

Parish:  
Chichester

Ward:  
Chichester South

**CC/16/03435/FUL**

**Proposal** 6 no. proposed business units, use class B2/B8 with ancillary trade counter use, with associated parking and servicing.

**Site** Goodwood Metalcraft Limited Terminus Road Chichester West Sussex PO19 8UH

**Map Ref** (E) 485221 (N) 104203

**Applicant** Mr Patrick Harrison (Chichester District Council)

**RECOMMENDATION TO PERMIT**



**NOT TO  
SCALE**

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## **1.0 Reason for Committee Referral**

Applicant is Chichester District Council

## **2.0 The Site and Surroundings**

2.1 The application site is within the established Terminus Road industrial estate, located about half way between Chichester Gate and the A27/A259 Fishbourne Roundabout. The site is on the south side of Terminus Road and backs onto the A27 Chichester By-pass. A public right of way runs parallel to but outside the site's western boundary. Access to the site from Terminus Road is achieved from the north-east corner. Beyond the southern boundary is a belt of mature trees and overgrown scrub which form a buffer to the A27.

2.2 The 0.4ha site is currently vacant following the demolition (in March 2016) of a large industrial building of approximately 2,192sqm footprint formerly used as a manufacturing facility by Goodwood Metalcraft. The former building dated from the mid-20th century and was a typical industrial building of the period in form and appearance. It offered some 2,896sqm floorspace in the B2 (industrial) use category and included ancillary office and canteen space. The building was sited to the western side of the plot alongside the public right of way, with parking to the front and vehicle access to the rear.

2.3 Neighbouring land uses are typically B2, B8 or sui generis, and include manufacturing and distribution facilities, design and engineering premises, vehicle dealerships and repair garages. The neighbouring buildings are of various ages and appearances. The majority are two storeys in height and typical in appearance for industrial buildings being single or multi span metal framed structures, with either brick or composite cladding. The building to the immediate east of the application site is a two storey industrial building dating from the mid C20th, with a flat roofed brick and glazed frontage and light coloured cladding. It is used as a charity donation centre. To the west is a full two storey building of white and blue painted brick with large areas of glazing and a dominant gable design end on to Terminus Road. This is used by an IT firm, Gemini Data Loggers. Beyond this to the west is a modern single span building with a curved clad and glazed feature tower to the front elevation, used by Harwoods Jaguar and Aston Martin for vehicle sales, servicing and maintenance. The largest buildings directly front Terminus Road, while the smaller units are accessed from shared parking areas.

## **3.0 The Proposal**

3.1 The application seeks full planning permission for a single rectangular building to contain 6no. B2/B8 units, each with the potential for a mezzanine floor over the rear (west) of each unit. The building would be sited in a similar position to the previous building, close to the western boundary and set back from the north and east boundaries to provide parking areas. The access point onto Terminus Road would be retained in its existing position.

3.2 The building would be 88.3m long and 18.8m wide, with a ridge height of 8.4m and eaves of 7.4m and a footprint of approximately 1,660sqm. The footprint is approximately 590sqm smaller than the former building on the site to accommodate current parking and access requirements. The plans show Units 1 and 2 (Terminus Road end) would each provide 300sqm on the ground floor with 135sqm as a mezzanine. Units 3-6 are smaller, each providing 230sqm at ground floor with 102.5sqm on a mezzanine. The total floorspace including mezzanines would be 2,200sqm, the same amount as approved under 14/03681/REG3, albeit a reduction of 696sqm from the original building.

3.3 The plans show a typical modern industrial unit, with a low pitched roof (light grey) with integrated rooflights, and metal insulated cladding walls (mid grey). Each unit will include two key features in its front elevation: a roller shutter door (5.2m tall) and a glazed pedestrian entrance with company signage area above. Above the signage is proposed a section of larch cladding including the unit number set in a white frame. The glazed pedestrian entrance, signage and larch cladding for Unit 1 wraps around the building onto the front (north) elevation. High level windows are proposed to the north and west elevations to serve the mezzanine floors and pedestrian fire escape doors are located on the rear of each unit. The site boundaries will be marked with 2.1m black mesh security fencing, similar to existing.

3.4 It is anticipated that the development could provide up to 50 jobs. The proposal would provide 52 vehicle parking spaces, to include 8 long wheel base transit spaces (6m x 3m). Tracking details have been provided to demonstrate access and turning for a 2 axle rigid body vehicle for larger deliveries and refuse collection. 14 covered secure bicycle parking spaces are proposed, for staff and customers.

3.5 It is proposed that the units would be operated for B2 or B8 purposes, with ancillary trade counter use. The extant permissions allow up to 40% of the net ground floor area per unit for trade counter purposes. A condition is recommended re-imposing the same restriction for the trade counter use on this application, as that for the extant consents on this site. The recommended condition specifies 40% of the ground floor area not the total floorspace, therefore if the mezzanine space is used this would reduce the overall percentage of trade counter area to a maximum of 27% of the total floor area per unit.

**4.0 History**

14/03681/REG3	PER	Outline planning permission for up to 5no. B2/B8 commercial units with ancillary trade counter use and associated parking and servicing (total floorspace circa 2,200sqm)
15/03143/REG3	PER	Demolition of existing redundant commercial facility and construction of new replacement B2/B8 unit with ancillary trade counter, comprising 2,024m <sup>2</sup> of B2/B8 of gross floor-space with associated parking and servicing.
15/04192/DOC	DISCHA	Discharge of conditions relating to 15/03143/REG3, conditions 3.

## 5.0 Constraints

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

## 6.0 Representations and Consultations

### 6.1 Chichester City Council

No objection.

### 6.2 Highways England

No objections.

### 6.3 WSCC Local Development Division

No objection is raised subject to conditions attached.

The units will provide a total 2,200sqm of floor space and re-use the existing access from the site onto Terminus Road. Secure and covered bicycle storage has been provided and swept path diagrams show that a refuse vehicle can enter turn and exit in forward gear. Access into the site will be via the existing crossover access.

The site is located in a sustainable location and is within walking distance to both Chichester Bus and Railway station. The expected number of trips created by this development could see an intensification of use of the site however this will be dependent on the type of industries which locate here.

Each unit will provide 8 car parking spaces which is well within the maximum standard set out in the WSCC parking standards planning guidance note. This suggests there could be demand for up to 90 spaces and concerns have been raised over the additional parking demand this development will create within Terminus Road. There are some parking and waiting restrictions along Terminus Road, with parking for up to 2 hours available on the opposite side. WSCC are mindful that this development could attract a higher parking demand however the businesses locating here will be aware of the parking provision and therefore this will need to be a consideration at the time of occupying the units.

### 6.4 WSCC Public Rights of Way

In principle the PROW team has no objections to the proposals but the footpath must remain open and available at all times, for lawful users, throughout the proposed works unless a temporary closure is applied for through the PROW team at WSCC.

## 6.5 WSCC Flood Risk and Water Management

Our comments will remain the same as for extant permission 14/03681/REG3. The size of the proposal should not affect the flood risk. Comments copied below.

Low risk of surface water flooding. Any existing surface water flow paths across the site must be maintained. Any excavated material kept on site should be located in areas designed and designated for that purpose.

High risk/susceptibility of groundwater flooding. The general geology in the area may be suitable for infiltration/soakaways, to be demonstrated through appropriate assessment. Potential for groundwater contamination within source protection zone will require consultation with EA if considered a risk.

No ordinary watercourses within or in close proximity to the site. The River Lavant is 90m away. No records of historic flooding on site or in close vicinity. Terminus Road has a positive highway drainage system likely to discharge into the River Lavant.

No details of surface water management arrangements provided. This information should include arrangements during the temporary parking duration. FRA required. General advice on SuDs and management provided.

## 6.6 CDC Economic Development

The Economic Development Service recognises that the economy and the way businesses operate have changed dramatically in the 50 years since this site was built. The redevelopment of this plot would provide a sustainable, flexible space that is in demand in the current economic climate.

Chichester has over 6,500 active enterprises. 90% (5,850) of these are classed as micro businesses, employing up to 9 people (Source: Nomis UK Business Count 2016). The general requirement in the District is for smaller units. Chichester District Council, with other partners, is developing an enterprise centre, which is in the early stages of development at a separate site on Terminus Road. The Enterprise Centre is intended for start-up businesses, these businesses will be required to move on after 18 months. This site may be appropriate for some of these businesses to move on to.

This development is well located, in terms of accessibility to the A27 and its proximity to the train station and city centre. The Economic Development Service fully supports this application.

## 6.7 CDC Environmental Health

No further comments to make with respect to contaminated land or air quality. Previous comments were made on application 15/03143/REG3 (relevant text copied below).

A site investigation report has been submitted with this application which concluded that there were no significantly elevated levels of contamination which would pose a risk to receptors or future industrial end-users of the site. Nevertheless the recommendations made in the report should be carried out and therefore condition N21G part 3 should be applied.

Pollution prevention proposals should be put in place where necessary and condition N22F should be applied. Where oil/fuel storage is required this should be in bunded areas and

condition L09F should be applied. In order to ensure the site is adequately drained, conditions L10F and L11F should be considered. Future occupiers may be required to have an Environmental Permit.

A transport note has been submitted with the application which concludes that there are unlikely to be any material changes to number of vehicle movements using the site and adequate car parking spaces and cycle parking racks are to be provided. Air quality impacts from these proposals are not considered to be significant.

#### 6.8 CDC Drainage Engineer

The site is brownfield with an existing surface water drainage regime. This may be utilised for the new development, but I would add that any efforts to reduce pollution and increase attenuation would be welcomed. SuDS features such as permeable pavements may be suited to this type of development, and would achieve these benefits.

#### 6.9 CDC Environmental Strategy

No additional comments further to those provided for 15/03143/REG3 on 22 October 2015 (relevant text copied below).

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. The hedgerows and trees surrounding the site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity.

Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Any works to the buildings, 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).

#### 6.10 1 Third party objection

Proposed parking provision (8.5 spaces per unit) is too low for the expected demand. Overspill parking on the road will increase existing congestion and danger for emergency vehicles travelling at speed.

## **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 and Development Plan Documents (DPD). There is no made neighbourhood plan or DPD for Chichester City at this time. The consultation period for the Site Allocation Proposed Submission DPD runs from Thursday 1 December until Thursday 26 January 2017. The application site is not an allocated site.

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 3: The Economy and Employment Provision  
Policy 8: Transport and Accessibility  
Policy 9: Development and Infrastructure Provision  
Policy 10: Chichester City Development Principles  
Policy 11: Chichester City Employment Sites  
Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment  
Policy 13: Chichester City Transport Strategy  
Policy 26: Existing Employment Sites  
Policy 28: Edge and Out of Centre Sites - Chichester Policy  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
Policy 49: Biodiversity

### **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 paragraphs 6-13 (sustainable development principles), 17 (core planning principles), section 1 (economy), section 2 (town centres), section 4 (transport), section 10 (climate change, flood risk), section 11 (natural environment), decision taking and implementation.

## Other Local Policy and Guidance

7.5 The following Supplementary Planning Guidance is material to the determination of this planning application:

### Surface Water and Foul Drainage Supplementary Planning Document

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

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. The principle of redevelopment for continued employment purposes
- ii. Scale and uses proposed
- iii. Access and parking
- iv. Environmental impacts - including contamination, drainage and amenity.

## Assessment

### Principle

8.2 This site forms part of a substantial existing established industrial and commercial site with strong transport and business links to Chichester and the trunk road network. There are two alternative extant permissions for employment use on this site, 14/03681/REG3 (Outline planning permission for up to 5no. B2/B8 commercial units with ancillary trade counter use and associated parking and servicing with a total floor area of 2,200sqm) and 15/03143/REG3 (Demolition of existing redundant commercial facility and construction of a new replacement B2/B8 unit with ancillary trade counter, comprising 2,024sqm of B2/B8 of gross floorspace with associated parking and servicing). This application has been submitted as an alternative to the two extant permissions, following commercial agency advice to increase the number of units from 5 to 6 to provide broader flexibility in meeting current market demands. The comments from CDC Economic Development explain the importance of offering smaller business units of this type in the city and agree with the position on current demand. The principle of the proposed employment/industrial use complies with Local Plan policies 1, 3 and 11 and is therefore acceptable.



## Scale and uses proposed

8.3 The proposed floorspace (2,200sqm) matches that approved under 14/03681/REG3. This is the maximum practical floorspace that can be accommodated on this site, taking account of current business needs and access and parking requirements. The subdivision of this floorspace into 6no. units rather than 5no. is acceptable, given the increasing demand for smaller units in the local area.

8.4 The proposed use for B2/B8 purposes with ancillary trade counter use remains as approved under 14/03681/REG3 and 15/03143/REG3. These are compatible and duplicate uses to those already active in Terminus Road. The extant permissions allow up to 40% of the net ground floor area per unit for trade counter purposes. This matches the extant consents on this site. As this restriction specifies 40% of the ground floor area not the total floorspace, if the mezzanine space is used it reduces the overall percentage of trade counter area to a maximum of 27% of the total floor area per unit. These restrictions are recommended to be secured by condition.

## Access and parking

8.5 The site is accessed directly from Terminus Road, which joins the trunk road network at the A27/A259 Fishbourne Roundabout, 600m west of the application site. A detailed transport assessment submitted with 14/03681/REG3 evaluated the impacts of 5no. B2/B8 units with mezzanines (2,117sqm). The study concluded that the proposed 5no. B2/B8 units would generate less traffic than the previous B2 use during the AM and PM peak times. As such, it was concluded that the proposal for 5no. B2/B8 units would result in no significant change in the traffic pattern of the existing site and would have no material impact on the surrounding highway network, including the A27 corridor or A27/A259 junction. Highways England agreed with these conclusions. Additionally, no objection was raised by Highways England to the alternative extant scheme 15/03143/REG3 for a single unit B2/B8/trade counter scheme for just over 2,000sqm.

8.6 The current application for 6no. B2/B8 units is accompanied by an updated Transport Note, which concludes that the change from 5no. to 6no. units would not increase pressure on these junctions, as the overall floorspace remains the same. The supporting comments from Highways England identify that even though the GFA and use remains the same the additional unit within the same space does slightly increase the trip rate. Nonetheless, the response concludes that broadly the difference in trip rates between 5no. and 6no. units is small enough not to change the original position of Highways England on this matter and no objections are raised. The development falls well below the threshold for a Travel Plan (4,000sqm for a B2 category). A construction management plan is required by condition, which will evaluate and monitor the associated construction traffic.

8.7 The extant permission (for 5 units) includes 53 parking spaces, while this application proposes 52. It is anticipated that the new scheme would provide more jobs than the extant scheme, potentially up to 50. This has generated concerns from the adjacent business and this is recognised in the response from WSCC Highways. Nevertheless, the proposed parking provision falls well within WSCC's maximum parking standards for the size and use of the site. While it is expected that many of these employees would travel by car, the site is well located for access by train, bus and bicycle. Customers would be visiting for short periods, and there is parking available for up to 2 hours along Terminus Road. The tracking plans on the proposed site plan shows larger delivery vehicles can access the rear of the site. Sufficient cycle parking to meet WSCC requirements, comprising 7 Sheffield stands for

14 bicycles, is also provided on the plans. Refuse servicing can also be accommodated using the proposed layout.

8.8 The access onto Terminus Road is to be retained as existing, however this access is in poor condition and will need to be provided to a good standard before first use, with safe pedestrian access. These works are recommended to be secured by condition, and separate technical consents.

8.9 Based on the above assessment and related consultation responses, it is considered that the proposal would comply with policy 39 of the Local Plan. Conditions are recommended to require the appropriate delivery of the access improvements, parking spaces and the submission of and adherence to a detailed construction management plan.

### Environmental impacts

8.10 The site investigation report submitted with the previous application concluded that there were no significantly elevated levels of contamination which would pose a risk to receptors or future industrial end-users of the site. Nevertheless various recommendations were made in the report with respect to matters including removing discarded barrels and drums containing oil based liquids, recovering oil based liquids from the internal pits and carrying out additional gas monitoring at the site. These recommendations would need to be followed properly to avoid risk to people and the environment and are recommended to be secured by condition. A condition is also proposed to ensure the contamination verification reports are submitted and approved prior to first use of the units. The combination of the specific contamination remediation conditions and a detailed construction management plan covering environmental matters will be sufficient to result in a safe development that will comply with NPPF paragraphs 120-122.

8.11 A full flood risk assessment was not required due to the size, flood zone 1 location and industrial nature of the site. It is fundamental however that surface water is properly managed to avoid contamination of groundwater, drainage onto the highway, and ponding on site. To this aim, the redevelopment of the site offers an opportunity to review the drainage context of the site and deliver a scheme that is significantly better than the existing arrangement. It would be expected that the proposed drainage scheme would maximise the potential for infiltration drainage and would ensure climate change mitigation is built into the calculations. The full details are recommended to be sought and secured by condition, and will ensure compliance with Local Plan policies 40 and 42.

8.12 The site forms part of an established industrial estate with limited sensitive receptors nearby. It is proposed that setting appropriate hours of use, restrictions on external storage of materials, limiting noise disturbance from machinery or other equipment, and minimising external lighting are secured by condition. These conditions will enable the proposal to comply with NPPF paragraph 123 and Local Plan policy 40.

8.13 With regard to Local Plan policy 40, the submitted planning statement explains how the relevant criteria will be met. Measures include adopting sustainable building techniques and technology (criterion 4), minimising energy consumption and providing for suitable on-site waste reduction and recycling facilities (criterion 3). Landscaping and planting will be dealt with in detail by condition to ensure planting and surfacing that is adaptable to climate change (criterion 6) in addition to improving the amenity and biodiversity of the site (Local Plan policy 49). All external lighting will need to be designed to minimise its impacts on wildlife; again these details are recommended to be secured by condition.

8.14 The proposed form and appearance of the building, being a simple rectangle with a pitched roof, is suitable for the proposed industrial uses and is acceptable in this location. The proposed materials, including metal profiled cladding with larch boarding for detail to the unit frontages, are typical of modern industrial units and will fit with the surroundings in Terminus Road. The north (Terminus Road frontage) and east elevations are both active frontages. An access passageway is provided to the rear which also sets the building back from the public right of way adjacent. The plans include a specification of materials, which are considered acceptable. Advertisement details, including any totem style signage at the entrance, will require separate consent.

8.15 It is considered that the environmental impacts of the development can be satisfactorily controlled through conditions and the proposal will therefore comply with Local Plan and national policies and best practice in this regard.

### Significant Conditions

8.16 Key conditions will include a construction management plan for highway and environmental impacts, contamination remediation works, drainage, access and parking requirements, soft landscaping details, noise and odour minimisation and controls over external lighting. A condition is recommended to limit the trade counter element of each unit to no more than 40% of the ground floor area to ensure this function remains ancillary to the primary B2 or B8 use of the units. A badger survey (recommended by CDC Environmental Strategy) is considered now not necessary as the site is a cleared concrete slab in an industrial area, and construction fencing has been in place since the demolition.

### Conclusion

8.17 Based on the above assessment, it is considered the proposal complies with development plan and national planning policies and supports economic development and sustainable growth of the local economy, through more efficient and effective re-use of an established industrial site in an accessible and practical location. There are no material environmental impacts. The application is therefore recommended for approval.

### Human Rights

8.18 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**

Recommendation to **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: 16022 P001A, 16022 P250A (signage details indicative only), 16022 P112B (excluding the estate signage) 16022 P115A, 16022 P116A

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

3) No development (excluding any demolition and site clearance but including groundworks) shall commence unless and until a detailed Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall require the applicant and contractors to minimise disturbance during construction and will include (but not be limited to) details of the following information for approval:

- (i) the phased programme of construction works;
- (ii) the means of access and road routing for all traffic associated with the development including an assessment of the effects on the trunk road and associated junctions;
- (iii) provision of wheel washing facilities and details of their operation and location;
- (iv) details of street sweeping;
- (v) construction working times including delivery times;
- (vi) details of a means of suppressing dust arising from the development;
- (vii) details of all proposed external lighting to be used during construction;
- (viii) details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development including contractor parking;
- (ix) details of areas to be used for the storage of plant and materials associated with the development;
- (x) details of the temporary construction site enclosure to be used throughout the course of construction (including access gates);
- (xi) location of welfare and site office facilities;
- (xii) contact details for the site contractor, site foreman and construction/demolition co-ordinator (including out-of-hours contact details);
- (xiii) evidence of consultation with neighbouring premises and occupiers prior to works commencing;
- (xiv) details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage;
- (xv) appropriate storage of fuels, oils and chemicals required during works;
- (xvi) waste management provisions;
- (xvii) details of how measures will be put in place to address any environmental problems arising from any of the above;
- (xv) protection of wildlife during works;
- (xvi) tree protection during works;
- (xvii) protection of utilities and services during works; and
- (xviii) protection of the adjacent public right of way during works.

The approved construction management plan must be followed in full during relevant works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe and neighbourly construction processes in the interests of amenity, environmental protection and road safety.

Note 1: Additional technical or environmental consents may be required to implement the development. The developer is responsible for ensuring all appropriate consents are sought and complied with at the correct time.

4) No development excluding superstructure demolition and site clearance but including any works affecting the slab or any groundworks, shall commence unless and until a written method statement for the remediation of land and/or groundwater contamination affecting the site has been agreed in writing with the Local Planning Authority and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. The approved scheme must be carried out exactly as approved, with no deviation made from this scheme without the express written agreement of the Local Planning Authority.

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 Environmental Health department in the Local Planning Authority. An investigation and risk assessment must be undertaken before any further works are undertaken, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements above.

Note - the above requirements shall be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

Informative: For further information and technical guidance regarding the requirements of this condition applicants should contact the District Council's Environmental Protection Team (01243 785166).

5) Development shall not commence (excluding demolition and site clearance) until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish 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, unless the Local Planning Authority expressly confirm in writing this will not be required following receipt of appropriate evidence from the applicant/developer. The 1 in 100 year storm event plus 30% should be stored on site.

Details to be provided under this condition include a plan demonstrating how surface water from the development will be prevented from discharging onto the public highway, and a full maintenance and management plan.

No building shall be occupied in whole or part until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details. Once installed, the surface water drainage system shall be managed and maintained in accordance with the management plan.

Reason: To ensure that the proposed development is satisfactorily drained.

6) Prior to being discharged into any watercourses, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained. At no time shall there be any discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether direct or via soakaways.

Reason: To prevent pollution of controlled waters.

7) Development shall not commence (excluding demolition and site clearance) until full details of how the site and premises will connect to all relevant utilities and services infrastructure networks 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, including to the telecommunications and broadband networks. The details shall include measures to minimise foul water discharge to the lowest practical level. Details shall also be provided to demonstrate that existing infrastructure on the site and any services that may be affected by the proposal will be protected. The development will thereafter proceed only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with policies 8, 9, 12 and 39 of the Chichester Local Plan. This is required prior to commencement to ensure all appropriate infrastructure is installed at the groundworks stage.

8) The development shall be constructed and finished using the materials set out on the approved plans listed under condition 2, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the application.

9) The construction of the building hereby approved shall not commence until full details have been submitted to demonstrate how the relevant criteria of Local Plan policy 40 will be met through detailed design, and these details have been agreed in writing by the Local Planning Authority. These details shall specifically but not exclusively demonstrate how the proposal will:

- (i) apply sound sustainable design and good environmental practices, sustainable building techniques and technology (criteria 4),
- (ii) minimise energy consumption and maximise the use of energy supplied from renewable sources (criteria 5),
- (iii) provide for suitable on-site waste reduction and recycling facilities (criteria 3),

- (iv) minimises water use and maximises water re-use (criteria 2 and 6), and
- (v) includes planting and surfacing that is adaptable to climate change (criteria 6).

Once agreed, the development shall be undertaken in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development achieves high environmental standards, is sustainable and adaptable.

10) The approved building shall not be first used until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. 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 scheme shall be designed to achieve levels of shelter/windbreak, shade and drought resistance to accord with the expected climate changes during the design life of the development.

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

11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 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.

12) The approved building shall not be first used until such time as the vehicular access has been repaired/reconstructed to ensure safe pedestrian and vehicular access suitable for the approved level and nature of use, with any damage caused by the demolition or construction processes made good.

All works must take place in full accordance with plans and specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority, in advance of works commencing on the access.

Reason: In the interests of road and pedestrian safety.

Note: Any technical consent required in addition to the above must also be obtained prior to works commencing.

13) The building hereby permitted shall not be first used until space has been laid out for the turning, loading, unloading and parking of HGVs and delivery vehicles, commercial operation and servicing vehicles and staff and visitor vehicles clear of the public highway in accordance with the approved plans P112B, P115A and P116A unless alternative provisions are agreed in writing with the Local Planning Authority. Once provided, these spaces shall not thereafter be used other than for the purposes for which they are provided and shall not be blocked at any time while the premises are operational.

Reason: To provide suitably designed service vehicle parking, turning, loading and unloading areas appropriate for the uses proposed.

14) The building hereby permitted shall not be first used until covered and secure cycle parking spaces have been provided on-site in accordance with the approved plans P112B, P115A and P116A. Once installed, the cycle spaces and shelter will be retained in perpetuity.

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

15) The building hereby approved shall not be first used until a waste and recycling store sufficient for the size and use of the building is provided in the location identified on approved plans P112B, P115A and P116A to specifications that will be submitted to and approved in writing by the Local Planning Authority in advance of its installation. All waste arising from the use of the development hereby permitted shall be kept within suitable waste receptacles within the bin storage area and removed at regular intervals by licensed contractors. The details provided must show clear access to the bin storage area by appropriate waste management vehicles and personnel and turn on site space for such vehicles, and must minimise drag distances for waste and recycling bins.

Reason: In the interests of amenity and waste management

16) Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the installation of the lighting or first use of the development whichever is sooner. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be designed to minimise its impact on wildlife. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: In the interests of the amenities and environment of the locality.



17) The building hereby approved shall not be first used until two full copies of a contamination verification report confirming the objectives, methods, results and conclusions of all remediation works has been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure the development is safe for use.

18) 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.

19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) the premises hereby approved shall be used only for purposes within Use Classes B2 or B8 as defined in the Town and Country Planning (Use Classes) Order, 1987 (or any Order revoking and re-enacting or amending that Order). Any Trade Counter use shall at all times remain ancillary to the principal use of the premises for B2 or B8 purposes and shall not exceed 40% of the ground floor area (net) of each unit hereby approved.

Reason: To accord with the terms of the application, to protect the primary retail areas, and in the interests of the proper planning of the area.

20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order), no additional mezzanine beyond that shown on the approved plans under condition 2 will be added to the building without prior written approval by the Local Planning Authority. Any formal request must include details of the extent and location of the proposed additional mezzanine, the purpose of this space and the way this space will be managed to minimise the requirement for additional car parking.

Reason: To prevent the over intensive use of the site to the detriment of the parking and servicing arrangements authorised by this permission.

21) The premises shall not be used or open for trade or public except between the hours of 07:00 and 19:00 Mondays to Fridays, between the hours of 08:00 and 18:00 on Saturdays and between the hours of 10:00 and 16:00 on Sundays, Bank Holidays and other Public Holidays without the prior agreement in writing of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers.

22) No fixed machinery shall be installed at the site unless and until a scheme to prevent the transmission of noise and vibration from the equipment to adjoining or neighbouring units and users has been submitted to and approved in writing by the Local Planning Authority. All machinery shall be installed and maintained in accordance with the agreed details.

Reason: In order to safeguard the amenities of the adjacent occupiers.

23) All plant, machinery and equipment installed or operated in connection with the carrying out of the B2 or B8 uses hereby permitted shall be so enclosed and/or attenuated that noise therefrom does not, at any time, increase the background noise levels as measured according to British Standard BS 4142: 1997 (or any subsequent revision) at any adjoining or nearby property.

Reason: To protect the amenities of the adjacent occupiers.

24) The approved B2 or B8 use shall be operated to ensure the following conditions are adhered to:

1. There shall be no perceptible odour outside the application boundary at any time.
2. All emissions into air shall be colourless and free from persistent mist other than steam or water vapour.
3. All emissions shall be free from visible smoke.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect.

25) No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or bin storage area at any time, unless otherwise approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties and to prevent the obstruction of parking and turning areas.

## INFORMATIVES

- 1) This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations 2007 or under any Regulation revoking and re-enacting or amending those Regulations
- 2) The adjacent Public Right of Way (PRoW) should remain open and available at all times, unless temporary closure is applied for and permission for such granted. Full details about PRoW processes can be made available on request to the County Council.
- 3) Applications for S38 and/or S278 Agreements and temporary access licenses should be made to West Sussex County Council (WSCC) as the Highway Authority. Full details are available on the WSCC website.
- 4) The occupiers' attention is drawn to the requirements of the Environmental Permitting process.
- 5) 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, Guildbourne House, Chatsworth Road, Worthing, West Sussex, BN11 1LD, 0300 0600300, [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk)) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

- 6) 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 Naomi Langford on 01243 534734.