

Public Document Pack

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A meeting of **Planning Committee** will be held Virtually on **Wednesday 9 September 2020** at **9.30 am**

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

AGENDA

1 **Chairman's Announcements**

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

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 **Approval of Minutes**

The minutes relate to the meeting of the Planning Committee on 12 August 2020.

3 **Urgent Items**

The Chair will announce any urgent items that due to special circumstances will be dealt with under late items.

4 **Declarations of Interests (Pages 1 - 2)**

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

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

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

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 8 INCLUSIVE

Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

Please note that agenda item start times are a guide and should not be relied upon. Public speakers are advised to view the live webcast (which can be found here <http://chichester.nucast.live/>) prior to joining the virtual meeting waiting room. For further information please contact democraticservices@chichester.gov.uk.

- 5 **LX/20/01617/OUT - Land South Of Loxwood Farm Place, High Street, Loxwood, West Sussex (item start time approximately 9.35am)** (Pages 3 - 35)
Outline application with all matters reserved, except for Access (excluding internal estate roads) for the erection of up to 24 no. residential dwellings.
- 6 **CC/20/01046/REM - Land On The West Side Of Broyle Road, Chichester, West Sussex (item start time approximately 10.40am)** (Pages 37 - 62)
All outstanding Reserved Matters for the erection of 50 dwellings with associated parking, landscaping, informal open space and associated works on Phase 5, Parcel F, pursuant to permission 14/04301/OUT.
- 7 **CC/20/01256/ADV - Land On The West Side Of Broyle Road, Chichester, PO19 3PH (item start time approximately 11.40am)** (Pages 63 - 72)
Display of 2 no. non-illuminated V-boards and 18 no. non- illuminated flag poles.
- 8 **SDNP/20/01727/FUL - Zurs, London Road, Hill Brow, Rogate, Liss, West Sussex, GU33 7PB (item start time approximately 12.05pm)** (Pages 73 - 85)
Change of use of all buildings from Residential to Residential Institutions (C2) including 2 no. proposed ancillary annexes. Addition of conservatory with alterations to fenestration to existing office/family room to create annexe (3), change of use of existing garage/carport, infill extension with alterations to fenestration to create annexe (2), change of use of existing garage to laundry and utility facility, with additional staff and visitor parking.
- 9 **The Local List - Information required to support a valid planning application** (Pages 87 - 137)
The Committee is requested to consider the report and make the following resolution:

That the Local List (set out in Appendix 1 to this report) be endorsed for immediate use in validating planning applications, and that officers have delegated authority to amend the local list as necessary prior to the next formal review.
- 10 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 139 - 153)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 11 **South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters** (Pages 155 - 160)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.

12 **Consideration of any late items as follows:**

The Planning Committee will consider any late items announced by the Chair 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

13 **Exclusion of the Press and Public**

There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972.
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being recorded.
4. How applications are referenced:
 - a) First 2 Digits = Parish
 - b) Next 2 Digits = Year
 - c) Next 5 Digits = Application Number
 - d) Final Letters = Application Type

Application Type

ADV Advert Application
AGR Agricultural Application (following PNO)
CMA County Matter Application (eg Minerals)
CAC Conservation Area Consent
COU Change of Use
CPO Consultation with County Planning (REG3)
DEM Demolition Application
DOM Domestic Application (Householder)
ELD Existing Lawful Development
FUL Full Application
GVT Government Department Application
HSC Hazardous Substance Consent
LBC Listed Building Consent
OHL Overhead Electricity Line
OUT Outline Application
PLD Proposed Lawful Development
PNO Prior Notification (Agr, Dem, Tel)
REG3 District Application – Reg 3
REG4 District Application – Reg 4
REM Approval of Reserved Matters
REN Renewal (of Temporary Permission)
TCA Tree in Conservation Area
TEL Telecommunication Application (After PNO)
TPA Works to tree subject of a TPO
CONACC Accesses
CONADV Adverts
CONAGR Agricultural
CONBC Breach of Conditions
CONCD Coastal

Committee report changes appear in bold text. Application Status

ALLOW Appeal Allowed
APP Appeal in Progress
APPRET Invalid Application Returned
APPWDN Appeal Withdrawn
BCO Building Work Complete
BST Building Work Started
CLOSED Case Closed
CRTACT Court Action Agreed
CRTDEC Hearing Decision Made
CSS Called in by Secretary of State
DEC Decided
DECDET Decline to determine
DEFCH Defer – Chairman
DISMIS Appeal Dismissed
HOLD Application Clock Stopped
INV Application Invalid on Receipt
LEG Defer – Legal Agreement
LIC Licence Issued
NFA No Further Action
NODEC No Decision
NONDET Never to be determined
NOOBJ No Objection
NOTICE Notice Issued
NOTPRO Not to Prepare a Tree Preservation Order
OBJ Objection
PCNENF PCN Served, Enforcement Pending
PCO Pending Consideration
PD Permitted Development

CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order

Chichester District Council

Planning Committee

Wednesday 9 September 2020

Declarations of Interests

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies are set out in the attached agenda report.

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

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

Personal Interests - Membership of Parish Councils

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

- Mr H C Potter – Boxgrove Parish Council (BG)
- Mrs S M Sharp – Chichester City Council (CC)
- Rev J-H Bowden – Chichester City Council (CC)
- Mr P J H Wilding – Lurgashall Parish Council (LG)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mrs D F Johnson – Selsey Town Council (ST)
- Mrs L C Purnell – Selsey Town Council (ST)
- Mr R A Briscoe – Westbourne Parish Council (WB)

Personal Interests - Membership of West Sussex County Council

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

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

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

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

- Mr G A F Barrett - Chichester Harbour Conservancy
- Mr H Potter – South Downs National Park Authority

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

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

NONE

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

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

NONE

Personal Interests – Other Membership of Public Bodies

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

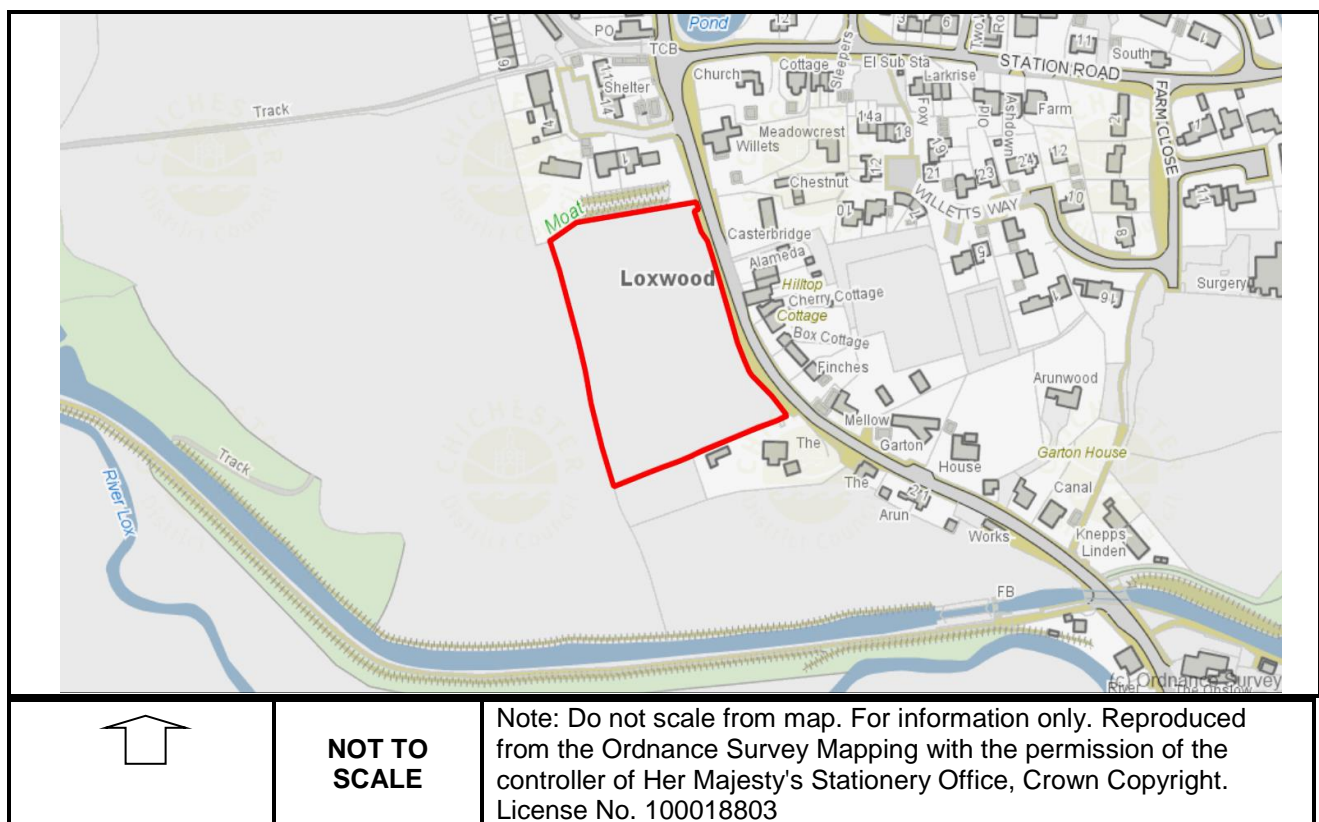
- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)

Parish: Loxwood	Ward: Loxwood
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LX/20/01617/OUT

Proposal	Outline application with all matters reserved, except for Access (excluding internal estate roads) for the erection of up to 24 no. residential dwellings.		
Site	Land South Of Loxwood Farm Place High Street Loxwood West Sussex		
Map Ref	(E) 503826 (N) 131336		
Applicant	Castle Properties	Agent	Mr David Neame

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

Significant major application where officers consider decision needs to be made by the Committee.

2.0 The Site and Surroundings

- 2.1 The 1.2 ha greenfield site is located to the south west of the village of Loxwood and within the rural area in policy terms. The site is immediately adjacent to but does not directly abut the village Settlement Boundary (SB) as set out in the adopted Local Plan; it is separated by an archaeological site known as the 'moat' to the north, and the 'High Street' B2133 Guildford Road to the east, the main arterial route into and through the village from the south.
- 2.2 Although not within the settlement boundary in policy terms, the site is within 100m of the village post office and store, less than 400m from the village primary school and less than 500m from the doctor's surgery. There are 3 bus stops and access to the nearest public right of way within 100m. Access to the towpath along the Wey and Arun canal lies within 300m to the south. The village hall is to the north of the settlement, approximately 800m from the application site. St John the Baptist Church is around 500m south of the site and the local sports pitches are approximately 1.3km to the south on the Plaistow Road.
- 2.3 The application site is a separate parcel of unmanaged grassland enclosed by native trees, hedging and shrubs mostly semi-mature to mature. The site falls gently to the south east. Beyond the site boundary the land beyond falls more steeply to the road (High Street) and towards the canal to the south. There is existing residential development to the north, east and south east, including a ribbon of dwellings, many of which are listed, fronting High Street opposite the site. Dwellings to the north are large, detached and back on to the site. An individual dwelling with stables lies to the south and there is open agricultural land to the west.

3.0 The Proposal

- 3.1 This is an application for outline planning permission with all matters reserved save for 'access'. It is described on the application form as:

Outline application with all matters reserved, except for Access (excluding internal estate roads) for the erection of up to 24 no. residential dwellings.

- 3.2 The proposed development would be accessed by a single new vehicular access from the High Street (Guildford Road B2133) in the north-east corner of the site in the approximate position of an existing gated field access. The access will be 5.5m wide with a 6 metre radii at the bellmouth of the new junction and will achieve suitable visibility splays commensurate with the 30mph speed limit in force at this location. A 2m wide footpath connection would be constructed from the northern part of this access alongside the B2133 to the point where it will meet with the existing footway at Loxwood Place Farm to the north.

3.3 The application seeks approval for the principle of a housing development on the 1.2ha site with an overall mix comprising:

1 x 1 bed
8 x 2 bed
12 x 3 bed
3 x 4 bed

3.4 In terms of the split between market and affordable units the proposal breaks down as follows:

Unit size	Private	Affordable	Total
1 bed	0	1	1
2 bed	6	2	8
3 bed	9	3	12
4 bed	2	1	3
TOTAL	17 (70%)	7 (30%)	24

3.5 The Local Plan affordable housing policy requirement at 30% actually results in a requirement for 7.2 dwellings. In this case the 0.2 of a unit is to be provided as a commuted sum, calculated in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD.

3.6 Based on the whole site area, the overall density of housing equates to approximately 20 dph. This is slightly higher than the Thakeham Homes proposals for 50 dwellings on land west of Guildford Road which the Planning Committee resolved to permit at the 12 August meeting, subject to the signing of a s.106 agreement - LX/20/01481/FUL). At the time of writing the terms of the s.106 agreement for the Thakeham Homes proposals have been agreed and the agreement is nearing completion. The Committee will be updated.

3.7 Layout, scale, appearance and landscaping are all reserved matters but the applicant has provided an illustrative layout showing how the development of 24 homes might be delivered. Key features to note in this illustrative layout which are likely to be carried forward into any reserved matters submission are the plan to reinforce the existing wooded hedgerow boundaries to the site and the proposals to site an attenuation pond adjacent to the southern boundary as part of the surface water drainage strategy.

4.0 History

13/03809/OUT	REF	Erection of 25 no. residential dwellings comprising of 14 no. private residential dwellings and 11 no. affordable residential dwellings, associated private amenity space and parking. APPEAL DISMISSED
19/02781/OUT	REF	The erection of up to 22 no. residential dwellings with all matters reserved, except for access (excluding internal estate roads). APPEAL IN PROGRESS

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **Parish Council**

1. Loxwood Parish Council (LPC) originally objected to the application by Castle Properties to build 22 houses on land South of Loxwood Farm Place on the basis that it was not within the Settlement Boundary of Loxwood and is not an allocated site in the Loxwood Neighbourhood Plan (LNP). Policies 1, 2 and 3 apply.
2. Chichester District Council (CDC) refused the application primarily on the grounds that it was not an allocated site within the LNP.
3. The current LNP allocates 60 houses to Loxwood parish on 2 sites. These are Land at Farm Close (17 houses) and the Nursery site (43 houses). The Nursery site has been developed and the Land at Farm Close is yet to be developed. The Land at Farm Close has been the subject of 2 planning applications. LX/13/02025/FUL and LX/17/02370/FUL. The first planning application for 17 houses was supported by LPC and CDC granted planning permission. Once permission was granted, the site was sold to another developer. The new developer submitted another planning application for 19 houses. The application was not supported by LPC and refused by CDC primarily on the poor design and layout of the development. Neame Sutton, on behalf of the appellant, claim in their submission that the Farm Close site has not come forward due to viability issues. This was essentially due to the requirement at that time by Southern Water on the developer to provide waste water infrastructure improvements at the developer's expense; due to the lack of capacity in the current sewer system. Subsequent legislation has obviated this requirement save for a per dwelling contribution totalling significantly less than the original £594k required by Southern Water. Consequently, viability for this site should now not be an issue. Equally, the current NP runs until 2029 and thus has 9 years of validity left. Accordingly, there is plenty of time remaining for a new planning application for the site to be submitted.
4. It is understood that the applicant has submitted this new application on the basis that CDC, with effect of the 15th July, will not be able to demonstrate a 5 year housing supply and accordingly, planning consent should be granted in accordance with paragraph 11 of the NPPF.

5. Loxwood has been allocated a further 125 houses in the Regulation 18 submission of the emerging CDC Local Plan (LP). As a result of this proposed allocation for Loxwood Parish, LPC have embarked on a revision to its existing NP. In a recent Call for Sites, 10 sites were put forward by developers and land owners. The Land South of Loxwood Farm Place was one of the sites submitted. All of the sites submitted in the Call for Sites have been assessed against Sustainability and Viability criteria defined in the Locality guidance material (<https://neighbourhoodplanning.org/toolkits-and-guidance/assess-allocate-sitesdevelopment/>). Those sites deemed to be eligible for development have been included in a parish questionnaire which requests residents to select which sites they would prefer to be developed. The appellant's site is one of those included in the questionnaire. Once the results of the questionnaire have been analysed, a revised NP will be formulated to address the CDC emerging LP requirement for a further 125 houses in Loxwood. Should the housing requirement change during the CDC LP consultation, the NP housing number will be adjusted accordingly.

6. LPC fully accept the need to make provision for further housing within the parish but believe that it should be achieved by democratic means and not be developer led.

7. Accordingly, LPC firmly believe that this application is premature and that LPC will meet the objective of the housing allocation for Loxwood in the emerging CDC LP and the intent of paragraph 11 of the NPPF by means of its revised NP.

8. Turning to the detail of this revised application, the original application was for 22 houses. This application is for 24 houses. An extra 2 houses have been added at the bottom of the site, plots 3 and 24, which makes the whole of the southern end of the site cramped. The whole layout should be revised to accommodate these extra houses if they are deemed necessary.

9. The Flood Risk and drainage strategy report paragraph 7.7 states "Southern Water has been contacted and they have confirmed that capacity in the existing foul network will be provided for the proposed development. The correspondence with Southern Water is provided in Appendix K. If Southern Water determine that currently there is insufficient capacity to accommodate the development any network reinforcement will be part funded through the New Infrastructure Charge process and the remainder being funded through Southern Water Capital Works programme. This process is understood to take a maximum of 24 months." Again this demonstrates the contradictory stance taken by Southern Water. Meetings between Loxwood Parish Council and senior development managers of Southern Water have established that Loxwood does not feature in the 5 year infrastructure plan agreed by OFWAT for the 2020 to 2025 spending round. In order to resolve this ongoing issue and as agreed at the virtual meeting held between LPC and CDC on the 24 June, before a decision on the application is made, a meeting should be held between CDC/LPC and Southern Water to resolve Southern Water's contradictory position with respect to the Loxwood Sewerage system. See also LPC's response to planning application 20/01481/FUL.

10. If CDC is minded to grant permission for this development, then LPC would request that CDC impose the following planning conditions:

- a. that work should be phased and not be allowed to commence on this site until Southern Water can demonstrate that infrastructure improvement works have been satisfactorily carried out and that adequate capacity subsequently exists within both their waste water and surface water systems. LPC urges CDC to take note of the fragile state of the Sewage system in Loxwood and the plight of the many residents downstream of the site who are already the victims of sewage overflow into gardens and toilets and who should not be liable to exacerbated conditions due to this development without the necessary infrastructure improvements;
- b. that traffic calming measures be discussed and agreed with Loxwood Parish Council before planning consent is agreed. This is to ensure a joined- up approach along the Guildford Road to the problem of traffic speed.

6.2 Southern Water

Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Recommend condition that development shall not commence until details of the foul and surface water sewerage disposal have been approved by the Local Planning Authority in consultation with Southern Water.

6.3 WSSC- Highways

No Objection. The LHA were previously consulted for highways comments under application 19/02781/OUT for 22 x dwellings at the site, to which no highways objections were raised. No highway safety or capacity reasons were raised previously and thus the principle of the application remains acceptable. The vehicle access and proposed footway link are identical to the previously commented on application and thus it is considered that safe and suitable access, as per paragraph 108 of the National Planning Policy Framework (NPPF) have been demonstrated for this revised scheme. The applicant should enter in to a S278/38 agreement with WSSC Implementation team to gain technical approval for the access works.

The Developer has proposed a contribution towards traffic calming measures as part of mitigation works for the development and to address the existing recorded speeds which are over the posted limit. It is proposed that the contribution shall be towards a vehicle activated sign (VAS) or similar on High Street to be secured via Section 106 agreement, to make the development acceptable in planning terms and contribute to improvement of highway safety in vicinity by aiming to reducing vehicle speeds. In light of the fact that the Loxwood Nursery site to the north included provision of 2 x VAS either side of the development, the LHA consider it most appropriate for new signage to be located in vicinity of 30mph gateway into Loxwood to the south.

The LHA has reviewed the proposed indicative parking arrangements. The TS states that 59 x car parking spaces total will be included within a mix of external spaces, car ports and garages. The majority of spaces will be adjacent each plot and thus will be allocated. Most properties will be allocated 3 spaces each with some properties allocated 2 x spaces and plot 6 and 22 being allocated 4 x spaces. Whether the number of allocated spaces will meet the parking demand can be assessed at reserved matters stage. Nevertheless, the indicative parking distribution appears to be acceptable considering the site location and likelihood for reliance on the private car.

Anticipated daily trip movements from the site are 10 x two-way movements in the AM peak hours and 13 x two-way movements in the PM peak hours. This is not anticipated to result in a capacity issue at the new junction or on the nearby road network.

6.4 WSCC- Lead Local Flood Authority

Current surface water flood risk based on 30 year and 100 year events - Low Risk
Modelled groundwater flood hazard classification - Moderate Risk. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Records of any flooding within the site? - No

The FRA and Drainage Strategy for this application propose that sustainable drainage techniques (permeable paving, swale and attenuation pond with a restricted discharge to the watercourse) would be used to control the surface water from this development.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority.

[Officer Comment: the Council's Drainage Engineer has recommended conditions to address this which are appended to the recommendation]

6.5 WSCC - Fire and Rescue Officer

Having viewed the intended plan for 24 residential dwellings there is concerns that Vehicle access to the area between number 24 and number 19 does not meet with the requirements in that there is no provision of a turning circle or hammerhead for a fire appliance to turn and make an exit. The maximum a fire appliance should be required to reverse is 20 metres.

[Officer Comment: the comments of the Fire Officer are based on the submitted illustrative layout which is not a matter to be determined under this outline application ('layout' is a reserved matter). Notwithstanding this, the applicant's transport consultant has produced a further illustrative layout plan which is amended to show how a turning head for a fire appliance can be incorporated into the proposals]

6.6 CDC - Housing Enabling Officer

No objections. The market housing mix is broadly in line with the SHMA requirements and will contribute to creating a mixed, balanced and sustainable community.

The affordable housing mix is broadly in line with the SHMA requirements. It is not clear from the submitted documents what the intended tenure split will be. The Planning Obligations and Affordable Housing SPD require that the affordable housing is delivered as 70% affordable rented and 30% shared ownership. The affordable dwellings should be delivered tenure blind and should not be externally distinguishable from the market dwellings. The SPD requires that the affordable dwellings are not clustered together in groups of more than 10. All 7 units *[as shown on the illustrative layout]* are clustered towards the centre of the site which meets this requirement.

6.7 CDC - Environmental Strategy Officer

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

Reptiles - Following submission of the Reptile Mitigation Strategy (June 2020), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Nesting birds - 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.

Enhancements - a list of proposed enhancements to be incorporated in the scheme are set out including; bird boxes, wildflower planting, gapping up tree lines, bat bricks and bat boxes, managed grassland areas, 2 hedgehog nesting boxes, gaps under fences to allow movement of small mammals.

Policy 40 - Following submission of the Sustainable Design and Construction and Energy Statement we are satisfied that with the installation of PV panels, ground/air source heat pumps and fabric first approach a reduction in CO2 emissions will be achieved. Further information including the more detailed figures demonstrating the combined CO2 emissions reduction will be required at reserved matters stage.

6.8 CDC - Drainage Engineer

The site is wholly within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. Therefore subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

The proposal for surface water drainage is for a restricted discharge to the adjacent watercourse, with attenuated storage provided in a pond/swales. This approach is acceptable in principle as infiltration to ground is very unlikely to be viable. Any discharge to a watercourse must not exceed existing rates, but a reduction would be favourable, as Loxwood has experienced localised flooding in recent years. A condition is recommended.

6.9 CDC - Archaeology Officer

I agree with the conclusions of the archaeology and heritage assessment for the site, and that the possibility that it might contain hitherto unidentified sub-surface remains that might merit preservation should be archaeologically investigated. I consider that this would be most best achieved through a programme of trial trenching and further investigation as appropriate, and that this process should be secured following the imposition of a standard planning condition.

6.10 CDC - Senior Historic Buildings Advisor

From historic mapping it is clear that the proposed development site has remained open land historically. The site has historically been separated from the listed buildings by the road still in existence and this separation is now furthered by the substantial and mature vegetation and trees along the western side of the High Street along the edge of the site. The combination of the two provide some visual separation between the site and the proposed development which it is considered reduces the level of harm to less than substantial which it is considered can be balanced against the public benefits of the provision of additional housing. In principle the layout is considered appropriate in terms of responding to the varied irregular and non-linear layouts which are characteristic of Loxwood. The provision of a green buffer zone between the High Street and the development is welcomed and would enable the retention of a greater amount of open space in front of the existing listed buildings. Within close proximity to the site there are no distinct building lines with some properties set back from the highway and others just a pavement width away. The proposed development appears to be responding to and incorporating this variety.

6.11 2 Third Party Objections

- i. there is an on-going consultation and site selection process with the Parish Council, this process must be allowed to run its course
- ii. covid-19 crisis will result in large numbers of properties becoming available and CDC should look at available opportunities to build houses on brownfield sites before any more green fields are dug up
- iii. site lies outside of the settlement boundary
- iii. inadequate capacity of the foul drainage system in Loxwood. Current problems with sewage flooding and the under-capacity of the Nursery Green storage tanks mean that no

additional development should be permitted to add to the system until Southern Water has confidence in its capacity.

iv. will add to existing traffic issues on the High Street which vehicles already use as a rat-run. These vehicles often exceed the 30mph speed limit making all vehicle movements onto the High Street, including from the existing properties, very dangerous.

v. field likely to be of archaeological significance

vi. current properties on the East side of the site would suffer from increased noise from the development, particularly in the summer when the grassed areas towards the East would be used for recreation.

vii. development would be visible from many of these properties. This would constitute loss of amenity for these properties.

6.12 Applicant/Agent's Supporting Information

In addition to the plans, illustrative material and matters covered in the Planning, Design and Access Statement, the application is accompanied by a suite of supporting technical documents on: Transport; Flood Risk Assessment and Drainage Strategy; Heritage and Archaeology; Ecological Appraisal; Arboriculture Assessment; Sustainable Design and Construction and Energy Statement. These documents and relevant appendices can be read in full on the Council's website.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 (CLP) adopted by the Council on 14th July 2015 and all made neighbourhood plans. The Loxwood Neighbourhood Plan 2013 - 2029 (LNP) was made on 14.07.2015. It was subject to a High Court legal challenge in 2016 partly on the grounds that the Council had not given adequate or intelligible reasons for concluding that the LNP should allocate land for only 60 new dwellings. The challenge was unsuccessful (on all grounds) and the judge dismissed the appeal. The LNP forms part of the Development Plan against which applications must be considered.

7.2 The principal policies of the Chichester Local Plan relevant to the consideration of this application are as follows:

Chichester Local Plan 2014-2029:

Policy 1 Presumption in Favour of Sustainable Dev

Policy 2 Dev 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 25 Development in North of the Plan area

Policy 33 New Residential Development

Policy 34 Affordable Housing

Policy 39 Transport, Accessibility and Parking
Policy 40 Carbon Reduction Policy
Policy 45 Development in the Countryside
Policy 49 Biodiversity
Policy 52 Green Infrastructure
Policy 54 Open Space, Sport and Recreation

7.3 The policies of the made LNP relevant to this application are:

Loxwood Neighbourhood Plan

Policy 1: Housing Allocation - a minimum of 60 houses on allocated and windfall sites located within the Settlement Boundary.

Policy 2: Settlement Boundary.

Policy 3: Site Assessments and Allocation of Sites.

7.4 In addition the LNP states that all developments on allocated and windfall sites should conform to the following policies as detailed below:

Policy 7 - Street Lighting

Policy 8 - Infrastructure Foul Water

Policy 9 - Built Environment - Housing Density

Policy 10 - Built Environment - Vernacular

Policy 15 - Telecommunications and Connectivity

Policy 16 - Traffic Calming

Policy 17 - Environmental Characteristics

Policy 18 - Flood Risk

7.5 Work on reviewing the current LNP by the Loxwood Neighbourhood Plan Steering Group is underway in response to the Local Plan Review's proposed allocation of 125 homes for the parish up to 2036 (draft policy S5). From an initial 'Call for Sites' a shortlist of 8 potential housing sites were set out in a questionnaire and the residents of Loxwood were invited to give their views on where the additional housing should be allocated in the event that the proposed allocation of 125 new homes was confirmed as part of the Local Plan Review. The current application site was 1 of the 8 proposed sites. The deadline for returning the questionnaire was 26 June 2020 and the Parish Council website indicates that the results of that questionnaire will be available shortly. At the time of preparing this report the website had not been updated in that regard.

Chichester Local Plan Review Preferred Approach 2016 - 2035 (December 2018)

7.6 Work on a Review of the Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is well underway. Consultation on a Preferred Approach Local Plan (Regulation 18) took place between 13 December 2018 and 7 February 2019. Following consideration of all responses to the consultation period, the Council will publish its Submission Local Plan under Regulation 19. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted during 2022.

7.7 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

S19 North of the Plan Area

S20 Design

S23 Transport and Accessibility

S24 Countryside

S26 Natural Environment

S27 Flood Risk Management

S29 Green Infrastructure

Part 2 - Development Management Policies

DM2 Housing Mix

DM3 Housing Density

DM8 Transport, Accessibility and Parking

DM16 Sustainable Design and Construction

DM18 Flood Risk and Water Management

DM22 Development in the Countryside

DM29 Biodiversity

DM32 Green Infrastructure

DM34 Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

National Policy and Guidance

7.8 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019 and related policy guidance in the NPPG.

7.9 Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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.

- 7.10 The following policies of the revised NPPF are relevant to this application: 2, 8, 9, 11, 12, 14, 15, 29, 30, 47, 48, 49, 50, 60, 61, 62, 72, 73, 74, 75, 170, 196, 213, 215 and 216.
- 7.11 Paragraph 48 of the NPPF advises on the weight which may be attached to relevant policies in emerging plans according to their stage of preparation and the degree of consistency to the policies in the Framework. The more advanced in preparation emerging plans are and the closer their policies align with the Framework, then the greater the weight that may be given. Paragraph 30 provides that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

Other Local Policy and Guidance

- Interim Policy Statement for Housing
- Surface Water and Foul Drainage SPD
- Planning Obligations and Affordable Housing SPD
- CDC Waste Storage and Collection Guidance
- Chichester Landscape Capacity Study
- Loxwood Village Design Statement 2003

Interim Policy Statement for Housing

- 7.12 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its housing supply has identified that as of 15 July 2020 there is a potential housing supply of 2,831 net dwellings over the period 2020-2025. This compares with an identified housing requirement of 3,297 net dwellings (equivalent to a requirement for 659 homes per year). This results in a deficit of 466 net dwellings which is equivalent to 4.3 years of housing supply. The inability to demonstrate a 5 year supply of housing contrary to the requirements of government policy triggers the presumption in favour of permitting sustainable development, as set out in paragraph 11 of the National Planning Policy Framework.
- 7.13 To pro-actively manage this situation prior to the adoption of the Local Plan Review, the Council has brought forward an Interim Policy Statement for Housing (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3 June 2020, the Planning Committee resolved to approve the draft Interim Policy Statement for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 10 July and the responses are currently being processed. It is intended to bring a report back to Planning Committee in October, including any proposals for revisions. New housing proposals considered under the IPS, such as this application, will therefore need to be assessed against the 12 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate new housing at a time when it cannot demonstrate a 5 year supply of housing land. It is not a document that is formally adopted and neither does it have the status of a supplementary planning document, but it is a material consideration in the determination of relevant planning applications. It is a document that the decision maker shall have regard to in the

context of why it was introduced i.e. to try and manage the submission of speculative housing applications on appropriate sites. Where new housing proposals score well against the IPS criteria, this needs to be taken into account in decision making..

7.14 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:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- 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 with this application are considered to be:

- i. Principle of development and the policy position
- ii. Drainage
- iii. Highway Impact
- iv. Other matters - Housing mix, Density and Affordable Housing; Heritage impact; Ecological considerations; Landscape impact; Impact upon residential amenity; Sustainability measures

Principle and Policy Position

8.2 The primacy of the development plan and the plan-led approach to decision-taking is a central tenet of planning law and is enshrined in section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that applications:

'should be determined in accordance with the development plan unless material considerations indicate otherwise'

8.3 For certainty and clarity a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. When assessed against the policies of the adopted Local Plan, the current application is considered to be contrary to policies 2 and 45 in that it is proposing new housing outside the settlement boundary for Loxwood in the countryside or Rest of Plan Area and would not meet an 'essential, small scale and local need' (policy 45). Additionally, the proposal in combination with the 43 dwellings now built at the Nursery Green site and the full permission for 50 dwellings on land west of Guildford Road (LX/20/01481/FUL) would be significantly in excess of the indicative housing numbers for the Parish of Loxwood as set out in Policy 5 of the Local Plan (60 homes). Neither is the site one of the allocated sites identified in the made Loxwood Neighbourhood Plan and so it conflicts with policies 1 and 2 of that Plan. Prima facie therefore, and following a s.38(6) development plan approach, this application is contrary to policy.

- 8.4 However, as from 15 July 2020 the Council's housing policies in the Local Plan are no longer up-to-date and so no longer have full weight. The Local Plan Inspector in 2015 agreed that for a period of 5 years from the date of the Plan being adopted - i.e. by 15 July 2020 - the Council could rely on a suppressed housing delivery target of 435 dwellings per annum (dpa) because of acknowledged strategic constraints in relation to transport capacity issues on the A27 and foul drainage capacity issues. The agreed delivery target of 435 dpa was on condition that the Council committed to undertaking a Review of the Plan and the changed housing requirements of the Plan area within the 5 year period. That review is well underway but it is not complete. The Chichester Local Plan Review - Preferred Approach for the period up to 2036 has yet to reach the stage where it can be submitted to the Secretary of State for examination and the Council's timetable indicates that this is not now anticipated until the Spring of 2021. The housing numbers stated in the Local Plan Review indicate the proposed direction of travel, the 'preferred approach' but they are not confirmed. The provisional allocation for

Loxwood is 125 new homes (policy S5). Consequently in terms of the decision-making process, the decision maker cannot rely or place any weight on these emerging policies. The Council is effectively therefore in a state of transition between an adopted Local Plan with out of date housing policies and allocations and a Review of that Plan which is not sufficiently advanced in the process towards adoption to be afforded any weight in decision making. Added to that the government requires Council's to now calculate their housing need through the standard method which on the basis of the Updated Position Statement on the Five Year Housing Land Supply at 15 July shows a need of 628 dpa i.e. significantly in excess of the previous 435 dpa.

- 8.5 The Committee is advised that the current application is a resubmission of an application for 22 dwellings (the first application - 19/02781/OUT) which was refused outline planning permission under officer's delegated powers on 9 April 2020. That first application is now at appeal and due to be considered by way of a public inquiry commencing on 3 November 2020. The first and primary reason for refusing the first application (and the issue on which the subsequent appeal would be largely contested) was that at the time of the decision the Council could demonstrate a 5-year housing land supply and adopted housing policies in the context of the Local Plan were not therefore out-of-date. The provisions in paragraph 11(d) of the NPPF (known as the 'tilted balance') i.e. where there can be a presumption in favour of granting permission for sustainable development where there are out-of-date housing policies, was not therefore engaged. During the intervening 5 month period since the first application was refused, circumstances have changed. By the time the Inquiry opens in November 2020, the degree of change, particularly in terms of the basis for how housing land supply is now calculated and the Council's position in that respect will be material to how the appeal is determined. The Council will not have a 5 year housing land supply, in fact, measured against the revised housing need of 628 dpa there is likely to be a significant shortfall as outlined above. The Council will not therefore be able to rely at the Inquiry on the key plank of its reason for refusal 1 i.e. that it has a 5 year housing supply because by then - indeed now - its housing policies are out-of-date and the tilted balance in the NPPF needs to be applied. It does not necessarily follow that the absence of a 5 year housing supply means the appeal would be allowed on that basis alone, however, for the appeal to be dismissed the Council would have to demonstrate that the adverse impacts of permitting 24 houses on this site would significantly and demonstrably outweigh the benefits.

8.6 Other than the conflict in principle with the Council's Local Plan housing strategy at the time of refusing the first application, the Council did not cite other reasons for refusal which were not capable of being resolved by the applicant. On the current application the applicant has addressed the inefficient use of land/low density (refusal reason 2 on the first application) and parties are close to completing the section 106 agreement (refusal reason 3). As the Council cannot now demonstrate a 5 year housing land supply it cannot state that it still has a supply as a reason for refusing the current application in the way that it did on the first application. As the current application is the same in all other respects as the first application, save for the addition of 2 further dwellings to address the second reason for refusal which officers consider it does, it would be very difficult without the evidence for the Council to now justify introducing new reasons for refusal which it did not consider previously.

8.7 In acknowledging the current status of the Local Plan in terms of its out-of-date housing policies and the absence of a 5 year housing supply and to effectively bridge the gap up to the point where the Local Plan Review is adopted sometime in 2021, and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, the Council has committed to using the Interim Policy Statement for Housing development (IPS). When considered against the 12 criteria in the IPS which define what the Council considers good quality development in the Local Plan area and accepting that this is an application only in outline, the current application scores well and the Council has not identified any adverse impacts. It is relevant to consider each of the IPS criteria in turn:

1) The site boundary in whole or in part is contiguous with an identified Settlement Boundary (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it).

The site does not directly adjoin the existing settlement boundary for Loxwood however in its juxtaposition with the High Street it part shares/is next to a common border with that boundary. In the context of this adjacent relationship it is considered to satisfy criterion 1.

2) The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy

Loxwood is a sustainably located settlement defined as a Service Village in the Local Plan (Policy 2). In this context the proposed scale of development is considered appropriate and the criterion is therefore satisfied.

3) The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of a Landscape and Visual Impact Assessment.

It is considered that the development meets this point. The development would appear well integrated with the existing pattern of development in Loxwood. There is no actual or perceived coalescence likely to arise from permitting this development.

4) Development proposals make best and most efficient use of the land, whilst respecting the character and appearance of the settlement. The Council will encourage planned higher densities in sustainable locations where appropriate (for example, in Chichester City and the Settlement Hubs). Arbitrarily low density or piecemeal development such as the artificial sub-division of larger land parcels will not be encouraged.

Based on the whole site area the proposals achieve a density of around 20 dwellings per hectare which is slightly more than the whole site area density calculation for the Thakeham Homes proposals for 50 dwellings on land west of Pond Copse Lane. It is anticipated that the resultant net density of the residential area would be around 30 dph. The site is a single field so there is no artificial sub-division and in the context of the rural edge of settlement location and the pattern of existing housing adjacent this level of development is considered acceptable. The proposal meets this criterion.

5) Proposals should demonstrate consideration of the impact of development on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views and intervisibility between the South Downs National Park and the Chichester Harbour AONB.

It is considered that the proposal would comply with the above criterion.

6) Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not affect the potential or value of the wildlife corridor.

Not applicable in this instance.

7) Development proposals should set out how necessary infrastructure will be secured, including, for example: wastewater conveyance and treatment, affordable housing, open space, and highways improvements.

It is considered the proposal would meet the above criterion. Wastewater disposal will be through the statutory undertaker, affordable housing, open space, and highways improvements will be secured through the section 106 agreement and/or by planning condition.

8) Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to:

- Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use;**
- Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling;**
- Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and**
- Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.**

Insofar as this is an outline application with the specific carbon saving details following as part of any application for the approval of reserved matters, the proposals are considered to address Local Plan policy 40. The development will meet this criterion through a combination of fabric first, air/ground source heat pumps and solar PV panels. A maximum 110 litres per person per day water use will be conditioned.

9) Development proposals shall be of high quality design that respects and enhances the existing character of settlements and contributes to creating places of high architectural and built quality. Proposals should conserve and enhance the special interest and settings of designated and non-designated heritage assets, as demonstrated through the submission of a Design and Access Statement.

The application is submitted in outline meaning that judgments regarding the scale, design, layout, appearance and landscaping of the proposed dwellings are deferred for a subsequent reserved matters application. Notwithstanding that the proposed layout information provided on the application is for illustrative purposes, the Council's Historic Buildings Advisor has commented that it is appropriate in terms of the way it responds to the pattern of existing development in Loxwood.

10) Development should be sustainably located in accessibility terms, and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities for new and upgraded linkages.

The development is sustainably located with appropriate pedestrian and cycle linkages to the existing facilities in Loxwood.

11) Development must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the LPA to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. All flood risk assessments should be informed by the most recent climate change allowances published by the Environment Agency.

This criterion is considered to be satisfied (refer to the assessment below). The drainage system is designed through SuDS to satisfactorily manage the discharge of surface water from the development.

12) Where appropriate, development proposals shall demonstrate how they achieve nitrate neutrality in accordance with Natural England's latest guidance on achieving nutrient neutrality for new housing development.

Not applicable in this instance.

- 8.8 The proposed development insofar as it is submitted in outline is considered to meet all the relevant criteria in the IPS. In the absence of an up-to-date Local Plan the Council cannot rely on a plan-led approach to decision making on major housing applications as it ordinarily would. The IPS provides an appropriate development management tool for assessing such applications and in this context and for the reasons outlined above and in the subsequent assessment the 'principle' of housing development on this site is considered acceptable.

Drainage

- 8.9 Foul Water - The proposals are to connect the future development into the public sewer which runs along the site's east boundary under the main road. Foul water drainage is a significant issue of local concern raised by third parties and the Parish Council to both this application and the first application now at appeal. The criticism is the inadequacy of the existing foul water drainage system and how this system would fair under the additional loadings resulting from the current proposal for 24 dwellings as well as the Thakeham Homes development on land west of Guildford Road (LX/20/01481/FUL) which is for a net increase of 49 dwellings. Southern Water (SW) as the statutory undertaker has not raised any specific concerns in its consultation response to this application but the Committee will recall from the Thakeham Homes application the Parish Council's concern about the potential two year lag in the time estimated to complete any required upgrade of the offsite infrastructure to service the new development from the moment the development commences. The concern was over what might need to be put in place as an interim foul drainage measure should there be a need to occupy houses on the site within the two years whilst any upgrade was taking place. The Parish were concerned in this regard with what had happened at the Nursery Green site where interim foul drainage measures had been installed.

- 8.10 The 'rehabilitation' of the offsite network infrastructure where necessary will be part-funded through Southern Water's New Infrastructure Charge with the remainder funded through its Capital Works programme. Southern Water has also confirmed that its current Drainage and Wastewater Management Plan which it is consulting on with the community includes Loxwood and will look at where the investment is needed. When all is told the applicant has a 'right to connect' their development to the public sewerage network under s.106 of the Water Act. The timetable thereafter for delivering that connection and any necessary off-site upgrades is a matter for SW to agree with the developer following the grant of planning permission. Whilst the level of concern locally is noted, SW is committed under its statutory duty to provide a fit for purpose foul drainage system to service the proposed development and is regulated in this regard by the industry regulator OFWAT. Any failings on behalf of SW to deliver required improvements to the offsite network to satisfactorily service the proposed development are failings under Part 4 of the Water Industry Act 1991 not under the Town and Country Planning Act, and the recourse for such failure therefore falls to be addressed under that Act through OFWAT. SW has not advised the Council that the proposed development should not go ahead because it cannot be satisfactorily drained and for the Council to try to cite such a reason as a reason for refusing the application would not therefore be either tenable or reasonable.
- 8.11 Surface Water - The application details for this development indicate that the proposed means of surface water drainage for the site is via attenuated discharge to the existing watercourse on the southern boundary. It is proposed to have an attenuation pond provided for the 1 in 100 year event plus climate change, swales and permeable paving and a hydrobrake to restrict the flow of surface water into the existing ditch so that it does not exceed greenfield run-off rates. The site is in FZ1 and is therefore at the lowest risk of surface water flooding. The Council's Drainage Officer has advised that infiltration to ground is very unlikely to be a viable option because of the underlying local geology. Overall, and subject to a condition requiring details of the surface water scheme to be approved to ensure there is no overall increase in flows into the surface water system, no technical objection is raised. Similarly no objection is raised by the County Council's Flood Risk Management Team.
- 8.12 With the imposition of appropriate condition/s as recommended by consultees it is considered that the surface water drainage component of the application can be successfully addressed in terms of attenuating flows and controlling the rate of discharge to the local watercourse. In terms of the foul drainage proposals, it is not doubted that a technical solution is available or can be delivered for the proposed development. The point is more one of timing and Southern Water's uncertain delivery timetable in this regard. Officers note the comments and continuing frustrations of the Parish Council and the comments from third parties regarding sewage disposal and apparent shortcomings in the existing network but ultimately it is the statutory duty of Southern Water to ensure that the development is satisfactorily drained and Southern Water is not raising an objection to this application.

Highway Impact

- 8.13 Aside from the principle of development in this location, 'access' is the only matter for consideration on this application with all other matters being reserved. A single point of vehicular access to the site from the B2133 Guildford Road will be provided in the north-east corner, corresponding to the approximate position of an existing field access. Transport information submitted with the application indicates that the development is likely to generate around 10 trips in the am peak hour and 12 trips in the pm peak hour. It estimates an additional 109 vehicular movements throughout an average weekday could be created. A coherent package of traffic calming measures have already been secured through the completed Nursery Green development and for the permitted Thakeham Homes development and further traffic calming measures through signage or similar that aim to reduce vehicle speeds are to be secured through a developer contribution via the section 106 agreement that would accompany any permission for this development. Policy 16 of the made Loxwood Neighbourhood Plan supports such an approach. The Local Highway Authority (LHA) overall consider that it has been demonstrated that safe and suitable access can be achieved to support the development. Matters relating to car and bicycle parking and internal layout would need to be provided at reserved matters stage. WSCC has confirmed that it does not wish to raise transport grounds to resist the application in principle.
- 8.14 The applicant has demonstrated to the satisfaction of the LHA that the development is sustainable in terms of the measures it will deliver to manage the additional traffic it will generate onto the network. WSCC has confirmed that there is no objection in terms of the impact on the local highway network. The LHA is satisfied that in terms of the relevant policy test in NPPF para 109, the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It is considered that whilst there would be a material change in vehicle movements arising from the proposed development onto Guildford Road, the nature of this 'change' is not of a level that could substantiate a refusal of the planning application on highway grounds.

Other matters

Housing mix, Density and Affordable Housing

- 8.15 The proposed housing mix for both the affordable mix and the private market mix meets with the requirements of the Council's Housing Enabling Officer in terms of the Strategic Housing Marketing Assessment and no objection is raised. The application is in outline so the final mix of house types will not be known until the submission of the subsequent application for reserved matters but a schedule of accommodation indicates there would be 2 x flats with the remainder being 2 storey houses. The affordable housing mix will be secured through the S.106 agreement.

8.16 In terms of density of development the site achieves around 20 dwellings per hectare for the whole site area. This is a small increase over the density of the first application now at appeal and is brought about by the inclusion of two additional dwellings. As a 'whole site' figure it compares well with the 17 dph for the Thakeham Homes application. The net residential area of the Thakeham Homes scheme resulted in a density of 26 dph and it is anticipated that the current application will deliver around 30 dph depending on the exact form of the layout. When considered in the context of the perimeter landscape/ecological buffers, the wildlife areas and the ponds and the edge of settlement location the amount of development proposed is considered to be acceptable.

Heritage impact

8.17 In terms of the potential impact of a development of 24 dwellings on the wider setting of the adjacent listed buildings, the Secretary of State (SoS) on the previous appeal decision for 25 dwellings agreed with his Inspector that *'there would be no harm to the significance of the listed buildings on the east side of the High Street across the road from the appeal site or any other non-designated heritage assets by way of impact on their settings.'* Whilst the layout on the current application is submitted illustratively rather than in detail as it was for the 25 dwelling appeal scheme, it has very clear similarities in terms of the perimeter block layout and the deep, well screened setback on the east boundary with the High Street. A 15 metre deep landscape buffer is to be secured through the S.106 agreement on the east site boundary to ensure that any subsequent layout submitted under reserved matters has to automatically respect the setting issue. In light of these similarities it is not possible to reach any conclusion on this outline application which would support coming to an alternative view from that which the SoS reached in 2013 in terms of there not being a harmful impact on the setting of the adjacent listed buildings.

8.18 The Council's Senior Historic Buildings Advisor (SHBA) in commenting on the application points out that evidence shows the site has remained open land historically so the [wider] setting of the listed buildings has been one of a collection of cottages overlooking undeveloped open land. The site has historically been separated from the listed buildings by the road and this separation is now furthered by the substantial and mature vegetation and trees along the western side of the High Street along the eastern edge of the site. The combination of the two provides some visual separation between the site and the proposed development. Whilst the SHBA identifies some impact upon the historic setting of the listed buildings, it is considered that the visual and spacial separation reduces that level of harm to less than substantial (NPPF paragraph 196 refers) which is outweighed by the public benefits of delivering much need housing including affordable housing.

Ecological considerations

8.19 The application site is subject to no particular ecological designation. The applicant's Design and Access Statement details a number of measures detailed earlier in the report to improve the biodiversity of the site. The Council's Environment Officer has assessed the proposals and made a number of recommendations (see earlier in this report) which can be secured by condition. There is no ecological reason to resist the application.

Landscape impact

- 8.20 The approx. 1.3 hectare site comprises a field consisting of rough, semi-improved grassland with hedgerow, scrub and scattered trees along the boundaries with mature trees on the southern boundary and semi-mature trees on the west. The proposal would provide landscape/ecological buffers along the site boundaries (3 metre buffers to the west and south boundaries) and these are to be secured through the S.106 agreement. The site lies on the southern approach to the village core within the historic part of the village and adjacent to several listed buildings. The south-east corner of the site is noticeably higher than the adjacent highway and the mature vegetation to the boundary provides a rural setting for the historic buildings and a sense of enclosure for those who visit the village from the south. Viewed from the north, there is a marked and rapid change from busy village centre to historic rural fringe with sporadic and traditional ribbon development of moderately sized dwellings fronting the road. Many of these are listed or considered heritage assets. The mature trees on the southern boundary of the site and the semi mature trees to the west are visible from the canal and its public access routes on substantially lower ground to the south and south west. These factors make the site particularly sensitive to development and the south-east corner of the site particularly so. 'Layout' is a reserved matter on the application but the proposals are accompanied by an illustrative housing layout which shows a swathe of open green space approximately 15 metres deep adjacent to the east site boundary with the High Street helping to set the development back into the site and away from the main road. The indicative landscape proposals shown on that boundary planted with trees to filter views from the main road would also help to visually integrate the development.
- 8.21 It is relevant that 'Landscape harm' was never cited in the reasons for refusal of the 2013 outline application for 25 dwellings on this same site. In re-confirming the Inspector's decision to dismiss the subsequent appeal on that previously refused application, the Secretary of State determined on the issue of landscape impact that: *'there would be a degree of conflict with those Local Plan policies which seek to conserve and enhance the rural character of the area and its landscape, but that only minor localised harm would result from the loss of open undeveloped land at the edge of the settlement and the contribution that that makes to the countryside setting.'* In this context it is considered that to try and now introduce a landscape reason for refusing the current application when one was not identified on the 2013 appeal scheme or on the previous refused application (the first application) for 22 dwellings is neither reasonable nor tenable. All new development on hitherto undeveloped greenfield land will of course involve a change to the character and appearance of that land but that change in or by itself is not sufficient on its own to warrant refusal particularly when that judgment is weighed as it must be against the significant benefit of delivering new homes to help address the Council's significant housing supply shortfall.

Impact upon residential amenity

- 8.22 A consequence of developing out a green field where there is no development is that it will potentially have some bearing on the established amenities of existing adjacent residential properties, some of whom currently may enjoy an outlook onto a rural field. However, loss of or change of 'outlook' is not necessarily a reason for not permitting new development and with the existing boundary treatments buffered further through landscaping on the subsequent reserved matters, this is not a matter which is considered to weigh adversely against the proposals in terms of the final planning balance. The construction management plan required by condition on this recommendation to permit the application will provide safeguards to protect residential amenity and will place restrictions on the developer carrying out the development so far as is reasonable. A condition requiring details of any future lighting proposals for the site is also recommended to protect the rural character of the environment and to avoid light spillage where lighting is required.

Sustainability measures

- 8.23 The applicant has submitted a Sustainable Design and Construction and Energy Statement which proposes a combination of fabric first, PV's and Heat Pumps to reduce energy demand and deliver carbon savings through thermally efficient, well designed and suitably orientated buildings. The exact savings will need to be quantified as part of a detailed assessment undertaken alongside any future reserved matters submission and an appropriately worded planning condition requiring a more detailed Sustainable Design and Construction statement to be submitted with the reserved matters application is recommended in order to achieve a CO2 emissions saving of at least 19%. This will need to be delivered together with a further 10% carbon savings through the installation of renewable technology. In respect of the latter, the illustrative housing layout suggests that a number of dwellings will have south or close to south facing roofslopes which indicates that they would be suitable for PV's to achieve the 10% savings.
- 8.24 Conditions are also attached to the recommendation to secure a maximum water consumption standard of 110 litres per person per day including external water use and in relation to electric vehicle charging infrastructure which will need to provide passive charging provision across the site and active charging provision as per the requirements of the County Council's Parking standards. It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40. The Council's Environment Officer has confirmed that the applicant's approach is acceptable but that more detail will be required at the reserved matters stage to demonstrate the level of CO2 savings.

Significant Conditions

- 8.25 Key conditions attached to the recommendation include securing the vehicular and pedestrian access arrangements, the precise details of the foul water and surface water drainage systems and the sustainable development components.

Section 106 Agreement

8.26 This development is liable to pay the Council's CIL charge at £200 sqm which will address most of the infrastructure matters. At the time of preparing this report work was advancing on drafting a section 106 agreement which the applicants have confirmed they will enter into. The anticipated final heads of terms are:

- 30% Affordable Housing (requires 7.2 units, the proposal is for 7 units) in accordance with the required SHMA mix. Tenure 70:30
- 0.2 unit as an Affordable Housing commuted sum calculated in accordance with the provisions of the Planning Obligations and Affordable Housing SPD July 2016
- 3 metre wide landscape buffers on the west and south site boundaries, a 15 metre wide landscape buffer on the east boundary - provision, management and on-going maintenance
- Amenity Open space provision, management and on-going maintenance
- Traffic calming in the form of a contribution towards a vehicle activated sign (VAS) or similar on High Street
- S.106 Monitoring fee £1,692

Conclusion

8.27 This application is a re-submission of a previous application for 22 dwellings which was refused by the Council under Officers delegated powers and which is now the subject of an appeal. In order to substantiate reaching a different decision on the slightly amended proposal submitted this time around it would be necessary for the Council to demonstrate that there has been a material shift in circumstances. The material shift in circumstances here is that whereas on the first application, which is now at appeal, the Council was able to demonstrate that it had a 5 year supply of housing land, under this application that is no longer the case as the housing policies in the Local Plan are now out of date. Government policy in the NPPF requires local planning authorities to demonstrate that they have a rolling 5 year supply and when there is less than a 5 year supply the NPPF engages what is known as the 'tilted balance', that is a presumption in favour of permitting new sustainable housing development.

8.28 The first application was refused on the basis that the Council had a 5 year housing supply and could therefore rely on the Local Plan to resist new housing applications outside of the settlement boundary in Loxwood. In the absence of that supply, that reason now falls away. The Council also cited that the level of proposed development on the site did not result in an effective use of that land in meeting the need for homes contrary to paragraph 117 of the NPPF. The applicant has increased the number of dwellings proposed on the current application from 22 to 24. Whilst this might appear a modest increase given the need to boost the Council's housing supply, it is considered an appropriate increase in the context of the site's rural surroundings and the additional requirements of the site to accommodate landscape buffers, wildlife areas and SuDS infrastructure. The second reason for refusal on the first application therefore also falls away.

8.29 In terms of assessing the current application against the Interim Planning Strategy for Housing, the application insofar as it is submitted in outline scores well and overall officers consider that this is a good site for additional housing in Loxwood. No adverse consultation responses have been received which might suggest that the development should not go ahead. Local concerns regarding sewage disposal and the current state of the off-site network are noted but improvements where necessary of that infrastructure is the specific statutory function of Southern Water under the Water Industry Act against whom the industry regulator OFWAT has the power to enforce against if the required statutory function is not being satisfactorily discharged. On the basis of the consultation response received from Southern Water no formal objection to the application is raised and it would be both unreasonable and untenable for officers to recommend a reason for refusing the application on this basis, noting also that no such reason for refusal was cited on the first application. The application will deliver much need housing including 7 units of affordable housing and will help to address the Council's housing supply shortfall. The application is therefore recommended for permission subject to the applicant entering into a S.106 agreement to secure the required affordable housing, traffic calming and other infrastructure.

Human Rights

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

RECOMMENDATION

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

1) (i) Approval of the details of the layout of the site, the scale and appearance of the buildings or place and the landscaping of the site (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above, relating to the layout of the site, the scale and appearance of the buildings or place and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to ensure that the full details of the development are approved at the appropriate stage in the development process.

2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 19001/S101; 130524-01 Rev B; PRI18650-03 Rev E

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

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,

- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning and the disposal of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction,
- (r) hours of construction.

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.

5) No development shall commence until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

6) No development shall commence unless and until details of the proposed means of foul water sewerage disposal including the proposals for the associated off-site infrastructure improvements have been submitted to and been approved in writing by the Local Planning Authority acting reasonably in consultation with Southern Water. Thereafter all development shall be undertaken in accordance with the approved details. No occupation of any dwelling shall take place until the approved off-site works have been completed or, in the event that the agreed off-site works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water.

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

7) **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.

8) The development hereby permitted shall not be carried out other than in accordance with the recommendations for mitigation and ecological enhancements set out in the Preliminary Ecological Appraisal by ACD Environmental (24.06.20) and shall be carried out in accordance with specific details and a timetable for implementation to be submitted to and agreed in writing by the Local Planning Authority **before work commences on site**. For the avoidance of doubt the mitigation measures and ecological enhancements shall include; implementation of the measures in the Reptile Mitigation Strategy by ACD Environmental (24.06.20) for the trapping and translocation of slow worms, the provision of bat boxes, bird boxes and 2 no. hedgehog nesting boxes within the new development.

Reason: To accord with the terms of the application and to enhance the ecological and biodiversity value of the site.

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

Reason: The site is potentially of archaeological significance. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

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

Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: C687 Chapter 22. The details are required pre-commencement to ensure the SUDS are designed appropriately and properly maintained and managed as soon as they are installed.

11) Before construction of any dwelling above slab level the developer shall provide details of how the development will accord with the West Sussex County Council: Guidance on Parking at New Developments (August 2019) in respect of the provision of Electric Vehicle (EV) charging facilities. These details shall be approved in writing by the Local Planning Authority and carried out as approved. Specifically the development shall provide passive provision through ducting to allow EV charging facilities to be brought into use at a later date for the whole site. Active EV charging facilities shall be provided in accordance with the table at Appendix B of the West Sussex County Council: Guidance on Parking at New Developments (August 2019) and no dwelling which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.

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

12) Before construction commences above slab level on any dwelling hereby permitted specific details shall be submitted to and be approved in writing by the Local Planning Authority showing how the development shall comply with the terms of the submitted 'Sustainable Design and Construction and Energy Statement' prepared by Castle Land and Development and submitted with the application and with the requirements of criterion 8 of the Interim Planning Statement for Housing Development (July 2020). The details shall include the proposed location, form, appearance and technical specification of the air/ground source heat pumps (including acoustic performance) and the form and siting of the solar PV panels which shall be designed to be inset and flush fitting with the plane of the roof. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with policy 40 of the Chichester Local Plan Key Policies 2014-2029 and the Council's Interim Planning Statement for Housing Development (July 2020) and to accord with the terms of the application.

13) Notwithstanding the illustrative landscaping details submitted with the application **no construction of any dwelling above slab level** shall take place unless and until a detailed scheme of soft landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection during the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site and boundary fencing shall include gaps underneath to enable the passage of small mammals (hedgehogs). The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

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

14) **No dwelling shall be first occupied** unless and until such time as the vehicular access, footway and associated works serving the development have been constructed in accordance with the details shown on the drawing no. 130524-01 Rev B 'Proposed Access Arrangement and Visibility Splays'.

Reason: In the interests of road safety and to accord with the terms of the application.

15) **No dwelling shall be first occupied** unless and until visibility splays of 2.4 metres by 59 metres have been provided at the proposed site vehicular access onto High Street (B2133) in accordance with drawing no. 130524-01 Rev B 'Proposed Access Arrangement and Visibility Splays'. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above the adjoining carriageway level unless any variation to this requirement is specifically agreed in writing by the Local Planning Authority in consultation with WSCC as the Local Highway Authority.

Reason: In the interests of road safety.

16) **Before first occupation of any dwelling** full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) shall be submitted to and be approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on the site during works. The development will thereafter only proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development benefits from appropriate infrastructure

17) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new 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). **No dwelling hereby permitted shall be first occupied** until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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.

18) **Before first occupation of any dwelling** details of any proposed external lighting of the site shall be submitted to and be approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and 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 any variation. The lighting scheme shall take into consideration the presence of bats in the local area and shall minimise potential impacts to any bats using trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional lighting sources and shielding.

Reason: To protect the appearance of the area, the environment and foraging bats, and local residents from light pollution.

Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

INFORMATIVES

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

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

3) The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer at West Sussex County Council prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

4) The applicant is required to obtain all appropriate consents from West Sussex County Council, as the Local Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

5) A formal application to Southern Water for connection to the public sewerage system is required in order to service this development. Attention is drawn to the New Connections Services Charging Arrangements document which has now been published and is available to read on Southern Water's website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QCOST4ERKYM00>

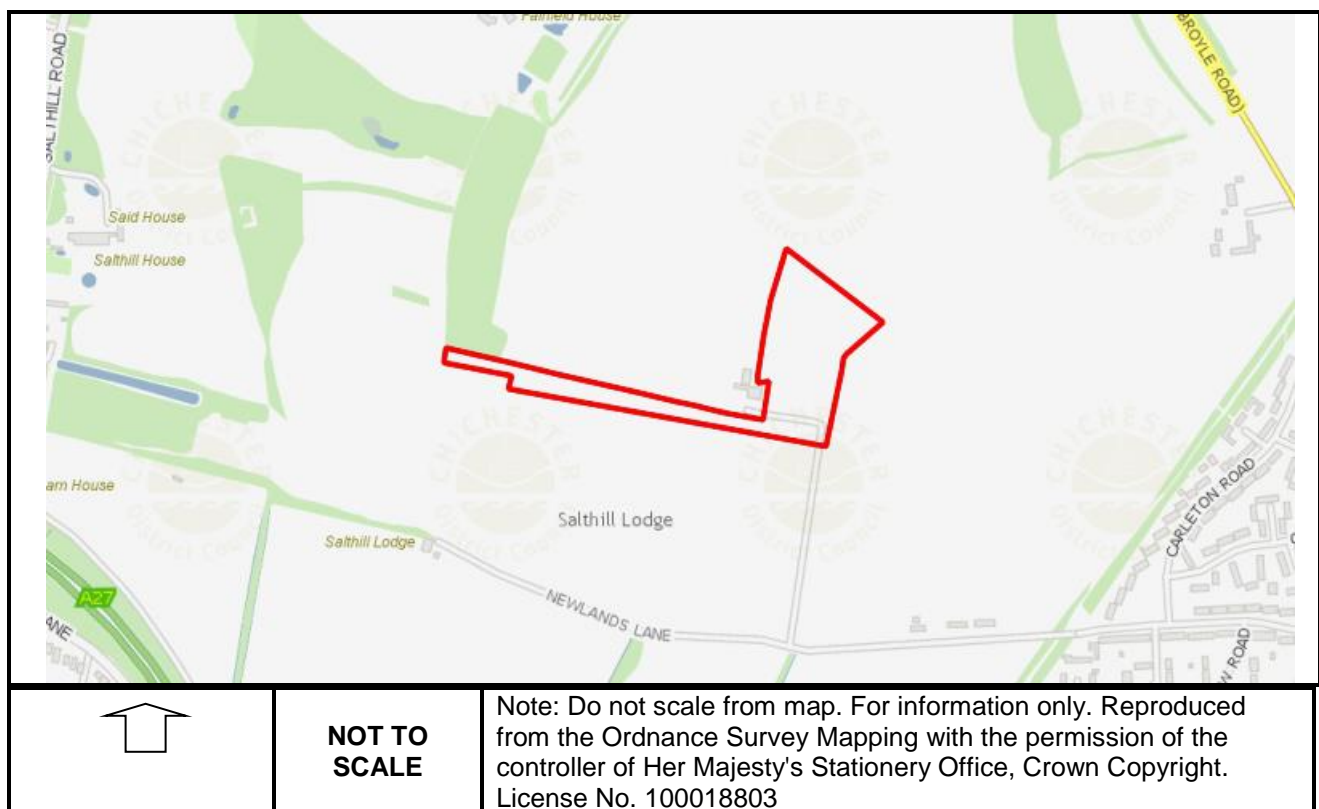
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Parish: Chichester	Ward: Chichester West
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CC/20/01046/REM

Proposal	All outstanding Reserved Matters for the erection of 50 dwellings with associated parking, landscaping, informal open space and associated works on Phase 5, Parcel F, pursuant to permission 14/04301/OUT.		
Site	Land On The West Side Of Broyle Road Chichester West Sussex		
Map Ref	(E) 485000 (N) 106000		
Applicant	Miller Homes Ltd	Agent	Mr Nicholas Billington

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

Red Card: Cllr John-Henry Bowden - The proposal is for a major development
Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site forms part of Phase 1 of the West of Chichester Strategic Development Location (SDL) which is allocated by Local Plan Policy 15 for a comprehensive, residential-led mixed-use development. The main part of the application site extends to 1.09 hectares and is identified as Parcel P5.F in the Overall Phasing Plan approved as part of the Phase 1 outline planning permission granted in April 2018 (14/04301/OUT refers). This parcel is identified for residential development in the approved Masterplan, and also in the Parameter Plans which were approved as part of the outline planning permission.
- 2.2 Parcel P5.F is located on the western side of the developed part of the Phase 1 site. It would be directly accessed from its eastern side by the principal 'spine' road serving Phase 1, details of which have been approved under the 'Infrastructure' Reserved Matters application (CC/18/01587/REM refers). The Infrastructure Reserved Matters application also provided the majority of the green infrastructure serving Phase 1 comprising extensive SANGS in the form of a Southern Country Park, a Western Green Link and a Central Green Corridor.
- 2.3 The parcel's western boundary is currently formed by a line of mature trees beyond which lies a large, arable field forming part of the Phase 2 SDL land. The parcel's northern boundary flanks Parcel P.4, the 'Local Centre', which is allocated for a mix of commercial, community and health care uses along with a primary school. To the east and south-east, on the opposite side of the spine road, lie respectively residential parcels P.5G and P.6H.
- 2.4 P.5F currently forms part of a large arable field which reduces in height by approximately 6m between its northern and southern boundaries, and by around 1.5m from west to east. A gravel farm track runs along the site's western boundary which, together with a second track off Newlands Lane, provides access to a group of redundant farm buildings and a mobile telephone mast located adjacent to the parcel's south-west corner. The parcel is generally devoid of significant vegetation other than the tree belts located along the current field boundaries to its southern and western sides.
- 2.5 The remaining part of the application site consists of a 350m long by 15m-30m wide strip of arable land which will form part of the approved E-W landscaped corridor running through the centre of the SDL; this passes the southern side of Parcel P.5F and will provide a pedestrian route from the Western Green Link through to the Central Green Corridor. On its northern side, this land is flanked for its entire length by a belt of mature deciduous trees, whilst on its southern side it is open to the arable fields which run down to meet Newlands Lane. On both sides of the strip lies land identified in the approved Masterplan for residential development forming part of Phase 2.

- 2.6 The Committee will be aware that Reserved Matters (RM) approval has already been granted in respect of five residential parcels (P2.A, P2.B, P3.C, P3.D and P3.E) and the sports facilities to be located in the south-western corner of the SDL. One further RM application - in respect of an alternative scheme for residential Parcel P3.C - is currently under consideration.

3.0 The Proposal

- 3.1 The application seeks approval for the reserved matters of Appearance, Layout, Landscaping and Scale in respect of 50 dwellings.
- 3.2 In terms of housing mix, the affordable housing component consists of 22 units equating to 44% of housing provision within the parcel. Ten units would be provided in a shared ownership tenure comprising 9 x 1 bed flats and 1 x 1 bed coach house. The remaining 12 dwellings would be in a rented tenure comprising a mix of 7 x 1 bed, 1 x 2 bed, 1 x 3 bed and 3 x 4 bed units. The affordable units would be provided in a mix of 3 storey flats and 2 storey coach houses and short terraces.
- 3.3 The 28 market dwellings would comprise 10 x 2 bed and 18 x 3 bed dwellings provided in a mix of two and two-and-a-half storey short terraces and detached and semi-detached houses.
- 3.4 In general terms the layout consists of two perimeter blocks of dwellings in the southern part of the parcel, with a third 'partial' block backing onto its northern boundary (with the Local Centre).
- 3.5 Vehicular access is provided to the northern part of the parcel via a 4.8m wide street which joins the spine road close the site's north-east corner, with this junction being in the position and configuration already approved as part of the Infrastructure Reserved Matters application. The southern part of the site would be accessed from the spine road via a less formal 'cross-over' access located in the parcel's south-east corner, which would also provide maintenance access for the adjacent telephone mast. The initial section of access road leading from the site's northern junction would consist of a tarmac surface flanked by 2m wide footpaths. However, the significant majority of the proposed dwellings would be served by less formal, 4.8m wide shared surface streets, formed in buff coloured pavers.
- 3.6 At the midpoint of the parcel's eastern boundary, a dedicated pedestrian/cycle access is provided onto the approved shared cycle/footway that runs along the spine road's western side. A 3m wide, shared cycle/footpath is also proposed to run parallel to the site's western boundary within a landscaped belt, providing a route between the Local Centre to the north and the above-mentioned landscaped corridor to the south. This path also includes provision for future links through the parcel's western boundary to the adjacent Phase 2 land.

- 3.7 A 0.1Ha area of informal open space is provided in the parcel's north-west corner. This would form the southern part of a much larger area of open space (including a play area) within the Local Centre, and indicative plans have been submitted to show how this wider area might be configured. Likewise, indicative layouts of the nearest parts of the parcels on the eastern side of the spine road (which have yet to gain Reserved Matters approval) have also been submitted in order to demonstrate that their future development should not be prejudiced by the proposals for P5.F.
- 3.8 Two distinct approaches to the design of the buildings within the parcel are proposed. The first primarily involves the 'outward-facing' buildings of up to three storeys which face on to the spine road and southern boundary. These display a contemporary design approach incorporating various features such as stepped elevations in subtly different facing bricks, box dormers, large, grey-framed windows with vertical emphasis, together with the use of coloured feature panels beneath and to the side of some windows. The parcel's 'interior' displays a more traditional approach, with two storey dwellings formed in a variety of different facing and painted bricks, along with some tile hanging, beneath plain-tiled roofs.
- 3.9 In terms of parking provision, a total of 95 spaces are proposed consisting of 66 allocated, 16 garage/car port and 13 visitor spaces, with the latter distributed throughout the parcel.
- 3.10 With regard to the landscaped corridor leading to the Western Green Link, the submitted plans indicate an informal approach based on a hoggin path flanked by intermittent tree and understorey planting, along with one bench.
- 3.11 As referred to in the response of consultees and discussed in the assessment section of the report below, the application has been subject to considerable amendment since its submission including, the creation of a less fragmented layout, a reduction in the number of the parcel's junctions with the spine road from 4 to 2, better integration with the adjoining development parcels, enhanced pedestrian and cycling infrastructure and permeability along with various changes to the detailed design and treatment of buildings and public and private spaces with the parcel.

4.0 History

14/04301/OUT	PER106	Outline planning application with all matters reserved (except for access) for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works.
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18/01587/REM	PER	Approval of reserved matters in respect of Appearance, Landscaping, Layout and Scale following outline planning permission CC/14/04301/OUT - Consent sought for Primary Road, Primary Surface Drainage and Primary Utilities Routing. SANGs land incorporating Western Green Link, Central Green Link and Country Park.
19/01134/REM	PER	All outstanding Reserved Matters for the erection of 73 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel 2A, pursuant to permission 14/04301/OUT.
19/01531/REM	PER	All outstanding Reserved Matters for the erection of 91 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 2B, pursuant to permission 14/04301/OUT.
19/02385/NMA	PER	Non material amendment for permission CC/14/04301/OUT. Change to wording of condition 33 (sports pitches) regarding timing of commencement of works.
19/02424/REM	WDN	All outstanding Reserved Matters for the erection of 91 dwellings with associated parking, landscaping, informal open space and associated work on Phase 2, Parcel B, pursuant to permission 14/04301/OUT. (scheme 2)
19/02584/REM	PER	Application for all outstanding reserved matters (layout, appearance, scale and landscaping) following outline planning permission CC/14/04301/OUT, for sports facility consisting of 1x adult rugby pitch, 1x adult football pitch, 1x adult cricket pitch and sports pavilion building with associated drainage, landscaping, parking and other works (Phase 1).
19/02626/REM	PER	All outstanding Reserved Matters for the erection of 29 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel P.3D, pursuant to permission 14/04301/OUT.

19/02819/REM	PER	All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 3C, pursuant to permission 14/04301/OUT.
19/03122/REM	PCO	All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Phase 3, Parcel C, pursuant to permission 14/04301/OUT (scheme 2).
20/00462/FUL	WDN	Construction of an electrical substation and associated parking to serve the west of Chichester strategic development site.
20/00600/NMA	PER	Non-material amendment to planning permission CC/14/04301/OUT - Proposed additional planning condition to enable the submission and agreement of details of any temporary sales and marketing facilities required on site in relation to the sales and marketing of new homes.
19/03146/REM	PER	All outstanding Reserved Matters for the erection of 154 residential dwellings with associated parking, landscaping, informal open space and associated works on Phase 3, Parcel E, pursuant to permission 14/04301/OUT.
20/00600/NMA	PER	Non-material amendment to planning permission CC/14/04301/OUT - Proposed additional planning condition to enable the submission and agreement of details of any temporary sales and marketing facilities required on site in relation to the sales and marketing of new homes.
20/01256/ADV	PCO	Display of 2 no. non-illuminated V-boards and 18 no. non-illuminated flag poles.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

Comments are summarised unless stated otherwise.

6.1 **Chichester City Council - in full**

Objection. It is recognised that the housing is needed in the area, however it is disappointing that the design and appearance of the buildings is generic and is not high quality, locally influenced design. Cycle lanes should be provided across the development and electric car charging points should be provided for all properties. Further environmental measures should be proposed.

6.2 **Fishbourne Parish Council - in full**

Fishbourne Parish Council objects to a southern access from Clay Lane onto this development. The Council wishes to see improved cycle and pedestrian routes throughout the development to improve connectivity and promote sustainable modes of transport for residents to access the city and beyond.

6.3 **Sussex Police**

The layout has taken into account Secured by Design principles. Various issues should be taken into account at the detailed design stage such as the security specification for doors and windows.

6.4 WSSC Local Highway Authority

Comments of 17 August 2020

The revised arrangements for cycle provision for the flats are acceptable.

The detailed proposals for the treatment of the cycleway cut through between plots 33 and 34 are acceptable and can be conditioned.

The comments of 6th August should have referred to 13 rather than 15 visitor spaces.

Comments of 6 August 2020

WSSC officers attended a meeting with officers from Chichester District Council (CDC) and representatives of the developers to discuss the planning application on 18th June. At this meeting comments were primarily raised about the design and layout of the residential roads in that there were concerns that the submitted layout was poor for pedestrian and cycle legibility and permeability based upon the design being a series of cul-de-sacs and that there were several vehicular access points onto the spine road (4 vehicular access points into the parcel were originally proposed). An alternative design was put forward by officers and the applicant agreed to consider amendments to their originally submitted design.

Revised designs for this parcel were submitted on the 28th July as a result of the discussions that took place at the meeting on 18th June. The comments below relate to the latest proposals for this parcel (plans submitted 28th July).

Parking

The applicant is proposing a total of 95 spaces for this parcel. This is made up of the following:

- 66 allocated parking spaces
- 11 car ports
- 5 garages; and
- 15 visitor spaces

This level of car parking provision equates to 1.9 spaces per unit. The applicant has used the West Sussex County Council Parking Demand Calculator to forecast the likely number of vehicles to be associated in a development of this scale in this location. The applicant has predicted that the car ownership associated with the proposed number of mix of units proposed would be approximately 81 vehicles. Therefore the number of car parking spaces proposed is deemed acceptable and unlikely to result in overspill car parking taking place.

Given the general design and layout of the parking on this parcel it is considered to be well broken up and therefore avoids the dominance of parked cars on the streetscene.

Cycle Parking

The applicant is proposing that each dwelling will be provided with either cycle storage space within a garage or dedicated cycle storage facilities in the back gardens of properties. All of the garages are larger than the standard 6m by 3m that WSCC ask for to ensure there is sufficient space to park a car and multiple bikes. The stores in rear gardens are considered to be of a sufficient size to accommodate a bike and have independent access to the side of the properties.

In light of this the Highway Authority considers the cycle parking for the houses to be policy compliant and appropriate.

The cycle parking for the flats (plots 1 to 10 and 40 to 46) appears to be in two separate communal stores. Drawing number CB_70_068_P5_F_CYC_01 entitled CYCLE STORAGE FLOOR PLAN & ELEVATIONS appears to have proposed vertical hanging racks for the cycle parking. The Highway Authority preference would be for the applicant to propose horizontal cycle storage such as Sheffield Stands. This is because of the communal nature of the store and that horizontal stands ensure it is easier to secure both wheels and the frame of the bike and horizontal cycle parking is easier for all to use as it does not require lifting the bike into position. The applicant could make an amendment prior to determination or further details could be secured via condition.

Residential Street Layout

The revised plans submitted on the 28th July are considered to be a significant improvement on the originally proposed layout. Significant improvements have been made to pedestrian and cycle permeability and legibility which is welcomed by the Highway Authority. The number of vehicular access points from this parcel has been reduced from 4 to 2. The nature of the vehicular access points have also been downgraded as far as is practical in order that they are appropriate for their context and likely use and prioritise pedestrian and cycle movements.

The applicant is also providing a pedestrian/cycle connection between plots 33 and 34 and this is welcomed by the Highway Authority. The link is proposed as 3m wide which is of a sufficient width to accommodate the likely levels of both pedestrians and cyclists. Further specific technical detail of the design and layout including any necessary signing and lining and measures to prevent unwanted vehicle access should be secured via condition.

The hard landscaping proposals are noted and that these include details of the proposed materials to parts of the spine road. These parts of the carriageway are subject to a S38 agreement with WSCC as Highway Authority and the specific detailed design and materials shall be agreed with the Highway Authority as part of the Section 38 process.

Summary

The Highway Authority has no objection to planning application CC20/01046/REM; subject to the inclusion of the necessary conditions detailed below on any permission granted.

The proposals are considered to be a significant improvement upon what was originally submitted. Should Chichester District Council (CDC) as local planning authority approve this application WSCC would recommend that appropriately worded conditions are included on any permission granted to cover the following:

- that no dwelling shall be occupied until the vehicular access, vehicle parking and or garaging, roads, footways and turning spaces serving that development have been constructed and are available to use.
- the provision of visitor car parking spaces.
- the provision of revised cycle parking for the flats which include horizontal cycle parking provision.
- to submit technical details of the design the following aspects; the cycle way link including need signing and lining between plots 33 and 34.

6.5 CDC Design and Conservation

General Comments

Parcel 5F has undergone significant alteration during the application particularly in terms of layout and access which it is considered has resulted in a number of improvements. In particular the number of vehicular access points has been reduced and the routes/wayfinding for pedestrians within the parcel is much improved. The proposed layout is now considered well resolved.

The parcel has two distinct design approaches with a more contemporary frontage along the spine road and a more traditional design approach along the west side of the parcel. Concerns raised regarding the transition between the two approaches have resulted in improvements being made which are now considered more appropriate and an acceptable approach.

The block of flats forming plots 1-9 retain a relatively large height difference between the block and the adjacent houses plots 30-31. Slight level changes in the land are understood to be the reason for this. Despite the height difference the current location of the flat block is considered the most suitable due to it providing a key building on the entrance to the parcel and its proximity to the adjacent local centre. Revisions have also been made to the heights of adjacent plots and the flat block to lessen the height difference which has gone some way to assisting the visual difference.

Parking

Parking within Parcel 5F has been improved during the process of the application. Initial concerns about small poorly overlooked parking courts have been overcome by revisions to the layout. Whilst larger parking courts are still proposed these are considered to have sufficient overlooking and to be located in discrete locations ensuring the parking will not be a dominant feature. The layout has avoided frontages that are dominated by parking which is a welcomed approach and should contribute towards the creation of good quality street scenes and landscaping.

Materials

Within the material palette for the flat blocks u-PVC panels appear to be proposed for the cladding panel adjacent to some windows. It is considered that it would be beneficial for the materials to be conditioned as the use of u-PVC is of concern without first viewing the product and the potential risk for the panels to fade.

As with the other parcels within the development it is considered that verge caps should be avoided due to chunky appearance and fading. The provision of verge details for assessment and approval should be conditioned.

Corner Turners and Visible Side Elevations

Throughout the parcel it is considered that corner turning plots and highly visible side elevations have been detailed and fenestrated appropriately for their level of visibility.

6.6 CDC Housing Enabling Officer

Comments dated 30 July 2020

Following our previous consultation response dated 30 April 2020, the applicant has amended the site layout to reflect that the north eastern block of flats as a single tenure. This change is welcomed and will be easier for registered providers in their management and maintenance of the dwellings. No changes have been made to the mix of the affordable units which was previously accepted.

The pepper potting of the affordable units is consistent with the Council's Planning Obligations and Affordable Housing SPD and will contribute to creating a mixed, balanced and sustainable community.

To conclude, the Housing Delivery Team raises no objections to this application.

Comments dated 30 April 2020

A recurring comment on the each of the phases of this large strategic site, as it comes in as a reserved matters application, is how to ensure a good mix of the market and affordable units required by the outline planning permission is provided over the whole site. This is to avoid enclaves and mono-tenures. It was accepted however that there would be variations and character areas and different densities within the development.

Throughout the process as applications for each packet comes in, the mix is carefully noted to ensure it complies with the requirements of the s106 agreement and give a good spread of units overall. The applicant's 'West of Chichester Affordable Housing Addendum Report', previously submitted, assists by setting out the ranges of mixes in each phase.

With this in mind, I am generally happy with the proposals, with one exception; the affordable housing plan shows a mixed block of eight flats. I cannot see a clear schedule of a breakdown of rented and shared units but I am assuming these are 8 x 1bf for rent and 1 x 1bf for shared ownership. Mixed tenures are not acceptable and all should be rented units.

This would give:

Affordable housing (22):

Affordable rented (13)

1bf 8 (62%)

2bf 1 (8%)

3bh 1 (8%)

4bh 3 (23%)

Shared ownership (9)

1bf 9

44% of the total units of this phase are affordable, which is higher than the 30% overall required. The proportion of shared ownership units to rented is also higher than the 30:70 required overall.

However, it is appreciated that on a phase with a comparatively small number of units, and where there are a comparatively large number of flats, this may skew percentages as more one bedroom and shared ownership units are likely to be provided. This is compounded by some two bedroom houses having been moved from this phase into Phase E to improve the mix there, and hence the low numbers of two bedroom units here.

Due to these very specific reasons, I raise no objections to the percentages or mix on Phase F but future phases, especially as the last applications come forward, to ensure compliant and suitable mixes are provided.

The pepper potting is acceptable

Market Housing (28):

The proposed market mix is:

2b 11 (39%)

3b 17 (61%)

This is smaller sized family housing and is a welcome addition to the market housing stock of the district.

6.7 CDC Drainage Engineer

The proposed surface water drainage for this phase is a combination of infiltration through permeable paving, and an uncontrolled discharge to the adjacent swale. We are satisfied that they have demonstrated that the phase can be adequately drained, and that the approach is in accordance with the principles/scheme approved for the site.

We have surface water conditions applied to application 14/04301/OUT, which requires the detailed design, supported by sufficient groundwater monitoring and percolation tests to be submitted and discharged pre-commencement. As a result we recommend no further conditions are applied to this application.

6.8 CDC Environmental Strategy Officer

Ecology

We are satisfied with the ecological survey (April 2020) and that this is in line with the proposals agreed as part of the outline application.

Policy 40

Following submission of the Sustainability Statement (P5.F April 2020), we are satisfied that the criteria detailed within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions of 16.81%. This will be achieved with a fabric first approach and through installing PV on 25 houses on the parcel equating to 50% of properties having PV in this parcel.

6.9 CDC Waste Lead - comments in respect of revised plans only

The amended plans are acceptable in terms of layout, vehicle tracking and the location of bin collection points.

6.10 Third Party Objection

1 Third Party letter of objection has been received concerning:

- a) no serious approach to cycleways, public transport or sustainability
- b) only 50 % of dwellings have solar panels
- c) too many car parking spaces
- d) more provision for EV charging should be provided
- e) spine road culminates in a cul de sac within parcel

6.11 Applicant/Agent's Supporting Information

In addition to the submitted plans the application is accompanied by a suite of supporting technical and other documents including a Design and Access Statement, a Landscape Strategy, an Ecological Survey and sustainability and drainage statements.

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 made neighbourhood plan for Chichester Parish at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 7: Masterplanning Strategic Development
Policy 8: Transport and Accessibility
Policy 9: Development and Infrastructure Provision
Policy 15: West of Chichester Strategic Development Location
Policy 33: New Residential Development
Policy 34: Affordable Housing
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas
Policy 52: Green Infrastructure
Policy 54: Open Space, Sport and Recreation

National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

- 7.4 Consideration should also be given to the following paragraph and sections: Sections 2, 4, 5, 8, 9, 11, 12, 14 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.5 The following Supplementary Planning Documents are material to the determination of this planning application:
- Planning Obligations and Affordable Housing SPD
 - Surface Water and Foul Drainage SPD
 - CDC Waste Storage and Collection Guidance
- 7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
 - Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
 - Maintain the low levels of crime in the district in the light of reducing resources
 - Promote and increase sustainable, environmentally friendly initiatives in the district
 - Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area.

8.0 Planning Comments

- 8.1 The main issues arising from this proposal are:

- i. Principle of the development
- ii. Layout, character and design
- iii. Housing mix
- iv. Landscaping
- v. Sustainability
- vi. Other matters
- vii. Significant conditions

i) Principle of the development

- 8.2 As set out above, the principle of developing the SDL for a residential-led, mixed use development has been established by the 2018 outline planning permission. That permission included a set of approved parameter plans detailing land uses, street hierarchy, storey heights, footpaths and cycle-ways, public open space and the quantum and density of development throughout the SDL.
- 8.3 As part of the first Reserved Matters application for residential development (Parcel P2.A - 19/01134/REM refers) a Residential Architectural Design Strategy was also approved. This document sets out the broad design principles for each of the identified residential character areas within Phase 1 of the SDL, with the intention of making these areas architecturally distinctive.

- 8.4 Given that this development parcel is allocated for residential use by the outline permission's parameter plans, the following sections of this report are primarily concerned with the assessment of the proposal against the remaining reserved matters of layout, scale, appearance and landscaping, alongside other relevant material planning considerations. Clearly, broad conformity with the approved parameter plans, Architectural Design Strategy (ADS) and Masterplan are important considerations in this case.

ii) Layout, Character and Design

- 8.5 In terms of the approved Master Plan (incorporating both Phases 1 and 2), Parcel P5.F is located broadly centrally to the SDL. The approved parameter plans reflect this location, and identify it as being suitable for development in the Upper Density range (35-45 dpHa) and with building heights of up to 3 storeys along the spine road frontage, with 2 storeys elsewhere. With regard to the Architectural Design Strategy, P5.F is located within the Local Centre Residential Character Area. Within this Area, development should respond to the transition from the Local Centre vernacular and spine road 'edge' on its northern and eastern sides respectively, to the softer, green edges on its southern and western sides.
- 8.6 The approach to the layout of the parcel and the treatment of the buildings within it has been subject to significant amendment during the course of the application.
- 8.7 A less fragmented, more coherent block structure is proposed in the revised plans, alongside the key change of reducing the number of originally proposed junctions with the spine road from four to two. As noted above, one of the omitted junctions has been replaced with a 3m wide dedicated pedestrian/cycle link from the eastern edge of the parcel directly onto the combined footpath/cycleway which runs along the spine road's western side. Further, the southernmost junction has been re-designed to take the form of an informal cross-over arrangement, resulting in an environment where it should be clear to motorists that the crossing of the junction by pedestrians and cyclists using the cycleway is prioritised.
- 8.8 The proportion of shared surface has been increased in order to reflect the parcel's soft edges western and southern edges, and to reinforce its low speed (20mph) environment. Pedestrian crossing points have been introduced where footways are used. Further, future links to the Phase 2 land to the west of the parcel have been provided from the proposed cycleway which runs parallel to the western boundary.
- 8.9 The E-W path to be located within the landscaped corridor to the south of the parcel has been extended to meet its eastern boundary in order to ensure a continuous onward route to the Central Green Corridor when subsequent phases come forward. Similarly, land in the south-east corner of this area is safeguarded in order to ensure that the spine road's combined pedestrian/cycleway can be continued seamlessly into Phase 2.
- 8.10 Opportunities have also been taken to break up some areas of parking and to introduce additional open space, including increasing the amenity space serving each of the two affordable housing flatted buildings.

- 8.11 Overall, the revised layout is considered to provide good levels of vehicular and pedestrian permeability in a coherent and legible layout of streets which seeks to prioritise use by pedestrians and cyclists. The submitted plans also now indicate satisfactory access and turning for both waste and emergency vehicles.
- 8.12 It is noted that, relative to the Infrastructure Reserved Matters application, one further vehicular access onto the spine road has been introduced, and that this may be of concern to some in the local cycling community who wish to limit the number of instances of the spine road's combined foot/cycleway being crossed. Whilst these concerns are acknowledged, it is the case that as individual development parcels are brought forward there is a balance to be struck between providing appropriate permeability throughout those parcels and the wider development, and ensuring that the approved cycleway remains an attractive route. In this case, and following negotiations, the number of originally proposed crossings of the cycleway has been halved. Further, as set out above, the southern entrance point into the parcel has been downgraded in status and now takes the form of a less formal dropped-kerb cross-over arrangement which specifically accommodates and prioritises cyclists using the cycleway. This is considered an acceptable approach.
- 8.13 The Highway Authority has welcomed the changes to the proposals and, subject to the conditions referred to above and set out in the recommendation below, raises no objections in terms of either highway safety or the distribution or quantum of car parking which meets the anticipated demand. The LHA has also confirmed that the detailed design of the spine road's two junctions with the Parcel, including the provision for cyclists crossing them, will be finalised as part of the S38 highways adoption process.
- 8.14 The density of development (approximately 45dpHa overall) is in accordance with the approved parameter plans, which also indicate that the proposed maximum storey height of 3 storeys to the spine road frontage is appropriate. The gardens serving the various houses within the parcel are considered to be of appropriate size, with back-to-back distances that will provide an acceptable level of privacy. As noted above, the amenity space serving the two flatted blocks has been increased in size during the application process and is now considered acceptable.
- 8.15 All parking areas and areas of public open space are subject to appropriate levels of surveillance. All of the dwellings would be served by appropriate bin storage and collection arrangements, and adequate arrangements for cycle storage have also been incorporated.
- 8.16 Turning to detailed design considerations, the use of a combination of contemporary and traditional design styles within the parcel, as described at paragraph 3.8 above, is considered acceptable. The contemporary buildings proposed (primarily) along the Parcel's eastern and southern boundaries are consistent in terms of scale, materials and detailing with the buildings that have already gained Reserved Matters approval in locations that front onto the spine road and/or adjoin the Local Centre (where a contemporary design approach is envisaged). The dwellings of a more traditional design, which largely face onto the western boundary, are likewise consistent with the approach that has been established on other residential parcels in terms of scale, height, materials and elevational treatment.

- 8.17 As with the overall layout, a range of improvements to the design and treatment of a number of proposed buildings have been secured during the course of the application.
- 8.18 For example, as the Design Officer has commented, the point at which the design approach changes from contemporary to traditional has been altered in some streets in order to affect a more logical transition. In terms of the southern-most street in the parcel, given the existence of wider views of this part of the development from the landscaped corridor to its south, the approach has changed from a mixed contemporary/traditional street, to one based solely on contemporary buildings. Elsewhere, floor levels have been altered in order to provide a more graduated street scene, and additional chimneys and fenestration have been introduced throughout the parcel to create more visual interest.
- 8.19 In conclusion on this issue, it is considered that the approach to the layout and detailed design set out in the amended proposals successfully responds to the context of the site. Further, the proposals provide a satisfactory living environment for prospective residents and comply with the approved Residential Architectural Design Strategy and parameter plans. There are no outstanding objections with regard to highway safety or on the grounds of the level or distribution of parking provision.

iii) Housing Mix

- 8.20 The 22 proposed affordable dwellings equate to 44% of the overall housing on this parcel, which exceeds the standard 30/70 split which is usually applied to developments that are required to make an affordable housing contribution. However, as noted by the Housing Officer, it must be acknowledged that the division of a strategic scale development site into different parcels will, given the varying characters and scale of those parcels, inevitably result in a variation of affordable housing proportions as successive Reserved Matters applications come forward. The key requirement on a SDL-wide basis, however, is to ensure that the overall 70/30 split is maintained, and officers have been carefully monitoring the position as successive phases come forward.
- 8.21 Miller Homes' affordable housing delivery trajectory has resulted in a cumulative 'shortfall' of around 6 dwellings (out of 256 given RM permission) prior to the current application being submitted. This trajectory is intentional, reflecting the fact that P5.F has been earmarked for development at the higher end of the parameter plans' density range, and can include buildings of up to three storeys height. As noted in the preceding sections of this report, the design and layout of the proposed buildings is considered acceptable, and the Housing Officer has confirmed that the distribution of affordable units throughout the parcel (no more than 11 in any location) accords with the adopted Affordable Housing SPD. It is noted that the provision of 22 affordable homes in this parcel would mean that, in order for Miller Homes' to meet its requirement for a 70/30 split across all of its Phase 1 residential parcels, its final parcel (P6.H), would revert to a 'standard' 30/70 split.

8.22 In summary on this issue, there is no objection to either the quantum or distribution of affordable housing within the parcel. The mix of market housing is likewise considered acceptable.

iv) Landscaping

8.23 The application is accompanied by detailed planting proposals which have been amended during the course of the application, resulting in the provision of 75 new trees within the parcel, an increase of 30 compared to the originally submitted plans.

8.24 In order to soften views into the parcel, existing planting along its boundaries has been supplemented with a mix of native tree species including hornbeam, hawthorn, oak and beech. Tree planting within the public open space in the site's north-west corner has been enhanced, and a previously proposed hedgerow has been omitted in order to ensure this area flows appropriately into the adjoining open space that will form part of the Local Centre. The removal of two previously proposed junctions has also allowed for enhanced landscaping along the spine road frontage.

8.25 Within the parcel, additional tree, hedgerow and shrub planting has been focussed towards parking areas in order to soften their appearance and improve outlook for residents.

8.26 In terms of hard landscaping, a variety of surface materials are proposed. As with the approach already established in respect of other residential parcels, shared surface areas are to be formed in buff-coloured pavers, with final details as to their permeability to be established when discharging the outline planning permission's surface water disposal condition. The initial section of access road leading from the northern junction would comprise tarmac, with a rumble strip denoting the change to the shared surface area.

8.27 With regard to boundary treatments, the submitted plans indicate the use of larch lap fencing to internal garden boundaries, with close boarded fencing to the rear and side of private parking areas. In areas where boundaries are likely to be prominent in the street scene, including the boundary with the Local Centre, 1.8m high brick walls are proposed, with a string course detail to add visual interest.

8.28 A low key approach has been taken to the treatment of the E-W landscaped corridor which primarily involves the creation of a meandering hoggin footpath set within grassland margins. Around 20 new oak, chestnut, lime and beech trees are proposed along the path's route, with the aim of supplementing the robust tree belt on the path's northern side, but largely retaining the expansive and unimpeded southerly views that are currently available from this elevated area, including glimpsed views of the cathedral spire. These trees would be planted at Heavy and Extra Heavy Standard sizes in order to provide instant impact. The proposals in respect of this area are considered acceptable, although it is acknowledged that it may necessary to revisit its treatment when proposals for Phase 2 development on its southern side come forward.

8.29 The proposed soft landscaping, planting and tree protection proposals are considered acceptable. In line with the approach on other parcels, the recommendation below includes a requirement to implement these details no later than the first planting season following the practical completion of the last dwelling in the phase. The indicative submitted hard landscaping details are likewise considered acceptable, however, it should be noted that the final approval of these details is required under the terms of the planning conditions attached to the outline planning permission.

v) Sustainability

8.30 The applicant has submitted a Sustainability Statement which sets out the range of measures which have either already been secured on a site-wide basis through the outline planning permission or through approval of the Infrastructure Reserved Matters, or are proposed as part of this application. The Statement aims to reflect the commitment provided in the approved Residential Architectural Design Strategy to address the various criteria contained in Local Policy 40 (Sustainable Design and Construction), with a key aim being to achieve an at least 10% reduction in energy demand above current Building Regulation standards.

8.31 Whilst it is not necessary to repeat the content of Statement in this report, its key measures and conclusions in respect of Policy 40's criteria can be summarised as follows:

- Alongside the habitat enhancements arising from the extensive landscaping proposals outlined above, detailed ecological enhancement and protections measures are proposed (including bird and bat boxes, swallow nests and hedgehog holes in fencing and walls), with these secured through planning conditions attached to the outline planning permission.
- Dwellings will be designed to achieve 105 litres of water consumption per person per day - which exceeds the requirements of Policy 40 - with water consumption controlled via proposed planning condition 14 set out below.
- The proposals have been assessed against Building For Life Standards and, based on the preceding analysis of the application, the Statement's conclusion that the development performs generally well against the methodology's criteria is accepted.
- The proposals incorporate a variety of sustainable design and construction measures including various fabric-first measures, the use of high efficiency heating and hot water systems and low energy fittings and solar powered street lights.
- In terms of renewable energy, it is proposed to provide solar panels the roofs of all 13 dwellings orientated within 20 degrees of south, together with an additional 12 dwellings with a generally south/south-west facing roof slope - this equates to 50% of dwellings within the parcel.
- Overall, the combined effect of the fabric first and renewable energy measures would be to deliver a 16.8% reduction in CO2 emissions when measured against the requirements of the Building Regulations.
- The solar panels will be installed in-roof, rather than on top of a pre-tiled roof, to minimise disturbance to the visual appearance of the dwellings.
- A SUDS approach has been taken to surface water disposal.

8.32 In conclusion on this issue it is considered that the submitted Sustainability Statement, which has been reviewed by the Council's Environment Officers, demonstrates a high standard of sustainable design and construction that protects and enhances the environment, in compliance with Policy 40 of the Chichester Local Plan. The significant improvement against the requirements of the current Building Regulations in terms of CO2 production and energy demand is to be welcomed, with the latter also exceeding the target set out in the approved Residential Design Strategy. Final details of the package of sustainability measures and its implementation will be secured under the requirements of condition 28 of the outline permission.

vi) Other matters

8.33 The Drainage Engineer has confirmed that the submitted indicative surface water drainage proposals demonstrate that the site is capable of being satisfactorily drained through a combination of infiltration and, where it can be justified, direct drainage to the site-wide surface water disposal network. Final details of the means of disposal must be submitted under the terms of Condition 13 of the outline planning permission.

vii) Significant Conditions

8.34 This is an application for the approval of Reserved Matters and it should be noted that the bulk of the planning conditions controlling and managing the development are attached to the overarching outline planning permission. These conditions required the submission of further details on a phase-by-phase basis in respect of various matters such as materials and finishes, contaminated land, levels, construction and environmental management plans, landscape and ecological management plans, surface and foul drainage, noise mitigation, sustainable design and construction and street lighting. Whilst some of these details have been submitted indicatively in order to inform this RM application (e.g. sustainable design and construction, materials, levels and surface water drainage), final approval will be required under separate discharge of condition applications.

8.35 In view of the above, the recommendation below is subject to a limited number of conditions relating to the Reserved Matters including, the carrying out of the development in accordance with the submitted landscaping details, securing tree protection measures and ensuring various parking, pedestrian and cycling infrastructure is provided at an appropriate time and in an appropriate manner.

Conclusion

8.36 West of Chichester is one of the Council's key strategic sites for delivering new housing during the Local Plan period. This Reserved Matters application accords with the principles established by the outline planning permission and the approved parameter plans. Based on the preceding assessment it is considered the proposal complies with relevant development plan policies, the parameters of the outline consent and the approved Residential Architectural Design Strategy. The proposed housing mix, layout, detailed design and landscaping are all appropriate to the context of the site. In addition, the applicant has provided details in relation to sustainable design and construction in order to demonstrate compliance with the requirements of Local Plan policy 40.

8.37 On this basis it is recommended that, subject to the planning conditions set out below, approval of the remaining reserved matters in respect of Parcel P.5F is granted.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

- **CB_70_068_P5_F**:000; 001D; 002C; 003C; 004C; 005C; 006C; 007C; 008C; 009C; 011C; 013C

- **CB_70_068_P5_F_SS**: 01C; 02C; 03C; 04B

- **CB_70_068_P5_F**: **EA**_E01A, P01A; **ED**_E01A, P01A; **KN**_E01A, E02A, P01B; **1BF**_E01A, E02A, E03A, E04A, E05A, E06A, E07A, E08A, P01A, P02A, P03A, P04A, P05A, P06A; **1BCH**_E01, P01; **2BCH**_E01A, P01A; **3BH**_E01B, P01A; **4BH**_E01B, E02A, P01B, P02A; **BR**_E01A, E02A, P01A, P02A; **CYC**_01B, 01A, 02A; **TI**_E01A, E02A, E03, E04, P01A, P02A, P03, P04.

- **MILL22774**: 03B, 10D, 11C (Sheets 1 to 3) and 12D (Sheets 1 to 3)

- **MLR/E4856/**: 001E, 002E, 003E, 004F, 009A.

- Ecological Enhancements plan (Parcel 5F) rev B

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

2) **No development shall commence**, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the submitted Tree Protection Plan (ref. MIL22774-03B Phase 5 Parcel F). Thereafter the protective fencing shall be retained for the duration of the works and the development shall be carried out in strict accordance with the recommendations and methodology of the submitted Arboricultural Impact Assessment and Method Statement (ref. MILL22701aia-amsA Phase 5 Parcel F Revision B) and in accordance with BS5837:2012. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees on and around the site are adequately protected from damage to their health and stability and/or amenity value. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

3) All soft landscape works shall be carried out in accordance with the approved details and plans and specifications as listed below and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **These works shall be carried out in the first planting season after practical completion of the development or occupation of the final dwelling** in Parcel P5.F whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority:

- Soft Landscape Proposals plans MIL22774 11 Rev C Sheets 1 to 3
- Soft Landscape Specification document ref MILL22774 spec

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

4) **No development above ground level shall commence** until detailed drawings of the treatment of verges for all roofs (main roofs, garages and pitched roof porches) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To ensure the treatment used is appropriate in the interest of amenity and to ensure a development of visual quality

5) **Prior to the occupation of Plots 33 and 34** the pedestrian/cycle link proposed between them shall be completed in accordance with the submitted details including surface materials, the provision of level transitions and the installation of 4 no. Type 2 Sign Bollards as specified on application drawing S278/38/17 Rev B in the locations detailed on the approved Planning Layout Drawing. Once provided, the pedestrian/cycle link shall be maintained in a condition that is fit for purpose in perpetuity.

Reason: To ensure adequate and safe access for cyclists and pedestrians

6) **No dwelling hereby permitted shall be first occupied** until the vehicular accesses, roads, footways and vehicle turning areas serving that dwelling have been constructed, surfaced and drained in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To secure satisfactory standards of access for the proposed development and in the interests of road safety.

7) **No dwelling hereby permitted shall be first occupied** until the provision for vehicle parking (including garaging) and cycle and bin storage associated with that dwelling has been constructed in accordance with the approved plans and is ready for use. This provision shall thereafter be retained at all times for its designated use.

Reason: To provide adequate on-site car and cycle parking and waste storage for the development

8) The shared cycle/footway proposed adjacent and parallel to the western boundary of Parcel P5.F shall be completed in accordance with the approved plans **prior to occupation of the 45th dwelling in the Parcel**. For the avoidance of doubt, for the purposes of this condition completion shall be taken to mean completion/connection of the cycle/footway (i) to the Parcel's internal roads; and (ii) up to the Parcel's northern and western boundaries; and (iii) to the proposed east-west orientated footpath located within the landscaped corridor positioned along the southern boundary of the site.

Reason: To accord with the terms of the application and to ensure adequate provision for pedestrians and cyclists.

9) The east-west orientated footpath, associated bench and connecting section of footway leading to the vehicular access located to the south-east of Plots 40-46 shall be completed/installed in accordance with the submitted details **prior to occupation of the 45th dwelling in Parcel P5.F or the 375th dwelling comprised in outline planning permission 14/04301/OUT**, whichever is the sooner.

Reason: To accord with the terms of the application and to ensure adequate provision for pedestrians.

10) **No dwelling hereby permitted shall be first occupied** until the solar panels associated with that dwelling have been constructed in accordance with details to be approved pursuant to condition 28 of application reference 14/04301/OUT and are ready for use.

Reason: To secure an energy supply from renewable resources, to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

11) The visitor parking spaces serving the development shall have been constructed, surfaced and drained in accordance with the approved plans **prior to first occupation of the closest dwelling to each visitor space hereby permitted**. The visitor spaces shall thereafter be retained at all times for their designated use.

Reason: To secure satisfactory standards of access and parking for the proposed development and in the interests of road safety.

12) Notwithstanding the block paving details shown on the submitted hard surfacing drawings the final details of the block paving (in terms of whether it is permeable or non-permeable) shall be approved pursuant to condition 13 on application reference 14/04301/OUT.

Reason: To retain flexibility and to allow full consideration of the surface water drainage pursuant to condition 13 on application reference 14/04301/OUT.

13) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new 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). No dwelling hereby permitted shall be first occupied until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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.

14) The land shown hatched and annotated as 'Safeguarded Land for future 3m wide shared foot and cycle link to Phase 2' on the approved Planning Layout drawing reference CB_70_068_P5_F_001 Rev D shall be safeguarded for future use as an extension to the shared foot/cycleway adjoining its northern side. Permission shall not be unreasonably withheld for the development of that land for that purpose, or for the right of the public to pass and re-pass over that land.

Reason: To ensure future connections to the adjoining land forming part of the second phase of the strategic development allocated by Local Plan Policy 15.

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 the planning conditions imposed on the outline consent 14/04301/OUT, and the associated Legal Agreement, dated 11th April 2018, made under Section 106 of the Town and Country Planning Act 1990.

3) You are reminded that, notwithstanding the information contained in the submitted plans in connection with various detailed matters such as external materials, ecological mitigation and enhancements and sustainability measures, where the approval of the same or similar details is also a requirement of the conditions of the outline planning permission, those conditions and the details approved pursuant to them shall take precedence.

4) The applicant is requested to ensure that purchasers of new dwellings are provided with an opportunity to purchase additional solar photovoltaics panels for their dwelling and/or garage, where the purchase takes place before the completion of the dwelling and/or garage (i.e. off plan or before completion of the roof). An undertaking to this effect should be included in the details submitted in to discharge condition 28 of application reference 14/04301/OUT in respect of this phase of the development.

5) You are advised to take into account the comments of the Design Officer regarding the materials for the proposed window panels when seeking to discharge condition 26 on application reference 14/04301/OUT in respect of this phase of the development.

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



To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q972JOERIFW00>

Parish: Chichester	Ward: Chichester West
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CC/20/01256/ADV

Proposal	Display of 2 no. non-illuminated V-boards and 18 no. non-illuminated flag poles.		
Site	Land On The West Side Of Broyle Road Chichester PO19 3PH		
Map Ref	(E) 485000 (N) 106000		
Applicant	Miller Homes & Vistry Homes	Agent	

RECOMMENDATION TO PERMIT

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

1.0 Reason for Committee Referral

City Council Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located on land forming part of the West of Chichester Strategic Development Location (SDL). The site is T-shaped, comprising land which fronts onto the western side of Old Broyle Road (OBR) together with a perpendicular strip of land which includes the initial section of its approved 'spine' road and a strip of land on either side. As the Committee will be aware, detailed planning permission has already been granted for the SDL's primary access arrangements which comprise a three-armed roundabout on Old Broyle Road leading to the 6.75m wide spine road. Both the spine road and roundabout are currently under construction.
- 2.2 The land within the site fronting OBR on the northern side of the junction consists of an area of proposed landscaping incorporating a footpath linking the development to the approved SANGS carpark to the north. The land to the south of the junction forms part of a proposed landscaped area adjacent to the south-western corner of the roundabout. The land either side of the spine road is located adjacent to the SDL's first two development parcels (P2.A and P2.B); it includes a number of existing trees and will be subject to further planting.
- 2.3 Opposite the site, on the eastern side of OBR, is an area of largely open, arable land, with Centurion Way on its eastern side. The nearest dwellings comprise the hamlet of 6 houses at Whitehouse Farm, located approximately 65m to the south-west of the site access.

3.0 The Proposal

- 3.1 Express Consent is sought under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) to display the following non-illuminated adverts at the site:
- (i) within the landscaped area fronting OBR approximately 15m to the north of the site's access, a 'V-Board' comprising two, angled 1.50m by 3.05m sign boards (maximum height of 4.2 m above ground level). The V-boards, which would comprise powder coated metal with a vinyl covering, would be flanked on each side by 3 no. flags (one for each housebuilder on the site) each measuring 0.8m x 2.5m and with a maximum height of 5.2m above ground level.
 - (ii) the same arrangement of signage and flags as detailed in (i) within the landscaped area fronting OBR on the southern side of and approximately 10m from the same junction.
 - (ii) 3 no. flags of the same dimensions/height as referred to above, located on the northern side of the spine road, close to its junction with Parcel 2A.
 - (iv) 3 no flags of the same dimensions/height as referred to above on the southern side of the spine road, close to its junction with Parcel 2B.
- 3.2 The amount of proposed signage has decreased significantly during the course of the application. Eight flags and 2 large signboards have been removed from the proposals, including a grouping of 4 flags and a large signboard originally proposed in a position close to the garden of the nearest dwelling, No.2 New Cottages.

- 3.3 All of the signage is required in connection with the marketing of the development and the submitted plans indicate the display of various information including the logos and contact details of the various developers and the name of the development.

4.0 History

14/04301/OUT	PER106	Outline planning application with all matters reserved (except for access) for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works.
18/01587/REM	PER	Approval of reserved matters in respect of Appearance, Landscaping, Layout and Scale following outline planning permission CC/14/04301/OUT - Consent sought for Primary Road, Primary Surface Drainage and Primary Utilities Routing. SANGs land incorporating Western Green Link, Central Green Link and Country Park.
19/01134/REM	PER	All outstanding Reserved Matters for the erection of 73 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel 2A, pursuant to permission 14/04301/OUT.
19/01531/REM	PER	All outstanding Reserved Matters for the erection of 91 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 2B, pursuant to permission 14/04301/OUT.
19/02584/REM	PER	Application for all outstanding reserved matters (layout, appearance, scale and landscaping) following outline planning permission CC/14/04301/OUT, for sports facility consisting of 1x adult rugby pitch, 1x adult football pitch, 1x adult cricket pitch and sports pavilion building with associated drainage, landscaping, parking and other works (Phase 1).
19/02626/REM	PER	All outstanding Reserved Matters for the

erection of 29 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel P.3D, pursuant to permission 14/04301/OUT.

19/02819/REM	PER	All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 3C, pursuant to permission 14/04301/OUT.
19/03122/REM	PCO	All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Phase 3, Parcel C, pursuant to permission 14/04301/OUT (scheme 2).
19/03146/REM	PER	All outstanding Reserved Matters for the erection of 154 residential dwellings with associated parking, landscaping, informal open space and associated works on Phase 3, Parcel E, pursuant to permission 14/04301/OUT.
20/00600/NMA	PER	Non-material amendment to planning permission CC/14/04301/OUT - Proposed additional planning condition to enable the submission and agreement of details of any temporary sales and marketing facilities required on site in relation to the sales and marketing of new homes.
20/01046/REM	PCO	All outstanding Reserved Matters for the erection of 50 dwellings with associated parking, landscaping, informal open space and associated works on Phase 5, Parcel F, pursuant to permission 14/04301/OUT.

5.0 **Constraints**

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

6.0 Representations and Consultations

Representations are summarised unless stated otherwise:

6.1 Chichester City Council

Objection due to the impact upon the character of the area and upon the residential amenity of the nearest property.

No objection should the 3 flags on the southern side of access road be removed or re-sited further west, and the number of flags either side of the roundabout to be reduced from 6 to 4 on each side.

It is noted that the site is referenced as "Minerva Heights". This could cause confusion with the Minerva theatre. White House Farm, or West of Chichester would be more suitable.

6.2 WSCC Local Highway Authority

Refer to standing advice.

6.3 CDC Environmental Health Officer - noise

Comments of 13 August 2020

Provided the flag poles are installed and maintained in accordance with the attached specifications, our department would raise no objection.

Comments of 24 July 2020

CDC Environmental Health has no objection, in principle, to the proposed installation.

In our experience, the actual flags in the wind do not cause a noise issue. However, incidences have been witnessed in the past where a badly designed attachment has caused a noise nuisance, at night, where a plastic loop would continually 'clink' against the flag pole in the wind. This was resolved by placing resilient material around each loop.

For this reason, it is recommended that the flag pole design and intended attachments are provided as part of the application or else provided prior to installation for approval. This will adequately safeguard against any potential noise disturbance.

6.4 5 Third Party letters of objections have been received from 2 correspondents concerning:

- a) number of advertisements is excessive and should be reduced
- b) flags will result in noise disturbance to occupiers of nearest property
- c) proposals will compound existing impact of the on-going development on nearby occupiers

- d) other flags have been installed without consent

- e) a time limit should be imposed on the adverts if they are permitted
- f) the removal of some signage from the original proposals does not overcome objections
- g) additional signage within marketing areas will cause further harm
- h) signage on the spine road is not necessary
- i) no signage should be allowed on Old Broyle Road
- j) signage at the site is unlikely to lead to any sales

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 made neighbourhood plan for Chichester Parish at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 45: Development in the Countryside
 Policy 47: Heritage and Design

National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- 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
- 7.4 Consideration should also be given to paragraph 132 which relates specifically to the control of advertisements. The Advertisement section of the National Planning Practice Guidance has also been taken into account.

Other Local Policy and Guidance

- 7.5 The Council has adopted a Guidance Note relating to advertisements, but this only concerns advertisements within designated Conservations Areas, and is therefore not relevant to consideration of this application.

8.0 Planning Comments

8.1 The 2007 Advert Regulations establish that a local planning authority may exercise its powers under the Regulations only in the interests of 'amenity' and 'public safety', taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

(i) Amenity

8.2 Turning first to visual amenity it is noted that, given their purpose, the flags and signboards proposed on either side of the site access will inevitably be visible in the locality. However, due to the vegetational screening along OBR and the absence of public vantage points from the land on its eastern side, the signage will only be subject to views that are localised to the site's access. Consequently, these non-illuminated signboards and flags should not prove intrusive or harmful in the wider landscape, which is primarily rural in character.

8.3 The flags proposed adjacent to the spine road are internal to the SDL site and should likewise have minimal impact on the character and appearance of the wider locality.

8.4 In terms of residential amenity, views of the flags proposed along the spine road and on the southern side of the access may be visible from the facing windows and garden of No.2 New Cottages above the existing/proposed intervening planting – the closest signs, those positioned on the SW side of the site access, would be positioned around 50m from this dwelling's northern elevation. However, given both the intervening distance involved and the limited height of the flags (broadly equivalent to the eaves height of a 2 storey dwelling), they should not prove unduly intrusive or harmful.

8.5 In terms of noise issues, measures are proposed in order to reduce the potential of the flags' fixings to rattle against the flag poles. The Environmental Health Officer raises no objection subject to the use of these measures which are secured via the condition set out below.

(ii) Public Safety

8.6 All of the proposed non-illuminated signs are sited beyond the boundary of the adopted highway, and positioned such that they should not obstruct highway visibility or distract motorists.

(iii) Other Matters

8.7 All of the signs are located outside of the Chichester Entrenchments Archaeological Safeguarding Area.

8.8 The City Council's comment regarding the name of the development is acknowledged, and has been relayed to the applicant. It should be noted that the content of an advert is not a material consideration, unless it is in itself harmful to amenity or public safety.

8.9 With regard to the third party comment relating to the display of advertisements without consent, it is understood that this concerns a number of flag advertisements that were until

recently displayed near the site entrance. These are understood to have been erected by the contractor carrying out the initial infrastructure works on the site, but a recent site inspection has confirmed that they have been removed.

- 8.10 In respect of the third party comment concerning the display of further advertisements within the housebuilders' marketing areas, it is confirmed that any such advertisements will require a further grant of express consent. The cumulative impact of all permitted and proposed advertisements in the locality would be taken into account should such an application/s be received.

(iv) Conditions

- 8.11 All advertisements permitted under The Regulations are subject to 5 standard conditions relating to matters including requirements for them to be maintained in the interest of public and highway safety and visual amenity. Further conditions are also set out in the recommendation below concerning compliance with the approved plans, removal after 5 years (unless further consent is given) and implementation and maintenance of the proposed noise mitigation measures.

(v) Conclusion

- 8.12 Based on the preceding assessment of amenity and safety issues it is considered the proposed advertisements are acceptable. It is therefore recommended that, subject to the conditions set out below, express consent is granted.

Human Rights

- 8.13 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to grant express consent is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

STANDARD CONDITIONS:

- (a) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (b) No advertisement shall be sited or displayed so as to –
 - i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - iii) hinder the operation of any device used for the purpose of security or surveillance, or for measuring the speed of any vehicle.
- (c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

- (d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

ADDITIONAL CONDITIONS:

1) The works associated with the display of the advertisements hereby permitted shall not be carried out other than in accordance with the plans listed below under the heading "Decided Plans" and the materials and finishes specified therein.

Reason: To accord with the terms of the application and in the interests of the character and appearance of the locality.

2) The advertisements hereby permitted shall be removed and the land on which they are situated reinstated before the expiry of a period of 5 years beginning at the date of this notice, unless further express consent is granted for their retention.

Reason: In the interests of amenity.

3) No flag advertisement hereby permitted shall be displayed unless it incorporates the noise mitigation measures set out in the submitted Whitehouse Farm - Advertisement Application August 2020 document. The mitigation measures shall be employed and maintained in a condition that is fit for purpose for the duration of the display of any such advertisement.

Reason: In the interests of nearby residential amenity.

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 14.08.20 PROPOSED ELEVATIONS OF FLAG POLES AND BOARDS	6 REV 13		14.08.2020	Approved
PLAN 14.08.20 SIGNAGE PLAN (1:1250)	192050-015	REV P3	14.08.2020	Approved
PLAN 14.08.20 SIGNAGE PLAN	192050-012	REV P4	14.08.2020	Approved

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QAMX6NERJHL00>

Report to	Planning Committee
Date	9 September 2020
By	Director of Planning and Environment
Local Authority	Chichester District Council
Application Number	SDNP/20/01727/FUL
Applicant	Mr Peter Heather
Application	Change of use of all buildings from Residential to Residential Institutions (C2) including 2 no. proposed ancillary annexes. Addition of conservatory with alterations to fenestration to existing office/family room to create annexe (3), change of use of existing garage/carport, infill extension with alterations to fenestration to create annexe (2), change of use of existing garage to laundry and utility facility, with additional staff and visitor parking.
Address	Zurs London Road Hill Brow Rogate Liss West Sussex GU33 7PB

Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Executive Summary

Reason for Committee referral: Parish Objection - Officer recommends Permit

Zurs is a detached property set in generous, landscaped grounds, similar to a number of other properties flanking the B2070- London Road. The proposal is for the change of use of the dwelling and three closely grouped outbuildings to a C2 (residential institution) use offering specialist care for up to eight residents in a form of semi-independent living under the supervision of on-site staff. The site will for the most part maintain its residential character, with levels of any increased activity associated with the operation of the use considered to remain modest, in line with the limited amount of accommodation to be provided. The physical works to facilitate the change of use are largely internal to the site or the property itself with some minor extensions and it is therefore concluded that overall the change of use would not result in demonstrable harm to the character and appearance of the area.

1.0 Site Description

- 1.1 Zurs is a detached property set in generous, landscaped grounds on the north-west side of the B2070. The boundaries are well screened by existing mature vegetation, providing a generally secluded setting, although it is acknowledged that glimpsed views of the property may be obtained from the access.

- 1.2 The current dwelling is essentially single storey, with some limited accommodation within the roofspace. To the rear of the main house the grounds are terraced where there are a group of three relatively substantial timber clad outbuildings currently undergoing refurbishment. Beyond these outbuilding the grounds continue to fall way to the north east boundary.
- 1.3 The property benefits from a dual access onto the B2070 at either end of its frontage. No changes are proposed to the points of access and the existing parking provision is to be enhanced to provide additional spaces.

2.0 Proposal

- 2.1 The proposal is for the change of use of the premises from a dwelling house (C3) to a residential institution (C2), incorporating minor internal changes to the main house and refurbishment and upgrading of three existing outbuildings, previously in use as an office, garage/carport and annexe to provide further accommodation for residents.
- 2.2 The resultant accommodation would provide up to 8 places for residents who have additional needs that include varying degrees of learning difficulties and allow them to live in a semi-independent manner, together with facilities for resident support staff and administration. This specialist form of care is not provided for by other institutions in the locality and will potentially offer local employment opportunities.
- 2.3 The proposal also includes provision of adequate car parking spaces to service the use, together with internal landscaping works, including the erection of a retaining wall to account for the change in levels and the provision of a modest allotment garden.

3.0 Relevant Planning History

None recorded

4.0 Consultations

Parish Council Consultee

As per our email on 4 June a site notice was not visible on this date and therefore we feel the application deadlines should be extended to allow time for neighbours to respond after confirmation of public display of the site notice has been confirmed.

We note that the residential/dwelling unit supplementary pages are blank.

London Road, Hillbrow is a residential settlement with private residences that crosses the county border between West Sussex and Hampshire but it is all within the South Downs NP.

There are currently six C2 residential institution properties within a short distance and on the same road as Zurs. Of these six C2 institutions four have ceased providing care service associated with their C2 status.

Rogate Parish Council object to this change of use from residential to a C2 Residential Institution because we consider it would be an over intensification of the development site when there are several vacant residential institution developments of a similar nature within the very local vicinity to Zurs which cannot therefore, justify an increase in the number of C2 properties within this settlement area.

Further comment:

We note the applicant has submitted a 'substitute plan' dated 10th August showing additional developments that have already taken place.

We request an extension of time to allow us and members of the public to comment on these substitute plans.

Further comment:

We noted your (the applicant's) email at our meeting on Monday and felt the rationale for our original decision to object to the application has not changed.

WSCC - Highways

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

Summary

This proposal is for the change of use of buildings from residential (C3 Use) to residential institution (C2 Use), including erection of two annexes, a conservatory and associated alterations. The site is located on London Road, a B-classified road subject to a speed restriction of 50 mph in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility

The applicant proposes no alterations to the existing access onto London Road. In regards to vehicular visibility, visibility to the west appears sufficient, but visibility to the east appears to be sub-standard. However, the LHA acknowledges that this is an existing access. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. Furthermore, the LHA does not anticipate that the proposed change of use would give rise to a material intensification of movements that could be considered "severe".

Parking and Turning

The applicant proposes ten car parking spaces for this development. Regarding parking requirements, WSCC has recently adopted new parking guidance in August 2019. The guidance does not include any standards for C2 Class parking demand. The LHA would be minded to advise the LPA consider the parking demand as per pre-August 2019 guidance when considering parking demand for this application:

C2 use would generate:

- 1 space per 20 residents, (or increments of up to 20 residents)
- 1 space for visitors per 8 residents, (or increments of up to 8 residents)
- 1 space for Staff parking per 5 residents
- Appropriate spaces for service vehicles.

Considering the above requirements, the LHA is satisfied that the proposed parking provision will be sufficient for the anticipated demand.

From inspection of the plans, there is sufficient space for cars to turn and exit the site in a forward gear. There does appear to be a second access available for use; however, it is unclear if the applicant has access rights. If this is not the case, the applicant should consider the installation of a turning head, for use by service vehicles. Details of this can be secured by condition.

In the interests of sustainability and as a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and SDNP Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

The applicant has demonstrated a cycle store, with provision for six cycles. The inclusion of secure and covered cycle parking provision will help promote the use of sustainable alternative modes of transport to the private car.

Conclusion

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

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

Cycle parking

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

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

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

East Hampshire District Council

Thank you for your email received 17 July 2020. Please be advised the proposal is unlikely to impact on the interests of East Hampshire District Council, therefore, no objection is raised to this proposal

5.0 Representations

4 Third Party objections

Intensification of C2 care home uses within a relatively small area
Change in the residential character of the area
Highway safety
Increase in traffic generation
Concern over future expansion.

Applicants supporting information

Application is for a maximum of eight service users. Our regulatory body CQC will not permit a further increase, now or in the future.
Shift patterns will be operated so that only 10 staff will be on site at any one time.
A cycle rack will be installed for the use of staff whilst some will use public transport and some will use their own vehicles.
There will be a mini-bus on site for the use of our services users when sourcing off-site activities.
The home will not have regular deliveries from large vehicles, with the exception of refuse collection.
The shared driveway with our neighbour has been substantially reinforced and tarmacked and is now fit for purpose. However, I would add that the main entrance to Zurs is preferred and used for both arrival and exit as the sight lines are better. There is adequate space for on-site vehicle turning.
Four of the existing care facilities listed amongst the objections are now closed, presumably due to changes in market economics but this is not the case for our specific service.
The service we intend to provide will be truly person centred and will involve helping these young people to live their lives day to day concentrating on personal care, learning new skills, leisure, and activities.
We are immensely proud of our services and work very hard to ensure they provide positive outcomes for the people we support and are of the highest quality and standard.

6.0 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans. Other plans considered:

- Rogate Neighbourhood Plan

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7.0 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework sections have been considered in the assessment of this application:

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development
- NPPF04 - Decision-making
- NPPF06 - Building a strong, competitive economy
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD27 - Mix of Homes

Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- General Policy 1
- General Policy 3
- General Policy 50

Rogate Neighbourhood Plan 2017 – 2035 Pre-submission Document

The following policies are considered material to the consideration of this application:

NE1: To Conserve, Protect and Enhance the Natural Environment

Policy BE1: Locally Distinctive Design within the Parish

Policy H3: Conversion of Existing Residential Properties

Policy T2: Parking

8.0 Planning Assessment

8.1 The main issues with this application are considered to be:

- (i) the effect of the proposed change of use on the character, and appearance of the locality, and
- (ii) the effect of the proposed change of use on highway safety.

The effect on the character and appearance of the locality

8.2 The main element of this proposal is the change of use of the existing dwelling to a C2 (Residential Institutions) use. To facilitate the new use the proposal entails modest internal alterations to the main property to create three units of accommodation, a communal kitchen and lounge all on the ground floor. The first floor accommodation remains largely unchanged apart from the use of one of the three bedrooms as an office with two of the existing bedrooms remaining. Three existing outbuildings are to be upgraded and refurbished to provide three further units of accommodation. It is noted that none of the units are provided with kitchen facilities, and so residents are to a degree required to live communally.

8.3 In terms of the effect of the works necessary to facilitate the proposed change of use on the character of the area, the works are relatively modest and largely internal to the site or the building itself, the result of which is that there is considered to be no material change to the physical contribution the site currently makes to the character of the area. The perception of any change is likely to be as a result of the increase in parking provision which, although at the front of the site, is by and large relatively well screened by existing boundary vegetation and fragmented into discrete groupings, which aids its assimilation into its immediate setting. There are some structural groundworks to the rear of the site to address changes in levels but these are well-contained and are not considered to have a negative impact on the visual qualities of the immediate area or on residential amenity.

8.4 It is acknowledged that there would be some increased level of activity associated with the introduction of residents and care staff onto the site although it is considered that in view of the fact the proposed use remains residential in nature, this remains consistent with the character of the wider area, which it is noted includes other residential institutional uses.

- 8.5 The proposal is to provide a limited number of residents with a degree of independent living, overseen by staff employed on a shift basis. SDNP Local Plan policy SD27 (Mix of Homes) is supportive of proposals that provide flexible and adaptable accommodation to meet the needs of people who are less mobile, or have adult home care requirements. The supporting text states that the National Park Authority recognises that there are other specialist housing needs that exist in local communities. Extra care housing forms a small but significant element of housing need and people with disabilities may have particular requirements in respect of how their homes are designed to function, that is, the need for 'accessible and adaptable homes'. It is considered that this proposal is consistent with this objective.
- 8.6 Although it may be possible to perceive a higher level of activity and frequency of movement because of visitors, suppliers and staff change overs, in the context of the relatively modest scale of the proposed use and generous setting of the premises away from nearby residents, it is concluded that on balance that this would not result in demonstrable harm to the character of the area. It should also be noted that East Hants District Council, as the neighbouring planning authority, have no objection to this proposal. It is concluded that the objectives of policies SD4 (Landscape Character) and SD7 (Relative Tranquility) in relation to the character of the area local to this site would not be compromised.

Highway safety

- 8.7 The consultation response from the Local Highway Authority (LHA) advises that there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing highway safety concern. The LHA goes on to conclude that this proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is therefore considered to accord with local plan policy SD19 (Transport and Accessibility) in that the continued safe operation of the road network is maintained and is also in accordance with the requirement of the National Planning Policy Framework (paragraph 109) that development should avoid unacceptable impact on highway safety. There are considered to be no highway safety grounds to resist the proposal. The LHA goes on to state that it is satisfied that the level of parking provision for the proposed use is sufficient for the anticipated demand.

Other matters

- 8.8 Concern has been expressed that permitting this proposal would result in an over intensification of such uses within the locality and the fact that in the light of several being vacant, there is no justification for this proposal. Competition between or the presence of other similar institutional uses is not a consideration that can be given any weight. The applicant has also pointed out that the specific type of C2 use proposed here is not catered for by the other residential care or nursing homes nearby. The potential impact of the proposed use on the character and appearance of the area is discussed above and it is concluded that the proposal would not have a detrimental impact on this or on the living conditions of adjoining residents.

- 8.9 The applicant has produced an ecosystems statement setting out the measures to be introduced to meet the requirements of Policy SD2 (Ecosystems Services) in a proportionate manner. Externally, the scheme proposes the use of permeable tarmac to all new car parking bays, which will be positively drained to existing watercourses via new and existing gullies to mitigate against flood risk and effectively manage surface water runoff within the site. Additional planting will enhance opportunities for increased habitat biodiversity throughout the site. This extends to the provision of bird boxes on each of the buildings as well as providing the opportunity for residents to contribute to sustainable food supplies through a purpose-built allotment area. This and the landscaped grounds generally will also help support the well-being of staff and residents. Internally, measures such as low water usage tap fittings will help reduced water consumption throughout the building. Enhanced roof insulation to existing buildings and insulation measures that meet or exceed current building regulations standards are to be employed where new works are proposed. A condition is included in the schedule of conditions requiring these measures to be carried out.

9.0 Conclusion

- 9.1 The change of use to a C2 use offering semi-independent living for clients with learning difficulties would not result in harm to the character or appearance of the area by reason of over intensification of this particular type of use. The site will for the most part maintain its residential character, with levels of any increased activity associated with the operation of the use considered to remain modest, in line with the limited accommodation provision. The physical works to facilitate the change of use remain largely internal to the site or the property itself and do not in themselves result in demonstrable harm to the character of the area.

10.0 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. Cycle parking

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

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

4. Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

5. Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

6. Compliance with ecosystems services proposals

The development shall be carried out in strict accordance with the measures set out in the Ecosystems Services Statement Revision A received on 25.08.2020

Reason: To ensure that the development will have an overall positive benefit on the natural environment in accordance with Policy SD2 of the South Downs Local Plan 2014 – 2033.

7. Landscape implementation

All hard and soft landscape works shall be carried out in accordance with the approved details shown on Drawing 20/01/PO1 Rev D and accompanying plant schedule and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. These works shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

11.0 Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12.0 Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13.0 Equality Act 2010

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14.0 Proactive Working

- 14.1 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.

Background Documents:

- South Downs Local Plan 2014 – 2033
- South Downs Management Plan 2020 – 2025
- Rogate and Rake Neighbourhood Plan 2017 - 2035 Pre-submission Document

Tim Slaney
Director of Planning
South Downs National Park Authority

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Appendices

Appendix 1 - Site Location Map

Appendix 2 – Plans Referred to in Consideration of this Application

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans – Location plan	20/01/LO1		30.04.2020	Approved
Plans – Block plan	20/01/BO1		30.04.2020	Approved
Plans – substitute plan: proposed site plan and existing drainage.	20/01/PO1	Rev D	25.08.2020	Approved
Plans – substitute plan: existing and proposed main building general arrangement	20/01/PO2	Rev A	08.06.2020	Approved
Plans – Existing and proposed ground floor plan & section A-A (outbuildings)	20/01/PO3		30.04.2020	Approved
Plans – Substitute plan: general on-site arrangements	20/01/PO4	Rev A	08.06.2020	Approved
Plans – Existing elevations (outbuildings)	20/01/PO5		30.04.2020	Approved
Plans – Substitute plan: proposed elevations (outbuildings)	20/01/PO6	Rev A	08.06.2020	Approved
Plans - Existing main house elevations	20/01/PO7		30.04.2020	Approved

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

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Chichester District Council

PLANNING COMMITTEE

10 September 2020

The Local List – Information required to support a valid planning application

1. Contacts

Report Author:

Fjola Stevens, Development Manager (CDC Applications)
Telephone: 01243 534734. Email: fstevens@chichester.gov.uk

2. Recommendation:

- 2.1 That the Local List (set out in Appendix 1 to this report) be endorsed for immediate use in validating planning applications, and that officers have delegated authority to amend the local list as necessary prior to the next formal review.**

3. Background

- 3.1.** The Local List sets out Chichester District Council's (CDC) policy on the information which must be provided in support of all planning application types within Chichester District, outside of the South Downs National Park (SDNP), for the Council to determine their validity. The South Downs National Park Authority (SDNPA) has separate Local Requirements to CDC which are applicable within the SDNP. The CDC Local List includes the mandatory national requirements as specified within the Town and Country (Development Management Procedure) Order (DMPO) and additional information reasonably necessary to enable the Council to determine the application.
- 3.2** The National Planning Policy Framework (NPPF) at paragraph 44 states that "Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question." This is reiterated in the National Planning Practice Guidance which states that "A local planning authority may request supporting information with a planning application. Its requirements should be specified on a formally adopted 'local list' which has been published on its website less than 2 years before an application is submitted. Local information requirements have no bearing on whether a planning application is valid unless they are set out on such a list." (Paragraph: 039 Reference ID: 14-039-20140306)

- 3.3 The Council's current Local List was last reviewed in July 2017, and therefore it is no longer possible to rely on the list for the validation of applications. The Planning Committee agreed an updated Local List for consultation on 8 July 2020. The public consultation was carried out for a period of 4 weeks ending on 10 August 2020.

4. Outcomes to be achieved

- 4.1. Agreement and endorsement of this document will:
- Provide improved information for developers and applicants involved in the submission of planning applications
 - Speed up the validation process
 - Assist planning and other services officers, consultees and interested parties in assessing planning applications by ensuring all the relevant issues are adequately addressed within the submitted application.

5. Proposal

- 5.1 Following consideration of the representations received (see section 4) a number of amendments have been made to the local list. The changes include;
- A requirement for an AONB statement for development which may impact upon the landscape of the AONB
 - Updates to technical guidance
 - Additional guidance encouraging the inclusion of the proposed access arrangements for fire-fighting
 - A requirement for a Mineral Infrastructure Statement and/or Mineral Resource Assessment for some developments within mineral consultation areas
 - A requirement for a planning statement to be provided for major developments
- 5.2 It is important to note that the Local Validation List sets out the information requirements to submit a valid planning application. The local list must be reasonable having regard to the nature and scale of development proposals. Should further information be required to fully assess a proposal this can be sought during the course of an application. The local list must also be based on the information available at the present time. However, in that respect should Medmerry, for example, be designated as a Special Protection Area in the future the relevant part of the local list can be updated under delegated powers, if given by the Planning Committee, to include it in the list of sites to be considered as a designated site.
- 5.3 The proposal is therefore that the document as amended and presented as an appendix to this report is endorsed for immediate use in the validation of planning applications, and that delegated authority is given to officers to amend the document as necessary prior to its next formal review.

6. Alternatives considered

- 6.1 That the current list is not updated. This will result in the Council not being able to identify and require the additional supporting information required to determine an application at the validation stage, leading to delays in the consideration and determination of applications.

7. Resources and Legal Implications

- 7.1 There are no significant resource implications arising from the approval of this document as a document for the purpose of validating planning applications.

8. Consultation

- 8.1 A 4 week public consultation period has been carried out in respect of the proposed Local Validation List. All statutory and non-statutory consultees, parish councils, ward members and planning agents who regularly submit planning applications to CDC were notified directly. In addition the Council released a press statement and publicised the Local Validation List on social media to make residents and members of the public aware of the document.

- 8.2 Comments were received from 9 consultees, 2 parish councils and 4 third parties. The responses are set out below.

8.3 Natural England

No comment to make.

8.4 Highways England

We are broadly content with the information included within the 'When Required' and 'Information Required' sections on page 33/34. However, when working in the Strategic Road Network, we require information within a Transport Statement/Assessment on the likely impact of the development on the highway network and any proposed mitigation measures. Therefore we request that the first bullet point is preceded by the following point: "analysis of all the existing and proposed trips by all modes of travel generated by the site/development" This would include the past, present and proposed vehicle movement numbers and types.

We would also suggest that an additional bullet is included which states: "loading areas and arrangements for manoeuvring, servicing and parking of vehicles should also be clearly identified." These are of most concern when involving development proposals accessed directly from the SRN.

We also request that the following is included in this section *"The developer should consult Highways England regarding developments that impact or seek direct connection the Strategic Road Network to discuss what is required in the Transport Assessment or Transport Statement regardless of whether or not the site reaches the guide level of 50 units."* This is because even a small

level of additional trips or a new access to an already severely congested network can have a material impact.

8.5 Historic England

Requiring a Heritage Statement at the validation stage will facilitate an assessment of the impact of a proposal on the significance of any heritage assets and their setting at an early stage in the planning process, and enable Historic England to respond with more meaningful advice where we are a consulted at the planning application stage.

You may find it helpful to refer in the Guidance section to Historic England's Advice Note 12 *Statements of Heritage Significance: Analysing Significance in Heritage Assets* in the Validation List. The advice note covers the National Planning Policy Framework requirement for applicants for heritage and other consents to describe heritage significance to help local planning authorities to make decisions on the impact of proposals for change to heritage assets:

<https://historicengland.org.uk/images-books/publications/statements-heritagesignificance-advice-note-12/heag279-statements-heritage-significance/>.

The Planning Practice Guidance gives advice applicants may find of assistance in preparing these documents which could be incorporated as guidelines into your list to ensure the information is proportionate to the scale of development and has been prepared with the appropriate level of expertise. The Validation List should include a requirement to consult the County Historic Environment Record, and you may suggest also contacting the relevant local authority conservation/archaeological advisers to provide more specific site based information and advice where appropriate.

8.6 West Sussex County Council (WSCC) - Highways

Thank you for the opportunity to comment on this document. There are a few superseded areas to this document which from WSCC's perspective should be revised. A summary of this is provided as follows:

- RSA should be GG119 parameters. They are stated as being HD19/15 which was superseded in 2018 by GG119
- Reference to Para 32 of NPPF needs to be Para 109 of the latest NPPF from Feb 2018
- The criteria for a TA/TS is taken from the archived DfT doc from 2007 although it does not state this, therefore my view would be the criteria is still valid. – we just need to make sure that any reference to the DfT archived Guidance on TA clearly states it has been archived and also ensure there is reference to the current Government's Planning Practice Guidance on TAs/TSs & Travel Plans.
- The RSA wording is from our website and given there has not been any significant changes to the guidance this is all up to date.
- Parking has been reflected as 2019 parameters so that is correct.

8.7 WSCC - Fire and Rescue

Having read through the document attached The Local List with Information required to support a valid planning application, as an observation there is no mention of any form of fire safety requirements for the application, i.e. access for a fire appliance, supply of water for firefighting compliance with B5 of Approved document B.

8.8 WSCC – Planning Policy and Infrastructure

Thank you for the opportunity to comment on the Local List. We have a concern with the Local List as drafted in that doesn't include any reference to Minerals and Waste Safeguarding. My colleague provided information to Districts / Boroughs in November 2019, which I have attached as you may not have had it forwarded to you. The email sets out the reasons for safeguarding, when it should be taken into consideration and when the Mineral Planning Authority / Waste Planning Authority should be consulted.

In light of the above, we would like to see your Guidance amended to make reference to safeguarding. To help in your drafting I have attached a link to the Crawley Local Validation List which may help

8.9 Gatwick Airport Safeguarding

Currently Chichester District Council is outside of our 'physical' safeguarding area which extends out to 15km, however in the near future our 'physical' safeguarding area with regard to Instrument Flight Procedures (IFPs) will be extended out to 55km and will include the Chichester District.

Within that area our only concern will be in relation to Instrument Flight Procedures (IFPs) and how buildings/structures over a certain height could impact on them. Details of the trigger heights are still to be finalised. If a building is sent to us for assessment and there is potential that the IFPs might be impacted upon, further studies will be required. In that instance we will request that the applicant commissions an IFP assessment from our IFP providers Trax International, which will need to be included as part of the planning application.

I believe that the above will be a rare occurrence so this is more for information rather than a 'Local List' requirement

8.10 Chichester Harbour Conservancy

Thank you for consulting Chichester Harbour Conservancy on the Local Validation List. As you may be aware, this has recently generated a lot of discussion with the Members of the Conservancy's Planning Committee. Specifically, it was felt that too many domestic and business planning applications were being submitted/validated without giving due consideration to the Area of Outstanding Natural Beauty (AONB). This is not in any way a criticism of the Officers at CDC – the onus is on the applicants, or agents acting for the applicants, to better demonstrate their understanding of the

AONB and how their development proposal is in accordance with that from the outset.

This consultation provides a chance for the LPA to implement positive change that will help to address this issue. I would therefore ask you to consider the inclusion of the follow wording.

AONB Impact Assessment

When required:

- For all development within the AONB
- For all major and minor development (except changes of use and alterations to buildings where no additional floor space is proposed), where the site lies outside of a settlement boundary and within 500m of the AONB

What is required:

An AONB impact assessment shall be provided which demonstrates how the proposal would conserve and enhance the natural beauty of the landscape.

The statement must demonstrate how the proposal would;

- a. meet the requirements set out in the Joint AONB SPD, particularly in respect of
 - Design, appearance and materials
 - Scale and mass (including comparisons of extension and proposed footprint and silhouette)
 - Boundary treatments and landscaping
 - Fenestration and prevention of light spill to maintain dark skies
 - Renewable technologies, and
- b. Protect the flora and fauna which is a special quality of the AONB and result in biodiversity gains, or
- c. Is justified as an exception to the above

Statements should be informed by, and have regard to:

- the Chichester Harbour Management Plan (2019-2024), and
- the Chichester Harbour AONB Landscape Character Assessment (2019).

Guidance

To be prepared at a later date.

8.11 CDC Conservation and Design

Having carefully considered the existing requirements from national guidance alongside the CDC requirements for validity I am of the view that no changes to the existing list need to be made from a conservation or design perspective.

8.12 Lavant Parish Council

We feel that the document is helpful overall, but the chief omission in our view concerns the relevance of Made Local Neighbourhood Development Plans

where these exist. It is surely essential that an applicant should show clearly that the application is in full compliance with this plan; if this is not the case, then the requisite adherence to fundamental principles of local democracy is not being demonstrated.

Where there is no made plan, or if the application shows no compliance with, or reference to, the LNDP, then it should be obligatory to provide full justification for the application before approval is given.

In addition, it is suggested that applications in areas in close proximity to a National Park should also demonstrate that they are fully in accordance with any strictures stipulated by the National Park.

8.13 West Wittering Parish Council

The document refers to consideration of SPAs (Part II, Section 3B) and SACs but there is no mention of the AONB (save within the section on lighting). Surely any development within 5.6km of the AONB should consider all the policies relevant to this protected area. To my mind this is a crucial omission.

The document should have a section dedicated to the policies, guidance and legislation that needs to be taken in to account when any development is considered within or within the zone of influence of the AONB. This should include a map of the area.

Paragraph 172 of the NPPF calls for great weight to be given to conserving and enhancing landscape and scenic beauty of Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. I would have thought that this clear statement means that consideration of the AONB is essential and that the matter should be in Part I of the Local List.

8.14 Third party comments

4 third party comments have been received concerning the following:

- a) The biggest single change that could be made is how the information is presented.
- b) Have a process flow chart and a checklist that references specific detail
- c) Page 2 Part II - would suggest you add an addition item that relates to Climate Change: *The developer shall submit details of: a) the use of fossil fuel within each new home in the form of Kilowatt Hours per annum. b) The percentage power generated by the installed solar panels.c) the use of electricity within each new home in the form of Kilowatt Hours per annum.*
- d) Section 1 Page 4 - Reference should be made here to the AONB, as required by the NPPF 2019 at paragraph 172. *The developer shall submit details to to show compliance with policies referenced within the CHC Management Plan.*
- e) 3B. OFF-SITE IMPACTS: DESIGNATED NATURE AND HABITAT SITES
Page 15 The following reference should be added as Medmerry should, in the near future, be a full SPA: *Medmerry SPA Designate*

- f) 1. AFFORDABLE HOUSING STATEMENT Page 11 - Where the developer has to make reference to Settlement Boundaries the supporting details on SB2 East Wittering & Bracklesham should be amended to show two separate areas, one East Wittering & Bracklesham and the other West Wittering. Settlement boundaries should not cross Parish Boundaries.
- g) Difficult to correlate reserved matters with outline permission and subsequent reserved matters approvals - where a reserved matters permission has been granted for a particular use eg landscaping, this should be included in the subsequent application so that one can easily relate to in the current submission.
- h) It is very difficult to see where cycle routes are being proposed in many applications. Often over 300 plans are submitted for a reserved matters application but not one shows proposed or existing cycle routes. There should be a requirement for all applications to have one plan showing such information exclusively.
- i) In relation to 18 A. Transport assessments and Transport Statements in relation to residential applications they should be required for lower number of units, I would suggest 50, and 25 to 50 respectively. They should also be required to show how their cycling proposals [and how cycling from their site] connect into the existing cycle network, both Sustrans NCN routes and other local ones, both existing and proposed in the Local Plan, WSCC documents including the County Walking and Cycling Strategy and any LCWIP proposals.
- j) All cycling provision should comply with the recent DOT Local Transport Note 1/20.
- k) In relation to 18B, Road Safety Audit, there should be information submitted which shows any cycling related accidents on roads which the transport assessments are indicating as part of the links proposed by the applicant to connect into the existing or proposed cycling network.
- l) In relation to 19. Travel Plans I have not seen any evidence of how effective these have been over the last five years, especially in relation to Modal Shift. Without such information it is difficult to comment on this section. Modal shift to active travel options is difficult to achieve if the current infrastructure does not exist. Therefore unless there is evidence that such requirements are effective I would rather that the monies for this task be diverted to infrastructure provision.
- m) the local validation list in terms of policy 40 is onerous to the extreme. Most people would have put little, if any thought into what the insulation values and heating systems will be at application stage - it is only when they have the actual benefit of permission that people look into this in detail.

9. Community Impact and Corporate Risks

- 9.1 The impact on the local community is expected to be positive as the document will ensure that customers are clear on the information required alongside an application and delays during the validation process whilst further information is sought will be reduced.
- 9.2 There are no corporate risks.

10. Other Implications

Are there any implications for the following? If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?		✓
Climate Change Are there any implications for the mitigation of or adaptation to climate change? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		✓
Human Rights and Equality Impact This document expands on the requirements of the National Planning Policy Framework and the National Planning Practice Guidance.		✓
Safeguarding The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk?		✓

11. Appendix

- 11.1 Appendix 1 – The Local List – Information required to support a valid planning application.

12. Background Papers

- 12.1 None

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Chichester District Council



The Local List

Information required to support a valid planning application

CONTENTS

1. Introduction
2. Framework
3. Information requirements
4. Validation of application
5. Notification of validity
6. Chichester District Council Local List
7. Applications for outline planning permission
8. Pre application advice

PART I - National Requirements

- Application form
- Application fee
- Certificate
- Plans and Drawings
- Design and Access Statement
- Environmental Impact Assessment

PART II - Local Requirements

- Affordable Housing Statement
- Air Quality Assessment
- Biodiversity and Ecological Assessments
- Community Infrastructure Levy & S106 Planning Obligations
- Flood Risk Assessment
- Flood Risk Sequential and Exception Tests
- Drainage Assessments
- Heritage Statement
- Interim Policy Statement Justification
- Land Contamination Assessment
- Lighting Assessment
- Mineral Infrastructure Statement & Mineral Resource Assessment
- Noise Assessment
- Odour Assessment
- Plans & Drawings
- Planning Statement
- Retail Sequential Test & Impact Assessment

- Structural Survey
- Sustainable Construction and Design
- Transport Assessment, Statements & Road Safety Audits
- Travel Plan
- Parking Assessment
- Tree Survey & Method Statement
- Ventilation/Extraction Statement

1. Introduction

This document sets out Chichester District Council's (CDC) policy on the information which must be provided in support of all planning application types, for the Council to determine their validity. The South Downs National Park Authority (SDNPA) has separate Local Requirements to CDC and their list of local requirements is available from the website via the following link: <http://www.southdowns.gov.uk/planning/making-an-application/local-validation-list/>. Any application made within the South Downs National Park (SDNP) area must comply with the SDNP Local List of Requirements.

Further guidance on information requirements, design and access statements and the standard application form is set out in nationally produced advice, within the [National Planning Practice Guidance](#) (PPG) and the Town and Country Planning (Development Management Procedure) Order 2015 ([DMPO](#)) as amended.

2. The Framework

The information required to make an application valid comprises:

- mandatory national information specified in the [DMPO](#), including a design and access statement where one is required;
- the standard application form; and
- information to accompany the application as specified by the local planning authority in its local list of information requirements

This information is necessary to enable the Council to validate an application for planning permission and listed building consent to start the determination process.

3. Information requirements

The Council will take a proportionate approach to information in support of applications. Applicants will be asked only to provide supporting information that is relevant, necessary and material to the application. However, in seeking to take a proportionate approach that does not place unnecessary burden upon applicants at the beginning of the process, where an application is accompanied by documentation that purports to cover the relevant issues below it will likely be accepted by the Local Planning Authority (LPA) as valid. This does not however suggest that the material contained within is sufficient to determine the application and in cases where further information is required officers will seek further information from the applicant/agent or may refuse the application. In certain circumstances, where the information is significantly deficient the LPA may treat the application as subsequently invalid, until such time as appropriate material has been submitted.

Any supporting information should add to the Council's understanding of the development scheme submitted for determination. The information requested and provided should help to explain the nature of the proposed development, its anticipated impacts – positive and negative – and any measures proposed to mitigate any anticipated adverse impacts. The

[National Planning Policy Framework \(NPPF\) and the Planning Practice Guidance \(PPG\)](#) provides further guidance on matters relating to applications.

4. Validation of applications

The validation process is an effective check that the applicant has met the statutory requirements for a valid application. This Local List of requirements has been prepared by the Council to clarify what information is usually required for applications of a particular type, scale or location. If the Council is satisfied it has received an application that complies with both the mandatory national requirements specified in the [DMPO](#) and the published local list, the Council will proceed to validate and determine the application.

The process of validating planning applications is essentially an administrative one. The information submitted will be assessed during the determination process, not the validation process. Provided the application submitted meets the requirements set out in the [DMPO](#), encompassing the mandatory national requirements and published Local Requirements; it will be registered as a valid application.

The Council will seek information necessary for a decision to be made and will not require a level of detail to be provided that is unreasonable or disproportionate to the scale of the proposal. Not all the information in the Council's published Local List will be necessary in every case. Where an application is not accompanied by the information required by the Council in its Local List, the applicant should provide a short, written justification with the application as to why it is not appropriate in the particular circumstances.

For larger or more complex schemes, or proposals in sensitive areas, applicants should seek to agree information requirements with the Council prior to submission, through pre-application discussions so that, where possible, the information sought is proportionate to the nature of the scheme. Some other statutory consultees also provide pre-application advice, separate to the LPA. Full details can be found on their respective websites.

If an application submitted lacks the necessary information specified in the [DMPO](#) or in the Local List, the Council will, in general, be entitled to invalidate the application. The Council will request in writing any additional information required to make the application valid, and will take no further action until it has been received.

5. Notification of validity

Once an application has been received, accompanied by all the necessary information, it will be validated as soon as reasonably practicable. Notification will be given to the applicant in writing, confirming the validity of the application and the start date of the statutory period for determination.

Normally, the Council aims to complete this process within 3 – 5 working days from the date of receipt.

6. Applications for outline planning permission

Applications for outline planning permission must identify those matters reserved for future consideration. However, where the Council receives an application for outline planning permission but is of the opinion that more information is required and the application ought not to be considered separately from all or any of the reserved matters, the Council will, in accordance with Article 5(2) of the [DMPO](#) notify the applicant within one month of the receipt of the application that it is unable to determine it unless further details are submitted. This should not, however, be confused with applications where inadequate information is submitted, or a published information requirement has not been submitted.

7. Pre-application advice

The Council encourages applicants to seek advice prior to the submission of all types of application. Pre-application advice aims to guide applicants through the process and to ensure they are aware of the information requirements. This can help minimise delays later in processing the application. Such advice may also identify whether other consents or additional information may be required. Information regarding the Council's pre-application advice service may be found on the [Chichester District Council Planning website](#). The SDNP Authority operates their own pre-application advice service for proposals that fall within the SDNP, details of which are available on their website. For other specialist pre-application advice such as highways, you should contact the appropriate Authority.

8. Chichester District Council Local Requirements list

In order for an application to be valid it must satisfy both the National and Local requirements. This document sets out both parts of the validation requirements:

- **Part I** contains compulsory requirements for the submission of an application, including some matters that are required by law and other information that Chichester District Council considers necessary in all cases.
- **Part II** contains additional information (local requirements), which Chichester District Council considers may be necessary with certain application types or locations.

PART I - NATIONAL REQUIREMENTS

Planning applications may be submitted either as an online application or in 'hard copy'. Online applications can be made via the [Planning Portal](#) and planning application forms can also be downloaded from the [Planning Portal](#).

The [national requirements](#) for planning applications state that all applications for planning permission **MUST** include:

1. The completed application form

The standard application form requires applicants to supply information on a range of issues, tailored to the type of application. Applicants **MUST** answer **ALL** questions.

2. The correct fee

Most planning applications incur a fee and these are described in the [Statutory Instrument 2012 No. 2920](#) (as [amended](#)). The Planning Portal includes a [fee calculator](#) for applicants.

The Council's preferred methods of payment for applications are:

- online via the Council's [planning payment page](#), or
- over the telephone by calling our Customer Service Centre on 01243 534734.

3. Ownership and agricultural holdings certificates

All applications for planning permission must include a signed certificate of ownership stating the ownership of the property (for this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the un-expired term of which is not less than 7 years). There are 4 types of certificate (A, B, C or D) which should be used as set out below:

A = If you are the sole owner

B = If any part of the application goes outside land in your sole ownership

C = If you do not know the names of all the owners

D = If you do not know the names of any of the owners

Agricultural Holdings Declaration

This certificate is required (and must be signed) whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. The certificate is required all applications except applications for reserved matters, discharge or variation of conditions, works to trees, or express consent to display an advertisement.

4. Ownership notice

If the applicant is not the sole owner of the application site a notice that the application is being submitted to all owners of the application site, other than the applicant, must be completed and served in accordance with Article 13 of the [DMPO](#). Site owners are freeholders and

leaseholders with at least seven years of the leasehold left unexpired. A copy of the notice should be served by the applicant on each of the individuals identified in the relevant certificate.

In the event you need to serve notice on an 'owner' of the site, please use Notice No. 1.

In the event you do not know some, or any, of the 'owners' of the site and have to publish details of the application in a local newspaper, please use Notice No. 2.

5. The location plan

ALL applications other than those relating to the variation of a condition to an existing permission **MUST** include a location plan based on an up-to-date map. This should be at an identified standard metric scale (typically 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 sized paper). Plans should identify sufficient roads (normally two) and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear. It must also show the direction of North. Any plan from or based upon Ordnance Survey data must be annotated with the appropriate licence number or marked as surveyed if the plan has been drawn from a survey of the site.

The application site should be clearly edged with a **red line**. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings.

A **blue line** should be drawn around any other land owned by the applicant, that is close to or adjoining the application site.

6. Other plans or drawings necessary to describe the subject of the application are a national requirement. Details of the plans required to describe the proposal are set out in more details within Part II (Local Requirements).

7. Design and access statement

A Design and Access Statement must accompany applications for both outline and full planning permission for:

- 1) Major development: 10 or more dwellings or creation in excess of 1000 sq. m of non-residential floor space,
- 2) Applications for development in a conservation area, where the proposed development consists of:
 - one or more dwellings; or
 - a building or buildings with a floor space of 100 square meters or more,
- 3) Applications for listed building consent.

A Design and Access Statement accompanying a planning application must include

- a) The design principles and concepts that have been applied to the development
- b) How issues relating to access have been dealt with.

And should:

- a) Explain the design principles and concepts that have been applied to the development
- b) Demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account
- c) Explain the approach adopted as to access and how policies relating to access are relevant
- d) State what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
- e) Explain how any specific issues that might affect access to the development have been addressed.

A Design and Access Statement accompanying an application for listed building consent must include an explanation of the design principles and concepts that have been applied to the proposed works, and how they have taken account of:

- a) The special architectural or historic importance of the building;
- b) The particular physical features of the building that justify its designation as a listed building; and
- c) The building's setting.

Unless the proposed works only affect the interior of the building, Design and Access Statements accompanying applications for listed building consent must also explain how issues relating to access to the building have been dealt with. They must explain the applicant's approach to access, including what alternative means of access have been considered, and how relevant Local Plan policies have been taken into account.

A single Design and Access Statement may be provided alongside a joint application for planning and listed building consent provided it meets both sets of requirements.

Guidance

The statutory requirements for a design and access statement are set out in [Article 9](#) of the DMPO and [Article 3A](#) of the Planning (Listed Building and Conservation Areas) Regulations 1990 (as amended).

In respect of the design and access regard should be had to access for a fire appliance and supply of water for firefighting in compliance with B5 of Approved document B.

8. Environmental Impact Assessment

Environmental Impact Assessment (EIA) is needed for certain types of development; these are usually but not always major developments. Information can be found in:

[The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)

You can seek a formal opinion (*a screening opinion*) from the Local Planning Authority as to whether an EIA is needed before you submit your planning application. If an EIA is needed you can also ask the Authority to advise upon what the EIA should contain (*a scoping opinion*). If you decide not to ask for either a screening or scoping opinion before you submit your planning application, the Local Planning Authority will carry out screening and scoping when we receive your application but please be aware that this may lead to delays if an EIA is found to be needed.

All EIA applications should be accompanied by an Environmental Statement (ES) in accordance with Schedule 4 of the Regulations. Where an application is submitted without an ES but is deemed to require an ES, the Council will notify the applicant within 3 weeks of receipt of the application. Thereafter the applicant has 3 weeks (unless a longer period is agreed in writing with the applicant) to confirm in writing if an ES will be submitted, or that a screening direction will be sought from the Secretary of State in accordance with Regulation 11.

In accordance with Regulation 20, the Council must suspend consideration of the application until the ES, with the appropriate notices and certificates, is submitted. Alternatively, where an application is required to provide an ES and this is not submitted, the application will be deemed to be refused in accordance with Regulation 11.

PART II - LOCAL REQUIREMENTS

Chichester District Council requires that additional information, known as the Local Requirements, is submitted with a planning application, where necessary. Applicants are advised to seek advice on the need for such information before submitting an application. The information requirements are set out below and the key references are the [Chichester Local Plan: Key Policies 2014-2029](#) and the [National Planning Policy Framework](#) (NPPF).

The [National Planning Practice Guidance](#) (NPPG) provides further guidance on the implementation of the Framework.

1. AFFORDABLE HOUSING STATEMENT

Affordable Housing is an important Council priority. The requirement to provide affordable housing applies to all residential developments resulting in a net increase of 6 units or more in the designated rural area and 11 units or more within the Settlement Boundary. The Council would normally require affordable housing to be provided on site. Within the rural area, affordable housing may, in exceptional circumstances, be provided through off-site provision facilitated by a financial contribution, paid before completion of the development.

The designated rural area for the purposes of Affordable Housing is designated by Section 157(1) of the Housing Act 1985 as shown on the [map for Chichester District](#) on the Council's website

When required

A statement is required for all applications for residential development resulting in a net increase of:

- 1) 11 units or more within the Settlement Boundary, and
 - 2) 6 units or more within the designated rural area,
- with the exception of applications for reserved matters where there are no proposed changes to the amount, mix or tenure of the dwellings development.

Information required

Relevant applications should be accompanied by a statement which specifies:

- the number, size, tenure and mix of dwellings and proposed Registered Provider (RP) for Affordable Housing, and
- the number, size and mix of market housing units proposed.

The Council is committed to delivering the full requirement for affordable housing, however in the event that none or a lower level of provision for affordable housing is made on site, full justification must be submitted.

Guidance

Further information can be found in the NPPF, the Council's Housing and Economic Development Needs Assessment (HEDNA), Policy 34 of the Local Plan, and the [Planning Obligations and Affordable Housing Supplementary Planning Document](#). Regard should also be had to any requirements set out within a [Neighbourhood Plan](#) for the area.

2. AREA OF OUTSTANDING NATURAL BEAUTY (AONB) STATEMENT

In accordance with the NPPF great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's which alongside National Parks and other designated landscapes have the highest status of protection in relation to these issues. Applications should be accompanied by a statement that demonstrates how the special features of the AONB have been considered in the design process.

When required:

- 1) For all development within the AONB (except applications for listed building consent and lawful development certificates)
- 2) For all major and minor development (except changes of use and alterations to buildings where no additional floor space is proposed) where the site lies outside of a settlement boundary and within 500m of the AONB

What is required:

An AONB impact assessment shall be provided which demonstrates how the proposal would conserve and enhance the natural beauty of the landscape. The statement must demonstrate how the proposal would;

- Meet the requirements set out in the Joint AONB Supplementary Planning Document (SPD) particularly in respect of
 - a. Design, appearance and materials
 - b. Scale and mass (including comparisons of extension and proposed footprint and silhouette)
 - c. Boundary treatments and landscaping
 - d. Fenestration and prevention of light spill to maintain dark skies
 - e. Renewable technologies, and
- Protect the flora and fauna which is a special quality of the AONB and result in biodiversity gains, or
- Is justified as an exception to the above

Guidance

Statements should be informed by the policies and principles set out in the Chichester Harbour Management Plan (2019-2024 Third Review), the Chichester Harbour AONB Landscape Character Assessment (2019), and the Landscape Character Appraisal (April 2019). These,

and other documents that may be relevant, produced by the Harbour Conservancy are available online at <https://www.conservancy.co.uk/page/management-plan/307/>.

3. AIR QUALITY ASSESSMENT

The Council has designated four Air Quality Management Areas (AQMA) (one of which lies within the SDNP) including the A27 Stockbridge roundabout; Orchard Street, Chichester and St Pancras, Chichester. These are areas where health based EU limit values and National Objectives for nitrogen dioxide are not achieved. Air quality must be considered for development proposals likely to generate trips that will affect the AQMAs and for applications proposing plant in locations where their emissions have potential to impact on human health through breach of the Objectives.

When required

An air quality assessment is required when:

- 1) development is likely to generate air quality impact in an area where air quality is known to be poor, (eg. introduce receptors to an area within or close to an AQMA); or
- 2) development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or lead to a breach of EU legislation (including that applicable to wildlife). These are generally major developments - particularly those that significantly increase traffic volumes in the vicinity of the site and/or in or affecting the AQMAs.
- 3) development is proposed within the Southern Gateway area of Chichester such that it will alter the streetscape/topography in a way that is likely to 'trap' pollution and give rise to a new AQMA
- 4) plant (i.e boiler plant including solid fuel and district heating systems) and/or industrial premises are proposed which has potential to impact on air quality through emissions to atmosphere.

Further information about the need for air quality assessments is provided in the Institute of Air Quality Management (IAQM) document Land-Use Planning & Development Control: Planning for Air Quality January 2017 – section 6 in particular Tables 6.1 and 6.2.

Information required

Air quality assessments should be proportionate to the nature and scale of the proposed development. They should assess the predicted concentration of pollutants of concern at appropriate dates and sensitive locations, the predicted change in air quality and the spatial impact of the change. Sensitive locations may include elements of the proposed development, existing buildings and land uses within the vicinity of the proposed development, or within the wider area.

If significant impacts or significantly increased exposures are shown to be likely, measures to prevent or minimise impact should be proposed and may be required as a condition of any

permission granted. Sections 6.18 – 6.23 of the IAQM document listed above outlines the expected contents of an air quality assessment.

Guidance

Further information is available in the Planning Practice Guidance (PPG) March 2014 <https://www.gov.uk/guidance/air-quality--3>, paragraph 181 of the [NPPF](#) and the emerging [Air Quality and Emissions Mitigation Guidance for Sussex \(2019\)](#) which is likely to become adopted guidance in 2020.

4. BIODIVERSITY AND ECOLOGICAL ASSESSMENTS

The planning authority has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of species protected by law which includes the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and the Badgers Act 1992, as well as priority species for biodiversity set out under S41 of the Natural Environment and Rural Communities Act 2006.

Likely impacts can be categorised as both on-site and off-site impacts. The requirements for each are set out below.

4A. ON-SITE IMPACTS

When required

- 1) Greenfield and rural developments, particularly where the proposal affects an area of priority habitat – please see appendix 2 of the following document [Guidance on Ecological Surveys and Planning Applications](#) for a list of priority habitats
- 2) Conversions and the demolition of buildings where there is a reasonable expectation that protected species such as nesting birds and bats may be present,
- 3) Proposals within or adjacent (within 400m) to Local Wildlife Sites or SSSI sites,
- 4) Any other proposal where there is a reasonable likelihood of impacting on protected or priority species

Information required

When required all applications must be accompanied by:

- Preliminary Ecological Appraisal (PEA) including an ecological data search from the Sussex Biodiversity Record Centre, and
- completed [Protected Species Survey Checklist](#)

When a Preliminary Ecological Appraisal has been carried out and it has identified the need to carry out further surveys i.e. Emergence Survey for Bats, it will be necessary to submit;

- Preliminary Ecological Appraisal (PEA) including an ecological data search from the Sussex Biodiversity Record Centre,,
- all secondary surveys identified as necessary within the PEA, and
- completed [Protected Species Survey Checklist](#)

Where a proposed development is likely to affect protected or priority species, the applicant must submit a Preliminary Ecological Appraisal and any additional surveys recommended by the preliminary appraisal, as well as any mitigation strategies and proposals for long term maintenance and management.

The appraisal should be undertaken by competent persons with suitable protected species licences, qualifications and experience, membership within the Chartered Institute of Ecology and Environmental Management (CIEEM) and must be carried out at an appropriate time of day and month of the year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available. The survey should be informed by the results of a data search with the [Sussex Biodiversity Records Centre](#). The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and in what numbers (may be approximate)
- Map their distribution and suitable habitat both on the proposal site and, where appropriate in the surrounding area
- State any constraints on the scope of the survey.
- Identify any further surveys required, and undertake these
- Where required provide mitigation measures to ensure protected species are not harmed
- Provide enhancements to improve biodiversity across the site.

The appraisal should identify and describe potential development impacts likely to harm the protected/priority species or their habitat, including the structures or places which they may use for shelter or protection. These should include both direct and indirect effects both during and after construction. They should also include the potential impact on [local ecological networks](#). Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered
- How adverse effects will be avoided wherever possible
- How unavoidable impacts will be mitigated or reduced
- How impacts that cannot be avoided or mitigated will be compensated

For further guidance please refer to the Council's [Guidance on Ecological Surveys and Planning Applications](#). The Chartered Institute of Ecology and Environmental Management also has a [series of guidance documents](#) including the [CIEEM Guidelines for Preliminary Ecological Appraisal](#).

4B. OFF-SITE IMPACTS: DESIGNATED NATURE AND HABITAT SITES

Mitigation of recreational disturbance

There are a number of Internationally Designated Sites within the plan area these include Chichester and Pagham Harbours and Ebernoe Common. Development likely to affect these sites through recreational disturbance will require suitable mitigation of the impact of the development.

Policy 50 and 51 of the Chichester Local Plan set out how new residential development has an in combination effect on protected bird species of Chichester and Langstone Harbours SPA and Pagham Harbour SPA. Chichester and Langstone Harbour SPA forms part of the Solent Recreational Mitigation Partnership which delivers the Bird Aware Solent Scheme. Pagham Harbour SPA is covered by a similar scheme run by Chichester and Arun districts. Developers pay a fixed contribution per net new dwelling as compensation to the schemes.

When required

All development resulting in a net increase of dwellings within:

- 1) 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA), or
- 2) 3.5km of the Pagham Harbour SPA.

The Local Plan contains a map showing where policy 50 and 51 apply.

Information required

A statement to acknowledge the need to mitigate a scheme is required. The statement should include;

- a commitment to provide mitigation via a financial contribution to Bird Aware Solent (for Chichester & Langstone Harbours SPA) or to joint scheme of mitigation (for Pagham Harbour SPA)
- Where there is a identified standalone impact on the SPAs (for larger residential schemes) along with a contribution to the schemes a package of bespoke mitigation measures onsite may need to be included to avoid any significant effect on the SPA.

It will be necessary for the financial contribution to the mitigation schemes to be accompanied by a Unilateral Undertaking, or to enter into a S106 Planning Obligation, during the course of the application. A template unilateral undertaking can be provided upon request.

Further information and guidance for planning on recreational disturbance of Birds in Special Protected Areas (SPAs) in the Chichester Local Plan area can be found [online](#).

Indirect impacts on Special Areas of Conservation (SAC) designated for bat species

For SAC sites designated for bats including Ebernoe Common, The Mens, and Singleton and Cocking Tunnels the South Downs National Park Authority (SDNPA) have identified areas of potential impacts up to 12km from the site. Some of these areas extend into the Chichester Local Plan area. In these locations an assessment will need to be made on the potential impact on Barbastelle and Bechstein's bat species. Where an impact on the species is identified a Habitat Regulations Assessment will need to be undertaken and information will need to be provided by the applicant for this.

When required

- 1) Developments including new buildings, any development affecting trees and/or hedgerows, and any development leading to an increase in external lighting levels, if located within a 12km buffer of Singleton and Cocking Tunnels SAC
- 2) All developments within 200m of an identified bat flight-line originating from The Mens SAC or Ebernoe Common SAC. Maps of the flight-lines can be found in a [report](#) published by the Sussex Wildlife Trust.
- 3) All developments within 12km of an SAC where records of Bechstein's or Barbastelle bats exist within 500m of the site

Guidance

The local planning authority as the competent authority will undertake the necessary Habitat Regulations Assessment, however it is the responsibility of the applicant to ensure that sufficient information is submitted for the assessment to be completed.

For SAC sites designated for bats including Ebernoe Common, The Mens, and Singleton and Cocking Tunnels the South Downs National Park Authority have identified areas of potential impacts up to 12km from the site. Some of these areas extend into the Chichester Local Plan area. In these locations an assessment will need to be made on the potential impact on Barbastelle and Bechstein's bat species.

Where an impact on the species is identified a Habitat Regulations Assessment will need to be undertaken and information will need to be provided by the applicant for this. Further information on the buffer zones surrounding the SACs can be found within the South Downs National Park Local Plan at <https://www.southdowns.gov.uk/planning/south-downs-local-plan-2019/local-plan/>

Natural England also offers an advice service for developers and applicants available via the following link; <https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

Impact of nitrates upon the Chichester and Langstone Harbours designated sites

There is a likely significant effect on several internationally designated sites (Special Protection Areas, Special Areas of

Conservation and Ramsar sites) across the Solent area, including Chichester and Langstone Harbour. Following an assessment by Natural England it has been established that more than 3000ha of the harbour is in an unfavourable declining condition and one of the reasons for decline is water quality. Achieving nutrient neutrality is one way to address the impact of new development upon the designated sites at Chichester Harbour.

Natural England has published a practical methodology guidance note on how to calculate nutrient budgets and options for mitigation if necessary. Where appropriate, development proposals must demonstrate how they achieve nitrate neutrality in accordance with Natural England's latest guidance on achieving nutrient neutrality for new housing development.

When required

A nutrient neutrality statement must be submitted with any application for:

- 1) Residential developments resulting in a net gain in the number of dwellings, and
 - 2) Commercial development resulting in an increase in overnight stays
- where wastewater would discharge to Appledram, Bosham or Thornham Wastewater Treatment Works (WwTW) or to a means of non-mains drainage within the Chichester Harbour fluvial catchment.

Note: There may be cases where planning applications for new commercial or industrial development or changes in agricultural practices could result in the release of additional nitrogen into the system. In these situations, a case-by-case approach will be adopted.

Information required

The statement must include

- The calculated nitrogen budget, and
- Details of any necessary mitigation

This information will be used by the local planning authority to carry out an appropriate assessment as the competent authority. If insufficient information is provided to inform the appropriate assessment the application will be refused.

Guidance

The statement must be carried out in accordance with the methodology contained within Natural England's [Advice on Achieving Nutrient Neutrality for New Development in the Solent Region, Version 5 - June 2020](#). Natural England has provided a Nitrogen Budget Calculator (June 2020) which can be completed and provided within the required statement, it is available online [here](#) and a [summary non-technical advice note](#) (June 2020) has also been published.

The statement is necessary for all types of development that would result in a net increase in population served by a wastewater system, such as new homes, student accommodation, tourism attractions and tourist accommodation. This includes self-service and serviced tourist accommodation such as hotels, guest houses, bed and breakfasts and self-

catering holiday chalets and static caravan sites. It also includes applications for which prior approval is sought for residential uses under Article 3, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development Order) 2015, as amended.

Please note that if an application is received for prior approval and the development would likely have a significant effect on a designated site then in accordance with the Habitat Regulations the proposal would not benefit from permitted development and therefore any application for prior approval would be refused.

To check whether the wastewater from your development would drain to the Appledram, Bosham or Thornham WwTW please refer to the Council's [Surface Water and Foul Drainage SPD](#). To check whether your site lies within the Chichester Harbour fluvial catchment please refer to Figure 1 Solent Catchment Area within Natural England's Advice on Achieving Nutrient Neutrality for New Development in the Solent Region.

5. COMMUNITY INFRASTRUCTURE LEVY (CIL) / S106 PLANNING OBLIGATIONS DRAFT HEAD(S) OF TERMS

5A. CIL

Following the introduction of the CIL [Charging Schedule](#) in February 2016 a planning application will not be valid unless the CIL form 1 'Additional Requirements Form' is, and CIL form 2 'Assumption of Liability Form' are, where required, completed. The forms enable the Council to determine CIL liability and therefore must be submitted even if the applicant considers the proposal to be exempt from CIL.

When required

- 1) Residential development that involves the creation or conversion of a building to provide one or more dwellings
- 2) The creation or conversion of a building to provide a residential annex(s)
- 3) Residential extensions which involve the creation of 100 square metres or more of gross internal floorspace
- 4) All-purpose built student housing
- 5) New retail development.

Information required

Proposals must include a completed [Additional Information Requirement Form](#) to assist the Council in determining CIL liability. This requires details of residential floorspace and the existing use of the site.

For further information on CIL or assistance in providing the above information please visit the [Chichester District Council Website CIL Pages](#) or the [Planning Portal](#).

5B. S106 DRAFT HEADS OF TERMS STATEMENT

When required

A draft heads of terms for a Section 106 obligation should accompany all applications where it is necessary for the developer to enter in to legal obligation to provide certain contributions or facilities that would not be provided by the payment of CIL. Examples include (but are not restricted to):

- 1) Affordable Housing Provision (see Section 1 of Part II to these requirements)
- 2) On-site infrastructure
- 3) Off-site, site specific highway improvement works necessary as a result of the development
- 4) Improvements to the A27 where the infrastructure is excluded from the CIL charging schedule (known as the Regulation 123 List)
- 5) Recreational Disturbance affecting the Special Protection Areas

Information required

- Heads of terms in accordance with the Council's [Planning Obligations and Affordable Housing Supplementary Planning Document](#).
- Details of solicitors acting on behalf of those entering in to the agreement

6. FLOOD RISK ASSESSMENT

Planning applications for development sensitive to, and on sites at risk of, flooding should be accompanied with a Flood Risk Assessment (FRA) in accordance with paragraph 103 of the [NPPF](#).

When required

Development proposals:

- 1) with a site area of 1ha or greater in Flood Zone 1,
- 2) all proposals for development (including extensions), in Flood Zones 2 and 3,
- 3) any development other than minor development in a designated critical drainage area (as notified to the LPA by the Environment Agency), and
- 4) where the Lead Local Flood Authority (LLFA), Environment Agency, and/or other bodies have indicated that there may be a drainage problem.

Information required

The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. Maps of flood zones are available from the [Environment Agency](#). In addition, the [National Planning Practice Guidance](#) and [Flood Risk Assessment for Planning Applications](#)

provide guidance on how to write a flood risk assessment and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.

Please also see further information on the [Chichester District Council Website](#) and [NPPF Chapter 10](#). Flood zone areas can be identified via the [Environment Agency - National Flood Risk Map](#). The Environment Agency also publishes [standing flood risk advice](#), and the Lead Local Flood Authority publishes policy guidance for surface water management.

7. FLOOD RISK SEQUENTIAL AND EXCEPTION TESTS

7A. SEQUENTIAL TEST

The Sequential Test is, in effect, a sieving process designed to ensure that development comprising of vulnerable uses, such as residential development is steered away from areas at higher risk of flooding.

Flood zone areas can be identified via the [Environment Agency - National Flood Risk Map](#). You can also find out whether the site has a history of flooding by contacting the Environment Agency. Details of this service are available [online](#).

When required

Applications for operational development where the proposals would be located within flood zones 2, 3a or 3b (excluding changes of use) or areas at risk from surface water or groundwater flooding in relation to:

- 1) hospitals,
- 2) residential institutions, and
- 3) a net increase in dwellings or mobile homes

Information required

Information must be submitted to demonstrate that there are no other available sites at a lower probability of flooding that could accommodate the proposed development. The information should take in to account all other potential development sites within the Chichester Plan Area.

Guidance from the Environment Agency on how to carry out a sequential test is available [online](#).

7B. EXCEPTION TEST

When required

If, following the application of a Sequential Test, it is not possible to locate the development in a lower flood risk zone or area with reduced flood risk; an Exception Test will be required.

Information required

If required, the Exceptions Test will be required to demonstrate that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

Guidance from the Environment Agency on how to carry out an exception test is available [online](#).

Further information about the requirement for sequential and exception tests may be found in the [NPPF](#) (Section 10, Paragraphs 100-102) and the [National Planning Practice Guidance](#).

8. DRAINAGE ASSESSMENTS

8A. FOUL SEWERAGE ASSESSENT

When required

- 1) for all new residential or commercial development where it is not intended to connect to mains drainage, and
- 2) all applications for a net increase of dwellings that would drain to Appledram Waste Water Treatment Works (WWTWs) via a public sewer, or
- 3) all applications for a net increase of 5 or more dwellings that would drain to any other public sewer and WWTW.

Information required

Where any application for development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then further details of the method of storage, treatment and disposal will be required.

Where connection to the mains sewer is not practical, the foul/non-mains drainage assessment will be required to demonstrate the alternative means of disposal are satisfactory. Guidance on what should be included in a non-mains drainage assessment is given in the [NPPG](#) and [Building Regulations Approved Document Part H](#) and in BS 6297:2007.

For all developments draining to the Appledram WwTW the statement should include a Drainage Impact Assessment demonstrating the existing and proposed level of waste. If the proposed exceeds the existing it will be necessary to include a mitigation strategy and details of alternative foul drainage.

Where connection to the public sewer is proposed a capacity check to demonstrate that there is sufficient capacity within the sewer to accommodate the waste from the development proposal must be included. The capacity check is available from Southern Water.

When preparing the assessment, regard should be had to the Council's [Surface Water and Foul Drainage Supplementary Planning Document](#); in particular the flow charts on pages 7 and 8.

8B. SURFACE WATER DRAINAGE STRATEGY

In order to deliver the growth sustainably and in a timely manner, the proper management of surface water is essential to ensure there is no net increase in flood risk on or off-site.

When required

A surface water drainage strategy will be required for:

- 1) all development of 5 or more dwellings or 1,000sqm of commercial floor space (all of which require surface water drainage schemes)
- 2) all applications for operational development within flood risk zones
- 3) all applications for operational development on sites which have a known history of flooding

Information required

This should include details of how surface water runoff from the site is to be controlled and managed. The drainage strategy should ensure that the design of all surface water drainage systems follows the hierarchy of preference for different types of surface water drainage systems as set out in Approved Document H of the Building Regulations and the Sustainable Drainage System (SuDS) Manual produced by CIRIA (Construction Industry Research and Information Association). The proposed drainage system is to be informed by all available data, such as geological maps and ground water monitoring.

This means that the developer must first consider the discharge of surface water into an infiltration device (eg. soakaway, basin, swale, permeable paving etc.). The drainage strategy must include the consideration of the suitability of these features and should demonstrate that infiltration will not pose a risk to groundwater quality.

If this is not achievable then the drainage strategy should demonstrate how attenuated flows into a watercourse could be achieved at an agreed run off rate. If no suitable watercourse is available, then attenuated flows into a surface water sewer at an agreed rate is the third option. Surface water in any development, must not be discharged into the foul sewer system.

When preparing the drainage strategy regard should be had to the Council's Surface Water and Foul Drainage Supplementary Planning Document and the [West Sussex Lead Local Flood Authority Policy for the Management of Surface Water](#). In addition, the council has created a Surface Water Drainage Proposal Checklist document available on the Council's [website](#). The document is designed to outline the council's expectations and requirements for surface water drainage proposals. To avoid pre-commencement conditions relating to surface water drainage, detailed surface water drainage proposals in line with the requirements of this

checklist should be submitted with an application. If a pre-commencement surface water condition has been imposed on a permission the document explains what information will be required with an application to discharge the condition.

Note: Where an application may affect the flow of an existing watercourse, such as culverting of or discharging to a watercourse, applicants are advised to contact the Environment Agency (for main rivers) or Lead Local Flood Authority (for Ordinary Watercourses) for additional requirements that may be needed to satisfy permits / consents.

8C. SURFACE WATER DRAINAGE STATEMENT

In order to deliver the growth sustainably and in a timely manner, the proper management of surface water is essential to ensure there is no net increase in flood risk on or off-site.

When required

A surface water drainage statement will be required for:

- 1) all development of between 1 and 4 dwellings or less than 1,000sqm of commercial floor space
- 2) change of use of land

Information required

The statement should include details of how surface water runoff from the site is to be dealt with. The drainage statement should ensure that the design of all surface water drainage systems follows the hierarchy of preference for different types of surface water drainage systems as set out in Approved Document H of the Building Regulations and the Sustainable Drainage System (SuDS) Manual produced by CIRIA (Construction Industry Research and Information Association).

This means that the developer must first consider the discharge of surface water into an infiltration device (eg. soakaway, basin, swale, permeable paving etc.). If this is not possible, in order of priority, surface water should either discharge to 1. a local watercourse or 2. a surface water sewer

Note: Where an application may affect the flow of an existing watercourse, such as culverting of or discharging to a watercourse, applicants are advised to contact the Environment Agency (for main rivers) or Lead Local Flood Authority (for Ordinary Watercourses) for additional requirements that may be needed to satisfy permits / consents.

9. HERITAGE STATEMENT (INCLUDING HISTORICAL, ARCHAEOLOGICAL FEATURES AND SCHEDULED ANCIENT MONUMENTS)

When Required

A Heritage statement is required for the following development which would:

- 1) be within the curtilage of, or directly affecting, a Listed Building

- 2) be within an area of recognised archaeological importance
- 3) be within a Conservation Area
- 4) be within the setting of a Conservation Area,
- 5) directly affect or be within the setting of a scheduled monument, and
- 6) directly affect or be within the setting of a Registered Historic Park or Garden.

Information required

For the majority of relevant proposals this would be included in a Design and Access Statement, but if one is not submitted a separate Heritage Statement may be required, for instance where a householder development is proposed in the curtilage of a listed building. Applicants are required to provide a description of the “significance of the heritage assets affected and the contribution of their setting to that significance”. The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. Applicants are advised to discuss proposals with either a planning officer or the historic buildings adviser officer before any application is made; pre-application advice may be sought via [this link](#). The following is a guide to the sort of information that may be required for different types of application.

Any statement will normally require:

- an explanation of the history and character of the heritage asset,
- a schedule of works that affect the heritage asset,
- a statement of justification explaining why the works are proposed and identifying any public benefits (this should include a development appraisal where appropriate);
- a statement of significance describing both the overall significance of the asset/s and the constituent parts, with special emphasis on the parts directly affected;
- an assessment of the impact of the works on the significance of the asset, both overall and with special emphasis on the parts directly affected, along with a mitigation strategy explaining how harm to significance will be avoided or minimised, with any harm weighed against any public benefits;
- a specialist assessment where any features of special historic, archaeological, architectural and artistic interest may exist;
- a structural report by an engineer familiar with heritage assets, which identifies defects and proposes remedies, when works include significant elements of demolition or rebuilding.

In forming a statement regard should be had to the requirements of Chapter 16 of the NPPF (February 2019).

10. INTERIM POLICY STATEMENT JUSTIFICATION

From the 15 July 2020 Chichester District Council anticipates that it will no longer be able to demonstrate a 5 year housing supply. An interim policy statement for new housing

development has been prepared to provide guidance on the most sustainable locations for new development within the Chichester Local Plan Area to ensure the continued housing delivery until such a time that the Local Plan Review 2016-2035 Preferred Approach (LPR) document can be adopted.

When required

For all applications relying upon the Interim policy statement to justify residential development outside of the settlement boundary where new housing would not normally comply with the development plan it will be necessary to demonstrate how the proposal meets the guidance contained within the interim policy statement

Information required

A statement must be submitted which demonstrates how the proposal would accord with all requirements contained within the Interim Policy Statement for the Housing Development published by the Council.

Guidance

The Interim Policy Statement and background information is available on the Council's [website](#).

11. LAND CONTAMINATION ASSESSMENT

Former industrial and commercial uses of land may have led to land contamination being present. New developments can result in land contamination if not adequately controlled. Even apparently benign land uses such as agricultural sites or storage units might give rise to potential land contamination.

Failure to deal adequately with land contamination during the development management process could cause harm to human health, ground water, surface water, property and the wider environment. Gaseous and liquid contaminants might affect a distant site as they may be mobile in the soil environment.

When required

For all applications where:

- 1) the development includes ground works and a previous use of the site or a nearby site may have introduced land contamination to the soil and/or water environment,
- 2) a sensitive land use is proposed i.e. housing (including change of use or prior notification applications), private gardens, allotments, schools or nurseries, and/or
- 3) a potentially polluting land use is proposed.

Information required

Applications should be supported by a desk study report (including a site walkover and conceptual site model) which concludes with a preliminary risk assessment. This information will enable the LPA to understand if further more detailed investigation is required or whether any proposed remediation is a satisfactory risk management strategy and good for the lifetime of the site.

Unless this initial assessment clearly demonstrates that the risk from land contamination, is at an acceptable level, or can be reduced to an acceptable level, further site investigations and risk assessment will be needed.

For major developments the further investigations and proposed mitigation strategy should be provided with the application. For small scale proposals permission may be granted subject to conditions requiring further investigation if necessary.

If applicants would like to know if a proposed development site might be affected by land contamination, a request can be made to the Environmental Management team at the Council for relevant information. A charge will be made for this service, see details on our [website](#) for more information.

Please note however the responsibility for securing a safe development rests with the developer and /or landowner.

Regard should be had to paragraphs 170, 178 and 179 of NPPF (February 2019) and further advice and information is available in DCLG Planning Practice Guidance on [Land affected by contamination](#).

12. LIGHTING ASSESSMENT

Chapter 15 of the National Planning Policy Framework (February 2019) refers to conserving and enhancing the natural environment and states at paragraph 180 that planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The planning system is the principal control of unwanted light where no other effective controls exist.

When required

Will be required to accompany all applications for:

- 1) All development that includes external lighting systems within sensitive areas (such as conservation areas, listed buildings and Areas of Outstanding Natural Beauty) and within or adjoining residential areas
- 2) Any major residential or commercial development where a receiver of light might be adversely affected, including neighbouring properties or the countryside (for the protection of wildlife).

- 3) Proposals for floodlights and sports/playing pitches
- 4) Proposals for lasers, search lights, beams of light and illuminated advertisements.

Information required

A written scheme should be prepared by an independent competent person and submitted alongside applications to enable the effects of such lighting to be fully considered.

For categories 1 to 3 above then it is expected that the written scheme will include a description of the lighting requirement referring to relevant standards; the layout and composition of the scheme; isolux diagrams showing the predicted luminance in both the horizontal and the vertical plane (at a height of 3.5 metres); the periods of operation for the lighting; a description of the area where the lighting is to be installed detailing any sensitive receivers. The report shall provide the information in relation to sky glow (max %), light intrusion into windows (lux) luminaire intensity in candelas and building luminance as an average in candelas / metre squared as appropriate to the application.

For category 4 listed above a specific assessment will be required for the type of application to be agreed at pre-app enquiry phase.

See also the Institution of Lighting Professionals; [Guidance for the reduction of obtrusive light](#).

13. MINERAL INFRASTRUCTURE STATEMENT / MINERAL RESOURCE ASSESMENT

Sand (sharp, soft and silica) and gravel, brick making clay, building stone (sandstone) and chalk are regarded as economically important minerals in West Sussex. Therefore, in accordance with the adopted Joint Minerals Local Plan (JMLP) produced by WSCC it is important that they are protected from sterilisation by surface development. The JMLP identifies Mineral Safeguarding Areas (MSA's). To ensure effective consultation with the Minerals Planning Authority (WSCC) and to ensure safeguarded mineral resource areas are protected from non-mineral development, Mineral Consultation Areas (MCAs) have been defined based upon the safeguarded areas. If a development site falls within an identified MCA a mineral resource assessment may be required to demonstrate that the proposal would safeguard minerals.

13A Mineral Infrastructure Statement

When required

- 1) Required for major development (except within the curtilage of existing development, reserved matter applications or amendments to existing permissions) within a Minerals Consultation Area containing minerals infrastructure

Information required

A minerals infrastructure statement should address the following matters:

- The distance of the proposal from the safeguarded site
- Any existing screening from buildings or vegetation
- Identification of pre-existing conditions such as background noise, light, odours, vibration, dust and other emissions
- The potential for the site to deliver suitable mitigation including the identification of the means by which the development has introduced layout, design and other mitigation measures to mitigate potential effect on and from the safeguarded site
- Confirmation of pre-application consultation/engagement with the minerals infrastructure operator
- Where appropriate, a full assessment of issues such as noise and light

13B Mineral Resource Assessment

When required

1) Major development (except within the curtilage of existing development or amendments to existing permissions) within a Minerals Consultation Area containing safeguarded minerals resources

Information required

A minerals resource assessment should be proportionate to the size of the site and the scarcity of the mineral and may include the following:

- An assessment of the geological information about the site
- Site investigations/borehole data; • Consideration of other locations that are outside the MSA
- Assessment of whether the proposal can be modified to avoid sterilisation
- Assessment of the potential for the use of the mineral in the proposed development and whether it is feasible and viable to extract the mineral resource ahead of the development
- An explanation of the viability of prior extraction and how it will be carried out
- Discussions with potential 'users' of the mineral
- Building Stone - an assessment of quarries, historic buildings using the stone and alternative supplies of the stone.

Guidance

For further information about the safeguarding of minerals please refer to Policy M9 and M10 of the West Sussex Joint Minerals Local Plan 2018

(https://www.westsussex.gov.uk/media/11736/mlp_adoption.pdf)

and the Minerals and Waste Safeguarding Guidance March 2020

(https://www.westsussex.gov.uk/media/13437/mw_safeguarding_guidance.pdf).

The West Sussex County Council Annual Monitoring Report (AMR) contains the latest list of safeguarded sites (www.westsussex.gov.uk/mwdf)

14. NOISE ASSESSMENT

Chapter 15 of the National Planning Policy Framework refers to conserving and enhancing the natural environment. Paragraph 180 states planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

When required

- 1) When there is an alteration to a site with existing industrial or commercial use. Alteration can take many forms including introduction of a new noise source such as fixed plant, a change to the layout or a change to working hours.
- 2) When there is a new development for an industrial or commercial use.
- 3) Where a noise sensitive use is proposed near to an industrial use, a commercial use, a waste site, a mineral site, a road, railway or aerodrome.

The impacts of the sound levels need to be considered on both the internal and external spaces.

An assessment should normally be carried out by a qualified acoustician who is registered with the Institute of Acoustics (IOA) and/or the Association of Noise Consultants (ANC).

Information required

The following matters should be detailed within a Noise Assessment:

- The existing (baseline) noise environment
- Information about noise-sensitive receptors
- Information about the proposed (or existing) source
- The likely noise impacts upon the sensitive receptor
- Proposed mitigation measures
- Residual noise impacts following mitigation.

As well as providing numerical information about the source and the context, appropriate descriptions of both should be provided. For example a description of the noise from a source should include: the distance of the noise source from the receptor, the time of day the noise occurs, the duration and number of noise incidents, the frequency content of the noise and whether it has any tonal or impulsive characteristics.

Noise survey and assessment methodologies should be clearly set out and accord with relevant British Standards.

Further guidance may be obtained from the following sources:

- National Planning Policy Framework
- Planning Practice Guidance: Noise.
- BS 4142:2014 Methods for rating and assessing industrial and commercial sound.
- BS8233:2014 Guidance on sound insulation and noise reduction for buildings
- ProPG: Planning & Noise

15. ODOUR ASSESSMENT

Odour is an aesthetic and subjective form of air pollution which may impact on the general amenity of an area and/or human health. The NPPF (para 120) seeks to prevent such effects from occurring.

When required

- 1) For any new development that proposes an odorous or potentially odorous process or use (i.e. intensive livestock rearing, sewage treatment works, coffee roasters, cooked food manufacture and composting activities) when any of the following applies:
 - a. in proximity to odour sensitive properties,
 - b. the proposal is an expansion or intensification of an existing use and/or
 - c. there is/are an already odorous process affecting the area.

Information required

The odour assessment methodology should be as detailed in the [Institute of Air Quality Management's Guidance](#) on the assessment of odour for planning (May 2014¹). Section 3 of the Guidance details the content of an assessment suitable for planning purposes.

Applications should be supported by such information, in the form of a risk assessment, as to allow determination of the likely impact of the odour, to include; the frequency of occurrence, intensity, duration and offensiveness likely to impact at the nearest sensitive receptors. Methods to manage and control odour emissions should also be detailed and subject to risk assessment.

An odour management plan might subsequently be required by condition.

Where the application is for a restaurant, café or public house use and any large commercial kitchen (hospital, residential home etc) then it is not likely that a formal odour assessment will be required and applicants should turn to Section 25 of this document.

16. PLANS, DRAWINGS & PHOTOS

Plans and photos are essential to assess the proposal and the impact of development. The following plans will be required:

- **Block plan** (scale 1:500 or 1:200) – to show the footprint of the proposal and detailing any changes to the existing boundary treatment. A block plan need not be provided where the information is only a duplication of that clearly visible and identifiable on the location plan. Written dimensions to boundaries can be included to assist with the understanding of the development and its relationship to neighbouring properties.
- **Existing and proposed elevations** (scale 1:100 or 1:50) – as necessary to clearly show the proposed works in relation to what is already there. Where a proposed elevation adjoins another building or is in close proximity to it, the drawings should show the relationship between the two buildings.
- **Existing and proposed floor plans** (scale 1:100 or 1:50) – as necessary to clearly show the proposed works in relation to what is already there. Where applicable, these should highlight any existing walls or buildings that are to be demolished.
- **Existing and proposed site sections, finished floor and site levels** (scale 1:100 – 1:50) – where the proposal involves a change in ground level or sloping sites.
- **Roof plans** (drawn to an identifiable scale – can be shown on block plan) – where the roof design is not simple single, dual or mono pitches, to clearly show the proposed works in relation to what is already there. The roof plans should include the position of any rooflights/solar panels/flues as appropriate.
- **Photos showing the site and its surroundings** – this should include photos taken of;
 - a) key views of the location of the proposed development within a site,
 - b) the boundary treatments adjacent to the proposal,
 - c) the relationship with the neighbouring properties/land, and where relevant
 - d) the streetscene.An annotated plan showing the location of each photo must be included.

Every plan submitted must include the following:

- Scale
- Scale bar
- Paper size
- North point

17. PLANNING STATEMENT

When required

- 1) For all major development
- 2) When otherwise advised via pre-application advice provided by the Council

Information required

The planning statement should:

- Identify the context and need for a proposed development, and
- Include an assessment of how the proposed development accords with relevant national and local planning policies, including neighbourhood plans

18. STRUCTURAL SURVEY AND CONVERSION METHOD STATEMENT

Understanding the structural condition of a building is important when assessing whether a building can be converted to a different use without significant alteration. This is particularly important for historic buildings and buildings in the rural area which are subject to applications to change their use to one for which they were not originally designed or constructed to accommodate.

When required

Applications for:

- 1) Conversion of a current or former agricultural buildings to other use(s),
- 2) Conversions of any other type of building to a use for which the building was not originally designed/constructed, and
- 3) Alterations to a historic building

Information required

A structural survey setting out the structural condition of the building which should include:

- An appraisal of the structural stability of the building
- A schedule of the work that is required to convert the building
- A method statement for carrying out the work
- Plans detailing the repairs and alterations required

The survey should be carried out by an independent specialist consultant.

19. RETAIL SEQUENTIAL TEST AND IMPACT ASSESSMENT

When required

A Sequential Test is required for applications for main town centre uses including retail, leisure, entertainment facilities, offices; and arts, culture and tourism development (as defined in the [NPPF Annex 2 Glossary](#)) that are not in an existing centre and are not in accordance with an up-to-date Local Plan

An Impact Assessment is required for applications for over 2,500 m2 of retail, leisure and/or office development outside town centres, which are not in accordance with an up-to-date Local Plan

Information required

The NPPF sets out overall approach to economic development, focussing on town and district centres. See also policies 3, 27, 28, 29 and 45 [Chichester Local Plan: Key Policies 2014-2029](#) and Section 7 of the [NPPF](#).

Further guidance about the need for, and required content of, retail sequential tests and impact assessments may be found within the [NPPG](#).

20. SUSTAINABLE CONSTRUCTION AND DESIGN STATEMENT

All development should achieve high environmental standards, be appropriately designed for the site and its setting, and adaptable for long-term use and appropriate mitigation and adaptation initiatives should be incorporated into new developments to address the potential impact of climate change. Development should also utilise sustainable design and construction techniques, for example, energy conservation and efficiency, water efficiency, reducing waste, re-using materials and recycling materials to ensure the most efficient use of limited resources. Policy 40 of the Chichester Local Plan states how sustainable design and construction measures should be considered by developers in the planning process.

When required

For all new residential and commercial development, including replacement dwellings, it will be necessary to demonstrate how the sustainable design and construction measures outlined in policy 40 of the Chichester Local Plan have been considered and incorporated into the proposed development.

Information required

A Sustainable Design and Construction Statement which addresses all of the requirements of policy 40 of the Chichester Local Plan must be submitted.

The statement should be proportionate to the scale of the development; however as a minimum it must demonstrate that the following have been considered:

- Achieving a maximum consumption of 110l of water per day per person (optional standard within Part G of the Building regulations)
- Complies with building for life standards or equivalent replacement
- Include sustainable design and materials including the use of re-used or recycled materials. This could include the use of nationally and internationally recognised rating or assessment systems, the percentage of recycled materials to be used and for the largest applications, an assessment of the embodied carbon.
- Minimise energy consumption and maximise amount of energy supplied from renewable resources to meet the remaining requirement, including the use of energy efficient passive solar design principles where possible. The carbon reduction compared to building regulations baseline (target rates) through fabric improvements should be quantified and then the carbon reduction due to the use of renewable technologies should be separately calculated.
- Data should be provided to demonstrate the overall percentage improvement over building regulations minimum, and this should be in the region of a 20% improvement. The following data should be provided, preferably in tabulated form:
 - a) The baseline emissions (in kgCO₂/year) if only the Target Emission Rate under building regulations (2013) were to be achieved
 - b) The reduction in CO₂ emissions from energy efficiency [fabric first] measures
 - c) The reduction in CO₂ emissions specifically from any deployment of zero and low carbon technologies
 - d) The total reduction (b+c)
 - e) Remaining emissions (a-d)
 - f) Overall percentage reduction from the baseline $((d/a)*100)$
- Provide measures to adapt to climate change, including sustainable drainage systems
- Protect and enhance the Historic and built environment Deliver improvements to biodiversity and green infrastructure
- Maintain tranquillity and local character
- Provide electric vehicle charging points in line with WSCC parking standards

Guidance

Please note for proposals relying on the interim policy statement to provide housing that would otherwise not accord with the development plan the required overall percentage improvement above building regulations is greater, and this should be addressed within the justification required under section 9 of this local validation list.

21. TRANSPORT ASSESSMENTS, STATEMENTS AND ROAD SAFETY AUDITS

These documents are methods of assessing and mitigating the potential negative transport impacts of development in order to promote sustainable development.

21A Transport Assessments and Transport Statements

When required

A Transport Assessment is required for:

- 1) Residential development of more than 80 units.
- 2) Commercial Development falling within use class B1 (Business) resulting in over 2500m² floor space.
- 3) Non-residential institution developments where proposals include an increase of 1000m²,
- 4) Development for schools that will generate a significant intensification (i.e. new or amalgamated schools)

A Transport Statement is required for:

- 1) Residential development of up to 50 - 80 units.
- 2) Commercial Development falling within use class B1 (Business) resulting in 1500m² – 2500m² floor space.
- 3) Non-residential institution developments where proposals include an increase of 500 m² – 1000m²
- 4) Development for schools where increased pupil and staff numbers are anticipated

Information required

Both Transport Assessments and Transport Statements should include:

- Illustration of the accessibility to the site by all modes of transport,
- Demonstration of the likely modal split of journeys to and from the site.
- Details of proposed measures to improve access by public transport, walking and cycling to reduce the need for parking associated with the proposal and mitigate transport impact.
- A Design Audit of highway works proposed. Which should state the design guidance used (e.g. Design Manual for Roads and Bridges, Manual for Streets, etc.), how the design complies with this guidance and identifying any departures from any standards. Further guidance can be found in the Transport evidence bases in plan making, (March 2015) published by the Department for Communities and Local Government.
- A Stage 1 Road Safety Audit (only necessary if required under WSCC Safety Audit policy).

Guidance

Please see West Sussex County Council Transport Assessment Methodology (June 2007) and information contained in (now archived) DfT document Guidance on Transport Assessment - March 2007 for guidance.

Current information about transport statements and assessments is also available within [the NPPG](#) and the [Design Manual for Roads and Bridges Volume 5](#) and Paragraph 109 of the National Planning Policy Framework (February 2019).

Details of WSCC guidance and policies relating to development management, Highways and Transport, including Transport Assessments can be found at;
<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/>

21B Road Safety Audit and Designers Response

When required:

For all 'major' planning applications that include any of the following:

- 1) Alteration to an existing highway,
- 2) Intensification of use of an existing access. Intensification is generally defined as 50 or more vehicle movements per day. However it is recommended that clarification is sought from WSCC where a proposal involves the intensification of an existing access as other issues such as collision data, visibility and geometry would need to be considered.
- 3) Formation of a new access,
- 4) Off-site highway improvements,
- 5) New residential estate roads where a through route is created, where a bus route is created or where the road serves access to a school or other major community or retail facility.

('major' applications are defined as residential development of 10 units or more or 0.5 ha or more when the numbers are unknown and commercial development of 1,000 sq.m or more or 1 ha or more);

- 6) For all other planning applications that include proposals that do not meet recognised standards. The need for a safety audit will be assessed by West Sussex County Council officers. Of particular interest will be visibility, geometry and junction location. Safety Audits will not normally be required, for minor applications, if guidance set out in Manual for Streets or Design Manual for Roads & Bridges is achieved.

Safety Audits must be undertaken in compliance with GG119, Road Safety Audit. A Designer's Response must accompany any Road Safety Audit.

Objective:

Submission of a Road Safety Audit is a County Council (as Highway Authority) Policy requirement and sets out the County Council's procedure for the consideration of developer proposals requiring the support of a Road Safety Audit. This Policy supports national guidance set out in GG119 and is required to preserve the safety of all road users using the public highway. WSCC require the procedures set out in GG119 to be followed subject to the departures set out in the Policy. This Policy highlights the importance of the Road Safety Audit process in support of a planning application and identifies when an Audit is required and the process involved. This Policy will not relate to works being proposed on Trunk Roads or those falling under the responsibility of Highways England. Guidance for Road Safety Audit requirements on such roads should be sought directly from Highways England.

The objective of the County Council's Policy is to ensure that the road safety implications of all Highway Schemes required to support development, including those subject to future adoption by the County Council, are fully considered for all road users of the highway, as well as those working on the highway, and to ensure that proposals are compliant with current statutory regulations.

This will help to reduce safety risks on the highways of West Sussex for all those who use them.

The Road Safety Audit Policy on the West Sussex County Council Road Agreements web page explains the procedure for developer proposals requiring a Road Safety Audit.

22. Travel Plans and Travel Plan Statements.

When required

A Travel Plan Statement is required for;

- 1) sites where a *Transport Statement* is required.

A full Travel Plan is required for;

- 1) sites where a *Transport Assessment* is required.

The thresholds for Travel Plan Statements and full Travel Plans are contained within West Sussex County Council's Development Travel Plans Policy (see below)

Information required

Full Travel Plans should include:

- Background information about the site including any relevant travel information (e.g. staff travel surveys)
- A nominated Travel Plan Co-ordinator (including contact details)
- Details of the measures, information, and incentives that will be introduced to encourage use of non-car modes and car sharing. (N.B. for residential developments each dwelling should be offered a £150 voucher which can be used as a contribution towards a new bicycle, cycle training, a bus or rail season ticket, or membership of a Car Club etc).
- Details of any measures and incentives that will be introduced to reduce the need to travel in the first place
- Details of how the Travel Plan will be monitored (in accordance with the TRICS UK Standard Methodology)
- A target to achieve a 12-hour weekday vehicle trip rate that is either 10% lower (rural areas) or 15% lower (urban areas) than is predicted in the accompanying Transport Assessment for a 'no Travel Plan' scenario.
- A commitment to achieving this target with the agreed monitoring period (usually 5 years from initial occupation for workplaces and 5 years from an agreed occupation level for residential sites).
- Details of the remedial/enforcement action that will follow if the target is not achieved. (N.B. for residential developments this should consist of a second offer of £150 travel vouchers to each dwelling).

Travel Plan Statements should include:

- Background information about the site including any relevant travel information (e.g. staff travel surveys)
- A nominated Travel Plan Co-ordinator (including contact details)
- Details of the measures, information, and incentives that will be introduced to encourage use of non-car modes and car sharing. (N.B. for residential developments each dwelling should be offered a £150 voucher which can be used as a contribution towards a new bicycle, cycle training, a bus or rail season ticket, or membership of a Car Club etc).
- Details of any measures and incentives that will be introduced to reduce the need to travel in the first place
- Details of how the Travel Plan will be monitored (e.g. through questionnaire surveys)
- A commitment to the setting a modal shift target based on the outcomes of the initial travel survey.
- A commitment to achieving the target within 5 years of occupation.

Guidance

The County Council has developed a range of tools, incentives, and publicity material for inclusion in Travel Plans and Travel Plan Statements. For full details of what to include in this plan please refer to West Sussex County Council Highways directly on planninghighways@westsussex.gov.uk.

A copy of West Sussex County Council's Development Travel Plans Policy is available upon request from planninghighways@westsussex.gov.uk. The County Council has also produced guidance for developing Travel Plan Statements.

The following national and local guidance should also be referred to:
The Travel Plans, Transport Assessments and Statements section of the National Planning Practice Guidance and section 9 of the [NPPF](#) (February 2019).

23. PARKING ASSESSMENT

The West Sussex County Council's [Guidance on Parking at New Developments \(2019\)](#) has been adopted by this Chichester District Council. As part of any planning submission for new residential, commercial and other forms of development (except domestic extensions and minor business development) details of existing and proposed parking spaces on site need to be provided.

When required

A Parking Assessment is required for all planning applications:

- 1) for a net increase of 11 dwellings or more, or
- 2) for creation in excess of 1000 sq. m of non-residential floor space

where there is an increased requirement for vehicle parking and/or where existing vehicle parking arrangements are changing.

Information required

The parking assessment shall provide:

- the existing and proposed parking provision
- sizes of parking spaces/garages
- justification of how the proposal meets the parking requirements for the development
- details of cycle stores (the location, elevations and materials to be used should form part of the application)

See also the WSCC Car Parking Demand Calculator and associated Maps available on the WSCC [website](#).

24. TREE SURVEY/ARBORICULTURAL IMPLICATIONS & METHOD STATEMENT

When required

An arboricultural impact appraisal (AIA) is required for any new building work (including construction of access drive, patios and the laying of drains/services) that comes **within 15 metres** of:

- 1) A tree the subject of a tree preservation order, either within the application site or on adjoining land, or
- 2) A tree that lies within a conservation area.

Information required

For all applications (including outline applications) the AIA must include a tree survey and finalised tree retention/removal plan. Retained trees and root protection areas should be shown on the proposed layout. In line with the recommendations of BS5837:2012, the AIA is required to be produced by a suitably qualified/experienced arboriculturalist.

The AIA should demonstrate how the identified tree constraints have informed the design of the development. It should also identify all possible conflicts between the proposed development and existing trees on site. At this stage, it is essential to consider the direct impacts of the development proposed and any related activity, including the laying of drains and services, site construction access, contractor's vehicle parking, storage of materials, and changes in ground levels (see BS5837-2012).

An Arboricultural method statement (AMS) will be required where work will be within the root protection area of protected trees. An AMS sets out information regarding the measures needed to protect the trees shown to be retained and schedules of any necessary tree work. It should also detail how the possible conflicts identified in the AIA are to be addressed and include a tree protection plan setting out the measures for protecting the trees during the whole development process (e.g. protective barriers/fences, ground protection measures, existing and proposed finished ground levels). Further information can be found in BS5837-2012.

25. VENTILATION/EXTRACTION STATEMENT

When required

Any application where commercial ventilation or extraction equipment is to be installed. Such equipment is often associated with uses such as

- 1) Restaurants and cafes
- 2) Drinking establishments
- 3) Hot food takeaways
- 4) General business
- 5) General industrial

Information required

The statement should provide information on potential noise, odour or vibrational impact on neighbouring properties. A specialist consultant should prepare the statement.

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Chichester District Council

Planning Committee

Wednesday 09 September 2020

Report of the Director of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters Between

22-Jul-2020 and 18-Aug-2020

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

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

* - Committee level decision.

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
20/00878/FUL Funtington Parish Case Officer: Maria Tomlinson Written Representation	Stockers Farm Salthill Road Fishbourne PO19 3PY - Removal of existing storage containers and erection of 1 no. storage barn for storage purposes ancillary to the residential property.
* 19/02876/FUL Sidlesham Parish Case Officer: Martin Mew Informal Hearing	Land Adjacent To Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW - Change of use of land to travellers caravan site consisting of 4 no. pitches each containing 1 no. mobile home and ancillary development.

Reference/Procedure	Proposal
20/01470/FUL Sidlesham Parish Case Officer: William Price Informal Hearing	3 Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW - Change of use of land to mixed use for siting of residential caravans for 3 no. pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings) on land forming part of 3 Melita Nursery -part retrospective.
19/02691/FUL Southbourne Parish Case Officer: Maria Tomlinson Written Representation	Thornham Products Thornham Lane Southbourne PO10 8DD - Retrospective grant of planning permission to station existing single mobile home on the land and to continue to use it for the applicant's place of residence. (Variation of condition 2 of permission SB/15/01837/FUL - Change of wording of the condition to enable the occupiers to remain on site under a personal permanent permission).

2. DECISIONS MADE

Reference/Procedure	Proposal
19/01313/FUL Chichester Parish Case Officer: Calum Thomas Written Representation	Land At The East Of Joys Croft Chichester West Sussex PO19 7NJ - Erection of 1 no. dwelling.
Appeal Decision: APPEAL DISMISSED	
<p>"The appeal is dismissed....The appeal site comprises an area of concrete hardstanding and a small open area to the rear of dwellings fronting Joys Croft.... The backland siting of the proposed dwelling and side garden would thus be at odds with the prevailing pattern of development... the internal floor area of the proposed dwelling is approximately 60 m2. It would therefore be significantly smaller than the minimum gross internal floor area for a 2-storey 2-bedroom 3-person dwelling of 70 m2 plus 2 m2 of built-in storage set out in the Technical housing standards- nationally described space standard (NDSS). ...NDSS does not appear to have been adopted by the Council. Even so, it provides a general guide as to the quantum of space which is necessary to provide future occupants with a reasonable amount of room to undertake a range of day-to-day activities...the proposed dwelling would have an inadequate internal floor area to provide satisfactory living conditions for potentially three occupiers. ... with no front or rear gardens but a garden area proposed instead to the side ... the proposed garden area would be entirely overlooked, ... ground floors of both Nos. 78 and 78a are both in use as hot food takeaways with extraction flues to their rear elevations. Noise and odours from these properties would potentially adversely affect the enjoyment of the proposed garden, for which there is no proposed or obvious means of mitigation. ...therefore conclude that the proposed development would fail to provide adequate living conditions for the future occupiers of the proposed dwelling. ... the rear elevation of the proposed dwelling would be very close to the rear elevation of the flat above Nos. 78 and 78a. Three windows in this elevation face the site, two of which would look directly onto the proposed dwelling ... The dormer windows in the front elevation of the proposed dwelling would afford views into this conservatory and the rear garden of 'Haven'.... The dwelling would have an adequate means of access and vehicles exiting the car port would be able to turn in the space in front of the garages. Overall, I conclude that the proposed development would be unacceptably harmful to the living conditions of the occupiers of the flat above Nos. 78 and 78a and of 'Haven' through the loss of outlook and privacy respectively ... However, I find no conflict in this regard with Policy 39 of the CLPKP ... an additional dwelling would make a minimal contribution to the housing supply in the district and the associated social and economic benefits would be very limited. These benefits are not sufficient to outweigh the harm I have identified to the local environment and the living conditions of neighbouring and future occupiers. ..."</p>	

Reference/Procedure	Proposal
<p data-bbox="197 230 405 264">19/00350/LBC</p> <p data-bbox="197 266 464 300">Donnington Parish</p> <p data-bbox="197 365 475 432">Case Officer: Maria Tomlinson</p> <p data-bbox="197 456 552 490">Written Representation</p>	<p data-bbox="639 230 1461 336">Hardings Farm Selsey Road Donnington Chichester West Sussex PO20 7PU - Replacement of 8 no. windows to North, East and South Elevations (like for like).</p>
Appeal Decision: APPEAL DISMISSED	
<p data-bbox="180 562 1469 1509">Hardings Farm is a Grade II listed L-shaped house. The south wing dates from the 17th century, and the south elevation of the south wing is heavily punctuated by a number of ground and first floor windows of varying sizes. Part of the significance of Hardings Farm is derived from the historic windows in the south wing in terms of their materials and craftsmanship. Furthermore, their aesthetic quality, derived from their age, also contributes to their visual interest. Consequently they contribute to the significance and special interest of the property. ... The replacement windows loosely replicate the more historic windows found in the south wing, but there are key differences. Firstly, they are double glazed which gives depth to the casements and is also visible through the glass. As set out above they also include trickle vents which are visible from inside and out, and overall the window frame and glazing bars have sharper, squarer, engineered edges in contrast to the more historic windows which have thinner puttied glazing bars which gives them an entirely different appearance. Again, as previously noted, the plans also show flush casements but on site these sit proud. When looked at in detail, therefore, the proposed windows are not a 'like for like' match.... therefore find that the loss of historic windows and their replacement as proposed would cause harm to the special architectural and historic interest of Harding's Farm. The harm I have found would be 'less than substantial' for the purposes of the National Planning Policy Framework (the Framework) given the scale and impact of the proposed works. As per para 196 of the Framework this harm should be weighed against the public benefits of the proposal. The appellant states that the previous windows were beyond repair but there is no evidence before me that this was the case. I accept that the new windows have improved the internal living environment for occupants and might be more thermally efficient. However, there are alternative thermal upgrading options.... Such benefits would not, therefore, outweigh the harm that I have identified, which must be given considerable importance and weight in the balancing exercise.</p>	

Reference/Procedure	Proposal
19/02811/DOM Linchmere Parish Case Officer: William Price Written Representation	Pond Cottage Camelsdale Road Camelsdale Linchmere GU27 3RB - Single storey extension to north, replacement of existing roof extension and internal alterations.
Appeal Decision: APPEAL DISMISSED	
<p>“...The appeal is dismissed. The main issues are the effect of the proposed works on the special architectural and historic interest of Pond Cottage which is Grade II listed, and linked to that whether they would preserve or enhance the character or appearance of the Camelsdale and Hammer Conservation Area. The proposed works include a single storey extension which would have a relatively modern roof form comprising a low hipped roof behind which would be concealed a flat roof. The appeal property has a mixture of fully pitched gables and half hips therefore the proposed roof would appear out of keeping with these in addition to the above it is proposed to subdivide the existing kitchen into a utility and WC. This would involve the construction of a partition wall that would bisect the existing kitchen window in two. The window in question is of some age and was not originally designed to be split in two. Such a change, even if reversible, would be apparent internally and also externally and would detract from the special historic and architectural interest of the property. For these reasons the proposed works would detract from the special architectural and historic interest of the cottage. The extension would also be clearly visible from across the pond and as such would neither preserve nor enhance the character or appearance of the CA....”</p>	
19/02812/LBC Linchmere Parish Case Officer: William Price Written Representation	Pond Cottage Camelsdale Road Camelsdale Linchmere GU27 3RB - Single storey extension to north, replacement of existing roof extension and internal alterations including the replacement of staircase, opening of original doorway and blocking of doorway to south of dining room.
Appeal Decision: APPEAL DISMISSED	
As above	

Reference/Procedure	Proposal
19/01240/FUL Loxwood Parish Case Officer: Jeremy Bushell Public Inquiry	Land South West Of Guidford Road Loxwood West Sussex - Demolition of existing dwelling and the erection of 50 dwellings to include 35 private units and 15 affordable units, creation of proposed vehicular access, internal roads and footpaths, car parking, sustainable drainage system, open space with associated landscaping and amenity space.
Appeal Decision: APPEAL WITHDRAWN	
Appeal Withdrawn	
16/00325/CONCOM North Mundham Parish Case Officer: Shona Archer Written Representation	6 Oakdene Gardens North Mundham Chichester West Sussex PO20 1AQ - Appeal against NM/28
Appeal Decision: APPEAL DISMISSED - NOTICE UPHeld	
<p>"... The appeals are dismissed and the enforcement notice is upheld. The appeal site is part of a larger area of land that was previously in use as a scrap yard. Eight dwellings have been built on the land following outline planning permission¹ and reserved matters. ... In appeals on legal grounds, in this case grounds (b), (c), (d) and (e), the onus is on the appellants to provide all the relevant information and evidence to support their case, and the standard of proof is the balance of probability. Appeals on ground (e) - The ground of appeal is that copies of the enforcement notice were not served, ... The appellants have been able to lodge an appeal and provide evidence. ... The appeals on ground (e) therefore fail. Appeals on ground (b) - This ground of appeal is that the matters stated in the notice have not occurred. ... The appellant does not dispute that the land is being used to store the items listed and is enclosed by a fence, and consequently the appeals on ground (b) must fail. Appeals on ground (c) - This ground of appeal is that the matters stated in the notice do not constitute a breach of planning control. ... The appeal site is being used to store items belonging to the appellants, who do not live at No 6. This is therefore an entirely separate and standalone storage use on a separate unit of occupation, which is both physically and functionally separate. ... The site is dominated by the storage containers and open storage ... This is not akin to the storage of personal items within a garden. ... Accordingly, a material change of use has occurred and the appeals on ground (c) fail. Appeals on ground (d) - The ground of appeal is that at the date the notice was issued no enforcement action could be taken in respect of the matters alleged in the notice. The time limit for taking enforcement action against development comprising a material change of use of this kind is 10 years ... It has not been demonstrated that the use has been carried on for the necessary period, and therefore the appeals on ground (d) fail. Appeals on ground (g) - The ground of appeal is that the period for compliance specified in the notice falls short of what should reasonably be allowed ... the notice requires that the items be removed from the land, not that they be disposed of. They could therefore be stored elsewhere rather than thrown away. The three months' compliance period is reasonable, and the appeals on ground (g) fail."</p>	

Reference/Procedure	Proposal
19/02126/FUL Wisborough Green Parish Case Officer: Martin Mew Written Representation	Goose Cottage Durbans Road Wisborough Green RH14 0DG - Change of use of 1 no. existing timber clad store room into 1 no. new dwelling. Removal of temporary tent garage and replacement with 1 no. timber clad garage.
Appeal Decision: APPEAL DISMISSED	
<p>"... the proposal would conflict with the Council's strategic approach towards the location of development and result in future occupiers being dependent on the private car. The development would also cause harm to the living conditions of neighbouring residents. Although some benefits would arise from the proposal including the boost to housing supply and the economic benefits arising from the construction and subsequent occupation of the dwelling, the small scale of the development means that the benefits would be limited. Furthermore, whilst the proposal would accord with The Framework in some respects, for the reasons set out above, I conclude that the development would be contrary to The Framework when taken as a whole. ..."</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<u>17/00356/CONMHC</u> Birdham Parish Case Officer: Shona Archer Informal Hearing	Plot 12 Land North West Of Premier Business Park Birdham Road Appledram West Sussex - Without planning permission, change of use of the Land to the storage of a caravan and a highway maintenance vehicle used for white line painting. Linked to 17/00361/CONMHC & 17/00362/CONMHC
<u>17/00361/CONMHC</u> Birdham Parish Case Officer: Shona Archer Informal Hearing	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex - Without planning permission, change of use of the Land to the storage of a caravan and a diesel fuel oil tank. Linked to 17/00356/CONMHC & 17/00362/CONMHC
<u>17/00362/CONMHC</u> Birdham Parish Case Officer: Shona Archer Informal Hearing	Plot 14 Land North West Of Premier Business Park Birdham Road Appledram West Sussex - Without planning permission change of use of the land to use as a residential caravan site. Linked to 17/00356/CONMHC & 17/00361/CONMHC
<u>19/00845/FUL</u> Birdham Parish Case Officer: Martin Mew Written Representation	Common Piece Main Road Birdham West Sussex - Use of land for the stationing of a static caravan.
<u>19/01352/DOM</u> Bosham Parish Case Officer: Oliver Naish Householder Appeal	The Old Town Hall Bosham Lane Bosham PO18 8HY - Construction of an outdoor swimming pool.

Reference/Procedure	Proposal
<p>* 20/00128/FUL Bosham Parish</p> <p>Case Officer: William Price</p> <p>Written Representation</p>	<p>Lower Hone Farm Lower Hone Lane Bosham Chichester West Sussex PO18 8QN - Change use of storage barn to 1 no. dwellinghouse and associated works, including natural swimming pond and landscaping.</p>
<p>20/00609/DOM Chichester Parish</p> <p>Case Officer: William Price</p> <p>Written Representation</p>	<p>3 Franklin Place Chichester PO19 1BL - First floor rear extension and replacement conservatory.</p> <p>Linked to 20/00610/LBC</p>
<p>20/00610/LBC Chichester Parish</p> <p>Case Officer: William Price</p> <p>Written Representation</p>	<p>3 Franklin Place Chichester PO19 1BL - First floor rear extension and replacement conservatory.</p> <p>Linked to 20/00609/DOM</p>
<p>16/00320/CONCOU Earnley Parish</p> <p>Case Officer: Steven Pattie</p> <p>Written Representation</p>	<p>Witsend Nursery Third Avenue Batchmere Chichester West Sussex PO20 7LB - Appeal against E/32</p>
<p>20/00967/FUL Earnley Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>101A First Avenue Almodington Batchmere West Sussex PO20 7LQ - Proposed cladding to walls and roof of existing horticultural building (greenhouse) and additional internal works.</p>

Reference/Procedure	Proposal
19/02922/DOM East Wittering And Bracklesham Parish Case Officer: Calum Thomas Householder Appeal	Cornerpiece 18 Coney Road East Wittering PO20 8DA - Proposed entrance porch and loft conversion including 2 no front dormers.
17/00011/CONBC Funtington Parish Case Officer: Tara Lang Informal Hearing	Land South Of The Stables Newells Lane West Ashling West Sussex - Appeal against Enforcement Notice FU/71
18/00323/CONHI Funtington Parish Case Officer: Sue Payne Written Representation	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22
19/01400/FUL Loxwood Parish Case Officer: William Price Written Representation	Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS - Erection of a detached dwelling following demolition of free-standing garage.
19/02781/OUT Loxwood Parish Case Officer: Jeremy Bushell Public Inquiry 03/11/2020 The Vicars Hall Cathedral Cloisters Chichester PO19 1PX	Land South Of Loxwood Farm Place High Street Loxwood West Sussex - The erection of up to 22 no. residential dwellings with all matters reserved, except for access (excluding internal estate roads).

Reference/Procedure	Proposal
<u>19/00141/CONHH</u> Oving Parish Case Officer: Emma Kierans Written Representation	Oakham Farmhouse Church Lane Oving Chichester West Sussex PO20 2BT - Appeal against a fence in excess of 1 metre in height erected adjacent to the highway, subject to Enforcement Notice O/30.
<u>17/00104/CONBC</u> Plaistow And Ifold Parish Case Officer: Sue Payne Written Representation	Burgau Barn Plaistow Road Ifold Loxwood Billingshurst West Sussex RH14 0TZ - Appeal against Enforcement Notice PS/68 and planning permission refusal for 18/01685/FUL.
<u>18/01685/FUL</u> Plaistow And Ifold Parish Case Officer: Martin Mew Written Representation	Burgau Barn Plaistow Road Ifold Loxwood RH14 0TZ - Retrospective single storey side extension.
<u>19/01103/LBC</u> Sidlesham Parish Case Officer: Maria Tomlinson Written Representation	Highleigh Farmhouse Highleigh Road Sidlesham PO20 7NR - Installation of replacement windows to match existing.
<u>20/00046/PA3Q</u> Sidlesham Parish Case Officer: William Price Written Representation	Land North Of 66 Street End Lane Sidlesham Chichester West Sussex PO20 7RG - Change of use of 2 no. agricultural buildings to 2 no. dwellings (Class C3).

Reference/Procedure	Proposal
<u>19/01859/FUL</u> Southbourne Parish Case Officer: Calum Thomas Written Representation	Land Rear Of Mayfield Prinsted Lane Prinsted Southbourne PO10 8HS - 1 no. dwelling.
<u>19/00070/CONHH</u> Tangmere Parish Case Officer: Sue Payne Written Representation	12A Nettleton Avenue Tangmere Chichester West Sussex PO20 2HZ - Appeal against development of a wind turbine and gates in excess of 1m height adjacent to highway, subject to Enforcement Notice TG/24.
<u>19/01532/FUL</u> Tangmere Parish Case Officer: William Price Written Representation	17 Nettleton Avenue Tangmere Chichester West Sussex PO20 2HZ - Proposed extension of boundary to existing dwelling at 17 Nettleton Avenue to change use of land from public amenity space to private garden. Associated erection of boundary treatment
* <u>19/02365/FUL</u> Tangmere Parish Case Officer: Martin Mew Written Representation	Land To The West Of Hangar Drive Tangmere West Sussex - Erection of 6 no. flats with associated parking, bin and cycle store, landscaping and open space (consistent with scheme approved under 16/00444/FUL).
<u>18/00100/CONCOU</u> West Itchenor Parish Case Officer: Steven Pattie Written Representation	Northshore Yacht Limited The Street Itchenor Chichester West Sussex PO20 7AY - Appeal against WI/16

Reference/Procedure	Proposal
<u>16/00251/CONBC</u> West Wittering Parish Case Officer: Steven Pattie Written Representation	Land East Of Brook House Pound Road West Wittering Chichester West Sussex PO20 8AJ - Appeal against breach of condition 2 to 13/02676/DOM - use of outbuilding subject to Enforcement Notice WW/49.
* <u>18/02708/DOM</u> West Wittering Parish Case Officer: Martin Mew Written Representation	Dolphins Rookwood Lane West Wittering Chichester West Sussex PO20 8QH - Proposed steps down through garden to a 1.5 metre long tunnel beneath public footpath rising through to another set of steps to the foreshore garden.
* <u>19/01622/FUL</u> West Wittering Parish Case Officer: Martin Mew Written Representation	Surbitonia 45 Howard Avenue West Wittering PO20 8EX - Demolition of an existing bungalow with a garage and erection of 2 no. replacement two storey dwellings with separate access and parking.
<u>19/02136/FUL</u> West Wittering Parish Case Officer: Maria Tomlinson Written Representation	Land East Of Brook House Pound Road West Wittering Chichester West Sussex PO20 8AJ - Construction of 1 no. boat house with ground floor storage ancillary to first floor self-contained residential unit.
<u>13/00163/CONWST</u> Westbourne Parish Case Officer: Shona Archer Public Inquiry 05/01/2021 Chichester City Council North Street Chichester PO19 1LQ	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against WE/40, WE/41 and WE/42.

Reference/Procedure	Proposal
19/00117/CONMHC Westbourne Parish Case Officer: Steven Pattie Informal Hearing	Land North Of The Grange Woodmancote Lane Woodmancote Emsworth Hampshire - Appeal against stationing of 2 mobile homes (see permission 19/00606/FUL) and subject to Enforcement Notice WE/47.
20/00237/FUL Westbourne Parish Case Officer: Calum Thomas Informal Hearing	Land North Of The Grange Woodmancote Lane Woodmancote Emsworth Hampshire - Erection of a polytunnel to house fish tanks for a hydroponic / aquaponic fish farm.
20/00366/FUL Westbourne Parish Case Officer: Maria Tomlinson Written Representation	Woodmancote Meadow Woodmancote Lane Westbourne West Sussex PO10 8RF - Erection of a 1 no. 3 bedroom dwelling.

4. VARIATIONS TO SECTION 106 AGREEMENTS

[20/00084/OBG](#): Greenacre Nursery, Main Road, Chidham, Chichester, West Sussex, PO18 8TP

The proposed amendments to the S.106 agreement relate to the detailed provisions of the mortgagee in possession obligations. The amendment was proposed to bring the wording in line with updated National Housing Federation recommended clauses, which CDC now use as standard. The updated wording would allow the Registered Provider to achieve the maximum possible value when securing affordable housing finance. The proposals do not change the approved proportion, mix and tenure of affordable dwellings secured under the S.106. The variation facilitates the ability/viability of registered providers to continue to deliver affordable housing in the District.

CDC Housing supports the proposed changes. The S.106 deed of variation was completed on 19th August 2020.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage
	Page 152	

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land West of Birdham Farm, Birdham Road, Chichester	Of 4 Enforcement Notices. Hearing at the High Court for our Application for a permanent Injunction Order	Final hearing at the High Court on 27 & 28 July. Court granted our Application and issued a permanent injunction against 25 Defendants and Persons Unknown. The Injunction requires them to stop using the land for human habitation and remove all caravans and accessories by 31 December 2020 and to remove all cabling, stables, tracks etc. and restore the land to agricultural use by 31 January 2020. The Defendants were ordered to pay the Council's costs of the proceedings (amount to be assessed by the court).

High Court Hearings		
Site	Matter	Stage
23 Southgate, Chichester (The Vestry)	Challenge to issue of planning permission dated 9 th December 2019	Consent Order has been signed on behalf of the Council but the interested party, Sussex Inns Limited, are defending the claim. Hearing date set for 15 th September 2020.

Prosecutions		
Site	Breach	Stage
Land South of the Stables, Newells Lane, Chichester	Of Enforcement Notice requiring the removal of Pillars, walls and debris	Letter before action sent to owner of the land on 22 June notifying him of the matter referred to the Legal Department for prosecution unless the breach is rectified. The letter gave him until the beginning of August to comply or proceedings would commence. Currently, courts are clearing the backlog because of Covid-19 and therefore are prioritizing urgent cases, such as domestic abuse, defendants in custody and trials. Legal is liaising with the department which will arrange for another site visit before Legal commences proceedings.

7. POLICY MATTERS

None

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South Downs National Park

Planning Committee

Report of the Director of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 22/07/20 and 18/08/20

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

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

* - Committee level decision.

1. NEW APPEALS

SDNP/19/05107/FUL Lynchmere Parish Council Parish Case Officer: Charlotte Cranmer Written Representation	Land at Farm Between Forest Mead and Stonefield Linchmere Haslemere Surrey - Demolition of 2 no. existing outbuildings and the erection 2 no. self- contained holiday lets with associated parking and gardens and ancillary store.

2. DECIDED

Reference/Procedure	Proposal
SDNP/19/02832/FUL Fernhurst Parish Council Parish Case Officer: Derek Price Written Representation	Baldwins Ropes Lane Fernhurst GU27 3JD - Reconstruction of the former stables and storage building to provide a single holiday let for tourist accommodation.
Appeal Decision: APPEAL DISMISSED	
<p>“..The rural quality of the existing site contributes positively to the character and appearance of the Conservation Area. The new development would occupy an exposed position adjacent to open fields where there has been an absence of the former building for some considerable time. It would introduce a new built form with a domestic appearance in a distinctly rural context. Although not an independent dwelling, the building's use for tourism would also result in domestic type use being apparent in and around the new building. This would take the form of light, noise, activity and paraphernalia around the building. The plans do show some hatching annotation on the windows facing the countryside, as well as on the front entrance doors of the building height would inevitably spill out into the surrounding area which would intrude into the dark night sky in this area, Furthermore, activity and noise would also upset the rural tranquillity of the area. It is an area where human background noise would be minimal due to its countryside location. Occupiers would generate noise in everyday use of accommodation which would be difficult to control. There would also be domestic paraphernalia, such as tables and chairs, barbeque areas, etc., which you would reasonably associate with a tourist use. The original building dated back to 1875 perhaps earlier, given its appearance. The appellant's Heritage Statement (HS) states that the building always had a close association with the house, through the sharing of yards between them. However, the use of the building would be different in introducing an intrusive tourist development in place of a building in incidental or ancillary use. For these reasons, there would be no improvement to the setting of the listed building. The development from Ropes Lane would be largely screened by existing dense and well- established vegetation and trees. However, the lack of public visibility is not an overriding consideration as a Conservation Areas is an irreplaceable resource. There would be an area outside a farm gate on Tanyard Lane where new development would be visible and intrusive especially when deciduous vegetation has lost leaves. There would also be harm to character, a quality that is perceived as well as seen which would be evident from activity, noise and lighting. For all these reasons, the tourist use would fail to preserve the</p>	

Appeal Decision: APPEAL DISMISSED - continued

rural character and appearance of the Conservation Area. It is necessary that this identified harm is weighed against the public benefits of the proposal. However, the heritage asset benefit on the setting of Baldwins would be benign and the tourist benefits would be diminished by reason of the proposal being small-scale. Benefits also have to be weighed against the adverse impact on the significance of the Conservation Area for which considerable importance and weight is attached. Thus, the harm to the significance of the Conservation Area would outweigh the scheme's benefits. ... site location within the SDNP, the proposal would not conserve and enhance the landscape and scenic beauty of the NP by reason of its domesticated impact, including lighting, activity and noise. The NPPF states great weight should be given to this consideration and that NPs have the highest status of protection. In conclusion, the proposal would harm the character and appearance of the area, including the Conservation Area as a whole and the SDNP. There are no material considerations to outweigh that finding. Therefore, for the reasons set out above, this appeal is dismissed...."

3. CURRENT APPEALS

Reference/Procedure	Proposal
SDNP/19/01293/LDE Heyshott Parish Council Parish Case Officer: Derek Price Written Representation	Northend House Polecats Heyshott GU29 0DD - Lawful Development Certificate for the retention and continued use of the existing driveway. Linked to SDNP/19/01322/LDE
SDNP/19/01322/LDE Heyshott Parish Council Parish Case Officer: Derek Price Written Representation	Northend House Polecats Heyshott GU29 0DD - Retention of existing gates and brick piers serving access to Northend House. Linked to SDNP/19/01293/LDE
* SDNP/18/05093/LDE Elsted and Treyford Parish Council Parish Case Officer: Charlotte Cranmer Informal Hearing	Buryfield Cottage Sheepwash Elsted Midhurst West Sussex GU29 0LA - Existing lawful development certificate for occupation of a dwellinghouse without complying with an agricultural occupancy condition.

Reference/Procedure	Proposal
SDNP/19/04625/LIS Petworth Town Council Parish Case Officer: Beverley Stubbington Written Representation	Riverbank High Street Petworth West Sussex GU28 0AU - Internal alterations including installation of dividing walls and sound/fire proofing party floors to facilitate change of use.
SDNP/19/03168/LIS Harting Parish Council Parish Case Officer: John Saunders Written Representation	Rooks Cottage North Lane South Harting GU31 5PZ - Replacement of 6 no. windows and 1 no. door on west elevation. Replacement of 1 no. door on adjacent single storey.
SDNP/19/04624/FUL Petworth Town Council Parish Case Officer: Beverley Stubbington Written Representation	Riverbank High Street Petworth West Sussex GU28 0AU - Change of use of rear room currently used as retail store and first floor offices to residential to form a self-contained two bedroom flat. Soundproofing and fireproofing internal walls. Formation of WC at ground floor level.
SDNP/19/04507/FUL Lavant Parish Council Parish Case Officer: Charlotte Cranmer Written Representation	Roughmere Lavant Road Lavant PO18 0BG - Demolition of double garage and shed, and replacement with 1 no. chalet bungalow.
SDNP/19/01956/HOUS East Dean Parish Council Parish Case Officer: Derek Price Householder Appeal	1 Manor Farm Barns East Dean Lane East Dean PO18 0JA - Proposed side extension, relocation of 1 no. heritage style roof light , 2 no. new conservation type roof lights and 1 no. new painted timber double glazed window on west elevation.

Reference/Procedure	Proposal
SDNP/19/05938/HOUS Lurgashall Parish Council Parish Case Officer: Jenna Shore Written Representation	Aldworth Farm Jobsons Lane Lurgashall GU27 3BY - Two storey rear extension to northern wing. Minor internal alterations and replacement fenestration to south west extended section and north east extended section. Amendments to planning permission SDNP/16/03556/FUL and listed building consent SDNP/16/03567/LIS.
SDNP/18/04604/FUL Funtington Parish Council Parish Case Officer: John Saunders Written Representation	The Coach House Southbrook Road West Ashling PO18 8DN - Replacement dwelling.
SDNP/19/05939/LIS Lurgashall Parish Council Parish Case Officer: Jenna Shore Written Representation	Aldworth Farm Jobsons Lane Lurgashall GU27 3BY - Two storey rear extension to northern wing. Minor internal alterations and replacement fenestration to south west extended section and north east extended section. Amendments to planning permission SDNP/16/03556/FUL and listed building consent SDNP/16/03567/LIS.
SDNP/16/00496/OPDEV Funtington Parish Council Parish Case Officer: Shona Archer Informal Hearing	Land South of Braefoot Southbrook Road West Ashling West Sussex - Appeal against insertion of a cesspit and engineering works.
SDNP/18/00733/COU Tillington Parish Council Parish Case Officer: Emma Kierans Written Representation	Field South East of Beggars Corner Halfway Bridge Lodsworth West Sussex - Appeal against erection of stables and increased vehicular activity on the land, subject to Enforcement Notice LD/16.

4. VARIATIONS TO SECTION 106 AGREEMENTS

None

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

None