p>Travel Plan</p>	<p>1 – 3 months prior to First Occupation to:</p> <ul style="list-style-type: none"> • appoint a Travel Plan Coordinator; • establish a residents and tenants association <p>Prior to the First Occupation of a Dwelling Unit to:</p> <ul style="list-style-type: none"> • establish community website • provide/maintain five bicycles and storage facilities • use reasonable endeavours to establish a car club (and to provide car parking places from First Occupation of the First Dwelling Unit). <p>Implementation of approved Travel Plan until such time as the Owner and Council agree that there is no need for such Travel Plan.</p> <p>To use reasonable endeavours to establish a Travel Plan Steering Group within three months of First Occupation of the first Dwelling Unit.</p>	<p>Submit an updated Travel Plan to WSCC for approval within 3 months of 2017 being completed. Thereafter to implement approved Travel Plan until such time as it is agreed with WSCC that there is no further need for a Travel Plan</p>
<p>Fire and Rescue Contribution and provision of fire hydrants</p>	<p>To pay to the County Council the Fire and Rescue Contribution on or before First Occupation of the 110th Dwelling Unit.</p> <p>Prior to the Operative Date to submit to the County Council for its approval a proposal for the location of two fire hydrants.</p>	<p>Fire and Rescue Contribution not included in 2017 S106 as covered by CDC's CIL123 List and therefore have not been included in the 2017 S106</p> <p>Provision of fire hydrants will be dealt with by planning condition</p>
<p>Early Years Contribution</p>	<p>To pay to the County Council the Early Years Contribution in the following percentages:</p> <ul style="list-style-type: none"> • 30% on or before First Occupation of the 110th Dwelling Unit. • 30 % on or before First Occupation of the 350th Dwelling Unit. • 30% on or before First Occupation of the 550th Dwelling Unit. • 10% on or before the Reserved Matters Approval for the final Phase. 	<p>Early Years Contribution covered by CDC's CIL 123 List and therefore had not been included in the 2017 S106</p>
<p>Youth Provision</p>	<p>Following the Commencement of the Proposed Development instigate a dialogue with the Immanuel Church and young people to agree what will be required by young people.</p> <p>Upon the Chapel or the Multi-purpose Hall being transferred (whichever is transferred first) to the CDDT, to pay to £5000 to WSCC to be used to purchase equipment for the Youth Provision.</p>	<p>The dialogue with Immanuel Church and young people from Graylingwell development has terminated.</p> <p>The Multi -Purpose Community Hall is not required but the LLP will pay £10,000 contribution to the CCDT towards costs of providing equipment and furniture for the Chapel and/or the Pavilion(see above)</p>

	<p>Upon the Chapel or the Multi-purpose Hall being transferred to the CCDT, to pay the sum of £5000 with a further four payments of £5000 to the County Council on each anniversary of the payment above to be used towards the costs of youth work for 11-18 year olds</p>	
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Section 106 Agreement dated 23 November 2012 between (1) Chichester District Council (2) West Sussex County Council (3) Homes and Communities Agency (4) Linden/Downland Graylingwell LLP (5) Affinity Sutton Homes Limited and (6) the Royal Bank of Scotland relating to land at Kingsmead Avenue, Chichester (application reference 10/05597/OUT)

<u>S106 Head of Term</u>	<u>Existing Obligation</u>	<u>Obligation under 2017 S106</u>
Affordable Housing	<p>Not to allow First Occupation of any Open Market Units until the 17 Affordable Dwelling Units on the Affordable Dwelling Land:</p> <ul style="list-style-type: none"> • Have been transferred to the Approved Body • Are being used as provided in the s.106 • Written notification of the above has been provided to the council. <p>Restriction – no Open Mark Unit to be occupied until the Affordable Dwelling units have been transferred to the Approved Body.</p> <p>Affordable Dwelling Units only to be used for Affordable Housing (see exceptions in s.106)</p> <p>To pay the Council the Affordable Housing Commuted Sum on or before the First Occupation of the 40th Dwelling</p>	<p>The 2012 Kingsmead Avenue S106 Agreement lapsed as relevant planning permission not implemented.</p> <p>On the basis that the LLP are providing 40% Affordable Housing across the Graylingwell development site(including the Kingsmead Avenue Site) CDC have confirmed that the Affordable Housing Commuted Sum for the Kingsmead Avenue Site is not payable under the 2017 S106 and therefore it has not been included in the 2017 S106</p>
Community Facilities Contribution	<p>To pay the Community Facilities Contribution on or before First Occupation of the 28th Dwelling.</p>	<p>Not required in 2017 S106 as covered by CDC's CIL 123 List</p>
SPA Mitigation Contribution	<p>To pay to the Council on or before First Occupation:</p> <ul style="list-style-type: none"> • The Off Site Open Space Contribution - £10,000 • The Dog Warden Contribution - £4000 • The SPA Education Contribution - £1000 <p>Nb the sums listed above shall be increased if the Operative Date of the Proposed Development shall take place after 31 March 2013</p>	<p>An SPA Mitigation Contribution sum of £7,783 will be payable prior to occupation of first dwelling unit on Phase 9 of the Proposed Development.</p> <p>The SPA Mitigation Contribution sum includes the Dog Warden Contribution.</p>

<p>Play and Open Space Contribution</p>	<p>To pay to the Council the Play and Open Space Contribution as follows:</p> <ul style="list-style-type: none"> • £2420 – on or before First Occupation of the 14th Dwelling • £2420 – on or before First Occupation of the 28th Dwelling • £2420 – on or before First Occupation of the 40th Dwelling 	<p>Not required in 2017 S106 as covered by CDC's CIL123 List</p>
<p>Water Efficiency Measures</p>	<p>To carry out the Proposed Development in accordance with the approved Foul Drainage Capacity Report ref: 131330-R2(2) dated February 2011</p> <p>Water efficiency measures to achieve an overall efficiency of 97.5 litres per person per day.</p>	<p>An updated Capacity Report to be provided within 3 months of the 2017 s106 being completed</p> <p>LLP to comply with approved water efficiency measures</p>
<p>Education Contribution</p>	<p>To pay to the Council the Education Contribution as follows:</p> <p>Primary School:</p> <ul style="list-style-type: none"> • £14,052 – on or before First Occupation of the 14th Dwelling • £14,052 – on or before First Occupation of the 28th Dwelling • £14,053 – on or before First Occupation of the 40th Dwelling <p>Secondary School</p> <ul style="list-style-type: none"> • £15,125 – on or before First Occupation of the 14th Dwelling • £15,125 – on or before First Occupation of the 28th Dwelling • £15,124 – on or before First Occupation of the 40th Dwelling <p>Sixth Form</p> <ul style="list-style-type: none"> • £3,543 – on or before First Occupation of the 14th Dwelling • £3,543 – on or before First Occupation of the 28th Dwelling • £3,543 – on or before First Occupation of the 40th Dwelling 	<p>Not required in 2017 S106 as covered by CDC's CIL 123 List</p>
<p>Library Contribution</p>	<p>To pay to the County Council the Library Contribution as follows:</p> <ul style="list-style-type: none"> • £1676 – on or before First Occupation of the 14th Dwelling • £1676– on or before First Occupation of the 28th Dwelling • £1676 – on or before First Occupation of the 40th Dwelling 	<p>Not required in 2017 S106 as covered by CDC's CIL 123 List</p>

Total Access Demand (TAD) Contribution	<p>To pay to the County Council the TAD Contribution as follows:</p> <ul style="list-style-type: none"> • £21,915 – on or before First Occupation of the 14th Dwelling • £21,915– on or before First Occupation of the 28th Dwelling • £21,915 – on or before First Occupation of the 40th Dwelling 	<p>Not required in the 2017 S106 as the scheme of works identified by WSCC, is covered by CDC's CIL 123 List.</p>
Fire and Rescue Service Contribution	<p>To pay to the County Council the Fire and Rescue Service Contribution as follows:</p> <ul style="list-style-type: none"> • £204 – on or before First Occupation of the 14th Dwelling • £205– on or before First Occupation of the 28th Dwelling • £205 – on or before First Occupation of the 40th Dwelling <p>Prior to the First Occupation of any Dwelling to submit to the County Council for its approval a proposal for the location of two fire hydrants.</p>	<p>Not required in 2017 S106 as covered by CDC's CIL 123 List and therefore not included in the 2017 S106</p>
Estate Roads	<p>Prior to Commencement to submit to the County Council for its approval a plan showing the intended status of the estate roads and associated footways, footpaths and cycle paths.</p> <p>All Estate Roads to be:</p> <ul style="list-style-type: none"> • Constructed to a standard that is suitable for its intended use. • Maintained • Shall not be dedicated as a public highway or become a private street • <p>Upon construction of Estate Roads a report to be prepared and signed by an appropriately qualified professional.</p>	<p>Original s106 provisions included in 2017 S106</p>

Section 106 Unilateral Undertaking dated 14 June 2013 given by (1) Homes and Communities Agency and (2) Linden/Downland Graylingwell LLP in favour of (3) Chichester District Council and (4) West Sussex County Council relating to Graylingwell Park (application reference CC/10/02926/REM)

<u>S106 Head of Term</u>	<u>Existing Obligation</u>	<u>Obligation under 2017 S106</u>
Car Parking Contribution	<p>Pay £9000 Car Parking Contribution upon the earlier of :</p> <ul style="list-style-type: none"> • The occupation of the 90th dwelling unit constructed within the Current Construction Phase of the Development or • Within 3 years of the date of the Unilateral Undertaking 	<p>The original s106 obligation will be paid prior to completion of the 2017 S106 and therefore not included in the 2017 S106 –</p>

Second Section 106 Unilateral Undertaking dated 3 July 2013 given by (1) Homes and Communities Agency and (2) Linden/Downland Graylingwell LLP in favour of (3) Chichester District Council and (4) West Sussex County Council relating to Graylingwell Park Phase 3 (application reference CC/13/00907/REM)

<u>S106 Head of Term</u>	<u>Existing Obligation</u>	<u>Obligation under 2017 S106</u>
Car Parking Contribution	<p>Pay £3800 Car Parking Contribution prior to first occupation of any of the Relevant Units</p>	<p>The original s106 obligation will be paid prior to completion of the 2017 S106 and therefore has not been included in the 2017 S106</p>

Agenda Item 13

Parish: Bosham	Ward: Bosham
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BO/17/01800/FUL

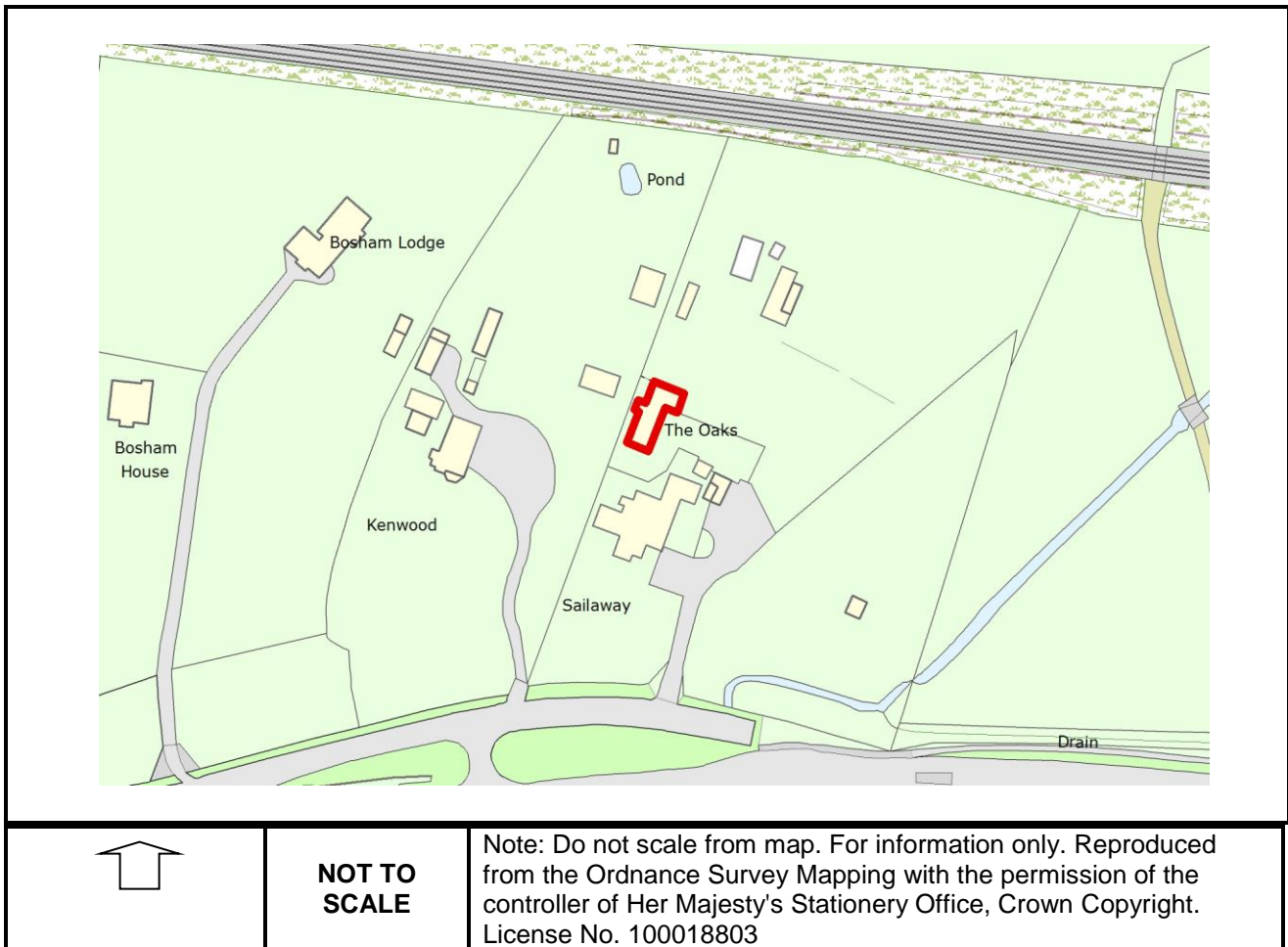
Proposal Retention and use of existing bungalow as holiday accommodation.

Site The Oaks Main Road Bosham PO18 8PH

Map Ref (E) 480746 (N) 105424

Applicant Mr & Mrs Mark and Susie Upton-Brown

RECOMMENDATION TO PERMIT with S106



1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the rural area to the west of the service village of Bosham/Broadbridge on a large plot to the north of the main road (A259). The application relates to the retention of an existing detached bungalow on the site which is shared with a new dwelling that has recently been constructed in the northern part of the site. The site forms part of a small cluster of development including some dwellings and holiday units set back from the A259 on a small section of shared road.
- 2.2 The application property; forms a low key three bedroom detached property of conventional appearance with shallow pitched roof including concrete roof tiles, render and tile hung walls and a conservatory to the north of the existing bungalow. The bungalow lies to the west of the driveway serving the new dwelling and to the north of the neighbouring property known as Sailaway, which is in use as a Residential Care Home. Sailaway is a large 2 storey detached building and due to its siting and scale it screens the application building from the A259.
- 2.3 The new property has been constructed on the site (by the applicant) that is subject to planning permission 14/04261/FUL for the construction of a 2 storey detached replacement dwelling. The planning permission for the replacement dwelling included a condition requiring the demolition of the existing bungalow on the site within 3 months of the completion of the new dwelling. At the time of the Case Officers site visit the new dwelling was not complete or occupied – although the main structure was complete and internal works were taking place. No works have been undertaken in respect of the demolition of the existing bungalow on the site.

3.0 The Proposal

- 3.1 This application proposes the retention of the bungalow that was conditioned to be demolished as part of the original planning permission for the replacement house for use as a tourism let.
- 3.2 Works are proposed to redecorate the property and maintain/improve the internal facilities. No extensions or demolition are proposed and the three bedrooms would be retained along with the existing bathrooms, utilities, lounge, kitchen and conservatory. The existing ridge height measures 3.7m and the eaves 2.5m (in majority) and these heights would not be altered as part of this proposal.

4.0 History

06/03840/DOM	PER	Conservatory at side of detached bungalow.
13/04030/FUL	PER	Replacement dwelling.
14/04261/FUL	PER	Replacement dwelling amendments to approved application 13/04030/FUL to include new integral garage and store following demolition of existing tractor shed and store, minor re-siting of dwelling and design changes at The Oaks.
15/01332/DOC	DOCDEC	Discharge of conditions relating to BO/14/04261/FUL, conditions 3,5,6,8 and 11.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Bosham Parish Council objects to this application. Retention of the original bungalow would mean that permission was given for a new build outside of the settlement boundary and in the rural area. The approval of this application would set a dangerous precedent within the district. The Design and Access statement in the original application (13/04030/FUL) stated that the bungalow has a poor relationship with Sailaway with only 7m of separation. It went on to say that the residential care home (Sailaway) operates 24 hours a day and is much noisier than a residential dwelling especially during the night; also the separation would also significantly improve the amenity for residents and staff of Sailaway. In view of these claims it is clear that the retention and use of the bungalow for tourist accommodation would be undesirable.

6.2 Chichester Harbour Conservancy

Comments 20/07/2017

RECOMMENDATION - Objection Conservancy Officers comments and reasoned justification

Having regard to the policy framework listed below*, what is proposed here is tantamount to accepting 14/04261/FUL allowed a new dwelling in the countryside, outside the defined settlement boundary for Bosham.

No business plan is submitted to justify the tourist unit proposed in the old bungalow, nor any assessment of recreational disturbance to the Harbour SPA offered.

Notwithstanding the size of the plot and the lack of impact to the setting of the adjacent AONB, approval of this application would set a dangerous precedent within the District, which might besought to be applied by others within the AONB. The applicants fully understood what was required when they applied for their new house in terms of the Policy for replacement dwellings in the countryside and should now abide by the condition imposed. The council should ensure the condition is complied with. The arguments about sustainability are not accepted. Policy 2 of the Local Plan says where to place new development. An exception should not be granted on the basis of Policy 30. Indeed, this application is viewed as a backdoor route to ultimately asking for another, larger replacement dwelling at a later stage if the poorly evaluated holiday let did not succeed. Finally, the relationship of the accommodation to be retained and the new house is not good, in terms of each set of accommodation being private from one another, albeit this is more of a consideration for the council to assess.

Comments 23/10/2017

Thank you for reconsulting the Conservancy about this application. As far as I can ascertain, the new information is an updated business plan as part of a refreshed planning statement.

In view of the arguments put forward in the business plan, I have consulted our Planning consultative Committee Members as to whether they would wish to offer a contrary view i.e. support to that I have originally put forward objecting.

From those who responded, there was unanimous agreement that the Conservancys objection should be maintained for the original reasoning.

6.3 CDC Environment Officer

Recreational Disturbance

Due to the proposed amendment there will be a net gain of one unit on the site so a contribution for recreational disturbance will now be required. The proposal will now have an in-combination effect on the Solent Maritime SAC in combination with all other residential developments within the 5.6km zone of influence. In line with the Solent Disturbance and Mitigation Project Phase 3 report and Natural Englands letter of the 31 May 2013 (below) avoidance measures will need to be secured.

Natural England's advice is that the SDMP work represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, PO18 8PH arising from new housing development around the Solent, is avoided.

The preferred method would be to collect a contribution towards the implementation of the joint project outlined in the Phase 3 report. The level of contribution to the interim scheme will be £181 per unit. Such a planning obligation should be payable at commencement in order to ensure that avoidance measures are in place before first occupation.

6.4 WSCC Highways (summarised)

No objection. No changes are proposed to the existing access arrangements or car parking to that previously approved. The Local Highway Authority are satisfied that the previously approved access and parking arrangements are sufficient to serve the dwelling as a holiday let and do not wish to raise any highway safety or capacity concerns to the proposals.

6.5 CDC Economic Development Services

The Economic Development Service supports, high quality, tourism facilities, especially within existing buildings. Tourism plays a key role in Chichester District's economy. According to Visit England data, tourism produces the following in Chichester District:

5.2 million day trips each year generating a spend of £144million
405,000 'staying' trips each year, equating to 1.3 million 'bed nights', and generating a spend of £75million
c. 7,500 jobs in tourism and leisure, plus numerous 'support' jobs
British residents spent £18.7 billion on 297 million nights away from home in England
66,400 accommodation businesses provided 2.7 million bed-spaces
£46.0 billion was spent on 1.4 billion domestic tourism day trips

The potential market is huge, and when one breaks these figures down to the share already being captured by other South Coast destinations (e.g. Brighton, Bournemouth, Isle of Wight, New Forest, Kent) there is a clear and growing market for holidays and short breaks in areas such as ours.

In every area of the UK, staying visitors spend significantly more within a local economy than day visitors and help underpin the viability of associated businesses such as transport, entertainment, catering and retailing. For these reasons, the Economic Development Service supports this application.

6.6 CDC Environment Officer

Recreational Disturbance

Due to the proposed amendment there will be a net gain of one unit on the site so a contribution for recreational disturbance will now be required. The proposal will now have an in-combination effect on the Solent Maritime SAC in combination with all other residential developments within the 5.6km zone of influence.

In line with the Solent Disturbance and Mitigation Project Phase 3 report and Natural England's letter of the 31 May 2013 (below) avoidance measures will need to be secured. Natural England's advice is that the SDMP work represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, PO18 8PH arising from new housing development around the Solent, is avoided. The preferred method would be to collect a contribution towards the implementation of the joint project outlined in the Phase 3 report. The level of contribution to the interim scheme will be £181 per unit. Such a planning obligation should be payable at commencement in order to ensure that avoidance measures are in place before first occupation.

6.7 1 x Third Party letters of objections have been received concerning

- a) The Bosham Association objects to this application as it would set a precedent for a new building outside of the settlement boundary and in the rural area.

7.0 Planning Policy

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 Bosham Neighbourhood Plan was made on the 22nd November 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 2: Development Strategy and Settlement Hierarchy

Policy 8: Transport and Accessibility

Policy 30: Built Tourist and Leisure Development

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 44: Development around the Coast

Policy 45: Development in the Countryside

Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

The following policies of the Bosham Neighbourhood Plan (BoNP) are considered relevant to this case;

Policy 1 - The Settlement Boundary

Policy 4 - Commercial and Economic Development.

Policy 7 - Landscape and the Environment

Policy 8 - Ecology, Wildlife and Biodiversity

Policy 9 - Flooding and Drainage

Policy 10 - Transport and Highways

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) alongside sections 3, 4, 7, 10 and 11.

Other Local Policy and Guidance

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

Bosham Village Design Statement- December 2011

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. Principle of development and justification for holiday let in the countryside
- ii. Impact on visual amenities and character of the site and surroundings
- iii. Impacts on neighbouring amenities

- iv. Ecological Considerations
- v. Flood Risk
- vi. Other Matters

Assessment

- i. Justification for holiday accommodation within the countryside

- 8.2 The application site lies in the rural area where new development is restricted in accordance with policy 2 of the CLP, unless it accords with other policies within the plan, and policy 1 of the BoNP. This is in line with the overarching thread that runs through the NPPF which seeks to ensure that new development is sustainable in terms of its Environmental, Social and Economic impacts as set out in paragraph 7 of the NPPF. The made BoNP requires new development within the plan area to be located within the existing settlement boundary in the interests of ensuring new development is sustainable.
- 8.3 Paragraph 55 of the NPPF seeks to restrict isolated homes in the countryside. In this case given the scattering of residential properties, to this side of the road, and the nearby properties officers consider that this proposal would not result in an isolated home in the countryside and therefore the proposal would not conflict with paragraph 55 of the NPPF.
- 8.4 The application proposes the retention of an existing bungalow for holiday accommodation. The site is located 167m west of the designated settlement boundary of Bosham/Broadbridge, within safe walking (along pavements) and cycling distance of Bosham village shops and services, bus stops and the railway station. Convenience stores are located approximately 450m away on Station Road and also an Indian Restaurant and a public house within similar distance.
- 8.5 There are a few of properties to this side of the road within large grounds some of which include holiday accommodation, such as the 6 lodges at Hamblin Hall (ref; 14/04066/FUL). Hamblin Hall is located approximately 75m to the west of the application site. Planning permission was granted for 6 lodges for tourism accommodation prior to the adoption of the Neighbourhood Plan, however the CLP and NPPF was in place at the time. Planning permission was granted because the replacement was considered to respect the character and quality of the site and surroundings and would not harm neighbouring amenities.
- 8.6 The construction of new dwelling in the rural area would not be consistent with the CLP, where new development in the countryside is restricted to that which is essential, small scale and meets a local need (Policy 45, CLP) or there are special circumstances. The proposal however is to retain the existing building with a new use for tourism accommodation, and therefore policies 30 (Built Tourist and Leisure Development) and policy 46 (Conversion of buildings in the countryside) are relevant to the consideration of this application.

- 8.7 CLP policy 30 supports proposal for tourism and leisure development in the countryside subject to certain criteria being met. The criteria requires the proposal to be acceptable in respect of; design, visual impacts on the natural and historic environment, impacts on Chichester Harbour AONB and Pagham Harbour Special Protection Areas (SPA), encouragement of an extended tourism season, be of a scale appropriate to the location, demonstrate a need for a countryside location, be of a scale appropriate to the location and cannot be accommodated elsewhere and support rural diversification. In this case it is recommended that; the design of the existing bungalow is sympathetic to the site and surroundings and its retention for use as holiday accommodation would not conflict with the tranquil character of the locality. Its impact on the natural and historic environment would be limited given that the building exists at present and due to the nature of the residential use proposed. The development would also be small scale and the location is considered to be relatively sustainable and would support the local community and rural diversification.
- 8.8 In accordance with CLP policy 46 the application proposes the conversion of the existing bungalow which is structurally sound and capable of conversion without significant works to a use that has economic benefits. The bungalow was being lived in at the time of the Officer's visit (20/07/2017), by the applicant, who intends to move into the new property permitted under reference BO/14/04261/FUL by the end of 2017. The supporting information submitted with the application states that the applicant intends to maintain the existing bungalow and run it as a holiday let business. The existing building is not historic or of architectural merit, however it is a bungalow of a conventional appearance that is appropriate within its context and therefore the proposal complies with criterion 5 of policy 46 which seeks to ensure only buildings worthy of retention are converted. For the reasons set out above it is considered that the criteria of CLP policy 46 are considered to be satisfied, in this case.
- 8.9 The application details demonstrate that there is a sound business argument for the retention of the bungalow as holiday accommodation and the site, although in the designated countryside, in this context, has good and safe links to sustainable modes of transport. Further, the site is located in an area that has potential to attract walkers and visitors who wish to visit nearby attractions offered by this part of the district such as Chichester Harbour (within walking distance), the City Centre, Fishbourne Roman Palace and Goodwood, all of which could be accessed using sustainable modes of transport from the application site.
- 8.10 There is evidence that the District has a strong tourist economy attracting 405,000 stay trips each year to the equivalent of £1.3 million bed nights. This is also supported by evidence within the submitted business plan. The CDC Economic Development Officer has supported the proposal citing the economic benefits of tourism accommodation within the District and the need to increase further the overnight stays within the District to support the tourism and other economies in the area. As such there is demand for overnight accommodation and in this relatively sustainable location close to a service village it is considered that the economic benefits are not outweighed by any other consideration.

8.11 The previous permission (14/04261/FUL) includes a condition which requires;

'The existing dwelling and outbuilding shown on the hereby approved plan 1301-11 (Rev A) shall be entirely demolished, the debris removed from the site and the site of this building cleared within 3 months of first occupation or substantial completion of the dwelling hereby permitted, whichever is the sooner.

Reason: The planning permission is granted solely on the basis that the building hereby permitted is a replacement dwelling. The retention of the existing dwelling would be contrary to planning policies in respect of housing development in the countryside'.

The reason for condition was to ensure the proposal would not result in an additional dwelling in the countryside. At the time of the 2015 permission retention of the existing bungalow was not proposed and there was no submitted justification to support the retention of the bungalow for tourism accommodation. The retention of the building as a market housing would not comply with policies, however officers are of the opinion that it has been demonstrated the holiday accommodation would support local need, would be small scale and the proposal would support the rural economy. Further, the tourism accommodation proposed would be well connected to the village of Bosham/Broadbridge.

8.12 In conclusion; this site, although in the countryside, has safe and effective connections to the settlement and in terms of its location is relatively sustainable. There are residential properties to the south and west of the application building and there is demand for tourism units in this location. Circumstances have changed since the previous permission and the applicant now wishes to support the local economy by providing a conversion of the existing building as a holiday let. An evidenced business plan has been submitted to suitably justify the need for a holiday let in this location. The existing bungalow offers potential for a small local business to support the local rural economy and the nearby settlement. The building is structurally sound and capable of conversion without significant works. In this case it is therefore considered that the justification for this holiday unit in the countryside is considered to comply with the endeavours of the current Development Plan and guidance within the NPPF and there are no material consideration that indicates otherwise.

ii. Impact on visual amenities and character of the site and surroundings

8.13 The existing bungalow is low-key and cannot be seen from the road due to its position being tucked away behind the neighbouring care home known as Sailaway. This neighbour is one and a half stories and much larger than the application building blocking view of the application building from public areas.

8.14 The single width driveway leading the application site is approximately 65m deep and the application bungalow is located to the west of this driveway with amply space for parking and turning on site (for both properties). The existing rendered and concrete tiled roof bungalow would require limited works in order to convert it to a holiday let.

8.15 The new property currently under construction is much larger than the original bungalow and is two stories with a flat roof, wide overhangs and large glazing panes to the fenestration. This is in contrast to the existing modest and conventional shallow pitched roof bungalow. However, this contrast is not considered visually harmful and the retention of the bungalow would not result in visual harm to the character and appearance of the site and surroundings.

8.16 In respect of the BoNP policies the proposal would comply with policy 7 as it lies outside the AONB and the; tranquil and rural character of the area is not undermined. This would be a low key residential activity in a countryside and residential environment. Also, the development is considered to respects and enhances the landscape character of the surrounding area as no physical changes are proposed.

8.17 On balance of the details of this case; the visual impacts of this development are considered respectful to the character and quality of the site and surroundings - considering this case on its own merits, in this context. Therefore, it is considered that the development would comply with the design and natural environment sections of the NPPF (sections 7 and 11), CLP policies 1, 33, 45, 46 and 48 and BoNP policy 7.

iii. Impacts on neighbouring amenities

8.18 The additional impact of the amenities of the neighbouring properties and gardens would be limited. The proposed use would be one of a residential nature and the amount of increased activity is unlikely to be to a degree that would cause noise disturbance to neighbouring properties and gardens. The relationship of the built form is as per the existing arrangement and this would not change. The southern boundary is vegetated and provides a suitable boundary treatment between the application site and Sailaway. This is also the case for the western boundary between the application building and Kenwood. There are no immediate properties and gardens to the north and east.

8.19 Considering the details of this case on balance the additional impacts on the amenities of the neighbouring properties and gardens would not result in harm to living conditions and private amenities and therefore it is considered that the development complies with paragraph 17 of the NPPF and policy 33 of the current CLP.

iv. Ecological Considerations

8.20 The application site lies within 5.6km of the Chichester and Langstone Harbours Special Protection Area where year round use of the building for tourist accommodation would likely have a significant impact upon the SPA due to the increase in recreational disturbance. The application has entered into a S106 Planning Obligation and paid a contribution of £181 towards the Phase III Solent Joint Mitigation Strategy. Therefore the likely significant impact upon the Special Protection Area of Chichester Harbour would be mitigated in accordance with policy 50, and the proposal would be acceptable in respect of its impact upon biodiversity and ecology.

v. Flood Risk

8.21 The application site is located adjacent to but not within, EA flood zones 2 and 3 and is therefore within EA flood zone 1, an area identified as having the lowest risk of flooding. The levels are relatively flat and no alterations are proposed to the ground levels.

vi. Other matters

8.22 Drainage; no additional surface water would be created by this development and the foul water would also be managed in the same manner that currently exists.

8.23 Parking and highway safety; there would be ample space for parking on site free of the highway for both the replacement house and the holiday accommodation without having a harmful impact on the safety of the highway. WSCC Highways have been consulted and have not raised an objection.

8.24 Whilst the concerns of the Parish Council and Chichester Harbour Conservancy regarding the parameters of the previous permission for a replacement property and retention of the building as a private dwelling are understood, the current application proposed a use in accordance with other Policies within the CLP and supported by the Council's Economic Development Team. The previous application did not propose retention of the existing bungalow or a sound business argument to do so, whereas the justification set out in the current application includes details that support the potential for the use of the existing building for small scale local tourist unit and business that could support the local economy. It is suggested that a condition be applied to any permission that requires the demolition of the building, as is currently required, in the event that the holiday use does not prove to be viable and upon the cessation of that use.

Conclusion

8.25 Based on the above assessment and the details of this case it is considered that the proposed use of the bungalow for tourism use would benefit the local economy without harm to the character of the appearance of the surrounding area, the amenities of neighbouring properties or biodiversity. The application site lies outside of a settlement boundary, however there are good walking links to the nearest settlement, which provides a range of facilities and services that would support the use of the building as a tourism unit. Therefore benefits to the tourism economy would not be outweighed by any harm caused and overall it is considered that the proposal would constitute a sustainable form of development, whereby a new dwelling that does not provide the economic benefits would not. The proposal complies with the NPPF and the development plan and therefore the application is recommended for approval.

Human Rights

8.26 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

PERMIT subject to the following conditions and informative:-

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: 1301-10 rev A, 11 Rev B, 002 and 170924 rev A.

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

3) The building subject to this permission and any extensions to it thereafter shall be demolished once it is no longer required for the use as holiday accommodation. Such demolition shall take place within 6 months of the cessation of the permitted use and all debris removed from the site and the land made good within the same time period.

Reason; To ensure to use enhances the rural community and that the building is removed from the site once it is no longer in demand and/or the business is no longer and/or does not prove to be viable.

4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Classes A, B, C, D and E of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

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

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the proposed accommodation shall be used for holiday accommodation only and shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

A register of all occupiers, detailing dates, names and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by the Local Planning Authority. Any occupation of the units by a single party for a consecutive period exceeding 1 month shall be required to provide evidence of their place of primary accommodation.

Reason: To ensure that the accommodation is only used as holiday / tourist accommodation, since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Agenda Item 14

Chichester District Council

Planning Committee

Wednesday 13 December 2017

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
<p>* 16/03751/FUL Appeal Received: 20/11/2017 Southbourne Parish Case Officer: James Cross</p> <p>Written Representation</p>	<p>Nutbourne Farm Barns Farm Lane Nutbourne PO18 8SA - Change of use of existing storage building to a 2 bed holiday let.</p>
<p>17/00866/FUL Appeal Received: 20/11/2017 West Itchenor Parish Case Officer: Claire Coles</p> <p>Written Representation</p>	<p>Owl Cottage And Pheasant Cottage Itchenor Road West Itchenor Chichester West Sussex PO20 7DA - Change of use and conversion of two self-catering holiday units to form a single unrestricted Class C3 dwelling house including some minor internal changes and external alterations to the appearance of the building.</p>
<p>17/00410/DOM Appeal Received: 30/10/2017 West Wittering Parish Case Officer: Rachel Ballam</p> <p>Householder Appeal</p>	<p>Little Orchard Summerfield Road West Wittering Chichester West Sussex PO20 8LY - Retrospective erection of replacement front boundary fencing.</p>

<p>SDNP/16/04769/FUL Appeal Received: 20/11/2017 Elsted and Treyford Parish Case Officer: Rafa Grosso Macpherson</p> <p>Written Representation</p>	<p>Buriton Barn Buriton Farm, Buriton Farm Lane, Treyford GU29 0LF - Change of use of existing barn group to a single C3 dwelling and associated works. Change of use of land to the south west of the building group to garden land in associated with the residential use of the barn group.</p>
<p>SDNP/16/06318/FUL Appeal Received : 28.11.2017 Harting Parish Case Officer: Derek Price</p> <p>Hearing</p>	<p>Three Cornered Piece, East Harting Hollow Road, East Harting, West Sussex - Change of use to a mixed use of the land comprising the keeping and grazing of horses and a gypsy and traveller site for one family.</p>

2. DECISIONS MADE

Reference/Procedure	Proposal
<p>17/00874/DOM Chichester Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Householder Appeal</p>	<p>2 Beech Avenue Chichester PO19 3DR - Detached double garage and boundary wall and gates.</p>
Appeal Decision: APPEAL DISMISSED	
<p>I saw on my visit that with No. 2's position on a corner plot at the junction of Beech Avenue and Parklands Road, there is a larger gap between the northern flank of the appeal property and the southern elevation of 15 Parklands Road than is typical on this side of Parklands Road. The perception of openness of this area is accentuated by the slope down to single storey level of the appeal property's front gable and in particular the cat slide roof of No. 15. Given all these factors, I consider that the scale and bulk of any outbuilding between the appeal dwelling and No. 15 in front of the building line needs to be relatively modest to avoid drawing the eye as a somewhat obtrusive and incongruous addition to the street scene. I am not convinced that the appeal proposal, although undoubtedly an improvement because of its reduction in height and width from the scheme refused permission under application permission for a further reduced scheme. Whilst I have determined the proposal in this appeal on its merits and fully understand the appellants' wish to have the maximum possible amount of storage space in the new building, the recent approval does to my mind strike a more appropriate balance between their reasonable aspirations and the public interest of safeguarding the street scene in this pleasant residential area. The differences between the approved and refused plans for the building, especially the height, are in my view sufficient to warrant the dismissal of the appeal. I have noted the points raised in the grounds of appeal, in particular the argument that the Council has granted permissions for two similar buildings in nearby Sherborne Road. However, whilst I have taken account of these, I am not persuaded that they increase the acceptability of the proposed building on the appeal site to a point where the balance of planning arguments would weigh in favour of allowing this appeal.</p>	

I have noted the points raised in the grounds of appeal, in particular the argument that the Council has granted permissions for two similar buildings in nearby Sherborne Road. However, whilst I have taken account of these, I am not persuaded that they increase the acceptability of the proposed building on the appeal site to a point where the balance of planning arguments would weigh in favour of allowing this appeal. Overall, I conclude that the proposed building would have a harmful effect on the street scene of Parklands Road. This would be in conflict with Policies 33, 40 & 47 of the Chichester Local Plan Key Policies 2014-2029 and Section 7: 'Requiring Good Design' of the National Planning Policy Framework 2012.

<p>16/03868/FUL Funtington Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Cotfield Funtington Road Oakwood East Ashling PO18 9AL - Conversion of existing outbuilding to residential annexe.</p>
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Appeal Decision: APPEAL ALLOWED

"...The main issues are:- Whether the proposal would be appropriate in the countryside, with particular regard to whether it would create an independent dwelling and its effect upon the rural character and appearance of the area;- Whether any measures would be required in order to safeguard the integrity of the Chichester and Langstone Harbour Special Protection Area... I do not disagree that the resulting building could potentially be capable of providing facilities, albeit on a modest scale, for day to day living... the building would immediately adjoin the gravelled parking and turning area serving and being next to the main house. The parking area and vehicular access to the site would be shared for the use of the main house and the annexe. There is no indication in the proposal of any intention for a separate access to be created. The annexe and its entrance would also directly face the house. Taking account of the proximity of the two buildings with the shared driveway in between, the annexe would have a strong visual and functional relationship with the main dwelling. It would also be considerably smaller in size and scale than the main house... It seems to me that the converted building would still maintain the appearance as being a subservient outbuilding within the same residential curtilage as the main house... whether it is used as a 'granny annexe' or for friends, such facilities, whilst being fairly comprehensive in this case, would be appropriate to an annexe with small scale cooking, bathroom and living facilities provided for the users... I do not consider that the proposal would be tantamount to the creation of an independent dwellinghouse in the countryside... I see no compelling reason why a condition restricting its use for purposes ancillary to the residential use of the main dwellinghouse would not be enforceable in this case, particularly given that it would be visible from the adjacent lane... I find that the proposed development would be appropriate to its location within the countryside... I do not consider that a new independent dwelling would be created, the proposal would be unlikely to result in any significant increase in recreational activity upon the SPA... I therefore find that the submitted undertaking is not necessary to make the development acceptable in this instance and have therefore given it no weight... I conclude that the proposal would not result in any harm upon the integrity of the Chichester and Langstone Harbour Special Protection Area... "

<p>16/03696/DOM Selsey Parish</p> <p>Case Officer: James Cross</p> <p>Householder Appeal</p>	<p>Portsoy 16 Bonnar Road Selsey PO20 9AT - Retention of single storey extension Retention of single storey front extension.</p>
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Appeal Decision: APPEAL DISMISSED

In my view, the two storey gable clearly defines the front of the property. Extending forward from this, the ground floor addition therefore constitutes an unexpected and incongruous feature. It also somewhat awkwardly wraps around the side and the part of the two storey gable to the front of no. 16, unbalancing the pair of properties. Furthermore, the crown roof provides an abrupt and jarring contrast with the pitched roof character of the host dwelling despite the frontage hedge and the shrub directly to the front of the extension, as well as the wooden gates, the discordant nature of the development is apparent from the street. With the frontage gates open the adverse effect is even more readily appreciated from the adjacent road and footways. Despite the frontage hedge and the shrub directly to the front of the extension, as well as the wooden gates, the discordant nature of the development is apparent from the street. With the frontage gates open the adverse effect is even more readily appreciated from the adjacent road and footways. In these circumstances and even though the extension does not project above a 45 degree line from the centre of the adjacent window when looking at the front elevation, I consider that it is overbearing to the adjacent dwelling and amenity space. It is suggested that the hedge could grow higher. However, the solid nature of the extension gives it an appreciably harsher and more imposing appearance than a taller hedge would have. It is also likely that the built development would be significantly longer lasting than the vegetation.

<p>16/03569/OUT Southbourne Parish</p> <p>Case Officer: Rhiannon Jones</p> <p>Public Inquiry</p>	<p>Land East Of Breach Avenue Southbourne Hampshire - Outline with all matters reserved except access - development of up to 34 dwellings, access, retention of orchard, public open space and other associated works.</p>
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Appeal Decision: APPEAL ALLOWED

The appeal is allowed and outline planning permission is granted for the development of up to 34 dwellings. Having regard to the above considerations, the main issues are the effect of the proposal on the development plan strategy for the location of residential development whether the Council is able to demonstrate a five year supply of housing land. The silence of NP Policies 1 and 2 on the question of development outside of settlement boundaries is a not a positive point in favour of the appeal proposal. As such, it does not outweigh the proposal's conflict with LP Policies 2 and 45 and its lack of accord with the aim of the NP with regard to the location of new housing. Therefore, I find that the proposal would be contrary to the development plan strategy for the location of residential development when considered as a whole. I consider below the weight to be attached to this conflict. My conclusions on the four disputed sites indicate that a substantial reduction should be made from the Council's total housing land supply. Given that the Council's supply figure is only 32 units greater than the agreed requirement; I find that the Council cannot demonstrate a five year supply of deliverable housing land.

I consider the implications of this finding in the Planning Balance below overall therefore; I find that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the proposal. As such, the proposal benefits from the presumption in favour of sustainable development set out in Framework paragraph 14 and LP Policy 1. This consideration is sufficient to overcome the conflict with LP Policies 2 and 45 and the aim of the NP with regard to the location of new housing.

<p>17/00533/FUL West Wittering Parish</p> <p>Case Officer: Paul Hunt</p> <p>Written Representation</p>	<p>37 Marine Drive West West Wittering Chichester West Sussex PO20 8HH - Demolition of existing property and construction of replacement dwelling.</p>
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Appeal Decision: APPEAL PART ALLOWED, PART DISMISSED

The appeal is dismissed and planning permission is refused in so far as it relates to the proposed detached garage. The appeal is allowed and planning permission is granted in so far as it relates to the construction of a replacement dwelling (not including the detached garage) at 37 Marine Drive West, West Wittering, Chichester PO20 8HQ.

In accordance with the terms of the application, Ref. WW/17/00533/FULL, dated 17 February 2017, and the plans submitted with it, so far as relevant to the development hereby permitted and subject to the following conditions:

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DWG 001 E, DWG 002 C, DWG 003 E, DWG 004 E, DWG 005 E, DWG 006 C, DWG 007 C, DWG 008 C.
 - 3) No development shall take place (other than demolition) until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
 - 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the demolition and construction period for the development.
- The Statement shall provide for:
- i). the parking of vehicles of site operatives and visitors;
 - ii). loading and unloading of plant and materials;
 - iii). storage of plant and materials used in constructing the development;
 - iv). measures to control the emission of dust, dirt and noise during construction and demolition.

Although the planning application form states the site address to be on Marine Drive, the appeal site is on Marine Drive West. I have had regard to the West Wittering Village Design Statement including the requirement that new development should maintain the spaces between buildings and reflect the height of adjacent properties. In this case the spacing to the side boundaries would be similar to the existing dwelling and the height, whilst greater than the existing, would not be dissimilar to the heights of other properties in the immediate vicinity of the site. The depth of the proposed dwelling would be considerably greater than that of the existing. Nevertheless, the siting of both the front elevation and the rear elevation facing West Beach Road would generally be in accordance with the building line created by other neighbouring properties.

Although the resulting building would be amongst the largest in the road, given the mixed form of buildings in the street scene and the factors set out above, I do not consider that any significant harm would result from its overall size and form upon the street scene and surrounding area. The steep pitched roof slopes would add to the overall bulk of the dwelling, but not in my view to an unacceptably degree. The pitched ends of the roof in comparison to the gable ends of the existing dwelling would also serve to limit its overall bulk in comparison to the existing in views from the front and rear of the site.

I acknowledge that there are other garages in the road, some of considerable size, to the front of properties. However, in this particular part of the road, the garages tend to be set back front the front boundary and generally are not excessively prominent. Although the character of the road changes further to east in this respect with more intrusive garages evident, the road frontage in the vicinity of the appeal site is generally more open. Due to its size, positioning and design, the proposed garage would be visually intrusive and incongruous within this part of the street scene, to the detriment of the character and appearance of the area. I have not attached the Council's suggested condition restricting permitted development rights as no exceptional circumstances have been advanced for its inclusion by the Council. The Planning Practice Guidance advised that such conditions will rarely pass the test of necessity.

3. CURRENT APPEALS

Reference/Procedure	Proposal
16/00933/OUT Birdham Parish Case Officer: Jeremy Bushell Public Inquiry	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.
* 16/00492/FUL East Wittering And Bracklesham Case Officer: James Cross Written Representation	Ashbury Kimbridge Road East Wittering West Sussex PO20 8PE - Demolition of existing house and detached garage and construction of 5 no. flats and 1 no. single storey dwelling.
16/03338/FUL Kirdford Parish Case Officer: Paul Hunt Informal Hearing	Idolsfold House Kirdford Billingshurst West Sussex RH14 0JJ - Removal of condition 4 from planning permission KD/4/82. Removal of the Agricultural Occupancy condition.

<p>15/00375/CONCOU North Mundham Parish Case Officer: Reg Hawks</p> <p>Public Inquiry to be held at 10am 9 - 11 January 2018 at City Council, Old Court Room</p> <p>Public Inquiry</p>	<p>Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex - 1) without planning permission, the change of use of a building to use as a dwellinghouse. 2) Without planning permission, the erection of a dwellinghouse.</p> <p>Appeal against enforcement notices.</p>
<p>16/00424/ELD North Mundham Parish Case Officer: Shona Archer</p> <p>Public Inquiry to be held at 10am 9-11 January 2018 at City Council, Old Court Room</p> <p>Public Inquiry</p>	<p>Ten Acres, Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex PO20 1YU - Continuous occupation in excess of 4 years of barn style building erected under planning permission 10/00517/FUL granted on 28 April 2010. Linked with s174 appeal above.</p>
<p>17/00838/ELD North Mundham Parish Case Officer: Caitlin Boddy</p> <p>Public Inquiry to be held at 10am 20-21 March 2018 at CDC, Committee Room 1</p> <p>Public Inquiry</p>	<p>Field House Vinnetrow Road Runcton PO20 1QB - Erection of building and its use as a dwellinghouse</p>
<p>15/00202/CONAGR Oving Parish Case Officer: Reg Hawks</p> <p>Written Representation</p>	<p>Oakham Farm, Church Lane, Oving, West Sussex PO20 2BT - 1) Without planning permission, erection of a building, earth bund and hardstanding; 2) Change of use of the land to a mixed use for agriculture and the storage of caravans, motorhomes, caravanetts, motor vehicles and shipping containers. Appeal against enforcement notice(s).</p>
<p>16/03906/FUL Sidlesham Parish Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Land To The North Of Sunnybrook Highleigh Road Sidlesham West Sussex - New dwelling house, garden, greenhouse and ancillary landscaping.</p>

<p>16/00176/CONCOU Southbourne Parish Case Officer: Emma Kierans</p> <p>Written Representation</p>	<p>Land East Of Inlands Road Inlands Road Nutbourne West Sussex - Without planning permission, the erection of three metal shipping container buildings in the approximate positions shown on the plan. Appeal against enforcement notice. LINKED TO 16/02811/FUL</p>
<p>16/02811/FUL Southbourne Parish Case Officer: Rachel Ballam</p> <p>Written Representation</p>	<p>Land East Of Inlands Road Inlands Road Nutbourne West Sussex - Siting of metal shipping container for storage of agricultural equipment and animal feeds. LINKED TO 16/00176/CONCOU</p>
<p>SDNP/15/00109/OPDEV Stedham Parish Case Officer: Reg Hawks</p> <p>Written Representation</p>	<p>Field South of The Old Stables, Mill Lane, Stedham, Midhurst, West Sussex, GU29 0PR - Laying of hard surface access track. Appeal against Enforcement Notice</p>
<p>SDNP/17/00294/FUL Sutton Parish Bev Stubbington</p> <p>Written Representation</p>	<p>1 Sutton Hollow, The Street, Sutton, RH20 1PY - Retrospective application for partial reconstruction and change of use of existing outbuilding to form self contained annexe/holiday accommodation in connection with 1 Sutton Hollow (variation from SDNP/12/0149/HOUS and SDNP/12/12050/LIS).</p>
<p>SDNP/17/00295/LIS Sutton Parish Bev Stubbington</p> <p>Written Representation</p>	<p>1 Sutton Hollow, The Street, Sutton, RH20 1PY - Retrospective application for partial reconstruction and change of use of existing outbuilding to form self-contained annexe/holiday accommodation in connection with 1 Sutton Hollow (variation from SDNP/12/01049/HOUS and SDNP/12/01050/LIS).</p>
<p>SDNP/12/01049/HOUS Sutton Parish Bev Stubbington</p> <p>Written Representation</p>	<p>1 Sutton Hollow, The Street, Sutton, RH20 1PY - Retrospective application for partial reconstruction and change of use of existing outbuilding to form self-contained annexe/holiday accommodation in connection with 1 Sutton Hollow (variation from SDNP/12/01050/LIS) and SDNP/17/00295/LIS</p>
<p>16/00094/CONMHC Westbourne Parish Case Officer: Reg Hawks</p> <p>Public Inquiry to be held 10am on 1-2 May 2018 at CDC, Committee Room 2</p> <p>Public Inquiry</p>	<p>Racton View Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ- Without planning permission, sStationing of a mobile home for the purposes of human habitation. Appeal against enforcement notice. LINKED TO 16/03010/FUL</p>

<p>16/03010/FUL Westbourne Parish Case Officer: Caitlin Boddy</p> <p>Public Inquiry to be held 10am on 1-2 May 2018 at CDC, Committee Room 2</p> <p>Public Inquiry</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 16/0094/CONMHC</p>
<p>SDNP/16/00069/COU Upwaltham Parish Case Officer Shona Archer</p> <p>Public Inquiry held on 31 October and 1 November</p> <p>Public Inquiry</p>	<p>The Mill, Eartham Lane, Eartham, Chichester, PO18 0NA – without planning permission, use of workshop as single dwelling. Appeal against an enforcement notice</p>
<p>16/02717/OUT Wisborough Green Parish Case Officer: Rhiannon Jones</p> <p>Public Inquiry to be held 10am 30 January – 2 February 2018 at CDC Committee Room 2</p> <p>Public Inquiry</p>	<p>Stable Field Kirdford Road Wisborough Green West Sussex - Outline with some matters reserved - access. 1 no. village doctors surgery (use class D1); village community uses (use class D2) to include outdoor activity area, activity room, gym, community building, 30 extra-care units (use class C2) to include affordable accommodation,</p>
<p>17/00934/FUL Wisborough Green Parish Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Old Helyers Farm Kirdford Road Wisborough Green RH14 0DD - Conversion of commercial equestrian indoor riding school barn to 3 no. dwellings.</p>

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	Our claim for clearance costs for breach of Enforcement Notice	Pre-Trial Review in April 2018. Request for compliance with Court's Directions of August 2017 to be postponed made by me in agreement with the Defendants in October 2017. Still awaiting new Court Order with Directions to serve evidence, disclosure etc. from Brighton County Court.

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS