

Public Document Pack

JOHN WARD

Director of Corporate Services

Contact: Democratic Services

Email: democraticservices@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 virtually on **Wednesday 13 May 2020** at **9.30 am**

MEMBERS: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman),
Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra,
Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp, Mr A Sutton and
Mr P Wilding

SUPPLEMENT TO AGENDA

16 **Agenda Update Sheet** (Pages 1 - 29)

This page is intentionally left blank



Agenda Update Sheet

Planning Committee
Wednesday 13th May 2020

ITEM: 4

APPLICATION NO: LX/19/01498/FUL

Member Questions

Q. I would like to ask about the request for a crossing mentioned several times in this report.

A. Through the public consultation on this application a request was made for a pedestrian crossing on Guildford Road. This is however considered to be beyond the remit of this application and any mitigation considered as part of the original planning application for the site. The need for a pedestrian crossing was not considered necessary to make the development acceptable in planning terms.

Q. I would also like to ask about the layby and use for the loading and unloading of goods.

A. The proposed layby is to be used for deliveries and servicing of the proposed store. A TRO contribution has been secured via a S106 agreement to ensure that the TRO is delivered. The detail of which shall be subject to a separate TRO process. It is likely that a loading bay restriction shall be provided and double yellow lines either side to protect it from on-street parking. Subject to approval the committee is approving that the contribution is sought to advertise the TRO.

Q. Page 8 last para refers to a PPT presentation on 20th August – was this for the councillors? I don't seem to remember this.

A. No this was presented to officers only.

Q. Page 11 – what does Grampian Condition mean – second para first line.

A. A Grampian Condition is a planning condition that prohibits the development permitted or other aspects linked to the planning permission (eg occupation of premises) until a specified action has been taken on land outside the control of the applicant.

Q. Page 12 PROW path needs fencing – can we be assured that this will allow people to be seen and safe – if too high and not able to see through it could be dangerous. I'm not sure if the type of fence suggested will allow this

A. Paragraph 8.43 of the agenda report states that the applicant has shown 1.8m high weld mesh fencing. Weld mesh fencing would allow for visibility through the fence.

Q. Page 16 – not sure if the CDC Environmental strategy officer found out what proportion of materials will be recycled.

A. No, however condition 11 is amended below to require details of the recycled materials.

Q. Page 17 line 2– when it says that commercial waste will be dealt with internally by the retailer does this mean that all cardboard etc will be collated and picked up not by CDC Contract Services – they can use any service I presume but waste will presumably be removed from the building?

A. The submitted Servicing Management Plan states ‘All store refuse / recycling is collected on the Co-operative’s delivery vehicles, removing the need for external refuse collection’. An updated Servicing Management Plan would be secured by condition 23. Furthermore, condition 12 requires further details about the storage and collection of waste generated by the retail unit with measures to maximise recycling where possible.

Q. Page 19 – lots of abbreviations ECE, HRLLP – the first time they occur in a report it should be made clear what they are (for people who are new to the report). Same applies to page 20 – BLV, AUV, BCIS, DSP, GIA.)

A. A table of definitions is set out below.

AUV	Alternative Use Value - refers to the value of land for uses other than its existing use.
BCIS	Building Cost Information Service - it is a provider of cost and price information for the UK construction industry. It is a part of the Royal Institution of Chartered Surveyors
BLV	Benchmark Land Value – established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner.
DSP	Dixon Searle Partnership – Instructed by the Council to undertake an independent assessment of the submitted financial viability report
ECE	ECE Planning – the agent and author of the applicant’s financial viability report and subsequent rebuttals
GIA	Gross Internal Area
Grampian Condition	A planning condition that prohibits the development permitted or other aspects linked to the planning permission (eg occupation of premises) until a specified action has been taken on land outside the control of the applicant.
HRLLP	Henry Riley consulting – provided input into the applicants preliminary cost plan contained with the ECE financial viability report.
Stirland	W Stirland Contractors – provided input into the applicants preliminary cost plan contained with the ECE financial viability report.

Q. Page 21 – Loxwood Voice is presumably the Village or Church magazine – but perhaps we should be told if it has some affiliation

A. It is published by the Loxwood Society

Q. Page 21 – also refers to a river/brook – not sure if this is referred to again but I don’t remember flood barriers being included.

A. The site is entirely within flood zone 1 (land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%)) as such, flood barriers are not necessary to make the development acceptable.

Q. Page 48/49 – will there be conditions about restricting the time limits of lighting. Can we ask for solar powered lighting?

A. Condition 30 restricts any external lighting without a scheme to be agreed with the LPA. This includes details of the timing of lighting. It has been amended below to include consideration of solar powered lighting.

Q. I am a bit unclear as to how what appears to be a compromise position on the AHC has been arrived at. Report para 8.18 appears to indicate that nothing in the OUT permission, or in the documentation being considered at the point of decision, allowed or envisaged residential accommodation above the retail unit. That para also notes that all 43 dwellings permitted under the OUT application which also covered this site have been built. However the AHC of £168k appears to be based on a BLV which includes 2 dwellings above the retail unit (para 8.20), which in turn appears to relate to a superseded plan submitted in the course of the consideration of the OUT application (see para 8.18). It therefore appears to me that the position based on a £168k AHC is based on a desire to compromise rather than principle.

A. The table on page 20 (in the three end columns) sets out three different scenarios in relation to what is the base Benchmark Land Value (BLV). The first column includes the BLV of £72,046 (the retail floorspace granted under the outline pp only). The second column includes the BLV based on the alternative use value (AUV) of a retail unit with two residential above but does not accept the applicant's suggested alternative land value of £300,000. Instead it uses DSP's suggested ALV of £200,000. Column 3 includes the BLV based on the alternative use value of a retail unit with two residential above accepting the applicant's suggested alternative land value of £300,000.

Officers have used the figures in the first column – assuming the Benchmarked Land Value of £72,046 (which relates to the retail floorspace granted pp only). If you then look at the rows in the table, these set out different scenarios depending if an adjustment is made for including or not including ground rental income (officers believe that this should be included as it is legally still required to be paid); whether additional build costs (specific just to co-op) should be included –officers have assumed that they should be included as the occupier is known in this instance. The last two rows have been adjusted to include information from the applicant's preliminary cost plan.

From this officers are recommending a commuted sum of £168,064 which sits in column one (assumed BLV of £72,046) and including additional build costs relating specifically to co-op and includes an income from ground rent income.

As you can see from the table below if you use the BLV of a retail unit and 2 dwellings above (second column in the table on page 20) and again assume additional build costs specifically for the co-op and include an income from ground rent then the affordable housing contribution in this scenario would be £40,110.

Paragraph 8.25 of the agenda report, sets out the options for members to consider in terms of the level of affordable housing contribution. The below table summarises how these figures have been achieved.

		Affordable Housing Contribution
1	<ul style="list-style-type: none"> • Benchmark Land Value (BLV) of £72,064 (Planning permission for 2 retail units only) • Total build cost of £2,449,556 plus £78,102 contingency (adjusted by DSP to include cost of fittings and street furniture) – assuming costs specific to co-op are included. • Income from ground rents included 	£168,064
2	<ul style="list-style-type: none"> • Alternative Use Value (AUV) of £200,000 (assuming 2 additional residential units including an affordable unit would be policy compliant) • Total build cost of £2,449,556 plus £78,102 contingency (adjusted by DSP to include cost of fittings and street furniture) – assuming costs specific to co-op are included. • Income from ground rents included 	£40,110
3	Applicant's offer	£20,000

Q. It is worth noting that in various discussions relating to the Co-Op at Tangmere, that store's operators have avoided implementation of a permission to use the first floor of that building for residential accommodation. They cite various operational issues, including the difficulties experienced on other sites arising from issues with the tenants in flats above. What structural and managerial measures (other than controls over operational times and noise levels) are proposed to ensure that no adverse interaction or effects occur between the Store and occupiers above?

A. In addition to the noise and operation times conditions, the retail unit would have a separate entrance to the residential units. The demarcation of the allocated parking would be secured by condition 25. An updated Service Management Plan would be secured by condition 23.

Q. By what means will the overall application site be managed, e.g. will there be a management entity which ensures the maintenance of the site?

A. Details of how the application site would be managed between the retail unit and residential units, and any interaction between the two could be included as an additional clause on the S106. This has been included below.

Q. What length of delivery vehicle is depicted as being used to deliver to this site for tracking purposes? On the proposed site plan the legend on the delivery vehicle includes "1998" – does this refer to the date of a design of a type of rigid HGV? If so, does this reflect currently used delivery HGV's for this type of store. My concern over this arises from experience at the Tangmere store where a smaller than actually used vehicle was used for tracking purposes, which resulted in a consequent application and works to remodel the site entrance to cater for reality.

A. The length of the delivery vehicle shown on the tracking plan is 10m. The submitted Service Management Plan states that 'a total of up to 2 deliveries a day would take place using the Co-operative's standard 10.5 m rigid vehicle. One delivery, comprising fresh

produce on a refrigerated vehicle would take place in the morning with a second non-refrigerated (i.e. ambient) delivery taking place in the afternoon.’ An updated Service Management Plan would be secured by condition 23. WSCC highway officer has confirmed that the 0.5m difference in vehicle lengths for tracking is not considered to cause a significant difference in the tracking plots and a 10.5m ridged van is still considered to be able to access the site.

Q. On a point of detail, is there any proposed provision of litter bins outside of the Store’s entrance or in its car park at the rear? Convenience stores tend to generate a lot of litter arising from wrappers being disposed of when customers leave the store.

A. The provision of litter bins and collection of waste would be secured by condition 12.

Q. In proposed Condition 1, two versions of the Proposed Site Plan (004 Rev. P11 and 004 Rev. P12) are listed, with Rev. P11 referred to in a number of other proposed Conditions. What is the reason for this, noting plan 006 Rev. P1 covers vehicle tracking which appears to be the only change between 004 P11 and P12?

A. P12 is the most up to date and as such conditions have been amended to reflect this.

Q. There appears to be some inconsistency in the listing of plans in the proposed Conditions lists accompanying application reports – others have the list in a table at the end which I had understood was to be the new standard format.

A. The introduction of the conditions table was done primary for time saving and is working very well for most applications. The change back to the original method for major applications is due to internal operational reasons, linked to our how plans are pulled through from our uniform system. Since the fairly new move to the conditions table, for major applications (with significant number of plans and revisions) officers were finding that the uniform system was not always reliably pulling through the correct plan revisions and the adjustments/checking necessary (both pre and post committee) were taking far too much time for officers. Therefore for major applications the decision has been taken to revert back to the original condition where officers can manually input the correct plan numbers. There is no impact on the enforceability of the plan number condition.

Q. Why can’t the developer just allocate 3 of the flats as social rented? They knew CDC’s conditions and policies before they started?

A. This application is delivering the retail element of the mixed use scheme, as set out in the neighbourhood plan policy 5. In order to make this financially viable they are also seeking to deliver additional residential units which is compliant with policy, as the neighbourhood plan states a “minimum of 43 dwellings”. The applicant is stating that “the retail provision needs to be supported by 10 market residential units to make the scheme viable and deliverable” and has submitted a viability report to support this position. This viability assessment has been independently assessed by Dixon Seale Partnership (DSP).

As set out at paragraph 6.18 and in the table on page 20, DSP agree the scheme is close to the margins of viability but consider the scheme will support some contribution towards affordable housing or provision on site. CDC’s Housing Enabling require the affordable housing as a commuted sum rather than on site. Mixing affordable tenures with market tenures in a single block of flats creates management and maintenance difficulties for

affordable housing providers (Registered Providers). As such a registered provider (RP) is unlikely to take a scheme of this nature on.

Q. Is there no identified requirement for Social/Affordable Housing in Loxwood?

A. Yes there is a requirement for Social/Affordable Housing in Loxwood. It is worth noting, however that affordable housing provision is dealt with on a District basis, not just a parish basis.

Q. But if CDC deem it ok to accept a payment in lieu, where does that money go? Does it get lost in some general fund, or does it go back to Loxwood parish somehow? Or does it go to the Housing Enabling department for spend across the District, and if so, how do they spend it? Does it turn into Social Housing elsewhere somehow?

A. Payment in lieu would be acceptable in policy terms in this instance. Policy 34 of the Chichester Local Plan states that on sites of 6-10 dwellings the Council will seek a financial contribution for the provision of affordable dwellings as a commuted sum unless the developer makes on-site provision. The Council's Planning Obligations and Affordable Housing SPD states at 4.28 "Commutated sum payments in lieu of on-site affordable housing provision will be the default requirement for all applicable residential development proposals which result in a net addition of 6-10 dwellings. Also where it can be demonstrated that design constraints or other justifiable factors make it impossible to provide affordable housing onsite"

Commutated sum payments are secured by way of a S106 Agreement. The money is then managed by the Housing Enabling department at CDC to deliver affordable housing provision across the District. It is used in a number of ways, through grants to Registered Providers and Community Led Housing Organisations and sometimes used to turn a fraction of an affordable unit into a 'whole house'. Emphasis is placed on delivering more affordable options such as affordable or social rented homes.

Q. Does the Plg C'tee have the authority to waive or modify the 30% Social Housing policy for particular developments?

A. Policy 34 of the Local Plan (criteria 3 & 4) states "4 - Where developers are unable to meet the requirements for the delivery of affordable housing set out in the policy, the Council will expect this to be demonstrated through an 'open book' process. An independent valuer appointed by the Council, at the developer's cost, will provide an independent viability assessment. In the first instance an alternative approach will be developed through negotiation. This is likely to involve amending the tenure mix. If this is still demonstrated unviable, the affordable housing requirement may be reduced"

Q. Would this set an undesirable precedent for other developments?

A. No, as each development would have to demonstrate their situation through the 'open book' viability assessment, which is independently assessed. Although not common, we have in the past had viability assessments submitted and the residential schemes have been accepted on this basis.

Q. It appears the problem arises because the developer paid too much for the land in the first place, and has exaggerated the build cost. Can't we just call his bluff and permit as recommended?

A. The actual cost that the developer pays for the land does not form part of the viability assessment. The assessment uses Benchmark Land Values (BLVs) and in this instance the applicant has also included an argument with regard to alternative land value (ALV). As outlined in the officer's report (8.14 – 8.25), there is a difference of opinion between the Council's independent viability experts (DSP) and the applicant with regard to construction costs, benchmarked land value and ground rents. The three options for Members to consider are set out in paragraph 8.25. The officer recommendation is in line with recommendation i) which reflects the recommendation of DSP on the level of commuted sum which has been found to be affordable and reasonable through the independently assessed open book viability process.

Q. We all (I imagine) want to pass the application and get the shop up and running plus some less expensive homes in Loxwood, but if we just pass it, what's the likelihood the developer will walk away?

A. In an email to Members on 07/05/2020, the applicant stated "We are therefore clear that our scheme is not proceedable with a Contribution in excess of £20,000 and bank funding will not be conceivable due to the significantly diminished level of financial return for the project".

Q. If he does, is there any alternative application in the background (one local resident told me there was one, but I do not really trust this info. He had a vested interest)

A. There is no current alternative application for consideration.

Q. If we decide to compromise further, perhaps to ward off any accusation of unreasonable behaviour at appeal, can we look at one of the other options identified by DSP in the table on page 20, e.g. no 006b the £114,303 calculated if Ground Rent were to be ignored (there seems to be some sort of case for this?)

A. Officers has set out in the detail the main areas of disagreement between DSP and the applicant, which are Benchmarked Land Value and Alternative Use Value, income from ground rents and construction costs. At paragraphs 8.18-8.21 the report sets out the discussion around AUV and BLV. At paragraph 8.22 officers set out why ground rent income should be included in the assessment. The reason for this is that ground rents are still required to be paid. Government demonstrated an intension to remove ground rent 2 years ago but this has not been enacted. Decisions on planning applications should be taken as policy exists at the time and financial viability evidence will usually be required to reflect current day values and costs and at paragraph 8.23 and 8.24 the position regarding build cost is set out.

In the table on page 20, 006b relates to additional build costs included but income from ground rent not included. The figure that would be required if just income from ground rent was removed would be higher than officers are recommended, as set out at 005b.

Corrections to the agenda report

Page 8, section 9 should read 'an expanded shop will provide' not 'with'.

Page 33, paragraphs 8.33 and 8.34 should read 'second floor accommodation' not 'third floor accommodation'.

Amended Conditions

Condition 2 has been updated to remove reference to plan number 004 Rev. P11.

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 001 Rev. P1, 003 Rev. P1, 004 Rev. P11, 004 Rev. P12, 006 Rev. P1, 011 Rev. P10, 019 Rev. P3, 020 Rev. P3, 021 Rev. P9.

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

Condition 8 has been amended to update the revision of plan number 004 to Rev. P12.

8) **Development shall not commence** until full details the measures to protect and enhance the existing public right of way (PROW) number 795/2 along the southern boundary the site and timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The PROW shall accord with approved plan 004 Rev. P12 and details of protection and enhancements shall include upgrading the surface treatment, removal of the stile and provision of appropriate signage. The details shall also include a method statement for the carrying out of works affecting the PROW. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To safeguard the rights of the public. This is a pre-commencement condition as it goes to the heart of the permission.

Condition 11 has been amended to include details of recycled materials.

11) **No development shall commence above ground level** until a sustainability strategy outlining details of the sustainable design and construction for the building, including: (1) sustainable building techniques including fabric first and renewable energy technologies such as Solar PV and/or Solar thermal (including full details of the savings in carbon compared to Building Regulations minimum in line with the submitted Design and Access Statement and details of the positioning, methods of mounting and design of renewable energy equipment) and details of the proportion of recycled materials (2) water efficiency measures to achieve higher standards of water efficiency including external water use for the retail unit and (3) how a reduction in the impacts associated with traffic or pollution will be achieved, 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 prior to first occupation of the building (whether retail or residential) unless any variation is agreed in writing by the Local Planning Authority.

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

Condition 18 has been amended to update the revision of plan number 004 to Rev. P12.

18) Notwithstanding plan 004 Rev P12, **no residential unit shall be first occupied** until a scheme for Electric Vehicle charging facilities has been submitted to and approved in writing by the Local Planning Authority. Active EV charging facilities shall be provided in accordance with the table at Appendix B of the West Sussex County Council: Guidance on Parking at New Developments (August 2019) and the details shall include a plan showing the location of the charging points and their management and maintenance. Furthermore, the development shall provide passive provision through ducting to allow EV charging facilities to be brought into use at a later date for the whole site. No residential unit which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that residential unit has been provided and is ready for use.

Reason: To accord with current parking standards and the sustainable development objectives of policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

Condition 20 has been amended to update the revision of plan number 004 to Rev. P12.

20) **No part of the development (retail or residential) shall be first occupied** until a scheme for the long-term management and maintenance of the hard and soft landscaped areas shown on plan number 004 P12 has been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be managed and maintained in accordance with the approved details in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

Condition 30 has been amended to include consideration of solar powered lighting.

30) Notwithstanding the GPDO there shall be no external lighting on the development hereby permitted other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Any scheme shall include the detailed design of the lighting, including the measures proposed to avoid light spillage such as directional light sources and shielding having regard to the presence of bats in the local area and details timing of illumination. Consideration should also be given to the use of solar powered lighting. Thereafter the lighting shall be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of minimising light pollution, safeguarding biodiversity and the amenities of the area and reducing carbon emissions.

Condition 31 has been amended to update the revision of plan number 004 to Rev. P12.

31) 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 areas marked on approved plan number 004 Rev. P12 as 'sales floor', 'store' and 'service yard' shall be used as a single retail unit (Use Class A1) and for no other purpose, without the prior written consent of the Local Planning Authority.

Reason: To accord with the terms of the application and with the policies of the Council, and to ensure adequate parking provision.

Condition 32 has been amended to update the revision of plan number 004 to Rev. P12.

32) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) there shall be no storage of goods, pallets, packaging or waste outside the building hereby permitted, other than in within the area marked as 'service yard' on plan number 004 Rev. P12. Within the service yard, no goods, pallets, packaging or waste shall be stacked, stored or deposited above 2m in height.

Reason: To ensure that the visual appearance of the area is not adversely affected.

Additional S106 clause

Details of how the application site would be managed between the retail unit and residential units, and any interaction between the two could be included as an additional clause on the S106.

ITEM: 5

APPLICATION NO: CC/19/03147/FUL

Member Questions

Q. Could there be visitor bike parking directly outside the entrance or nearer than the shed for residents?

A. The applicant has confirmed there is space outside of the entrance to the office building for cycle spaces. An additional condition is recommended to secure cycle parking provision in this location.

Additional Condition:

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.

ITEM: 6

APPLICATION NO: CC/19/03139/FUL

Member Questions

Q. Could there be visitor bike parking directly outside the entrance or nearer than the shed for residents?

A. Additional Condition attached. See Item 5.

Q. Could there be an electric car charging point for visitors?

A. Applicant's Sustainability Statement refers to the provision of an electric charging point and ducting for future cabling to be provided. A condition is recommended below seeking final details and location of electric charging point and ducting and securing implementation.

Q. Could we include rainwater harvesting?

A. The sustainability statement submitted in relation to item 6 states: "The opportunity could be taken to include a water butt for the purposes of external area vegetation irrigation (depending on the planned maintenance provision for the external areas). If a butt is provided, it could be connected to a suitable rainwater downpipe and should have an overflow to the main surface water drainage system. A 200 litre water butt with stand, locking lid, diverter kit and drain off tap would normally be suitable for these purposes". Condition 12 requires a sustainability measures to be submitted and the provision of the water butt could be considered as part of the discharge of this condition.

Q. Due to the noise from A27 could we upgrade windows to triple glazing – would also make warmer in winter. We are housing the most vulnerable people in our community and we know that road noise produces stress so perhaps it would be good to go that extra mile try and reduce noise?

A. Environmental Health has assessed the application and has recommends a condition securing a scheme for protecting the development from external noise to be submitted and approved (condition 13 refers). Condition 13 requires details of noise mitigation measures to be included and lists glazing types as a noise mitigation measure.

Q. I wonder about the wisdom of putting the two bin stores together as the distance might put people off recycling etc.

A. The proposed bin store is in same location as previous bin store (30m south of 22 Freeland Close). There is no additional space to provide a further bin store on the Freeland Road site. As proposed the existing bin store would be extended and a new access point included. As amended the new extended bins store would be safer than the existing arrangement, as lorries will no longer need to enter the parking/pedestrian area. CDC Waste Services are content with the bin store and its location. Condition 15 requires the bin store to be provided in accordance with the approved plans prior to occupation.

Q. To reduce pollution impacts is there any chance of some more tree planting to screen and clean the air to improve the health of residents?

A. The tree belt is mature and well established. A landscaping scheme is to be secured by way of condition (condition 17 refers).

Q. How will it be decided which agricultural land will be taken out of production to reduce nitrates?

A. The land to be taken out of agricultural production will be land which already has the benefit of planning permission for development (for example housing, employment or mixed use development).

Q. CEMP must include extra signage for cyclists and walkers as this is a very busy path for sustainable travel so the extra heavy usage for building works will really change this area. Is there a coned off cycle path we could be put in as a temporary measure to keep people on bikes safe from construction traffic please?

A. A condition has been included on the permission to secure details of the proposed Construction Management Plan and through this informed decisions can be made about what mitigation is required to address the potential impact of construction activity. Normally temporary provision for pedestrians and cyclists would only be provided where there is a temporary closure of a road; something that we do not envisage for this application. Any signage on the highway should accord with the Department for Transport's Traffic Signs and Regulations and General Directions (TSRGD) guidance. However, through the discharge of condition application for the CEMP consideration can be given to the need for these items.

Amendment to recommendation on pages 63 and 85

Provided no objection received from Natural England, defer for S106 then permit.

Additional Condition:

No part of the development hereby permitted shall be first occupied, until the scheme for an Electric Vehicle charging point, associated parking provision and ducting has been provided and implemented in accordance with the Proposed Technical Site Plan (0012/REVA01) and the submitted Energy & Sustainability Statement (BM3e - Boulter Mossman, 5th November 2019). The charging facilities and spaces shall thereafter be retained at all times for their designated purpose.

Reason: To accord with current parking standards and the sustainable development objectives of policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

ITEM: 7

APPLICATION NUMBER: CC/19/03008/FUL

Addendum to report:

Correction to paragraph 6.2 - Corrected WSCC Local Highway Authority Comments to refer to the current scheme:

6.2 WSCC Local Highway Authority

Summary

This proposal is for the erection of a building comprising of four three-bedroom flats and one two-bedroom flat. The site is located on Lavant Road, an A-classified road subject to a speed restriction of 30 mph in this location.

WSCC in its role as Local Highway Authority (LHA) previously received a highways consultation request for this site under application 19/02574/OUT. The LHA raised no objections to this proposal. At time of writing, the planning authority is yet to determine this application.

Access and Visibility

The applicant proposes to widen the existing access to 4.8m in width. The applicant has demonstrated vehicular visibility splays of 2.4m x 43m in both directions for the proposed access. This meets the minimum requirements for visibility for 30 mph roads. The applicant has also demonstrated pedestrian visibility splays of 2m x 2m for the access.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the access. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Turning

The applicant has demonstrated nine car parking spaces for this development. The WSCC Car Parking Demand Calculator has indicated that a development of this size in this location would require nine car parking spaces. Therefore, the LHA is satisfied that the proposed parking provision is sufficient.

The parking bays are in accordance with Manual for Streets (MfS) specifications of 2.4m x 4.8m and there appears to be sufficient space for on-site turning to be achievable, allowing cars to exit the site in a forward gear.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new residential developments. Based upon current EV sales rates within West Sussex, the applicant should provide active charging points for a minimum of 20% of all proposed off-street parking spaces, with the remaining 80% of parking spaces providing a 'passive' provision for future upgrades.

For this proposal, the LHA would expect the provision of two active and seven passive EV parking spaces, in accordance with the above WSCC guidance and Chichester Local Plan policy.

In terms of cycle parking, the applicant proposes external cycle storage for residents. Under WSCC parking standards, a development of this size should provide secure and covered cycle parking for at least nine cycles. The inclusion of cycle parking helps promote the use of sustainable alternative modes of transport to the private car.

Sustainability

The site is situated in a sustainable location within walking distance of shops and cycle distance from schools. Nearby bus stops on Lavant Road offer half hourly connections between Chichester and Midhurst. Chichester Train Station is approximately 9 minutes from the site by cycle.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied:

Conditions

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

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

Cycle parking

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

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

Agent Supporting Information Received:

The agent has submitted the following supporting information:

- The current detailed application for 5 apartments was originally submitted to provide an alternative development to the outline application (CC/19/02574/OUT) for three large townhouses
- During the course of the application the apartment building has undergone further design changes and reductions in scale and massing, as well as incorporating a more detailed landscape and planting scheme to retain the character and appearance of the application site in the street scene. These changes have been made in direct response to neighbour comments, the City Council's reason for objecting and Officer feedback.
- The amended scheme, which is to be considered by the Planning Committee on 13 May 2020, now represents a design that has been fully informed by the consultation process of the detailed application and the applicant is committed to the proposals for the high quality apartment building, and as such has withdrawn the application for the three townhouses.

Additional Condition:

14) No development shall commence including any works of demolition or site clearance, until a Construction and Environmental Management Plan (CEMP) 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 anticipated number, frequency and types of vehicles used during construction,
- (b) the method of access and routing of vehicles during construction
- (c) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (d) the loading and unloading of plant, materials and waste,
- (e) the storage of plant and materials used in construction of the development,
- (f) the erection and maintenance of security hoarding or construction fencing,
- (g) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (h) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (i) measures to control the emission of noise during construction,
- (j) 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,
- (k) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (l) tree and hedge protection measures,
- (m) waste management including prohibiting burning and litter,
- (n) details of public notification both prior to and during construction works.

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.

Amendments to conditions:

4) Prior to first occupation of the dwelling hereby permitted details of the existing (those to be retained) and proposed boundary treatments shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

- (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations,
- (b) details of the materials and finishes, and
- (c) provision of gaps within boundary treatments to allow small mammals to move freely

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

Reason: In the interests of protecting visual amenities and to conserve and enhance the character and appearance

5) The development hereby permitted shall not be first brought into use until full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a scaled site plan indicating the planting scheme for the site showing the; schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme should make provision for replacement planting of a ratio of 2 trees for every 1 to be removed, and for screening along the western boundary. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hard surfaces and their positions, materials and finishes. The works shall be carried out in full 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 and to conserve and enhance biodiversity.

ITEM: 8

APPLICATION NO: CC/19/02819/REM

Member Questions

Q. Page 119 to 122 of the report highlights many concerns re footways, street layout

A. WSCC comments on pages 119 to 122 are earlier comments raising issues that the applicant has now addressed. WSCC as Highway Authority find the footway provision and street layout acceptable.

Q. Would it be possible to make any changes to make things safer?

A. The proposed layout is considered to be a safe layout for all road users.

Q. Is there further detail on cycle parking for block A?

A. The applicant has provided further detail of the proposed location of cycle parking for block A and this is considered acceptable.

Q. There are a lot of missing footways which is worrying.

A. All of the routes that are traditional carriageway have a 2m footway on both sides. The only exception being the road that fronts the green link on the eastern side of the parcel and development is only on one side of this road. All other streets are proposed a shared surface streets. There are no roads proposed that are half carriageway/footway and half shared surface. Therefore the proposed pedestrian provision is considered acceptable.

Q. Can we have an update on the safety of the chalk stream – as this was quite close to the road being built in the CEMP?

A. Before the construction site closed due to COVID-19, the developers were in the process of constructing the Spine Road. We understand that the crossing over the stream for the spine road has not yet been done (as they were waiting material supplies). We understand that this will be the next section to be constructed once they are back on site. Officers are not aware of any issues with the chalk stream.

Q. Can we have an update on meeting between the developer and John Grimshaw

A. An update on this was sent to Members in March 2020. The Developers have confirmed that the initial timescales for consultation will have to be revised due to the difficulties around COVID-19.

Q. Why are nitrates not considered under this application?

A. The outline pp has been granted and this established the principle of development – on an OUT and REM application it is at the OUT stage that nitrates should be considered. In any event, as an on-site sewage treatment plant was an option at that time (which required a permit from the EA), the impact of nitrates was considered by the Environment Agency. Both the on-site treatment works and pipeline were considered acceptable in terms of

nitrate into the harbour. The on-site solution would have had a larger contribution in terms of nitrate. As the applicant is now going to pipeline, the development of residential compared to the existing agricultural use actually results in a nitrogen budget into the harbour which would be positive (ie more nitrogen will go into the harbour when it is in an agricultural production rather than in housing/mixed use, with open space, SANGS, sports pitches and allotments). It is also the case that as the application is for Reserved Matters, the principle of the development is already established.

Q. Page 119 – I have concerns re lack of footway with Highways

A. The comments on page 119 concern the original layout. All of the footway issues have been dealt with in the latest layout. The Mews comment was about the black dotted service margin line which has now been removed for clarity.

Q. Page 123 – what are verge caps?

A. An inexpensive way of wrapping a capping over the tiles at the edge of the roof. A traditional detail, which shows the edge of the tiles and the mortar they are bedded in, has been agreed on other parcels and will be secured by condition 4.

Q. Page 125 – I have a question about the pepperpotting – has this been resolved?

A. Housing comments at the top of page 124 states that the housing officer has no objections to the pepper potting shown in the amended plans. Through the course of the amendments a number of the affordable housing grouping have been reduced over the parcel. The Council's Planning Obligations and Affordable SPD seeks to ensure that affordable units are clustered in dispersed small groups of no more than 15 units on strategic sites, which is slightly exceeded in the SW corner (17). Both the housing officer and planning officers have agreed that given this is the higher density part of the site and the fact that this is skewed by the presence of the 9 wheelchair flats, which benefit from being in a flat part of the site, close to the local centre facilities and public transport this level of pepperpotting is acceptable.

Q. Page 132 – is street lighting not in the middle of the pavement? Is it solar powered?

A. Whilst not a matter for consideration as part of this application the spine road is intended to be adopted by WSCC and this shall therefore include any street lighting on the spine road. This shall go through WSCC standard PFI contract managed by SSE. Whilst the detailed design of the street lighting for the spine road has not been submitted usually street lighting shall be located to the back of footways to not impact upon the usual footway space. The spine road detailed design shall go through a Section 38 agreement and I will ensure relevant officers are aware of this matter. I can only assume the drawing submitted by the cycle forum is indicative or that it shows the lamp on the column so it appears like it is in the middle of the footway when actually the column is at the back of footway and the lamp is 6 metres above the footway. Solar lighting would not be standard within the PFI contract.

Q. Width of roads. Noting the No. of triple banked parking spaces within driveways/garages and the inadequacy of the standard 2.4 x 4.8m parking bay for home based works vehicles (hence likely significant on street parking), plus the unknown number of Phase 2 dwellings that will access the SDL's spine road via this parcel, is it appropriate

for the Northern most E/W orientated estate road to be only 4.8m wide as opposed to 5.5m?

A. The parking space dimensions you quote are, as you are aware, the adopted dimensions. With only a couple of exceptions, relating to the smallest units, all the dwellings have at least 2 dedicated non-garage spaces and, further, a number of dwellings (e.g. plots 183 and 177) are capable of accommodating more vehicles than are numbered on the Parking Strategy Plan. Accordingly, the number of 'triple-banked' spaces should not in and of itself lead to on-street parking. The LHA has directly addressed this issue in its comments and considers there shouldn't be significant levels of overspill parking.

With regard to road widths, clearly there is a balance to be struck between accommodating the quantum of development established in the outline permission and phasing plans and achieving a sensible and legible hierarchy of streets. The section of road you refer to has a number of visitor bays and one short spur off it, so it is officer's view that it is unlikely that vehicles will park on street along this section. In any event Manual for Streets (MfS) indicates that a 4.8m road is wide enough for an HGV and car to pass one another.

Q. Noting the likelihood of significant on street parking along the 5.5m wide main road within this parcel and its straightness, is it realistic to rely on vehicle speeds to be restricted to 20mph and for it to function as a safe cycle route? Note also that this will serve an unknown number of Phase 2 dwellings and hence has the full volume of vehicle movements been taken into account in the assessment that has led to no separate cycle path being provided along this corridor? It would appear to me that the 2m wide path along here is going to be a magnet for cyclists given its straightness and uncluttered nature. Is there the room to widen this path to 3m so as to provide some chance of de-conflicting pedestrian and cycle movements along it?

A. See comments above about the likelihood of 'significant on street parking'. The LHA comments of 20 January 2020 (page 120 of the agenda) confirm that a segregated cycleway is not required and therefore it is officer's view that there isn't a justification to seek the widening of the footway to 3m to include cycle provision. Moreover, there is an argument that cycling along that stretch of a 20mph road would in fact be preferable, and perhaps safer, than having to cross the five junctions on the path's alignment. Best practice guidance (Manual for Streets and WSCC Cycle Design Guide) states that in residential streets cycling should be accommodated on carriageway and that measures should be in place to reduce speeds. In this instance features are in place to help constrain speeds and there is direct vehicle access from properties. These measures shall help ensure speeds are low and appropriate for cycling to take place on the carriageway. Therefore it is not considered necessary, in line with best practice guidance or beneficial to provide an off-carriageway cycle route in this location.

Q. Brick Walls. From what I can discern from the submitted plans, there does not appear to be much "interest" built into the brick faces of garden, garage and dwelling (including gable end) walls. It would be helpful if clearer elevations were provided to understand what these walls will actually look like. Certainly a greater range in colour/shade of bricks in feature courses and pattern detailing would be helpful to breakup what seems to be a brick heavy overall design.

A. As is set out in the officer report, the majority of the plans have been amended during the course of the application, including adding visual interest to a significant number of

dwellings where this was considered necessary due to their prominence in the street scene. Such amendments have included adding features such windows and chimneys and ensuring that materials, such as tiling hanging, properly return around elevations. With regard to boundary walls, a string course detail had been included in order to add interest. These carefully negotiated changes represent significant improvements to the original scheme. This approach is consistent with that taken on the three residential parcels that have already gained detailed consent. In the circumstances, therefore, we are satisfied with the level of detailing and do not consider further changes can be justified.

Q. In light of last week's discussion on the inadequacy of post and rail fencing to prevent unauthorised vehicle access (UVA) onto open areas at this SDL's sports field, would it be appropriate to require something more robust to prevent UVA across the Western boundary terminations of this site's roads?

A. Officers are not aware of significant issues arising in terms of unauthorised vehicular access in the locality. A low post and rail fence is a visually appropriate way of terminating these streets and, when balancing the risks, it would be a pity to provide a more intrusive treatment.

Q. Northern emergency access. It would appear from the plans that it is proposed to put two bollards across this access, but proposed Condition 12 only refers to the singular. There also appears to be sufficient room for a car to pass round the E side of these bollards, between them and the proposed nearest tree. Another bollard in the grass at this point?

A. The condition has been amended on the update sheet to refer to 2 no. bollards. It is officer's view that the two bollards shown is sufficient to signify the emergency nature of the access and to prevent its inadvertent use. A determined transgressor could work their way around the site of the access, but, again, this is considered extremely unlikely and it is not apparent as to the desire or need to make such a movement.

Q. What are the means by which UVA is prevented between the ends of the cul de sacs in way of plots 188/189/167/168?

A. The landscaping which is detailed in the pproposal would stop it. We would like these to be attractive areas that contribute to the street scene. I would have thought it extremely unlikely that motorists would attempt to drive through them.

Q. What is the reason for their being no hedgerow planting on the parcel's Southern boundary opposite Plot 231?

A. To provide a more open aspect to this part of the SANGS.

Q. Refuse Bins. Has any form of "tracking" and/or demonstration of adequate room between parallel drive way parked cars been provided to show that refuse bins stored in back gardens can be conveniently manoeuvred to/from the front of properties when driveways are occupied with vehicles?

A. The Waste Lead Officer has looked at the layout and is happy with it. The approach taken is no different to that taken in respect of the other three already-approved residential RM applications.

Q. Does the back garden hardstanding for bins include sufficient space for three large wheelie bins (black, burgundy and green)?

A. See comment above. The plans indicate an area for hard standing in rear gardens, and those gardens are clearly large enough to accommodate three bins. I am not aware that officers have ever required details of the area of hardstanding in rear gardens. It is officers view that there must be a reasonable assumption that what will be provided will be sufficient, without us having to specify or require those details

Q. Soft Landscaping. There appears to be a need for an earlier trigger for the completion (or at least commencement) of the initial planting of trees, hedges etc in proposed Condition 3. As worded it is possible for the developer to leave the last elements of a parcel uncompleted/unoccupied while moving onto other parcels, hence maintaining the cashflow from new occupations while avoiding the expense of carrying out the planting on mainly completed parcels.

A. This trigger is consistent with the trigger used on parcels 2A, 2B and 3D (approved at the last committee) and was set to ensure that the construction work will not damage any soft landscaping proposals. In the phasing plan the developer has indicated that work may commence on more than one parcel at a time, which has been accepted.

Q. How many, if any, large when mature “feature” trees are proposed to be planted (e.g. Lime, Oak or London Plane)? What is the lifex of the trees that are proposed?

A. The tree species are specified in the submitted landscaping plans and the principal species are set out at paragraph 8.22. The planning officer has discussed the planting with the Tree Officer, who confirmed he is happy that what is proposed is contextually appropriate. Clearly, there are a number of very large trees with the Central green corridor. Google says lifeex of field maple is 50-100 years, hornbeams and mountain ash for up to 300 years.

Correction to report

The water consumption figure quoted at the second bullet point of Para 8.27 should read **110 litres** per person per day.

Amendments to conditions

Condition 1

The approved plans condition is amended to reflect (i) an updated version of the submitted tree protection plan ref: LIN22580_03**C** ; and (ii) the recently submitted roof verge typical detail plan ref: SD(12)10 REV.A; and (iii) the correct revision of plan 194960:004**C**.

Condition 2

The reference to the Arboricultural Impact Assessment and Method Statement report is amended to reflect an updated version of the document as follows: LIN22580aia-ams**C** Phase 3 Parcel C **Revision C**. Reference to the latest version of the tree protection plan is also updated to LIN22580_03**C**.

Condition 4

The applicant has submitted acceptable details of the treatment of roof verges and Condition 4 as set out in the agenda is therefore replaced with the following:

4 - The construction of all pitched roofs forming part of the development (including those to dwellings, garages and porches) shall not be carried out other than in accordance with approved drawing reference SD(12)10 REV.A.

Reason: For the avoidance of doubt and to ensure a development of visual quality.

Condition 12

The condition is amended as follows to reflect the fact that two emergency bollards are shown on the submitted drawings:

Prior to occupation of the 135th dwelling of this phase of the development the emergency access, including 2no. removable bollards fitted with standard Fire Brigade padlock, shall have first been constructed surface and drained in accordance with the submitted details and thereafter maintained in a condition that is fit for purpose in perpetuity.

Reason: To ensure safe emergency access provision for the wider development

Additional Condition

The following additional condition is proposed in order to ensure that the provision for cyclists using the spine road's combined foot/cycleway where it crosses the proposed access road adjacent to Plot 97 is consistent with the approach used on the remainder of the spine road's junctions.

14 – Notwithstanding the submitted plans, no development in respect of the formation of the junction serving plots 92 to 96 shall be carried out unless and until details of the provision for cyclists crossing the junction from the spine road's adjoining combined foot/cycleway have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a consistent approach to crossing facilities to junctions located along the route of the foot/cycleway on the northern side of the spine road.

Further third party representation

Letter received from the Chichester District Cycle Forum objecting to the design of the site's two junctions with the spine road.

ITEM: 9

APPLICATION NO: SI/19/01193/FUL

Withdrawn from agenda.

ITEM: 10

APPLICATION NO: SI/19/02876/FUL

Addendum to report

Paragraph 7.2 should also refer to Policy 51 Development and Disturbance of Bird in Pagham Harbour Special Protection Area.

Paragraph 8.17-8.19 should have also referred to the Pagham Harbour SPA and its mitigation scheme because the application site also lies in its zone of influence. The contribution sought to mitigate the impact on the proposal will be divided between the mitigation scheme for the Chichester and Langstone Harbour SPA and the Pagham Harbour SPA. The proposal will therefore not have a significant effect on either designated sites.

Member Questions

Q. Are you able to tell us prior to the meeting about any intimidation or the background etc

A. The LPA does not have information on this matter and it is not material to the consideration of the planning merits of the application

Q. What is the reason for their being no contribution toward mitigation measures for Pagham Harbour i.a.w. Local Plan Policy 51?

A. The application site is located within the zones of influence for both the Chichester and Langstone Harbour and the Pagham Harbour SPA's. Therefore the contribution collected is the higher of the two mitigation schemes, and the contribution will be divided between the mitigation schemes for both SPA's. As such the proposal would not have a significant effect on either SPA. The mitigation that has been requested is the higher of the two.

Q. Had WSCC assessed the impact of the additional volume of traffic arising from these applications on Chalk Lane's function as a Bridleway?

A. WSCC have not commented directly on this issue as the proposal does not directly impact on the PROW. Given the scale of the development and the fact the bridleway is also a private access track it is not considered the proposal would have a harmful impact to the bridleway.

Q. The proposed ecological Conditions (No. 6) refer to replacement and in-fill planting. - What is the baseline date for assessing what vegetation was on the site and hence what enhancements are required?

A. When details are submitted to discharge this condition the officer, in consultation with the council's environment officer, will consider if the proposed ecological enhancements are acceptable having regards to the nature of the development and the nature of the existing site. The reason for this condition has also been amended.

Q. Is any new hedgerow planting proposed? Is it reasonable to believe that any existing boundary vegetation will be retained in the long term given the proximity of structures to the boundaries? What is the reason for not including the standard five year replacement of failed plants in these proposed Conditions?

A. An additional condition is now proposed requiring landscaping details prior to occupation. This condition also seeks to retain the existing soft landscaping.

Q. Why is there no reference to nitrates?

A. The site drains via mains sewer to the Sidlesham Wastewater Treatment Works (WwTW) which does not discharge into Chichester Harbour, and therefore there is no need to consider the impact of nitrates on Chichester Harbour.

Q. Page 185 can we also include wildflower planting, logs for insects and hedgehog homes – as in the other application?

A. The question does not indicate what application is referred to, however given the scale of the development condition 6 is considered sufficient to meet the requirements of policy 49.

Q. Should the standard maximum 110ltr per day per person wholesome water consumption Condition apply to these applications?

A. Subject to the caravan on the meeting the definition of a caravan, the LPA has no control over what the caravan is and as such could be replaced without consent. Caravan also are not subject to building control legislation therefore it is not possible to control or monitor water use.

Q. What is the anticipated collection point for refuse from these sites? Assuming the collection point is at the site entrance onto Chalk Lane, is there sufficient room at the proposed collection point for all the bins arising from all the pitches using this access and to allow safe and convenient vehicle access either into or out of the access or along Chalk Lane? What is the reason for not including a Condition requiring details of bin storage?

A. For the proposed 7 pitches (19/03112/FUL) there is an existing bin collection point within the application site and this is shown on the submitted block plan. Some of the existing pitches store bin on their site and move these to the entrance at chalk lane. A condition is now recommended for bin storage.

Q. Given the concerns raised in the Drainage Officer's response to the 7 Pitch application and his request to be re-consulted when further details are submitted, is it appropriate to determine this application at this time on the information supplied?

A. The Drainage officer is satisfied that this proposal is acceptable and has recommended a condition to be included to ensure that the proposed surface water drainage scheme is adequate. It would therefore not be reasonable to fail to determine the application on the basis of comments received for a different scheme.

Q. Reference is made by the Drainage Officer responding to the 7 Pitch application to Officers being aware of localised flooding. Given the 4 Pitch application site is immediately adjacent to that site, was the different Drainage Officer responding to that application aware of this at the time of submitting that response in Dec 2019?

A. The recommended condition should ensure that surface water is managed within the site. Given the ground conditions described and hardstand proposed it is recommended an additional condition regarding details of hard standing.

Additional conditions

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.

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.

The development hereby permitted shall not be first brought into use until details of the proposed hard standing is submitted and agree in writing. The details shall include the following:

- A plan detailing the areas of hardstand
- A scale cross section showing proposed materials.

Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

Reason: In the interests of amenity and of the environment of the development.

ITEM: 11

APPLICATION NO: SI/19/03112/FUL

Addendum to report

Paragraph 7.2 should also refer to Policy 51 Development and Disturbance of Bird in Pagham Harbour Special Protection Area.

Paragraph 8.17-8.19 should have also referred to the Pagham Harbour SPA and its mitigation scheme because the application site also lies in its zone of influence. The contribution sought to mitigate the impact on the proposal will be divided between the mitigation scheme for the Chichester and Langstone Harbour SPA and the Pagham Harbour SPA. The proposal will therefore not have a significant effect on either designated sites.

Member Questions

Q. Are you able to tell us prior to the meeting about any intimidation or the background etc

A. The LPA does not have information on this matter and it is not material to the consideration of the planning merits of the application

Q. What is the reason for their being no contribution toward mitigation measures for Pagham Harbour i.a.w. Local Plan Policy 51?

A. The application site is located within the zones of influence for both the Chichester and Langstone Harbour and the Pagham Harbour SPA's. Therefore the contribution collected is the higher of the two mitigation schemes, and the contribution will be divided between the mitigation schemes for both SPA's. As such the proposal would not have a significant effect on either SPA. The mitigation that has been requested is the higher of the two.

Q. Had WSCC assessed the impact of the additional volume of traffic arising from these applications on Chalk Lane's function as a Bridleway?

A. WSCC have not commented directly on this issue as the proposal does not directly impact on the PROW. Given the scale of the development and the fact the bridleway is also a private access track it is not considered the proposal would have a harmful impact to the bridleway.

Q. The proposed ecological Conditions (No. 6) refer to replacement and in-fill planting. - What is the baseline date for assessing what vegetation was on the site and hence what enhancements are required?

A. When details are submitted to discharge this condition the officer, in consultation with the council's environment officer, will consider if the proposed ecological enhancements are acceptable having regards to the nature of the development and the nature of the existing site. The reason for this condition has also been amended.

Q. Is any new hedgerow planting proposed? Is it reasonable to believe that any existing boundary vegetation will be retained in the long term given the proximity of structures to the boundaries? What is the reason for not including the standard five year replacement of failed plants in these proposed Conditions?

A. An additional condition is now proposed requiring landscaping details prior to occupation. This condition also seeks to retain the existing soft landscaping.

Q. Why is there no reference to nitrates?

A. The site drains via mains sewer to the Sidlesham Wastewater Treatment Works (WwTW) which does not discharge into Chichester Harbour, and therefore there is no need to consider the impact of nitrates on Chichester Harbour.

Q. Page 185 can we also include wildflower planting, logs for insects and hedgehog homes – as in the other application?

A. The question does not indicate what application is referred to, however given the scale of the development condition 6 is considered sufficient to meet the requirements of policy 49.

Q. Should the standard maximum 110ltr per day per person wholesome water consumption Condition apply to these applications?

A. Subject to the caravan on the meeting the definition of a caravan, the LPA has no control over what the caravan is and as such could be replaced without consent. Caravan also are not subject to building control legislation therefore it is not possible to control or monitor water use.

Q. What is the anticipated collection point for refuse from these sites? Assuming the collection point is at the site entrance onto Chalk Lane, is there sufficient room at the proposed collection point for all the bins arising from all the pitches using this access and to allow safe and convenient vehicle access either into or out of the access or along Chalk Lane? What is the reason for not including a Condition requiring details of bin storage?

A. For the proposed 7 pitches (19/03112/FUL) there is an existing bin collection point within the application site and this is shown on the submitted block plan. Some of the

existing pitches store bin on their site and move these to the entrance at chalk lane. A condition is now recommended for bin storage.

Amendments to conditions

Condition 6. Reason: In the interests protecting biodiversity in accordance with policy 49 of the Chichester Local Plan.

Additional conditions

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.

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.

The development hereby permitted shall not be first brought into use until details of the proposed hard standing is submitted and agree in writing. The details shall include the following:

- A plan detailing the areas of hardstand
- A scale cross section showing proposed materials.

Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

Reason: In the interests of amenity and of the environment of the development.

Item 12: CDC Schedule of Appeals

High Court Hearings, (page 197), 23 Southgate, Chichester (The Vestry) a hearing date has now been arranged for 15th September 2020.

This page is intentionally left blank