

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 10 January 2024 at 9.30 am**

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

SUPPLEMENT TO AGENDA

8 **CC/21/00382/FUL - Bartholomews Holdings Bognor Road Chichester West Sussex PO19 7TT (Pages 1 - 30)**

Demolition of existing office building and redevelopment for 9 dwellings, including access, parking, landscaping, amenity space and associated infrastructure.

17 **Consideration of any late items as follows: (Pages 31 - 47)**

The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:

- a) Items added to the agenda papers and made available for public inspection
- b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

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Parish: Chichester	Ward: Chichester East
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CC/21/00382/FUL

Proposal	Demolition of existing office building and redevelopment for 9 dwellings, including access, parking, landscaping, amenity space and associated infrastructure.		
Site	Bartholomews Holdings Bognor Road Chichester West Sussex PO19 7TT		
Map Ref	(E) 487490 (N) 104436		
Applicant	Bellway Homes Limited (Wessex)	Agent	Mr Brett Spiller

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

1.2 The application was deferred by the Planning Committee on 21st March 2022 for amendments and further information concerning the following:

- **The addition of detailing to the side elevation of Plot 7**
- **Additional information/discussion of a pedestrian refuse island within Bognor Road**
- **Consultation with WSCC Highways on additional highway information**
- **A photographic record of the archway (to be secured via condition)**
- **Nitrogen Neutrality mitigation to be updated**
- **Amendments to Condition 11**

1.3 These matters are referred to in the report in bold text.

2.0 The Site and Surroundings

2.1 The application site, the former office building of Bartholomew's Holdings, is located to the northeast side of Bognor Road within the settlement boundary of Chichester. The 0.3ha site comprises of a two-storey office building, with vehicle parking to the south and a vehicular access onto Bognor Road. The building is currently in use by Bellway Homes as their marketing suite for the Cathedral Park development.

2.2 The site forms part of the wider Bartholomew's Holdings, which formally comprised of this office building HGV parking and a range of large industrial building. The redevelopment of the northern half of the wider site (phase 1), with 51 dwellings (10/03510/EXT and 15/01731/REM) is nearing completion. The southern part of the site and land to the immediate east of the application site (phase 2) has permission for 24 flats and 33 houses and includes the retention of the office accommodation the subject of this application (15/02344/FUL).

2.3 The area is predominantly residential in character, which includes a wider variety of property styles, including flatted blocks. However, to the south of the railway line, there is a large industrial park.

3.0 The Proposal

3.1 The proposal seeks planning permission for the demolition of the existing office building and the construction of nine dwellings (6 x 4-beds and 3 x 3-beds) with a single garage and associated works, to include the closing of the vehicle access onto Bognor Road.

4.0 History

07/01463/OUT	WDN	Residential development.
07/04583/OUT	PER106	Residential development.
15/01731/REM	PER	Development of 51 dwellings. Submission of Reserved Matters in respect of Layout, Landscaping and Appearance following grant of Outline Planning Permission - CC/10/03510/EXT.
15/02344/FUL	PER106	Construction of 24 flats and 33 houses with associated car parking, landscaping, cycle and bin storage after demolition of storage buildings but retaining office accommodation.
17/01758/DOC	DOCDEC	Discharge of conditions 3 and 6 from planning permission CC/15/01731/REM.
17/01785/DOC	DOCDEC	Discharge of condition 8 of permission 15/01731/REM.
18/02739/FUL	WDN	Demolition of existing office building (Use Class B1a) and redevelopment for 23 dwellings (one and two bedroom), including access, parking, landscaping, and associated infrastructure
18/02787/PA30	WDN	Conversion of existing office building to 16 no. dwellings (Use Class C3).
19/00639/PA30	WDN	Notification for prior approval for a proposed change of use of building from office use (Class B1(a)) to 16 no. dwelling houses (Class C3).
19/02806/PA30	PPR	Conversion of existing office building (Use Class B1a) to 16 no. dwellings (Use Class C3).

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

6.0 Representations and Consultations

6.1 Parish Council

Further comments 10.01.2022

The City Council maintains its objection. It is disappointing that the amendments do not address the City Council's main concerns relating to the loss of the attractive building and the proposed layout which effectively creates an alleyway/twitten with a dwelling at the end.

Original comments 09.04.2021

Strong Objection due to the design, appearance and layout which do not conform to secure by design principles or provide a functional and practical layout. Uniquely in the physical context of this specific site, where the topography and surrounding layout and uses do not, and cannot, form a strong residential frontage to Bognor Road around the railway bridge, the City Council considers that it would be appropriate to consider a design solution which preferably retains the iconic local building, or otherwise with the orientation of frontages turning inwards towards the estate, rather than creating a frontage along Bognor Road to which the houses, as proposed, do not properly connect in any case, or with an apartment building for better layout and use of space.

The City Council support the redevelopment of the site in principle and would request a meeting between the City Planning Adviser, the developer, and CDC planners to discuss an appropriate design solution to make the most of the development opportunity and its potential for visual and social impact in this position.

6.2 Highways England (summarised)

Highways England is satisfied that the proposals can be achieved without detrimental impacts to the safe and efficient operation of the SRN subject to recommended condition (construction management plan).

6.3 Natural England (summarised)

Further comments 11.05.2022

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 17 February 2022

The advice provided in our previous response applies equally to this amendment, although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal

Original comments 18.02.2022

No objection - subject to appropriate mitigation being secured

6.4 Southern Water (summarised)

No objection. A formal application for a connection to the public foul sewer will need to be made by the applicant or developer.

6.5 WSCC Local Highway Authority (summarised)

Further comments 19.04.2022

West Sussex County Council (WSCC) officers understand that Chichester Planning Committee members recently deferred the decision on planning application CC/21/00382/FUL and one of the reasons for the deferment was to consider and seek additional transport mitigation in the form of pedestrian crossing facilities on Bognor Road.

Following the Planning Committee meeting the applicant's transport consultants have produced a technical note responding to the request for additional mitigation. This note concludes that a pedestrian refuge crossing facility is not required as a result of this development and, in the consultant's opinion, the provision of a pedestrian refuge would result in a reduction in carriageway widths to an unacceptable level of 2.75m.

WSCC as Highway Authority does not disagree that based upon the likely impact of 9 residential units that there is not sufficient justification to request further highway works such as pedestrian crossing points as a result of this development. Given that the Community Infrastructure Levy (CIL) is in place only site-specific mitigation can be secured that is required to mitigate the specific impact of the development to make it acceptable in planning terms. Therefore, any mitigation sought needs to be necessary to mitigate the impact of 9 residential units.

One of the earlier phases of the development is required to provide a dropped kerb tactile paving crossing over Bognor Road to provide access to the bus stop on the southwest side of Bognor Road. Given the likely level of use this pedestrian crossing is considered appropriate. Whilst the provision of a pedestrian refuge may assist in breaking the crossing movement into two it is not considered necessary in planning terms to make planning application CC/21/00382/FUL acceptable and the provision of a dropped kerb tactile paving crossing is deemed appropriate.

In terms of carriageway widths should a pedestrian refuge be implemented the applicant's transport consultant has stated that Bognor Road in the proximity of the crossing is approximately 8m wide. They go on to conclude that if a 2.5m pedestrian refuge is provided it would result in lane widths reducing to 2.75m, which is below the minimum lane width of 3m identified in CD109 Highway Link Design.

Chapter 6 of the Traffic Signs Manual provides guidance on different types of pedestrian crossing facilities. Paragraph 11.14.3 states, “Where demand is low and a more formal crossing is not justified, pedestrian refuges can be helpful by breaking up the crossing task into two parts. The refuge should be large enough to accommodate the expected number of people and to allow those with pushchairs or wheelchair users to wait safely. They may be an absolute minimum of 1.2 m wide, but to cater for wheelchair users they should be at least 1.5 m and preferably 2.0 m.” Local Transport Note 1/20 Cycle Infrastructure Design recommends that a refuge should be 3m wide if it is to be used by cyclists such as at a parallel crossing or where cycle routes are provided on both sides of the road.

Therefore, a pedestrian refuge could be between 1.2m, as an absolute minimum, and up to 3m wide but much depends on its likely use. In this location a pedestrian refuge of 2m could be provided and this would accommodate people using wheelchairs, mobility scooters and pushchairs. Should a 2m refuge be provided the retained carriageway width would be 3m wide which would accord with guidance in CD 109. This retained carriageway width would also prevent an unacceptable width being provided for cyclists as, where there is a pinch point, carriageway widths of between 3.2m and 3.9m should be avoided where cyclists are cycling in mixed traffic as these widths can result in close over taking.

Therefore, based upon best practice guidance and the information presented by the transport consultant and subject to a more detailed design being undertaken and a Stage 1 Road Safety Audit the Highway Authority are of the view that a pedestrian refuge may be able to be accommodated in this location. However, as per earlier comments upon the application the Highway Authority are of the view that the dropped kerb tactile paving crossing secured through other earlier parcels is sufficient and that it is not necessary in planning terms that planning application CC/21/00382/FUL provides any additional pedestrian infrastructure to make the development acceptable in planning terms.

Further comments 08.04.2021

In comments dated 8 April 2021 the LHA requested further information (show dropped kerb tactile paved crossing of Bognor Road - which will be provided by developer of phase 1/2 as part of s278 agreement) and explore possibility of central refuge island with beacon in Bognor Road.

One visitor bay has been removed with one remaining however the LHA consider there is capacity within each plot for additional parking and thus no objection is raised to the resident or visitor parking provision.

The potential for a central refuge island on Bognor Road has been explored but deemed as inappropriate by the Transport Consultant. Whilst no reason has been given this could be to do with available lane width on the carriageway. Nevertheless, the LHA consider that provision of the dropped kerb tactile paved crossing point which will be provided as part of the s278 for existing approved phases will provide an improvement for pedestrians over the existing arrangement.

The removal of the existing access to Bognor Road and footway tie in works which can be implemented under a Minor Works Approval licence attached to the existing s278

agreement for phase 2. The Local Highway Authority does not consider that the 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 Para 111 of the National Planning Policy Framework 2021 (~~paragraph 111~~), and that there are no transport grounds to resist the proposal.

A number of conditions have also been suggested, including the stopping up of the existing access, securing parking spaces, construction management plan, cycles storage and electric vehicle charging.

Further comments 08.04.2021

In comments dated 12 March 2021, further information was requested in respect to a tactile paved dropped kerb crossing of Bognor Road with possible central refuge island and demonstration that a fire appliance can reach within 45 metres of all buildings.

The plans have been amended to show a slightly altered footway link from the site to existing footway along Bognor Road. Plans show the reversing distance to the site for a fire appliance and that it can reach within 45m of all buildings.

The dropped kerb tactile paved pedestrian crossing point is still not shown. The applicant should refer to s278/38 agreement drawings for the wider Bartholomews site which shows the agreed location. The applicant should also explore possibility of a central refuge island for pedestrians.

Stopping up of existing access, footway link, crossing (and potentially central refuge island) can be done under a minor works agreement for PSI/3511/01 (the s278/38 agreement for the wider Bartholomews site).

Original comments 12.03.2021

The current application therefore seeks full planning permission for demolition of the 998sqm of office floorspace and erection of residential development and in effect forms the final 'phase 3' of the site.

Vehicle access to phases 1 and 2 is via Chatsworth Road. There is an existing 10m wide vehicle access to Bognor Road though it is proposed that this will be stopped up and proposed development will be accessed via Chatsworth Road, through the permitted development.

Footway from within the site to link to Bognor Road will be retained. Considering this will provide a route for pedestrians to the bus stop on the opposite side of Bognor Road, provision of a dropped kerb tactile paving point should be demonstrated. It is understood that the developer of phase 1 will provide this and improve the condition of the existing footway leading to the crossing point as part of the S38/278 process in place. Therefore, the plans submitted with this application should be updated to show this agreed crossing. Furthermore, the applicant should explore whether there is room for a central refuge island with beacon in Bognor Road. Upon demonstration of agreed footway and crossing link and exploration of refuge island, the works could be carried out under minor works agreement attached to the PSI agreement for the wider site access works.

The access width off of phase 1 estate road is sufficient to allow two cars to pass. Visibility splays of 2.4m by 43m in secondary direction and 21.5m to the tangent in primary direction, on the phase 1 estate road, have been demonstrated and considered appropriate to the anticipated speeds. Part of primary splay passes through the visitor bay yet it is considered Manual for Streets 2 para. 10.7.1 applies whereby "...parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, defined parking bays should be provided outside the visibility splay. However, in some circumstances, where speeds are low, some encroachment may be acceptable". As the estate roads in the development are to remain private, the applicant should confirm that the splays are within their red edge/ control in order that these can be maintained in perpetuity.

Plots 7-9 will be provided with access directly via vehicle crossovers to the estate road. The applicant should clarify whether dropped kerb/tactile is proposed either side of the main cul-de-sac entrance.

The LHA also note the footway links proposed from plot 1-5 to link with the footway on the southern edge of the site (which will in turn link to Bognor Road). The cul-de-sac itself serving the 9 plots will be shared surface which is considered appropriate for the anticipated speeds and traffic levels.

Refuse Collection is to be from the main phase 1 estate road and tracking shows that vehicles can turn within this area. A bin collection point is shown just within the site. Fire appliance tracking within the phase 1 estate road is also demonstrated, however vehicle access should be provided within 45m of the furthest point of the building and plot 1 and 6 are further and thus access for fire appliance should be further demonstrated.

TRICs has been used to estimate the existing trip generation from the permitted office use. This found that 6 x two-way movements in the AM and PM peaks respectively could have occurred. In comparison the residential use of 9 x dwellings could see creation of 4 x trips in the AM and 5 x trips in the PM peak hours. A slight reduction in trips in the peak hours could therefore result. Whilst the residential use could see a slight increase in movements over the 12-hour period, this is not considered to result in a 'severe' impact to the operational capacity of the nearby road network.

Under WSCC Guidance for Parking at New Developments, garages count as 0.5 space. The parking plan refers to a mix of garages and car barns being provided. On the basis that these were all garages of sufficient dimensions then 2.5 spaces per dwelling is shown (22.5 total). The WSCC Car Parking Demand Calculator envisions a total demand for 26.5 spaces. One visitor space is proposed and thus the parking provision is short by 3 x spaces. The guidance does allow for consideration to variation in parking provision and in light of the accessible location of the site the LHA would not raise an objection to the shortfall in parking.

The site is located a 20- minute walk from Chichester City Centre, with range of amenities, services, retail and the Train Station is 25-minute walk (8-minute cycle with cycle racks available). Closer facilities include Co-Op food shop within 200m of the site. Residents can utilise the local street-lit footway network and crossing points such as refuge island and dropped kerbs at Florence Road. The demonstration and provision of crossing from Bognor Road to the footway opposite will also improve access for pedestrians to the wider network and bus stops.

In summary, the following clarification/amendments are required:

- Show tactile dropped kerb across Bognor Road agreed under road agreement for phase 1
- Explore addition of refuge island in Bognor Road linking this crossing
- Demonstrate fire appliance can reach within 45m of buildings

6.6 CDC Economic Development

The Economic Development Service does not object to this application.

We are satisfied that the marketing has been carried out as per Appendix E of the Local Plan and as much as we don't encourage loss of commercial sites, we must acknowledge that the market for office properties has decreased rapidly since 2020 and it is quite clear from the lack of interest in this site that this has served its useful economic use. If this property had been up to current standards it would have been more attractive to the office market.

Commercial property that is currently in demand in the area is within the Warehousing and Industrial sectors of the commercial market and this site would not be appropriate for those, due to proximity of residential properties.

6.7 CDC Housing Enabling Officer

No objection to proposed housing mix. The number of units will not attract an affordable housing contribution.

6.8 CDC Environmental Strategy (summarised)

Further comments 15.10.2021

Following submission of EIA and Phase II Bat Survey, we are happy that the mitigation and enhancements proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

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.

A check will also be required for birds' nests within the building prior to work commencing. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged. A condition should be used to ensure this.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird boxes to be installed on each of the new residences.

We are satisfied that the proposed development achieves a maximum consumption of 110l of water per day per person and a 19% improvement in energy standards within the building regulations and the incorporation of renewable energy.

The proposed development creates 9 new dwellings/homes, not replacement commercial space and therefore, a net increase in population served by the wastewater system. In accordance with NE advice a nitrogen assessment for the site will be required as part of this planning application.

Original comments (26.02.2021)

The demolition of the buildings and removal of vegetation must be undertaken between September and February, to ensure that no nesting birds are disturbed. If clearance must take place during the bird nesting season, a nest check must be undertaken by an ecologist immediately prior to the works taking place.

The phase 2 bat surveys undertaken during the summer of 2018 are now out of date. Bats are very transient mammals and therefore bat surveys are typically valid only for 1-year, therefore a further suite of bat emergence/re-entry surveys will be required before this application can be determined. These surveys should be undertaken by a licenced (by Natural England) bat ecologist.

Within the sustainability strategy, the applicant has detailed how the development will adhere to the latest building regulations standards. I do not consider that this meets the requirements of achieving the highest levels of energy efficiency and the incorporation of renewable energy. We are looking for development to achieve a 19% improvement in the energy standards within the building regulations and the incorporation of renewable energy.

6.9 CDC Conservation and Design

No objection - The site lies outside of the Chichester Conservation Area and is not adjacent to any listed buildings or other heritage assets. The office building itself has acquired a level of local popularity due to its characterful brick arched 'Bartholomews' sign, which is visible from the railway and is a pleasing visual landmark. The building itself is relatively nondescript and has been heavily altered and extended. There are a great deal of buildings of this type and date throughout Chichester and it does not in my view warrant recognition as a non-designated heritage asset. Having said that, the retention of the arch would be welcomed as it is of some local interest and is not without character.

The layout and design of the new properties has undergone several phases of reworking following officer comments. They are contemporary in appearance with well-articulated fenestration and eaves detailing and have avoided large plain flank walls, protruding into the streetscene. The elevational design avoids the reliance on tired traditional detailing and pastiche. The active frontage to Bognor Road is positive. The layout is compact and there is a regrettable lack of street level planting.

6.10 CDC Environmental protection

A phase I and II geo-environmental site assessment has been submitted dated Jan 2021 produced by Ensafe Consultants. The report summarises the site history and previous site investigation work undertaken both on this site and on the adjacent phases of development of the wider Bartholomews site. The report concludes that further site investigation is necessary in the development area and we agree with this conclusion. Conditions should be applied to require additional site investigation and if necessary, remediation and verification. Conditions PC21, PC22 and PO14 should be applied.

Ground gases were monitored at the site and assessed in accordance with the methodology in BS8485:2015. On the basis of the measurements taken, the site has been designated as Characteristic Situation 1 and no gas protection measures have been recommended. Given the details in the borehole logs, the percentage of putrescible material appears to be very low, and we agree with the findings of the gas risk assessment. Subject to the additional ground investigation works not identifying any soils likely to generate ground gases, we would not require ground gas protection measures to be incorporated into the development.

The proposed development would not trigger the requirements of an air quality assessment for the operational phase of the development (using the criteria proposed in the IAQM guidance Land Use Planning & Development Control: Planning for Air Quality 2017). Nevertheless, the development is part of a wider development which will introduce a significant number of new dwellings to the area. Measures to minimise air quality impacts should be put in place and the following should be considered:

- The parking standards produced by WSCC should be followed with respect to cycle parking and electric vehicle charging point provision.
- Links to nearby cycle routes should be considered in order to encourage the use of sustainable transport by future residents.

An assessment in accordance with IAQM document Guidance on the Assessment of Dust from Demolition and Construction 2014 should be undertaken and submitted to the LPA. Mitigation measures are likely to be required to reduce the impact of the construction works on air quality. Mitigation measures could be incorporated into a Construction Environmental Management Plan for the site.

A construction environmental management plan should be drawn up and implemented to control environmental impacts (such as noise, dust, waste, transport and light during the construction phase. The CEMP should be secured by way of a condition.

An environmental noise impact assessment has been submitted produced by Sound Advice Acoustics Ltd, reference SA 3765 rev5 dated Dec 2020. The report is based on a noise survey carried out in 2015 however relevant recent guidance has been used in the assessment to assess the noise impacts. The report concludes the development should be designed with a 4mm glass /14mm air gap / 6mm glass double glazed windows and a Greenwood MA 3051 wall ventilator or similarly approved to all rooms to ensure the internal noise levels are acceptable in terms of the assessment to British Standard 8233: 2014.

A condition should be applied to require that the specification in the Sound Advice Acoustics Ltd report ref SA 3765 rev5 section 1.7 for the glazing and ventilation is installed in all rooms within the development. Reason: to ensure that the internal noise levels in the proposed dwellings are acceptable with reference to the guidance given in British Standard 8233:2014.

Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. 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 installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. Reason: to protect the appearance of the area, the environment and local residents from light pollution.

6.11 CDC Costal and Drainage

Flood Risk: The site is wholly within tidal/fluvial flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. There is a small area of the northern extent of the site shown to be at risk of surface water flood risk. However, these maps do not take account of positive drainage that is proposed to exist on the site. They are also proposing FFLs a minimum 150mm above ground levels, which will further reduce any risk to property. Therefore, subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The drainage strategy is to drain all surface water to ground via the permeable sub-base beneath the parking/access areas. They have supplied calculations to demonstrate the capacity for the 1 in 100yr event + 40% using conservative (compared to local findings) infiltration rates (1×10^{-5} m/s). The approach is acceptable in principle and should adequately drain the development.

If you are minded to approve the application, to ensure the development is satisfactorily drained we recommend the following condition:

Development shall not commence until the 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 the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed scheme

6.12 Third party objection comments

One third party representation of objection has been received concerning the following matters:

- Loss of the heritage property

- The permitted scheme sees its conversion into flats, which retains its contribution towards the streetscene and to passing rail passengers.

6.13 Third party support comments

One third party representation of support has been received concerning the following matters:

- The building layout build quality
- A preference for the letters and the brick arch to be kept and incorporated into the scheme

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no Neighbourhood Plan for Chichester.

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

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 5: Parish Housing Sites 2012- 2029
- Policy 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 10 Chichester City Development Principles
- Policy 26 Existing Employment Sites
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 47: Heritage
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is progressing. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in July 2022. Following consultation, the Submission Local Plan will

be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that limited weight can be attached to the policies contained within the Local Plan Review.

7.4 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

- S1 Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Development Hierarchy
- S4 Meeting Housing Needs
- S5 Parish Housing Requirements
- S6 Affordable Housing
- S12 Infrastructure Provision
- S20 Design
- S23 Transport and Accessibility
- S27 Flood Risk Management
- S31 Wastewater Management and Water Quality

Part 2 - Development Management Policies

- DM3 Housing Density
- DM8 Transport, Accessibility and Parking
- DM16 Sustainable Design and Construction
- DM18 Flood Risk and Water Management
- DM28 Natural Environment
- DM29 Biodiversity
- DM30 Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas
- DM31 Trees, Hedgerows and Woodlands

National Policy and Guidance

7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), published in July 2021. Some key criteria are as follows:-

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.6 In addition, consideration should also be given to Sections 1 (Introduction) 2 (Achieving sustainable development), 5 (Delivering a sufficient supply of homes), 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment). In addition, the relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance
- **Position Statement on Managing New Housing Development in the Apuldram (Chichester) Wastewater Treatment Works Catchment**

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

- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal for consideration are:

- i. Principle of development
- ii. Housing Mix
- iii. Design and impact upon character of the surrounding area
- iv. Impact upon amenity of neighbouring properties
- v. Impact upon highway safety and parking
- vi. Environmental Protection
- vii. Sustainability
- viii. Ecological considerations
- ix. Drainage
- x. Nutrient Neutrality
- xi. Recreational Disturbance
- xii. Other matters

Assessment

i. Principle of development

8.2 The application site is located within the Chichester settlement boundary, which is identified as the sub-regional Centre within the Chichester Local Plan (CLP) and is a location where the provision of a range of homes, workplaces and social and community

facilities is supported by Policy 2 of the CLP, subject to compliance with other policies of the Development Plan. The provision of new dwellings within Chichester is therefore acceptable in principle.

8.3 The proposal if permitted would result in the loss of the employment space, which is protected under Policy 26 of the CLP. However, Policy 26 also advises that planning permission will be granted for alternative uses on land or floorspace currently or previously in employment generating uses where "it has been demonstrated (in terms of the evidence requirements accompanying this policy) that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses". Accordingly, the site has been marketed for more than two years, with details of the marketing contained within a viability study provided with this application. It advises that following a marketing exercise that there has been limited interest in the re-use of the office building for commercial purposes; with the evidence provided to complying with Policy 26 and the Appendix E of the CLP. In view of the information submitted and the positive response from the Council's Economic Development Officer it is considered that the proposal would accord with the requirements of Policy 26 in respect of the loss of employment.

ii. Housing Mix

8.4 The proposal seeks to provide 6 x 4-beds and 3 x 3-beds which would not comply with the required housing mix identified by the HEDNA and as supported by policy 34 of the Local Plan. However, following a discussion with the Council's Housing Enabling Officer, it was considered appropriate to view the proposed housing mix in combination with the wider Bartholomew's redevelopments to the north and south. In doing so, the proposed housing mix across the three phases (this application being the third phase), the redevelopment would accord with the HEDNA housing mix by providing 11.25% 1-bed, 33.7% 2-bed, 37.5% 3-bed and 17.5% 4-bed, thus can be considered acceptable and in accordance with Policy 34 of the Local Plan.

8.5 As the proposal is for nine houses, it does not meet the major application threshold for requiring an affordable housing contribution in this case.

iii. Design and impact upon character of the surrounding area

8.6 Policy 33 of the Chichester Local Plan states that any proposed development must meet the highest standards of design and provide a high-quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density, height, scale, and neighbouring and public amenity. Policy 47 sets out that development should respect the distinctive local character and sensitively contribute to creating places of high architectural and built quality. Policy 48 amongst other considerations requires proposals to respect and enhance the landscape character of the surrounding area and site.

8.7 The proposal of 9 dwellings would result in a density of 30 dwellings per hectare (approximately), which broadly meets the density criteria in the supporting text of Policy 33 and would not be out of keeping with the dense urban form of the existing development on the wider site. Therefore, it is considered that the level of development proposed would be appropriate for the size of the site. The proposed layout comprises four semi-detached properties facing onto Bognor Road, a detached property to the southern corner, and a further three properties facing east onto Wood Road (the new internal access road within

phase two) forming a continuation of the existing property line. A single detached property would be set to the north corner of the site, which despite being read as a 'backland plot' would make appropriate use of this part of the site. An appropriate amount of private outdoor amenity space is provided for each plot which complies with the council's guidance.

- 8.8 The formation of active frontages onto Bognor Road, whilst not considered essential given the varied character of the surrounding area and the proximity of the railway bridge, would impact positively on the streetscene by providing a welcoming pedestrian route into the development. There is a footpath serving the wider development to the southern corner of the site, with the provision of active frontages onto this footpath considered to be beneficial, particular in respects natural surveillance of this footpath. The scheme would incorporate an acceptable frontage to the highway, respecting the building lines with the neighbouring three storey flat development, whilst providing a modest lawn front garden and landscaped border.
- 8.9 An alternative option was explored during the application, which inverted the four properties, so their rear gardens faced Bognor Road, however this would have reduced the outward facing active frontages and would have necessitated a roughly 3m high walled boundary to achieve the required acoustic privacy within the rear amenity space, thus was an unsuitable option which would have been harmful to the visual amenity of the locality.
- 8.10 The existing vehicular access onto Bognor Road would be replaced with an access within the eastern boundary, which would incorporate the proposal into the wider development. The wider vehicular access would be from Chatsworth Road to the north, with the vehicle access within the current proposal serving the internal parking areas for plots 1-6. Plots 7-9 have their own driveway access onto Woods Road, with parking to the side and front of the property. The internal parking arrangement is considered appropriate, proving sufficient parking space to meet the require requirements. The boundary treatments facing into the shared parking area, would mostly comprise of brick walling to ensure a higher built quality.
- 8.11 The proposed four dwellings fronting Bognor Road would two and a half storeys in height, with accommodation within the attic space, which is appropriate given the height of the neighbouring flatted development. The remaining properties are proposed to be two storeys with the larger detached properties set to the north and south corners of the site, acting as focal points within the site, and the three properties to the east of the site, similar in form to the adjacent ones within phase two. The detailed design of the dwellings reflects the character and appearance of the adjoining developments. However, the properties are of a slightly more contemporary appearance, which would complement the mixed character of the area. **Additional sectional drawings have been provided, illustrating the proposal within the context of the neighbouring flatted development and the view from Woods Road, within the wider Bartholomew's development.**
- 8.12 In addition, care has been taken to ensure elevations would be well articulated. There are four house types proposed, ensuring an appropriate mix of designs, with a complementary palette of materials utilised across the dwellings. The elevations incorporate appropriate level of detail, particularly to Plots 1 and 5 which would be the most prominent properties within the development. **Moreover, subsequent amendments have been secured to the south side elevation of Plot 7, which now includes a ground floor side facing window and a blind window, both of which would help to enhance what was**

previously a blank elevation and provide an appropriate level of detailing for this side elevation. The elevations would be predominantly brick, with aspects of white render (mostly to plots 5 and 6) all set beneath grey tiled roofs.

8.13 During the course of the application comments have been received expressing concern about the loss of the existing building, however the building is not protected nor is it considered a non-designated heritage asset. As such there is no justification to require the retention of the existing building on site. **The archway is nevertheless of some local importance, and it is considered it would be appropriate to secure a photographic record prior to its demolition. This is unlikely to be an onerous requirement for the developers and something which can adequately be secured via a planning condition.**

8.14 Taking the above considerations into account, whilst the proposal would provide a compact development without a significant amount of low-level planting, it would be of an appropriate layout and density, and result in a high-quality design that would integrate well into the surrounding area and concludes the final part of the comprehensive redevelopment of the Bartholomew's site. On this basis, the development would accord with Policy 33, 47 and 48 of the Chichester Local Plan and Section 12 of the NPPF.

iv. Impact upon amenity of neighbouring properties

8.15 Paragraph 130 of the NPPF states that planning decisions should create places that offer a high standard of amenity for existing and future users. In addition, Policy 33 of the Local Plan seeks to protect the amenities of neighbouring properties in terms of their outlook, privacy or available light.

8.16 The proposed dwellings would be sited to ensure that they would be sufficiently distanced and positioned so as not to have an unacceptable effect on the amenities of the neighbouring properties. The proposal would result in an acceptable relationship between one another, and with the properties of the adjacent phase 2 development, which is currently under construction. An appropriate level of separation has been retained with the flat development to the west, with the layout designed to ensure there is no west facing windows within plots 1 and 6, preventing overlooking or loss of privacy for occupiers of these properties. The detached garages serving plots 7-9 would be set back and would likely result in some shadowing to the amenity space during the later evening but this is not considered to be of detriment to the amenity or quality of the outside space provided within these plots.

8.17 Taking the above considerations into account, the development would result in an acceptable living environment for the future occupiers of the proposed dwellings and those of the neighbouring phase 2 development. In addition, it would retain an acceptable level of amenity for the occupiers of the adjacent flat development. Therefore, the development would accord with the contents of Policy 33 of the Chichester Local Plan and Section 12 of the NPPF.

v. Impact upon highway safety and parking

8.18 Policy 39 of the Chichester Local Plan requires developments have safe and adequate access to the public highway and parking needs can be met within the site.

- 8.19 The proposal would result in the closure of the existing vehicle access onto Bognor Road, and the formation of new access onto Woods Road (the internal road within the phase 1 and 2). The wider vehicular access will be from Chatsworth Road to the far north, with vehicles travelling through the wider Bartholomew's development to reach the application site. This is considered acceptable, with the internal estate road capable of accommodating the anticipated level of vehicle movements. The proposal would incorporate the footpath to the south of the site, allowing pedestrian access onto Bognor Road, with the required tactile paving in accordance with the agreed S278 highways agreement, secured during the previous phases of the development.
- 8.20 The proposal has been reviewed in consultation with Highways England and WSCC Highways, neither of which consider the proposal to have a 'severe' impact upon the highways network. The internal layout of the site would be acceptable, with the shared surface appropriate for the type of development. There is a shortfall of three vehicle parking spaces, with each plot allocated 2.5 spaces (garage accounting for 0.5 spaces); however, it is appreciated plots 7-9 have additional space to provide further vehicle parking, and given the highly sustainable location of the site, the shortfall in spaces is not considered to be unacceptable in this instance. The provision of cycle storage and electric vehicle charging points would be secured via condition to further encourage sustainable modes of transport.
- 8.21 **A supplementary transport note has been provided by the applicants, which sets out the proposal is anticipated to result in a reduction of 42 pedestrian movements over a 12-hour period, relative to the previous office use of the site. It concludes, the reduction in movements, in combination with the scale of development (9 dwellings), demonstrates there is no requirement to provide a pedestrian island within Bognor Road, as part of this application. This has been reviewed by WSCC Highways, who have advised they do not disagree with the conclusion; whilst also confirming there is no justification to provide a refuse island to mitigate the impacts of the proposed development.**
- 8.22 **In addition, the transport note sets out there is insufficient room within the carriageway to provide a refuse island and whilst this view is not necessarily shared by WSCC Highways, given the varying size of refuse island permissible, there is clear evidence to justify why it would be unreasonable to request the provision of a refuse island as part of this application.**
- 8.23 **As noted within the WSCC Highways reply, the proposal would provide a CIL contribution, which would collectively contribute to infrastructure improvements across the Local Plan Area, as set out and agreed by the Infrastructure Business Plan (IBP) and the 5-year CIL Spending Plan. It is possible future improvements could be provided to Bognor Road, as part of the IBP and CIL spending plan, however this would lie outside of the scope of this application.**
- 8.24 The proposal is considered to result in an acceptable impact upon the highways network, make acceptable provisions for vehicle parking/ turning and provides measures to support alternative and sustainable forms of transport. As such, the proposal is considered to comply with policies 39 the Local Plan.

vi. Environmental Protection

8.25 The proposal has been reviewed in consultation with the Council's Environmental Protection Officer, who has considered the potential impacts in respects of contaminated land, noise, lighting, and impacts arising during construction. They have raised no objections to the findings of the contaminated land report, which has identified the need for further surveys, which can be adequately secured via condition. Similarly, the findings and mitigation proposed within the noise survey would be appropriate and can again be secured via condition. In respects of lighting and impacts during construction, it is recommended that a lighting condition and construction management plan be secured via condition, with the latter also being required by both Highways England and WSCC Highways.

8.26 In terms of air quality, conditions are recommended to secure the EV charging and cycle storage, as detailed within the previous section, which would contribute towards sustainable modes of transport. The pedestrian link to the south of the site, would allow connectivity of the development on foot or by cycle, allowing sustainable transport to be maximised.

8.27 In view of the above, the proposal is considered to result in an acceptable environmental impact, subject to future compliance with the recommended conditions.

vii. Sustainability

8.28 The proposal has been accompanied by a sustainability statement, detailing the overall efforts to enhance the sustainability of the development and Bellway Homes commitment to achieving the 19% reduction in emissions, though the blended approach of fabric first improvements and the use of renewable energy sources. The applicant has advised of their intention to utilise both the fabric first and renewable energy sources, with a condition recommended to secure full details, implementation, and retention of such measures.

8.29 The development would also comply with the water consumption targets, as set out within the building regulations. The provision of electric vehicle charging points would also be secured via planning condition, further contributing to the sustainability of the development.

8.30 Therefore, subject to compliance with these measures, and safeguarding by planning conditions, the proposal is considered to result in an enhanced sustainable form of development, thus complying with policy 40 of the local plan.

viii. Ecological considerations

8.31 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded and enhanced whilst the NPPF makes it clear in paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity.

8.32 The council's ecology officer has reviewed the ecology surveys and subsequent letter from the ecologist and is satisfied with their findings, recommendations, and suggested mitigation/enhancements, which can be adequately secured through the suggested conditions. In addition to this, the council's ecology officer has also suggested further modest enhancements, such as bat/bird boxes, all of which can be adequately controlled via condition.

8.33 In addition, the applicant has submitted an arboricultural report/impact assessment, which proposes one tree to be removed, and protection measures for the cluster of three trees located adjoining the southern edge of the site, which shall be secured via condition.

8.34 In view of the above, and subject to compliance with the recommended conditions the proposal would adequately safeguard and enhance the biodiversity of the site in accordance with national and local planning policies.

ix. Drainage

8.35 The site is within flood zone 1 (low risk). Therefore, subject to satisfactory surface water drainage (SuDS), there are no concerns regarding the proposed use, scale, or location of the development on flood risk grounds.

8.36 The proposed drainage strategy is to drain all surface water to ground via the permeable sub-base beneath the parking/access areas, which is an acceptable approach in principle. The council's drainage officer has suggested full details of the proposed surface water drainage scheme be secured via condition. Therefore, subject to compliance with this drainage strategy, secured via condition the proposal is acceptable in respects of surface water drainage/flooding.

8.37 As clarified during the 21 March committee meeting, the proposal is not required to demonstrate no net increase in flows to the Apuldram Wastewater Treatment Works, as the number of units is below the required threshold of 10 dwellings, as set out within the Position Statement on Managing New Housing Development in the Apuldram (Chichester) Wastewater Treatment Works Catchment (December 2018). In addition, Southern Water has been consulted as part of the application process, raising no objection to the proposed development and highlighting only that the applicant will be required to make a formal application for a connection to the public foul sewer.

x. Nutrient Neutrality

8.38 The proposal comprises new residential development, which would be connected to the main sewer network, where it is accepted that the treated effluent from the development will eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites. This is therefore directly connected to the increase in wastewater from the development.

8.39 In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the by the Local Planning Authority (LPA) via an 'appropriate assessment' (**AA**) to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

8.40 ~~To assist the LPA with its appropriate assessment, the application has been accompanied by a Nutrient Neutrality Statement, which details the additional nitrogen resulting from the~~

~~proposed development (6.3 kg of Nitrogen per year) and a Nitrate Mitigation Proposal which details the proposed offsite mitigation.~~

~~8.41 The mitigation proposes the removal of 0.26ha of agricultural land, which forms a small proportion of a larger parcel of land at Chilgrove Farm, Chilgrove, Chichester, West Sussex. This land shall be subject to 'woodland creation, flower rich rides, new hedgerows and wildflower margins'. This proposal has been tested via an appropriate assessment, in consultation with Natural England, who have raised no objection to the application, subject to securing the proposed mitigation.~~

8.42 Natural England updated their methodology for calculating the level of nitrogen resulting from new development on the 16 March 2022. It advises reliance upon the previous methodology, under which the previous mitigation proposal was devised is no longer appropriate, consequently requiring the mitigation proposal to be revised and a further AA to be carried out.

8.43 An updated Nitrate Mitigation Proposal has been provided, which identifies 9.43kg of nitrogen per year will need to be offset, by way of off-site mitigation. The proposal utilises the same offsite mitigation as before; however, a larger area (0.38ha) of agricultural land, which forms a small proportion of a larger parcel of land at Chilgrove Farm, Chilgrove, Chichester, West Sussex shall be taken out of agricultural production. This land shall be subject to '*woodland creation, flower rich rides, new hedgerows and wildflower margins*'. This proposal has been tested via an AA which has been reviewed by Natural England, who have raised no objection subject to securing the proposed mitigation in perpetuity.

8.44 It is considered that the proposed nitrate mitigation scheme would ensure that the proposal would not impact upon the European designated sites because of nitrates, and therefore the proposal would comply with policy 49 of the CLP and section 15 of the NPPF. The exact location of the proposed mitigation land, within the wider parcel would be secured within the S106 agreement, forming a legally binding agreement between the landowners and applicants, and securing this mitigation land in perpetuity.

8.45 The recommendation to planning committee is to agree the report plus the amendments, defer for S106, to secure the required legal agreement and then permit the application.

xi. Recreational Disturbance

8.46 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area where a net increase in dwellings would likely cause harm to the special qualities of the European designated site because of recreational disturbance. In accordance with Policy 50 of the Local Plan a financial contribution towards the Bird Aware Solent scheme is required to mitigate recreational disturbance as a result of the proposal.

8.47 The following contribution will be obtained via the S106 agreement:

- 6 x 4-bedroom property £864; plus
- 3 x 3-bedroom property £735.

8.48 Subject to the completion of the S106 agreement, securing the recreational disturbance fee of £7389.00 the proposal would comply with Policy 50 of the CLP and the requirements of the Habitat and Protected Species Regulations 2017, and the proposal would be acceptable in this respect.

Conclusion

8.49 On balance of the issues above, the proposal would result in a high-quality design that would integrate well into the surrounding area. It would conclude the comprehensive redevelopment of the Bartholomew's site. The proposal is within a sustainable location and would not cause harm to the environment, the character of the area, highway safety or biodiversity. **The additional detailing secured to the south elevation of Plot 7, has addressed concerns regarding the starkness of this previously blank elevation. Moreover, the additional information concerning the pedestrian movements and lack of justification for the pedestrian island, and the amended and additional conditions the proposal has addressed the issues raised during the previous planning committee and provided further justification in support of the recommendation. Finally, the updated nitrogen mitigation proposal, has been accepted by Natural England; ensuring the proposal would result in a nitrate neutral scheme.**

8.50 The proposal therefore accords with the relevant national and local planning policy and associated supplementary planning guidance. Having regard to all other material considerations, it is recommended that, subject to the conditions set out below and S106 agreement that permission is granted.

Human Rights

8.51 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been considered and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

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

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

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

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

3) No development shall commence, including any works of demolition, 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 provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) 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,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including litter, prohibiting burning of materials/waste, and recycling of waste.

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.

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

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

5) As the submitted report identifies potential contaminant linkages that require further investigation **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

6) If the Phase 2 report submitted in accordance with condition 5 above identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

7) No development/works shall commence on the site until a photographic record of the Bartholomew's Office Building south elevation, but principally the Brick Archway has been submitted to approved in writing by the Local Planning Authority. The photographic record shall include high resolution photographs of the south elevation of the office building and the brick archway, including any features of interest, such as engravings, original signage or decorative details. It shall be accompanied by an annotated plan (elevation and or floor plan) that contextualise each photograph, relative to its direction or the part of the building or archway photographed.

Reason: In the interest of securing a photographic record of the Brick Archway, prior to its demolition.

8) No development above slab level shall commence until full scheme of proposed renewable sources of energy and a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The sustainability statement shall detail sustainable energy sources (i.e Solar Panel and Heat Pump) and additional measures to reduce the carbon emissions of the development hereby permitted. The scheme of the proposed sources of renewable energy shall include details of the appearance, technical specification and where relevant a noise report. Once agreed, these measures shall be fully implemented in accordance with the approved scheme prior to the first occupation of the dwellinghouse and thereafter retained in perpetuity for their designated use.

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

9) Notwithstanding any details submitted **no development/works above slab level shall commence** until a full schedule of all materials and finishes to be used for external walls (including boundary walls), windows and doors and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Upon submission of the details to the Local Planning Authority samples of

the proposed materials and finishes shall be made available for inspection on site, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of materials and finishes, unless any alternatives are agreed in writing via a discharge of condition application.

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

10) The development hereby permitted shall not be first occupied until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

11) No part of the development hereby permitted shall be first occupied until at least one Electric Vehicle (EV) charging point per dwellings and ducting to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future, has been provided in accordance with plans and details that shall first be submitted to and agreed in writing by the Local Planning Authority. Thereafter the Electric Vehicle Charging point shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies.

12) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented:

- a) **The integration of a bat box or brick into each of the dwellinghouses hereby approved.** ~~or the provision of a bat box within a tree sited within the grounds of the development proposal.~~ **The bat box shall face a south/south westerly and positioned 3-5m above ground.**
- b) **The integration of a bird box into each of the dwellinghouses hereby approved.** ~~or within a tree sited within the grounds of the property~~

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

13) 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.

14) The dwelling hereby permitted shall be designed to ensure the consumption of water by persons occupying the dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). The dwelling shall not be first occupied until the requirements of this condition for the dwelling(s) have been fully implemented, including fixtures, fittings and appliances, and therefore they shall be maintained as approved and in full working order in perpetuity.

Reason: To ensure water efficiency within the dwellings and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

15) The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; parking layouts; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. 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.

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

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

17) **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.

18) The development hereby permitted shall be carried out in strict accordance with the submitted Arboricultural Impact assessment & Method Statement produced by ACD Environmental, and tree protection plan BELL22606-03 REV B, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value.

19) The development hereby permitted shall be carried out in strict accordance with the approved boundary treatments plan (P1525.07). The boundary treatments shall be implemented in full prior to the first occupation of the dwellinghouses and shall be retained and maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting the amenity of neighbours

20) The development hereby permitted shall be carried out in strict accordance with the submitted Ecological Impact Assessment with Phase 2 Bat Survey Work Statement produced by abbasecology, and the recommendations and mitigation it details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting biodiversity and wildlife.

21) The following ecological mitigation measures shall be adhered to at all time during construction;

- a) If any works need to take place to the trees or for vegetation clearance on the site, they 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 (within 24 hours of any work).

Reason: In the interests of protecting biodiversity and wildlife.

22) The development hereby permitted shall be carried out in strict accordance with the submitted Sound Advice Acoustics Ltd report ref SA 3765 rev5 (December 2020) and the recommendations it makes with Section 1.7 of the report, with regard to glazing and ventilation.

Reason: to ensure that the internal noise levels in the proposed dwellings are acceptable with reference to the guidance given in British Standard 8233:2014.

23) The proposed hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

24) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

26) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A - E of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

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

27) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking ,re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established other than those shown on the approved plans.

Reason: In the interest of the visual amenity of the site

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - TPE MA (Mason) Elevations	P1525.MA.02	Rev C	12.04.2022	Approved
PLAN - Street Scene Sheet 01 of 02	P1525.SS.01		12.04.2022	Approved
PLAN - Street Scene Sheet 02 of 02	P1525.SS.02		12.04.2022	Approved
PLAN -	P1525.M.01	Rev A	01.10.2021	Approved
PLAN -	P1525.05	A3	02.12.2021	Approved
PLAN -	P1525.GAR.02		08.02.2021	Approved
PLAN -	P1525.S.01	A	02.12.2021	Approved
PLAN -	P1525.S.01		02.12.2021	Approved

PLAN -	P1525.07	A2	02.12.2021	Approved
PLAN -	P1525.06	A2	02.12.2021	Approved
PLAN -	P1525.03	A2	02.12.2021	Approved
PLAN -	P1525.02	A2	02.12.2021	Approved
PLAN -	P1525.01	A3	02.12.2021	Approved
PLAN -	P1525.WB+	02	08.12.2021	Approved
PLAN -	P1525.WB+	03	08.12.2021	Approved
PLAN -	P1525.WB+	04	08.12.2021	Approved
PLAN -	P1525.WB+	05	08.12.2021	Approved
PLAN -	P1525.08	A	01.10.2021	Approved
PLAN -	BELL22606-03C		23.03.2021	Approved
PLAN -	P1525.WB+.02	A	24.02.2021	Approved
PLAN -	P1525.WB+.01	A	24.02.2021	Approved
PLAN -	P1525.S1.02		08.02.2021	Approved
PLAN -	P1525.S.01-2		08.02.2021	Approved
PLAN -	P1525.GAR.01		08.02.2021	Approved

INFORMATIVES

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

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

For further information on this application please contact Calum Thomas on 01243 534734

To view the application, use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QO7YO1ERLTT00>

Chichester District Council

Planning Committee

10 January 2024

Response to Government consultation on 'Street vote development orders'

1. Contacts

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2. Recommendation

- 2.1 That the Planning Committee consider and agree the attached responses to the consultation questions for submission in response to the government consultation on 'Street Vote Development Orders'.**

3. Background

- 3.1 The Government is running a public consultation from 22 December 2023 to 7 February 2024 on the proposed introduction of Street Vote Development Orders following the provisions made under the Levelling Up and Regeneration Act 2023 (LURA). Secondary legislation is required in order to enact the use of street votes, and it is proposed that the regulations will be in place in 2024.
- 3.2 A street vote development order (SVDO) is a new route to a planning permission, and secondary legislation will be required to govern how they will operate. The consultation explains that an SVDO is 'is innovative tool that will give residents the ability to propose new development in their street, and subject to meeting certain requirements, vote on whether that development should be given planning permission'.
- 3.3 The consultation explains the need and vision for SVDO's, how SVDO's would work in practice and asks questions about how SVDO's could be implemented. The consultation can be found here:
<https://www.gov.uk/government/consultations/street-vote-development-orders-consultation/street-vote-development-orders>

4. Outcomes to be Achieved

- 4.1 To influence the introduction and operation of SVDO's.

5. Proposal

5.1 The purpose of this report is to provide an input to the consultation as set out in Appendix 1 of this report following consideration of the proposals as set out below.

The Need and Vision for SVDO's

5.2 The consultation explains that the purpose of a SVDO is to make better use of land in existing settlements, making best use of the existing infrastructure and reducing pressure on the green belt. The SVDO is proposed as a tool to give residents the choice to bring forward development within their street, and the consultation states that residents would share in the economic and other benefits of permitting new development.

5.3 The document states that once a SVDO is in place 'homeowners can develop their properties with much greater confidence that their neighbours will be supportive of what they are doing, providing the development complies with the order'. Identified benefits include increased property values for the homeowners and environmental improvements and greater choice of accommodation for those who do not own their property.

5.4 The consultation explains the vision of introducing SVDO's is to;

- create a predictable system where residents have certainty before preparing a proposal
- make the system accessible and easy to use
- create a robust system which enables residents to bring forward development with local support

5.5 The document states that other routes to permission, such as a householder planning application or permitted development rights will continue to be available in areas covered by a SVDO.

How SVDO's will work in practice

5.6 It is proposed that a group of residents (meeting a set of requirements) will be able to propose a SVDO for a specific type of development, such as the addition of an extra storey to properties, within their identified 'street area'. The proposal would then be examined by the Planning Inspectorate. If the proposal passes examination it will then be put to a referendum. If the proposal passes referendum the Planning Inspectorate will make the SVDO. Once a SVDO is made, it grants planning permission for the proposal.

5.7 The consultation states that the ambition is for the process of preparing and submitting a SVDO proposal to be as simple as possible to ensure it is accessible.

5.8 Additional information about the provisions include:

General provisions

- SVDOs would only be possible on streets of over 10 dwellings (or 2 adjoining streets if there are less than 10 dwellings)
- For street areas of over 25 properties a qualifying group must consist of at least 20% of the total number of individuals registered to vote
- For street areas of between 10 and 25 properties a sliding scaled is proposed. A qualifying group must consist of at least one residential from between 100% of the properties (for streets of 10 properties) and 25% (for streets of 25 properties)
- Residents can be represented by an individual representing the group
- A proposal must include a range of documents including a signed letter from the group, map of the area, a draft order, supporting information, details of any consultation with statutory bodies and declaration of engagement with community, a street design code with illustrations of the design parameters for development, and the option of a detailed specification for elevations
- It is proposed that a street area is defined as 'the properties on each stretch of road starting or ending at a crossroads or as a minor road at a T-junction or where there is a gap between buildings of more than 50 metres

When/where development orders could be applied

- Areas excluded include National Parks, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest (SSSI) and European sites, such as Special Areas of Conservation, Ramsar and Special Protection Areas, a world heritage property and green belt. Critically it does not appear that Conservation Areas are proposed to be excluded.
- Street votes would only permit residential development and not changes of use

Quality of development

- The consultation sets out a range of parameters in an attempt to ensure development meets 6 criteria; gradual evolution of character, limited impact on neighbours, preservation of green space, celebration of heritage, promotion of active travel and the creation of sociable neighbourhoods
- The consultation proposes a range of design requirements, which are considered to be very complex, will likely be open to interpretation and may place neighbours affected by new development at a disadvantage as they could be required to negotiate directly with a person wishing to develop beyond the rules.
- It is suggested that whilst generally it is likely development orders will comply with the development plan for the area, street vote development orders will be able to go beyond what would ordinarily be permitted by the development plan.

Technical/Environmental matters

- The consultation indicates that ‘qualifying groups’ will be expected to engage with the local planning authority, any neighbourhood planning group and other relevant authorities, when preparing their proposals. However there is no detail as to how this consultation should take place, the impacts upon the resources of the local planning authority or other groups, such as Neighbourhood Plan groups.
- The consultation explains how the Environmental Impact Assessment Regulations 2017 and the Conservation of Habitat Regulations 2017 would be used to manage the impacts of development.

Examination process

- The Planning Inspectorate would validate the submission to ensure all the requirements have been met
- The examination would be in the form of an exchange of written representations, although in some circumstances a hearing may be deemed necessary by the examiner
- The local authority will be required to advertise the examination, and will also be given the opportunity to make a representation

Referendum process

- It is proposed that individuals registered to vote in the street area would be eligible to vote, and that voting would be by post only
- Voters would be asked ‘Do you want the development described in the street vote development order to be granted planning permission?’
- It is proposed that a development order would be approved if i) at least 60% of those eligible to vote are in favour and ii) at least one voter in at least half of the voting households is in favour.
- The consultation document indicates that the local authority would be responsible for administering the referendum process, which is a concern given the significant amount of additional work this could create, with no information as to how this would be funded or resourced.

Commencing development

- It is proposed that a permission granted by a development order would need to be implemented within either i) 10 years, ii) a specified time to be agreed when the order is made (this could be 10, 20 or 30 years) or iii) at any time after the development order is made. It is a concern that such long periods to implement the planning permission will fail to take into account changes in the local area, impacts

upon habitats, the environment etc and therefore a shorter period of time is suggested.

- It is proposed that developers would need to submit details to the local planning authority to discharge conditions, which is considered necessary and a positive proposal. In addition, developers will need to apply to the local planning authority for a certificate of lawful development to ensure that their proposal would meet the requirements of the development order. This is an essential step to ensure that development is effectively managed.
- The consultation suggests that infrastructure needs should be met via the Community Infrastructure Levy (CIL), with s106 planning obligations being limiting to securing mitigation that cannot be secure via condition (for example nitrate mitigation).

6. Alternatives Considered

- 6.1 The alternatives are not to respond to this consultation, or to provide different consultation responses.

7. Resource and Legal Implications

- 7.1 There are no resource or legal implications connected with responding to this consultation.

8. Consultation

- 8.1 This is a public consultation being run by the government.

9. Community Impact and Corporate Risks

- 9.1 There are no community impacts or risks to this council of responding to this consultation.

10. Other Implications

	Yes	No
Crime and Disorder		✓
Climate Change and Biodiversity developments proposed under the order could impact on environmental matters such as these	✓	
Human Rights and Equality Impact the consultation seeks views on the potential impacts under the Public Sector Equality Duty	✓	
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing developments proposed under the order could impact on the health and wellbeing of residents	✓	

11. Appendices

Appendix 1: Consultation questions and draft answers for consideration.

Appendix 1 – Responses to consultation

Q1. Do you agree that to be a member of a qualifying group an individual must be registered at an address in the street area to vote in a local council election on the date the proposal is submitted for examination? If not, please provide details.

Yes it is essential that any member of a group is a registered at an address in the street area, however it is also considered that they should be a permanent resident of the street (as opposed to a second homeowner or an individual who lets out their property).

Q2. Do you agree with our proposed minimum thresholds for the size of a qualifying group? If not, please provide details.

Yes. No comments to make.

Q3. Are there any other factors that you feel should be considered when determining the minimum thresholds for the size of a qualifying group?

No.

Q4. Do you agree that qualifying groups (or those acting on their behalf) should be required to undertake community engagement, but have discretion on how they engage on their proposals? If not, please provide details.

No. Community engagement should be a requirement of the process, however that should not be at the discretion of the group (or the individual representing them), it should be prescribed in the secondary legislation to ensure that the system is predictable and robust as per the vision for SVDO's.

Q5. Which additional protections, such as notice, could be given to residents? Please provide details if applicable.

Formal notice should be served upon all owners of properties within the street, providing an opportunity to join a group, and therefore if a proposal for a SVDO is submitted to the Planning Inspectorate, there should be a set period of time to make representations.

Q6. Do you have any views on what level of community engagement would be appropriate? If yes, please provide details.

As per the responses to questions 5 and 6 it is considered that all residents of a street should be formally notified when a group is established, and they should have an opportunity to comment on any proposal submitted to the Planning Inspectorate.

Q7. Do you have any further views on community engagement you feel should be considered? If yes, please provide details.

Yes. The document does not set out clearly what is meant by community engagement and it is essential that the regulations is clear in this respect.

Q8. Do you agree with the government's proposals on what a street vote development order proposal must include? If not, please provide details.

No. It is considered that the information listed within the consultation is not sufficiently clear. Elsewhere in the consultation document there is information about Environmental Impact Assessments, Habitat Regulations Assessments, Flood Risk assessments etc, and this does not come through clearly. It will be essential that residents considering this approach are clear at the start of the process as to the potential complexities and what additional supporting information may be required with a proposal for a street vote development order

Question 9 – Do you consider that there is any further information or documents that should form part of a proposal? If not, please provide details.

Yes. Surveys that have informed the design codes, habitat regulations assessments, flood risk assessments etc should be required to form part of the proposal to ensure they are assessed by the Planning Inspectorate.

Question 10 – Do you have any views on what tools would help qualifying groups in preparing and submitting street vote development order proposals? If not, please provide details.

No.

Q11. Do you agree with our proposed definition of a street area? If not, please provide details.

Yes. Although it is considered that the definition appears to be overly complex and open to interpretation.

Q12. Do you have any views on the most appropriate definition of a street area that you feel should be considered? If yes, please provide details.

Yes. It is considered that the definition should be clear as to whether a street area needs to encompass properties on both sides of the street, or whether 'a stretch of road' could include a single side of a street.

Q13. Do you agree with our proposals for additional excluded areas? If not, please provide details.

No. Whilst it is welcomed that national parks and areas of outstanding natural beauty are excluded, it is a significant concern that conservation areas are not excluded from being within a street vote area. Conservation areas are designated for their character, history and architectural quality, and this could be significantly diminished by development that is not appropriate. Conservation Areas are rarely characterised by uniform properties and therefore it is not likely that a 'one size fits all' permission granted by a developer order would lead to development that conserves and enhances the conservation area as required by the Planning (Listed Building and Conservation Areas) Act 1990.

Q14. Are there any categories of land or area that you think should be added to the list of excluded areas?

Yes. Conservation Areas.

Q15. Do you agree that street vote development orders may only grant planning permission for residential development and cannot be used to permit changes of use?

Yes.

Q16. Do you agree we should add development of buildings whose origins date before 1918 to the list of excluded development? If not, do you have any alternative suggestions for how the development of older buildings can be excluded?

No. 1918 appears to be an arbitrary date that fails to recognise that properties with origins later than 1918 can represent heritage assets that should be protected. In addition, it fails to recognise that development on a street can have a harmful impact upon the setting of heritage assets (either buildings or conservation areas) that may be located adjacent to a street vote area. In addition, the proposal assumes that resident groups will be able to access mapping to demonstrate accurately the age of properties on a street and this is not necessarily a realistic expectation. It is

considered that instead buildings within conservation areas should be excluded, and that a proposal for a street vote should include a heritage assessment. The assessment should identify any building that has been identified as important within any Character Appraisal or Local List published by the Local Planning Authority for the area, and they should be excluded from benefitting from the development order.

Q17. Are there any further types of development you think should be added to the list of excluded development? If yes, please provide details.

Yes. Any development that would likely have a significant effect upon a European designated site, for example through impact to bats from a Special Area of Conservation, or in areas where water neutrality or nutrient neutrality are required for new developments. The consultation document addresses the need to accord with the habitat regulations and indicates further applications under the regulations or indeed prior approval applications will be required. However, adding these additional layers or complexity to a system which is, according to the consultation, designed to be predictable and easy, is counterproductive. It would be more predictable and easier if residents knew from the start of the process whether or not they can rely on a development order. Therefore any development that is likely to require significant mitigation to be acceptable in terms of its impacts upon designated sites, which would likely need to be secured by a planning condition or a S106 legal agreement should be excluded development.

Q18. Do you agree with the proposed design principles? If not, please provide details.

Whilst the design principles could be acceptable in principle, it is not clear how street votes in principle nor the details of street votes would achieve them.

Q19. Do you agree with the proposed design requirements? If not, please provide details.

The design requirements are complicated. It is not clear how any group of residents would have access to information such as the number of inhabitants per hectare, or how they would be able to assess the age of properties. It is not clear from the information contained within the consultation document how a proposed development order would meet the requirements of the NPPF to improve the overall quality of an area and secure high quality design.

Q20. What role, if any, should neighbours have in determining development that goes beyond the light planes, plot use limits, window rules and restrictions on developing semi-detached houses and spaces between detached properties? Please provide details if applicable.

It is a concern that this question suggests the onus could be on neighbours to a development to determine whether a proposal would meet the restrictions set out in the consultation and when they may be content for a homeowner to exceed the requirements. This would likely need to be carried out by a professional and therefore would result in costs to the neighbour which does not seem fair or reasonable. It is also potentially placing neighbours into a situation where there could be conflict with the person wishing to develop their property should there be a difference of opinion, and does not take into account that some neighbours will not be in a position to involve themselves either financially or because they may be vulnerable.

Q21. Do you have any further views on design requirements that you think should be considered? If yes, please provide details.

It is a significant concern that in an attempt to cover a range of scenarios the design requirements are very complex and difficult to digest. It is likely there will be much confusion over the application of the requirements, for example;

- what is a green space; it includes roof gardens but does it include all gardens? (seemingly not, because there are other references to the ability to build on gardens)
- What is a 'building in the direction of another property not on the same street', is this determined by where the front elevation on the building is, or is it based purely on its location?
- The proposal to have car free developments may lead to a shift away from private car use, however it fails to recognise that in most areas not within a city centre with excellent transport links new residents would simply park on the existing street (or surrounding streets) if no car parking spaces are provided to accompany any new dwellings allowed under a development order, resulting in the potential for adverse impacts upon amenity and the highway network. This can be properly planned for in the existing planning system and assessed on a case by case basis, and this element of the proposal is a concern. Particularly as there does not appear to be requirement to provide secure cycle storage as part of a development order proposal.

Q22. Do you agree with our proposals on the role of the development plan in the street vote development order process? If not, please provide details.

It is a concern that a small group of current residents would have the ability to provide development, for either financial gain or to meet a short term need rather than to meet the longer term needs of the wider community, that does not accord with policies that have been through an extensive plan making process, at either the district/borough level and at neighbourhood level with significant public involvement.

Q23. Do you have any further views on the role of the development plan in the street vote development order process that you feel should be considered? If yes, please provide details.

Yes. The group proposing a street vote development order should be required to submit a statement that demonstrates how their proposal accord with the local development plan, which would therefore include neighbourhood plans.

Q24. Do you agree that street votes must not be used to reduce the amount of residential development in a street area? If not, please provide details.

Yes.

Q25. Do you have any views on our proposed approach to managing highways and transport impacts? If yes, please provide details.

It is agreed that groups who submit a street vote development order should submit a transport statement for some forms of development, however the consultation document is not clear on when such a statement may be required (it clearly will not be necessary or proportionate for all forms of development), and the secondary legislation should be clear on this matter. It is not clear how a development order could secure mitigation via an obligation and if there is a need for developers to enter into a legal agreement prior to development commencing then this should also be clear in the legislation. In addition, a transport statement may quickly be out of date, and how this issue would be handed

Q26. Do you agree with our proposals to further safeguard the historic environment? If not, please provide details.

It is considered that the proposals to safeguard the historic environment are not sufficient, and conservation areas should be excluded from street vote areas.

Q27. Do you agree with our proposed approach to managing local impacts? If not, please provide details.

The consultation document does not detail how consultation with consultation bodies will take place, nor when they should be consulted. Any secondary legislation should set out which consultees should be consulted, and in what form and how long etc. Without this clear requirement there is a risk that important matters such as flood risk, heritage, noise and other matters that have significant environmental consequences (such as lack of capacity at a wastewater treatment works leading to increased overflows into a European designated body of water) would not be given the necessary level of assessment.

Q28. Do you have any suggestions on additional or alternative ways that could assess and provide assurance to ensure that street votes development does not lead to increased flood risk in the immediate and/or surrounding areas? If yes, please provide details.

The consultation document does not set out how a qualifying group would undertake a sequential test/exception test. It would be essential that this process is followed in accordance with the NPPF to ensure that development continues to be directed to areas at the lowest risk of flooding. It would be necessary to ensure that a sequential test area is not focussed on the street vote area.

Q29. Do you think any other impacts should be considered? If yes, please provide details.

It is considered that the issue of noise should not be left to general legal requirements and government guidance. There is a possibility of new development being proposed adjacent to noise generating uses/infrastructure, such as new housing adjacent to roads, railway lines and commercial uses, and it would be necessary to assess the impacts of these sources of noise upon future occupiers prior to a development order being granted.

The consultation also does not detail how matters such as impacts upon protected species would be managed. It is important that development orders are informed by the ecological appraisals and any necessary secondary surveys for particular species that may be affected. In addition any secondary legislation would need to address how these issues would be considered in the future, assuming the development order is not time limited to 2-3 years, which is the normal time for which a survey can be relied upon.

Q30. What support should be provided to qualifying groups in order to make sure they can effectively discharge their obligations under the Environmental Impact Assessment regulations, if required? Please provide details if applicable.

The Planning Inspectorate as the examining body should be responsible for ensuring that the development order would comply with the Environmental Impact Assessment (EIA) regulations.

Q31. Do you have any views on how the Environmental Impact Assessment regulations should be modified for street vote development orders? If yes, please provide details.

No.

Q32. Do you agree that the Secretary of State should be responsible for issuing screening decisions and advising qualifying groups on their scoping work prior to submitting their proposals? If not, please provide details.

Yes, however the Local Planning Authority and all relevant consultees should be consulted as part of the process.

Q33. Do you have any views on the mechanisms for publicity and consultation for Environmental Impact Assessments for street vote development orders including who should be responsible for running the consultation? If yes, please provide details.

No.

Q34. Do you have any views on providing qualifying groups with more certainty around Environmental Impact Assessment screening? If yes, please provide details.

No.

Q35. Do you think that Biodiversity Net Gain should apply to street vote development in this way? If not, please provide details.

Yes.

Q36. Do you agree with our proposals for a validation stage before proposals can be examined? If not, please provide details.

Yes.

Q37. Do you have any further views on how the validation process should operate that you feel should be considered? If yes, please provide details.

No.

Q38. Do you agree with our proposals on the examination process? If not, please provide details.

Yes, with the exception of the need for local planning authorities to advertise the examination, and to be responsible for the re-advertisement if a proposal is conditionally passed. At a time when local planning authorities are stretched it is concerning that valuable resources will be used in this way.

Q39. What (if any) statutory bodies do you think should be invited to make representations? Please provide details if applicable.

This will be dependent on the nature of the proposal, and should as a minimum include the relevant statutory consultee for a particular issue.

Q40. For non-Environmental Impact Assessment development, what period of time should we allow for representations to be made? Please provide details if applicable.

A period of 28 days would allow time for consultees to respond.

Q41. Do you agree with our voter eligibility proposals? If not, please provide details.

Yes.

Q42. Do you think any other individuals should be eligible to vote in a referendum? Please provide details if applicable.

No.

Q43. Do you agree that street vote development order referendums should be conducted via postal voting only? If not, please provide details.

No, it is considered that a system to allow secure electronic voting should be developed.

Q44. Do you agree with our proposed referendum question? If not, please provide details.

Yes.

Q45. Do you agree with the proposed approval thresholds? If not, please provide details.

Yes.

Q46. Do you have any views on whether the 2nd threshold should be applied at the relevant local authority's discretion? If yes, please provide details.

The objective to ensure that people from a minority of properties cannot skew a vote is considered positive, however how this could be monitored in practice is not clear. The consultation document does not indicate that the local authority would administrate the vote, however this question indicates that is the intention. It is a concern that the local authority is being placed in a position to administer the

proposed votes, and it is not clear how they would be funded for this additional work. It is not considered appropriate for local authorities to apply discretion in a vote, the secondary legislation must therefore be clear on the voting thresholds.

Q47. Do you have any views on the potential options for when development granted planning permission through a street vote development order must be commenced? If yes, please provide details.

Yes. It is considered that the time periods suggested would fail to ensure the new development is sensitive to habits and protected species or changes in environmental/sustainability requirements, flood risk, sources of noise etc. Therefore a shorter period of 5 years is suggested.

Q48. Do you agree with our proposed pre-commencement requirements? If not, please provide details.

Yes, it is essential that conditions are formally discharged and that there is a formal process in place for the local planning authority to ensure that individual proposals meet the requirements of the development order.

Q49. Do you agree that the setting of Community Infrastructure Levy (CIL) rates for street vote development should be simplified and streamlined, and that CIL should be the main route for the collection of developer contributions on street vote development orders, prior to the introduction of the Infrastructure Levy? If not, please provide details.

No. CIL is currently based on economic viability evidence, and the government has stated that policy aims should not override economic viability. It would therefore be necessary to amend the current CIL regulations, and there seems little point in doing this if the new Infrastructure Levy is to progress. The proposed change would have significant impacts in terms of the additional work to be undertaken by local authorities in terms of the administration of a simplified CIL process alongside the existing CIL, and potentially the new Infrastructure Levy, and would cause confusion for residents and developers.

Q50. Do you agree that conditions requiring a s106 planning obligation should be limited to mitigations which cannot be achieved through condition alone, and which cannot be delivered through Community Infrastructure Levy? If not, please provide details.

Yes.

Q51. Do you think the same approach should be taken for street vote development orders as for planning applications, that developments of 9 units

or less should not have to make an affordable housing contribution via their Community Infrastructure Levy receipts? Please provide details if applicable.

Yes.

Q52. Do you agree that data standards and publication requirements should be implemented as part of the street vote development order process? If not, please provide details.

Yes.

Q53. Do you agree that the referendum should be paper-based and non-digital? If not, please provide details.

Yes, however a shift to a digital system in the future should not be discounted.

Q54. Do you have any comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document? If yes, please provide details.

Yes. It is considered important that the impacts of the proposals upon vulnerable individuals or other individuals who may not be able to easily engage in the process of making or voting on a street vote development order.

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