

Public Document Pack

JOHN WARD

Director of Corporate Services

Contact: Sharon Hurr on 01243 534614

Email: shurr@chichester.gov.uk

East Pallant House

1 East Pallant

Chichester

West Sussex

PO19 1TY

Tel: 01243 785166

www.chichester.gov.uk



A meeting of **Planning Committee** will be held in Virtual on **Wednesday 4 November 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 **Chair's Announcements**

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

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 **Approval of Minutes** (Pages 1 - 6)

The minutes relate to the meeting of the Planning Committee on 7 October 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 7 - 8)

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 9 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 **CC/20/01914/FUL - St James Industrial Estate, Westhampnett Road, Chichester, West Sussex, PO19 7JU (item start time approximately 9.35am)** (Pages 9 - 47)
Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m² (47877ft) of lettable industrial space all under B1b, B1c and B8 use classes with 5 no. replacement buildings.
- 6 **CC/19/03122/REM - Land West Of Centurion Way And West Of Old Broyle Road, Chichester, West Sussex, PO19 3PH (item start time approximately 10.30am)** (Pages 49 - 64)
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 B).
- 7 **CC/20/02322/ADV - Land On The West Side Of Broyle Road, Chichester, PO19 3PH (item start time approximately 11.15am)** (Pages 65 - 73)
Erection of 2 no. non-illuminated V signage boards and 4 no. non-illuminated flag advertisements.
- 8 **KD/20/02180/FUL - Sussex Game Farm, Scratching Lane, Kirdford, RH14 0JN (item start time approximately 11.40am)** (Pages 75 - 81)
Proposed farmhouse, garage and access. (Removal of condition 2 of permission KD/24/74 - removal of the agricultural occupancy condition).
- 9 **BI/20/01130/FUL - Plovers Cottage, Batchmere Road, Birdham, PO20 7LJ (item start time approximately 12.00pm)** (Pages 83 - 102)
Erection of 1 no. 3 bed bungalow.
- 10 **Interim Policy Statement for Housing** (Pages 103 - 137)
The Planning Committee are requested to consider the report and its appendices and make the following resolution:

That the Planning Committee approves the proposed revisions to the Interim Policy Statement (IPS) for Housing for development management purposes to be used to assess relevant planning applications with immediate effect.
- 11 **Schedule of Outstanding Contraventions** (Pages 139 - 165)
The Planning Committee is asked to consider the quarterly schedule which updates the position with regards to planning enforcement matters.
- 12 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 167 - 177)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 13 **South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters** (Pages 179 - 184)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 14 **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 Chair has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

15 **Exclusion of the Press and Public**
There are no restricted items for consideration.

16 **Update Sheet** (Pages 185 - 193)

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
CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations

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
PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64

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

PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held in virtually on Wednesday 7 October 2020 at 9.30 am

Members Present: 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

Members not present:

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr M Mew (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)), Miss K Taylor (Senior Planning Officer) and Mr T Whitty (Divisional Manager for Development Management)

137 **Chair's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

138 **Approval of Minutes**

RESOLVED

That the minutes of 9 September 2020, and the minutes of 28 September 2020 be approved.

139 **Urgent Items**

There were no urgent items.

140 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of planning application CH/20/00412/OUT as Chichester District Council appointee of Chichester Harbour Conservancy.

Mr Oakley declared a person interest in respect of planning applications CH/20/00412/OUT and EWB/19/00431/ARG as a Member of West Sussex County Council.

Mrs Purnell declared a person interest in respect of planning applications CH/20/00412/OUT and EWB/19/00431/ARG as a Member of West Sussex County Council.

141 **CH/20/00412/OUT - Land Off Broad Road, Broad Road, Hambrook, PO18 8RF**

Miss Taylor presented the item to Members.

The Committee received the following speakers:

Roger Gowlett – Parish Council
Stephen Johnson – Objector
Jane Towers – Objector
Andrew Kerry-Bedell – Objector
Jeremy Higgins – Agent

Officers responded to Member's comments and questions. Miss Taylor confirmed that the site was listed in the Housing and Economic Land Availability Assessment (HELAA) as suitable for development. With regards to applying the 'tilted balance' assessment within the National Planning Policy Framework (NPPF), para11 referred to the application of decisions, and section d stated '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', and therefore the entirety of the NPPF must be considered. Miss Taylor also confirmed that officers were satisfied that the access to the field beyond the proposed development, was sufficient.

With regards to the proportion of houses within the Nutbourne East settlement boundary which were at market level and those which were affordable if the proposed 35 houses remained affordable, Miss Bell responded that officers did not currently have those figures, but added that housing officers had confirmed a need existed within the area for affordable housing for first time buyers.

On the matter of reasons to refuse the recommendation not to contest the appeal, Mr Whitty confirmed Members had cited reasons which were grounded in material planning considerations. With regards to the tilted balance, the consideration was whether the lack of a five year housing land supply would outweigh any parts of the NPPF guidance. Officers acknowledged that the site did not meet the criteria with the NPPF for an Entry Level Exception Site (ELES) as it was 0.3 of a hectare larger than the policy set out and 2.2% larger in terms of the assessment against the settlement of Nutbourne East, but Mr Whitty advised that a Planning Inspector may plot the settlement boundary against how housing functioned rather than a local authority drawn settlement boundary, but this could provide a valid reason against the tilted balance. The NPPF set the threshold to ensure communities were not overwhelmed by exception sites but it would then be necessary to identify the concern within the policy and articulate the resultant harm or implications.

With regards to the field access, Mr Whitty confirmed officers were not aware of other access and currently the proposal appeared to be via the site, but iterated officers did not have concerns related to this.

Mr Whitty confirmed that nitrates which would feed into the harbour would be dealt with by way of off-setting, by taking an area used for cereal production out of use

and then plant with woodland. Whilst the proposed mitigation land would be in Hampshire and would not run-off into the same tributary of Chichester Harbour as that of Thornham Waste Water Treatment Works, it nonetheless fed into the harbour as a whole and as such officers were satisfied that the impact would be mitigated. With regards to recreational disturbance, the Council would take the standard approach of taking a contribution by way of mitigation. Mr Whitty also advised that in relation to foul discharge, Southern Water was a statutory body and as such the Council had no control over it, and therefore this matter could not be utilised as a reason for refusal. Southern Water had been consulted with, they were satisfied and their comments were included within the report.

On the matter of affordable housing, Mr Whitty confirmed the housing officer was satisfied with the provision of affordable housing within the site, but with regards to the inability to obtain mortgages for the properties resulting in the whole site becoming affordable rented and the impact on the mix of housing, he advised that there was not as yet, evidence to suggest this outcome.

In a response to a request for clarification Mr Whitty confirmed the description of the development could be amended to stipulate 'up to' 35 dwellings, to allow for a reduced number at reserved matters stage, should an appropriate layout not be achievable for that number of units. Mr Whitty further responded that the developer had not put forward that description, and it had not been requested as officers believed this number of properties was achievable. Mr Whitty went on to confirm that there were difficulties in obtaining mortgages for nine units to the west of the site, and should Members have concerns that a similar situation would arise for this site, that could provide grounds to contest the appeal. However, should the applicant provide compelling evidence that mortgages could be obtained, that would have an impact on the use of such argument, at an appeal.

Mr Whitty confirmed that the recommendation not to contest the appeal was not based on the potential cost of an appeal, but whether it could be contested and on what grounds, which must be robust. On the issue of nitrates, the Council would look to control that matter and others by way of a S106 agreement.

Miss Bell clarified discussions which had taken place with Natural England and confirmed that the site drained into the Thornham channel of the Chichester harbour which was adjacent to the Emsworth channel. The land which the applicant was considering using for the purposes of off-setting was in Rowlands Castle, north of Emsworth. Natural England were taking approaches on a number of sites, for such objective, on land which had changed from agriculture to planted woodlands. These would be retained in perpetuity (80-120 years) and be secured via a S106 agreement. Miss Bell also drew Members attention to relevant sections within the report and also further to information regarding an ELES and first time buyers.

On the matter of parking spaces Miss Bell confirmed that the number of proposed units had decreased from an earlier application and the highway authority considered that an appropriate number of parking spaces could now be achieved.

Mr Whitty advised members to not include sustainability as a reason to contest the appeal due to the availability of bus routes and the rail station, and therefore this

was unlikely to be acceptable to a Planning Inspector. Mr Whitty further advised that from the debate, there were two main concerns which were justifiable in regards to planning. The first was related to the tilted balance and whether the scheme should be contested on the basis that it exceeded the hectarage and percentage in relation to the nearby settlement. With regards to demonstrating harm, and the lack of a five year housing land supply, that the benefit of providing housing would be outweighed by the social and infrastructure disadvantages which would overwhelm the settlement. The second related the pylons, and their impact on the previous site which resulted in the inability to obtain mortgages. This could reoccur, on the proposed site, which would lead to a change of tenure again to social rented. This would then provide an unrelieved cluster which would not meet the housing mix required. With regards to health issues related to the proximity of the pylons, Mr Whitty advised that there was a lack of planning policy and evidence on this matter.

With regards to flooding Mr Whitty advised this was likely to relate only to surface water and could not be defended on appeal. Mr Whitty also advised that in regards to the comments from Natural England, the Inspectorate would have to determine there was suitable mitigation for nitrates, and a S106 would provide assurance.

In a vote Members **overturned** the recommendation not to contest the appeal.

Cllr Bowden proposed that the reasons for refusal were based on two concerns outlined by Mr Whitty regarding exceeding the hectarage and percentage as detailed for a ELES site in the NPPF, and the proximity of the pylons potentially leading to the inability to obtain mortgages for the units, resulting in an unrelieved cluster of social rented properties and not the housing mix required. A third reason was recommended by officers that a S106 was required to secure the Heads of Terms set out in the committee agenda and an appropriate assessment would need to be passed in consultation with Natural England, this was agreed by Cllr Bowden. This proposal was seconded by Cllr Briscoe.

In a vote Members **Agreed** the reasons to overturn the officer recommendation and to contest the appeal.

Members took a ten minute break.

142 **EWB/19/00431/AGR - Hundredsteddle Farm, Hundredsteddle Lane, Birdham, Chichester, West Sussex, PO20 7BL**

Mr Mew presented the item to Members and drew attention to the agenda update sheet. Mr Mew also provided a verbal report explaining that further information had been received on behalf of the applicant regarding clarification on the access arrangements and swept path analysis, and a further third party comment had been received regarding the need/lack of need for the building.

The Committee received the following speakers:

Brian Reeves – Parish Council
Graeme Maycock – Objector
Dermot McCaffery – Objector

Jill Sutcliffe – Objector
Rachel Strange – Applicant

Mr Whitty responded to Members questions and comments. Mr Whitty began by drawing Members attention to the three reasons for refusal detailed on the update, explaining the first two consisted of the legal views of officers, that this development did not constitute permitted development. The third reason related to concerns regarding the impact on the highway. Mr Whitty advised that if the third issue on balance was considered to be acceptable by the Committee due to its rural location the first two were legal opinion and should the application be granted would be open to legal challenge. Miss Golding added the first reason for refusal related to a potential danger to highway users and if Members did not consider the application would result in a danger to highway users, the first reason for refusal would fall away. However the second reason for refusal stated that if the works were within 25 metres of a metalled classified road, the application would not sit within permitted development legislation. Miss Golding advised that if the Committee were minded to permit the application, the correct course of action would be to invite a full application.

Mr Mew explained that the building itself was not a reason for refusal, but it was the proximity of the whole development to the classified road. The third reason for refusal cited insufficient information to demonstrate that the siting of the proposal would not result in a material intensification of use to the access and there was some doubt in relation to the plant business and the movement this may create in terms of the use of the building. Mr Mew further responded that the application was deferred in March this year. It had taken this time to reach the current position and officers had considered the application carefully, balancing the importance of farming and food production with what had been proposed, and taking the legal opinions into account had led to the recommendation before the Committee. The need for the building was recognised and a planning application could be brought forward and highway improvement works undertaken to address the issues.

Mr Mew confirmed officers did not have the details regarding the stopping distance for standing vehicle and in relation to further signage, the highway authority had reservations in terms of how effective that may be.

Mr Mew advised the need to consider the development as a whole under the current proposal, and there was doubt in terms of what the building would facilitate with altering the access under the prior approval. Mr Whitty added it would be perverse for applicants of prior approval to leave out elements which were not prior approval, but would realistically be required.

Mr Whitty reminded Members that this was not a planning application, but a prior approval application, although in the second stage, therefore finite distances were important with regards to a legal status and whether it could be taken under General Permitted Development Order (GPDO). If the development was within 25 metres of the metalled road it would fail the test, which was a legal determination. Mr Whitty added the test applied in the NPPF was not one of safety but function and the test in the GPDO related to safety.

In a vote Members agreed the recommendation.

Recommendation to **Refuse**.

143 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters**

On the matter of whether appeal reference 20/00950/FUL, Field West of Beachlands Nursery, Newells Lane, West Ashling would be taken to hearing, Mr Whitty confirmed a request would be made.

144 **South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters**

Members agreed to note this item.

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

There were no late items.

146 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 12.48 pm

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 4 November 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:

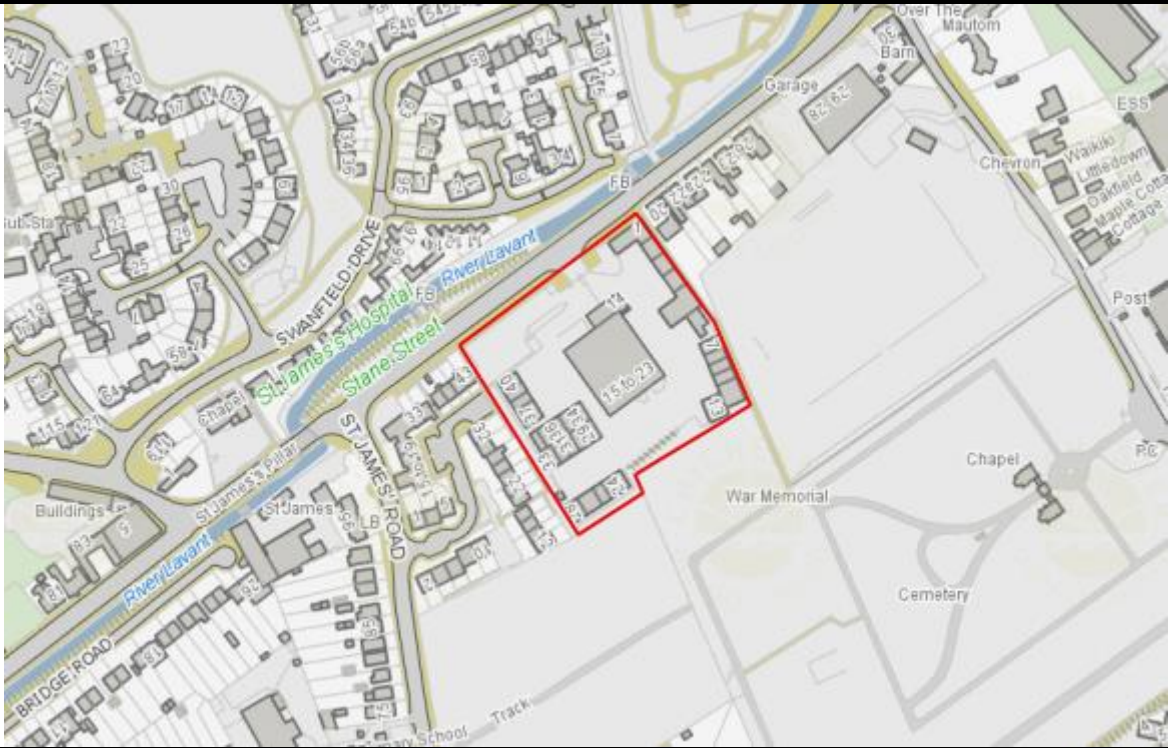
- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)


Parish: Chichester	Ward: Chichester East
-----------------------	--------------------------

CC/20/01914/FUL

Proposal	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m ² (47877ft) of lettable industrial space all under B1b, B1c and B8 use classes with 5 no. replacement buildings.		
Site	St James Industrial Estate, Westhampnett Road, Chichester, West Sussex PO19 7JU		
Map Ref	(E) 487293 (N) 105340		
Applicant	Mr Alan Gregory	Agent	Mr Stuart Richardson

RECOMMENDATION TO PERMIT



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

1.0 Reason for Committee Referral

The District Council is the applicant and the application site is on land owned by the Council.

Red Card: Cllr Sarah Sharp - The proposal is for a major development; extra information for Committee; and, public interest.

Parish Objection – Officer recommends Permit.

2.0 Site and Surroundings

- 2.1 St James Industrial Estate extends to approximately 1.2 ha and is located south-east of Westhampnett Road (A285) and approximately 123m from the roundabout with St James Road to the south-west; within the defined Settlement Boundary of Chichester. The site was previously developed in the early 1980s around the old 1950s Chichester District Council (CDC) depot, to provide accommodation for small and start-up businesses. Currently the industrial estate comprises 40 no. small industrial units (within B1, B2 and B8 Use Classes) with a total floor space of some 3,753m².
- 2.2 The industrial buildings are generally arranged around the perimeter of the estate, with a larger building occupying the centre. The existing buildings consist of a mix of converted brick-built premises (from the 1950s depot) with some more modern steel framed 'Terrapin' units developed in the early 1980s. An access road runs around the main, central building and the site also benefits from a main car park located in the north-west corner. The topography of the site is uneven and the site falls in height by approximately 1.7m from east to west.
- 2.3 The site is accessed by the sole entrance/exit point on Westhampnett Road and is bounded to the north by a high brick wall (approx. 4 metres in height), including soft landscaping fronting Westhampnett Road. Further to the north lies Westhampnett Road, the River Lavant and residential development. To the south the site is bounded by a retaining wall and embankment, which includes trees, hedgerow and scrub/tall grass; a decorative flint wall provides a boundary with the Cemetery behind, which is screened by further trees and vegetation. Chichester Cemetery directly adjoins the southern boundary; the Cemetery includes Commonwealth War Graves and a War Memorial (the War Memorial is not a designated heritage asset).
- 2.4 To the west, the site is bounded by a retaining wall and embankment, which includes a mix of close boarded fencing, chain link fencing and well-established Laurel hedging, leading onto further residential development (Farndell Close). The majority of dwellings on the western edge are set at a higher ground level (approx. 1.7m higher) in comparison to the site. There is a public access which runs for approx. 45m from Westhampnett Road along the western boundary of the site and provides pedestrian egress to Farndell Close. The majority of the dwellings along the western boundary are orientated with their rear gardens facing onto the industrial estate.

- 2.5 To the east, the site is bounded by a high brick wall (approx. 4m), comprising the rear elevations of the existing industrial buildings. The high brick wall runs for approximately 50m, with the remaining boundary treatment to the southern end comprising a 2m high chain link fence, topped with barbed wire. A public footpath provides a gap between further residential development fronting Westhampnett Road. The footpath runs the entire length of the eastern boundary and links with Church Road to the west.
- 2.6 A mixture of residential and commercial (including large supermarkets) development lies further to the west. Behind the residential development fronting Westhampnett road and to the western boundary of the site, there is Outline Permission (08/00554/OUT and 15/02075/EXT) for 80 new dwellings on the site of the old Portfield Football Ground. Approximately 15 metres to the west lie Nos. 21, 22 and 22a Westhampnett Road, which are designated Grade II listed buildings.
- 2.7 The site is predominantly located within Flood Zone 1; with only the very northern edge of the site boundary, partially falling within Flood Zone 2 (all the buildings are located within Flood Zone 1). The River Lavant runs in an east-west direction to the northern side of Westhampnett Road and here the land moves into Flood Zones 2 and 3.

3.0 Proposal

- 3.1 Planning permission is sought for the redevelopment of the existing industrial estate, including demolition of the existing buildings. The proposed redevelopment broadly replicates the layout of the existing estate, with Block 1 being the largest building located centrally. The majority of the buildings to the east would be demolished, with the exception of Block 2, situated in the north-east corner of the site. The rest of the eastern side would be given over to defined car/cycle parking, loading bays, a waste store and new landscaping. A formalised vehicular route would encircle the central Block 1. No changes would be made to the access of the site. To the western side of the site, the main car park area to the north-west corner would be retained and enhanced. Blocks 3, 4 and 5 would occupy similar positions to the western edge.
- 3.2 During the course of the application new legislation (under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) came into force from 1st September 2020, which introduced Use Class E. The new Use Class E replaces Use Classes A1, A2, A3, B1, B2, D1 and D3. By definition Class E means: *'being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell fumes, smoke, soot, ash, dust or grit.'* In light of the legislation change, the description of development has not been altered; however, the report and any conditions will subsequently refer to the new Use Class E.
- 3.3 The accompanying Design and Access Statement details that the: *'adaption and extension of the buildings over time has led to a somewhat ad-hoc layout...some of the converted units lack regularity of shape and have poor access, others are impeded by different floor levels...existing circulation routes are undefined and parking provision is unformalised which further compounds the site's inefficiencies. The state of repair combined with the issues noted above means that the estate is not attracting the businesses it needs to sustain its purpose. The new proposals aim to re-provide the uses within modern more sustainable premises in a more functional and formalised arrangement'*.

- 3.4 The scheme provides approximately 4448m² of lettable industrial space all under Use Classes E (see paragraph 3.2 above) and B8 with 5 no. replacement buildings. The proposed total Gross Internal Floor Area (GIA) of each unit is as follows:
- Block 1: 2424sqm (including 961sqm mezzanine)
 - Block 2: 184sqm (comprising 3 no. individual units)
 - Block 3: 89sqm (comprising 4 no. individual units)
 - Block 4: 541sqm (comprising 8 no. individual units)
 - Block 5: 89sqm (comprising 5 no. individual units)
- 3.5 Block 1 would be orientated to face north-west, with the main glazed entrance positioned to the eastern side of the building. The central block would be finished with a shallow, pitched roof and would have a max ridge height of 11.5m to the western side, stepping down in height to 10m towards the east. Block 1 would be typical in appearance of an industrial unit, although the proposed material would add a 'contemporary' feel to the focal building.
- 3.6 Blocks 2, 3, 4 and 5 would be largely similar in design and as above would be typical in appearance for an industrial unit, albeit more modern in form compared to the existing. As above, all the blocks would be finished with a shallow pitched roof and would have a maximum ridge height of approx. 5m.
- 3.7 The proposal would provide a total of 114 car parking spaces, 11 of which would be wheelchair accessible spaces. Furthermore, the submitted Sustainability Statement details that ducting would be provided to all parking spaces to allow for the installation of electric car charging points with 28% of spaces having active points initially. A total of 3 cycle shelter areas would be provided, which can accommodate up to 40 cycles with simple Sheffield type stands.
- 3.8 The proposal would include the enhancement of the existing landscaping with further areas or new green space and planting proposed to the perimeter of the site. During the course of the application amended and additional plans were received which:
- Proposed alterations to the boundary treatment.
 - Detailed the proposal from the north, east, south and west elevations
- 3.9 The new boundary treatment to the east would now see the retention of the existing brick wall, together with re-built areas where required. New 2m high welded mesh fencing would replace the existing chain link fence to the remainder of the eastern boundary (towards the southern end). New mesh welded fencing would also be installed to the western part of the southern boundary. To the northern boundary, the existing 4m high brick wall would be retained to the eastern side of the access point. The northern boundary to the western side of the access would be reduced in height (by approx. 2m); metal railings would be installed within the newly created apertures. Final details relating to boundary treatments are recommended to be secured by condition.
- 3.10 As part of proposals to improve accessibility within the site, the majority of the site levels will be regraded to make the existing and differing levels less pronounced, with the central to eastern/south-eastern parts of the site generally made lower than the current arrangement. A condition is recommended to secure details of existing and proposed ground levels prior to construction.

4.0 History

82/00760/CC	NOOBJ	7 industrial units (Terrapin Matrex steel buildings).
94/02602/REG3	PER	Refurbishment, improvement and alteration of existing toilets and conversion of existing ladies toilets and canteen area to become part of unit 1. Used as class B1 purposes.
94/02139/COU	PER	Location of covered skip in one unallocated parking bay for approximately 11 months.
94/02362/FUL	PER	Change of use to paint mixing (Class B6) and proposed store room for flammable liquids in containers.
94/02602/REG3	PER	Refurbishment, improvement and alteration of existing toilets and conversion of existing ladies toilets and canteen area to become part of unit 1. Used as class B1 purposes.
96/00025/FUL	PER	Change of use to paint mixing.
99/00392/FUL	PER	Install windows at mezzanine floor level.
99/00953/REG3	PER	Change of use from boiler house to general storage.
00/01292/REG3	PER	New double doors to unit no. 1. New window, double doors and access paving to unit no. 19.
01/00266/FUL	PER	Install air conditioning unit/cooler unit on East elevation of units 15 and 16.
09/04909/COU	PER	Change of use of and alterations to industrial unit to form studio spaces for 6 - 12 artists / craftspeople to work in with public access on selected evenings (after 5pm) and at weekends for educational purposes and sales of work.
11/00089/FUL	PER	Reposition access gate from A285 Westhampnett Road; creation of vehicular hardstanding.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	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 Chichester City Council

Objection on the basis of the scale and height of the central building and its impact on the character and amenity of the area, exacerbated by the lack of good quality landscaping and tree planning and the removal of the brick wall to be replaced with wire fencing. Further objection on the basis of the reduction in provision of small units for start-up businesses.

6.2 Natural England

No comment.

6.3 Environment Agency

No objection, subject to conditions.

The previous use of the proposed development as an industrial estate and historic landfill presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is on a secondary A aquifer and within 15m of the River Lavant. Therefore controlled waters are very sensitive to contamination and need to be protected.

The Environment Agency (EA) have reviewed the Combined Geotechnical and Ground Contamination Risk Assessment Report (R14027 - February 2020) and while they believe it will be possible to manage the risk posed to controlled waters by this development, further detailed information will however be required before built development is undertaken. The EA believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority (LPA).

Without these conditions the EA would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Suggested conditions:

- Remediation strategy.
- Verification report.
- Unidentified contamination.
- Drainage.
- Storage of oils, fuels, chemicals.

6.4 WSSC Lead Local Flood Agency

The Flood Risk Assessment and Drainage Statement for this application propose that sustainable drainage techniques (permeable paving/infiltration) would be used to control the surface water run-off 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. The scheme shall subsequently be implemented in accordance with the approved designs.

6.5 WSSC Highways

The existing site encompasses an area of 11,839sqm, comprised of predominantly small to medium sized industrial units. The redevelopment would entail the provision of a large industrial unit, several smaller industrial units and the refurbishment of existing units. The combined floor area of the industrial units would increase from 3,753sqm to 4,448sqm.

The application is supported by a Traffic Impact Assessment (TIA) which has been prepared on behalf of the LPA to consider the highways impact of the redevelopment of the site.

Access and Visibility

The site would continue to be served from a single access adjoining the A285 Westhampnett Road. The A285 Westhampnett Road serves as a key route between east Chichester and the strategic road network.

It is proposed the access would be unaltered taking the form of a T-junction with a simple priority arrangement, supported by the existing right turn lane on the A285. The access arrangements have been demonstrated within the TIA on Drawing 2020-6156-001.

LHA data from permanent ATC data on the A285 Westhampnett Road shows a design speed of 44.3kph (27.5mph) in the westbound direction and 49.4kph (30.7mph) in the eastbound direction. The proposed access arrangements have therefore been shown to achieve the necessary visibility splays of 2.4m x 38 m in the lead direction and 2.4m x 44.4m in the trail direction. The LHA would be satisfied with the proposed visibility splays based on the parameters outlined within the TIA.

The applicant proposes some minor improvements for pedestrian access to the site as outlined on Drawing 2020-6156-001. These include tactile paving and dropped crossing points. The LHA would suggest that these minor works can be undertaken via a crossover licence rather than a full S278 Agreement.

Finally, given no changes are being proposed to the access as part of these proposals the LHA would not request that a Stage 1 Road Safety Audit (RSA) is undertaken on the site access. As can be seen in the 'Capacity' section below the proposals are unlikely to result in any material increase which would be another trigger for an RSA.

Capacity

A TRICS trip assessment identifies that the proposal would generate a net increase in vehicle movements by 94 trips per day, with 6 additional trips occurring in the AM peak and 5 additional trips occurring the PM peak. The LHA acknowledge the increase in vehicular movements however the overall peak impact is not considered to be 'Severe' and contrary to Paragraph 109 of the National Planning Policy Framework (NPPF).

A capacity assessment of key junctions has been undertaken and is within the appendices of the TIA. The modelling assessment uses the approved traffic data from the Land NW of Chichester Crematorium application for a capacity assessment of the area. The capacity assessment identifies that even in a worst-case scenario, without forthcoming highway improvements, the proposal would have a negligible impact on local junction operation.

It is noted that permitted developments including the Land NW of Chichester Crematorium and the urban extension at Shopwhyke Lakes are delivering a number of enhancements to the local road network to improve operation and capacity.

Accessibility

The site is accessibly located within walking distance of established residential areas in Chichester and public transport services. Bognor Regis and Tangmere are within cycle distance of the site and are served by off road cycle routes. The LHA would advise a Travel Plan is included within any conditions for the sites usage.

Internal Layout

The applicant has provided a Swept Path Diagrams demonstrating that larger vehicles can turn within the site. A vehicle swept path analysis has been undertaken demonstrating a large refuse vehicle negotiating the site access and negotiating internal carriageways in Drawing 2020-6156-007. The LHA would be satisfied with the layout.

Conclusion

Based on the submission of the TIA the LHA would not raise an objection to the proposals. It is considered the application would not have a 'severe' impact on the adjoining highway network and therefore would not be contrary to Paragraph 109 of the NPPF. Any approval of planning permission would be subject to the following conditions:

Suggested conditions:

- Cycle parking
- Travel plan

6.6 WSCC Fire and Rescue Services

No objection, subject to condition relating to 1 no. fire hydrant.

6.7 CDC Policy Team

The provision of replacement modern employment premises in this location is consistent with adopted policy in relation to employment.

A review of existing employment space being undertaken by the Policy Team suggests that around 36% of floorspace in this industrial area was vacant in 2019. The provision of more modern premises should be more attractive to the market.

Emerging evidence being prepared for the Local Plan Review shows that additional B Class employment space is likely to be needed in the future. It is therefore welcome that the redevelopment provides some additional employment floorspace, albeit a small amount.

The design of the redevelopment to achieve BREAAAM very good, the use of PV panels and the provision of electric vehicle charging points, including passive provision to enable additional provision in future is welcomed.

Redevelopment of this site to provide more modern employment premises is supported. Provision of additional employment space and design to achieve BREAAAM Very Good is welcomed.

6.8 CDC Economic Development

Further comment

In response to Chichester City Council's comments Economic Development felt it pertinent to include additional information to support the application.

In regards to lessening of provision of smaller units, Economic Development would argue that the current standard of the units on site are not fit for modern small business requirements, given that there is a toilet block rather than individual units having their own facilities. In order to facilitate the modernisation, it has been necessary to reduce the number of smaller units; however, these are much more likely to be suitable for current smaller business requirements.

In regards to the height, again modern standards require larger eaves heights, due to the changes in the way businesses operate their logistics, eaves heights have had to change, this also enables the occupier to optimize the space available, by adding a mezzanine floor.

Original comment

The Economic Development Service supports this application. The redevelopment of existing industrial sites is a sustainable way of supporting good quality industrial premises. This will invariably increase employment levels at a time of high unemployment.

The proposal is to redevelop an existing industrial estate, which will provide a mix of unit types and sizes available on flexible letting terms within a high quality environment with shared facilities. Based on the scale of this development and the current economic climate the proposed units will provide opportunities for a variety of new start-ups and existing Chichester based companies to locate to and/or expand into the redeveloped units.

St James Industrial Estate is a key industrial estate in Chichester and is essential at supporting the local economy. In recent years the demand for industrial space has risen in the area, even with the development of Glenmore Industrial Estate approximately half a mile from this site. The Glenmore site was very successful and Economic Development Service often receives queries from companies looking for well-located industrial properties.

6.9 CDC Drainage Engineer

Flood Risk: The site is almost entirely within Flood Zone 1 (low risk), with all new buildings proposed falling with Flood Zone 1 (low risk). Therefore subject to satisfactory surface water drainage the CDC Drainage Engineer has no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The proposed method of surface water drainage is to infiltrate to ground via permeable paving/sub-base. This approach is acceptable in principle and supported by ground water monitoring and initial percolation tests.

A condition is recommended to secure drainage details to ensure the development is adequately drained.

6.10 CDC Archaeology

The use of this site over the years as a gravel pit, a council waste facility and an industrial estate have caused severe truncation of the natural ground levels within which deposits of interest might have been expected to survive. In the circumstances there would seem to be no justification for archaeological mitigation measures.

6.11 CDC Environmental Health

It is understood that the premises will be used in accordance with Use Class Order E and B8 under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

By definition E means uses which can be carried out in a residential area without detriment to its amenity. This includes by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. B8 Storage or distribution means use for wholesale warehousing, distribution centres, storage (including open air storage).

In order for the Environmental Health Team to provide comment on specific activities they would require further information about any industrial process and what the potential odour and noise impacts may be (including the potential numbers of vehicle deliveries and dispatches), hours of operation etc., and additionally what measures will be taken to address these potential issues. The Environmental Health Team recommend the below conditions are imposed to address these potential issues.

Suggested conditions:

- CEMP
- Piling method
- Hours of construction
- Lighting scheme
- Noise from external or externally venting mechanical plant
- Noise management plan
- Hours of use restriction
- Restriction on deliveries
- Storage of chemicals
- Land contamination
- Air quality assessment
- Odour assessment

6.12 CDC Environmental Strategy Unit

Further comment

Sustainable Design and Construction

Following the further submitted information the Environmental Strategy Unit are content that the submitted information is sufficient in relation to Policy 40.

Original comment

Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

The scattered trees and tall ruderal to south of site shall be retained and enhanced for wildlife including bats. This will include having a buffer strip around these areas 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 Environmental Impact Assessment (July 2020), the Environmental Strategy Unit are content that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Nesting Birds

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

Enhancements

The Environmental Strategy Unit are pleased to see a number of enhancements have been included within the Environmental Impact Assessment. These should be incorporated within the scheme and shown with the landscaping strategy. These include;

- Any trees removed should be replaced at a ratio of 2:1.
- Filling any gaps in tree lines or hedgerows with native species.
- Bat and bird boxes installed on the site.
- Grassland areas managed to benefit reptiles.
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.

Sustainable Design and Construction

Following submission of the Design and Access Statement (June 2020) the Environmental Strategy Unit are satisfied that the criteria detailed within Policy 40 will be met. The Environmental Strategy Unit are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions through a fabric first approach and installing PV. Please can the applicant provide further details showing the percentage reduction in CO2 emissions from the fabric first approach and through the installation of PV. CDC is looking for a 19% reduction in CO2 emissions.

6.13 Third Party Representations

12 Third Party letters of objections have been received concerning:

- Removal of external wall will impact on residential amenity/environmental amenity.
- Insufficient research has been undertaken as to the effect on traffic.
- Development will further increase traffic, noise and pollution levels.
- Air quality will reduce.
- Application is lacking in sufficient detail to allow a full understanding of the impact on neighbouring properties.
- Industrial sites should be moved to outskirts of the City.
- Site should be used for much needed affordable housing.
- Should be aiming to reduce the effects of CO2 pollution.
- Nearby school children will be affected by expanded facility, in terms of noise and emissions.
- Loss of light, views and sense of enclosure.
- Odour from industry and not being able to open windows/sit in garden will affect quality of life.
- Disruption during construction period.
- Increased capacity of estate will impact on quality of life.
- On site lorry movements are going to be severely restricted.
- Uses should be restricted.
- Light pollution.
- The site is surrounded on three sides by housing which will increase when the football ground is developed.
- The proposed boundary treatment would appear unsightly and would not protect residents from noise.
- Unsure if the site is being levelled.
- Contaminated land.
- Impact on Listed Buildings and cemetery.
- Concern regarding what the buildings will be used for.
- Loss of privacy/increased overlooking.
- Increased size, scale, height and bulk of buildings.
- Development is out of keeping.
- Inadequate screening.
- Previous refusal for coffee roaster.
- Over development of site and increase in building footprint.
- Poor design.
- Does not enhance entrance to historic city.
- Poor quality landscaping.
- Increased operational hours.
- No noise impact assessment.

1 Third Party Letter has been received from The Chichester Society which states:

'The Executive Committee welcomes this proposal to improve the accommodation and appearance of this local employment and business facility. There should be supplementary information submitted on comparative height of the new units to the existing, and the street view from Westhampnett Road.'

'The Society does however question whether the City's present planning pressures could be better served by a residential development along with the adjacent derelict former City Football Club Ground. It is noted that the Council's new industrial units at the east end of Terminus Road have remained unlet for more than a year.'

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan (CLP): Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made Neighbourhood Plan for Chichester City at this time.
- 7.2 The principle planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 8: Transport and Accessibility
Policy 10: Chichester City Development Principles
Policy 11: Chichester City Employment Sites
Policy 12: Water Management in the Apuldram Wastewater Treatment Catchment
Policy 26: Existing Employment Sites
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 47: Heritage and Design
Policy 49: Biodiversity

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 (Achieving sustainable development), 3 (Plan-making), 4 (Decision-making), 6 (Building a strong, competitive economy), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment). 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:

- Surface Water and Foul Drainage SPD (2016).
- CDC Waste Storage and Collection Guidance.
- The CDC Design Protocol (December 2013).
- CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions.

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:

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- 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 considerations are:

- i. Principle of Development
- ii. Highways Safety and Parking
- iii. Design and Impact on Visual Amenity
- iv. Residential Amenity
- v. Drainage and Flooding
- vi. Ecology and Biodiversity
- vii. Sustainable Design and Construction
- viii. Other Matters

i. Principle of Development

- 8.2 The site is located within the Settlement Boundary of Chichester City, whereby development is supported in the Sub-regional Centre by Policy 2 of the Chichester Local Plan (CLP). Policy 3 of the CLP also supports the redevelopment of this site to provide more modern business premises and is consistent with the aims of this policy; which are to protect and enhance existing employment sites to meet the needs of modern business, and to protect and enhance Chichester City as the main focus for employment.
- 8.3 Policy 11 of the CLP also supports the refurbishment and redevelopment of premises for business. Policy 26 of the CLP allows upgrading or modernisation of existing employment floorspace, where it makes efficient use of underused employment sites subject to consideration of its impacts on adjoining residents and the character of the landscape including noise and traffic movements.
- 8.4 Paragraph 80 of the NPPF states that '*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*'. The proposal would provide a mix of uses (E and B8) and given the close proximity to Chichester is easily accessible by various transport modes and would appeal to a wide range of local businesses. The proposal is supported by both CDC's Policy and Economic Development Teams.
- 8.5 In light of the above, it is considered that the principle of development is acceptable, in accordance with the aims and objectives of the NPPF and Policies 2, 3, 11 and 26 of the CLP. However, the specific impacts of the proposal at this site must be considered as to whether the development is appropriate in detail and whether visual harm and/or harm to neighbouring amenity would occur. The detailed assessment is set out below.

ii. Highways Safety and Parking

- 8.6 The application is supported by a Traffic Impact Assessment (TIA) which has been prepared on behalf of the LPA to consider the highways impact of the redevelopment of the site. The site would continue to be served from a single access adjoining the A285 Westhampnett Road. The A285 Westhampnett Road serves as a key route between east Chichester and the strategic road network.

- 8.7 It is proposed the access would be unaltered taking the form of a T-junction with a simple priority arrangement, supported by the existing right turn lane on the A285. The proposed access arrangements have been shown to achieve the necessary visibility splays of 2.4m x 38m in the lead direction and 2.4m x 44.4m in the trail direction.
- 8.8 The applicant proposes some minor improvements for pedestrian access to the site as outlined on Drawing 2020-6156-001. These include tactile paving and dropped crossing points. The LHA would suggest that these minor works can be undertaken via a crossover licence rather than a full S278 Agreement, and an informative to this effect would be included.
- 8.9 Given no changes are being proposed to the access as part of these proposals the LHA would not request that a Stage 1 Road Safety Audit (RSA) is undertaken on the site access. The proposals are unlikely to result in any material increase which would be another trigger for an RSA.
- 8.10 A TRICS trip assessment identifies that the proposal would generate a net increase in vehicle movements by 94 trips per day, with 6 additional trips occurring in the AM peak and 5 additional trips occurring the PM peak. The LHA acknowledge the increase in vehicular movements; however, the overall peak impact is not considered to be 'severe'.
- 8.11 A capacity assessment of key junctions has been undertaken and is within the appendices of the TIA. The modelling assessment uses the approved traffic data from the 'Land NW of Chichester Crematorium' application for a capacity assessment of the area. The capacity assessment identifies that even in a worst-case scenario, without forthcoming highway improvements, the proposal would have a negligible impact on local junction operation.
- 8.12 It is noted that permitted developments including the 'Land NW of Chichester Crematorium' and the urban extension at Shopwhyke Lakes are delivering a number of enhancements to the local road network to improve operation and capacity.
- 8.13 The site is accessibly located within walking distance of established residential areas in Chichester and public transport services. Bognor Regis and Tangmere are within cycle distance of the site and are served by off road cycle routes. The LHA recommend that a Travel Plan is secured by way of condition.
- 8.14 The proposal aims to improve the overall experience in relation to both St James and the Portfield site for people on foot. It is considered the proposal would result in a footpath route that has a more positive character yet respects the integrity of adjoining residential properties. The opportunity has been taken to replace the existing security (chain link/barbed wire) fence with less intimidating open weldmesh fence, combined with extensive native hedge planting to help soften the overall ambience, in order to reflect the pleasant rural character this route currently has to the south (adjacent to cemetery).
- 8.15 One of the key constraints on the ability to widen the footpath along the eastern side of the site is the existing boundary wall to the north and east. Local residents have been pellucid during the consultation period; in that they wish to see the existing wall retained/improved, as it provides a vital barrier to operations on the site, both visually and acoustically. In light of the received representations amended plans now detail the existing brick wall is to be retained and replaced where necessary, to the north (eastern side) and east boundary.

- 8.16 The applicant also explored options to increase porousness through the site and in particular how this would sit with the 'Security Needs Assessment' for the site. The St James Industrial Estate has a relatively low crime rate which reflects the enclosed nature of the development. Any proposals to break through at additional points would increase the likelihood that those without a legitimate reason to be on the site would penetrate the site. In an associated safety audit, the recommendation was that the site should have a single main entrance into the development to ensure the safety of vehicles, bicycles and pedestrians moving about the site, reducing any potential conflicts. The improvements proposed to the eastern footpath link provide a safe and conflict free pedestrian route to and from Westhampnett Road and the St James site.
- 8.17 Improvements in relation to cycle access are principally addressed by the provision of cycle storage on the St James site itself to help encourage a modal shift to more sustainable forms of local transport. It is recommended that a condition is imposed to secure final details relating to cycle parking.
- 8.18 The applicant has provided a Swept Path Diagrams demonstrating that larger vehicles can turn within the site. A vehicle swept path analysis has been undertaken demonstrating a large refuse vehicle negotiating the site access and negotiating internal carriageways in Drawing 2020-6156-007. The LHA are satisfied with the final layout and this would be secured via condition.
- 8.19 Based on the submission of the TIA the LHA would not raise an objection to the proposals. Subject to conditions, securing details of cycle parking and a Travel Plan, it is considered the application would not have a 'severe' impact on the adjoining highway network and therefore would not be contrary to Paragraph 109 of the NPPF.

iii. Design and Impact on Visual Amenity

- 8.20 In principle the proposed site broadly replicates the layout of the existing estate, with Block 1 being the largest building located centrally. Blocks 2, 3, 4 and 5 would be similar in scale and height compared to existing; and, whilst is recognised Block 1 would be larger in scale and height, given its set back position from Westhampnett Road (approx. 34m), it is not considered the additional scale and height would be out of keeping or would result in significant harm to the character and appearance of the wider area.
- 8.21 The removal of buildings to the east offers a more 'open' nature to the public footpath (towards the southern end), situated to the eastern boundary and provides an opportunity to incorporate landscaping to increase the biodiversity of the site and improve its appearance from the public realm. Formalised vehicular routes with defined parking and loading areas are considered to improve usability for prospective tenants; and, also assist with access and orientation within the site for visitors and servicing of the future businesses.
- 8.22 The proposed blocks would be finished with pitched roofs and would be typical in appearance for an industrial estate. The overall design is considered to be in keeping with the existing use of the site. Furthermore, the proposed design and materials would give a contemporary 'feel' to the site and are considered to enhance and improve upon the overall appearance of the estate.

- 8.23 The palette of materials would comprise facing masonry (brick) forming a plinth at ground level, with an insulated profiled metal cladding system for the walls. The roof would also be finished in a contrasting profiled metal, with windows and doors finished in grey aluminium. Variations in tone and accent colours used on particular details would help to add interest to the design. Provision of canopies over the main entrances would create a focal point to the approach of the buildings from the parking areas. The final palette of materials would be secured by condition.
- 8.24 A landscaping plan has been submitted with the application, it details that all the existing trees/hedgerow and vegetation will be retained on site, except for a 'deformed' Crab Apple tree, situated to the front of the site. A condition would be imposed to ensure the trees/hedgerow to be retained would be suitably protected. The landscape proposal would see additional planting throughout the site, and overall there will be a net gain (13 new trees and additional native shrubs/hedging) in planting with more diverse species; this would improve the visual appearance of the site. Final details of the hard and soft landscaping measures and boundary treatment would be secured through condition.
- 8.25 Received representations raise concern with regard to the impact on Listed Buildings close to the site. While these concerns are duly noted, it is acknowledged that the nearest Listed Building (Nos 21, 22 and 22a Westhampnett Road), are separated from the site by a gap of approx. 15m and intervening structures. Furthermore, it is recognised that the proposal would re-develop an existing industrial estate. In view of these points, it is considered that the setting of the Grade II listed buildings would not be affected by the proposed development.
- 8.26 In view of the above, it has already been established, in policy, that this site is a former industrial estate, with a different character to the directly adjoining residential character. It is considered the proposed development would improve and enhance the site and the wider area; and, is therefore acceptable in design terms, in accordance with local and national policy.

iv. Residential Amenity

- 8.27 The NPPF states at Paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places). Policy 33 of the CLP includes requirements to protect the amenities of neighbouring properties.
- 8.28 The proposed redevelopment of the site would largely mirror the existing layout of the site, with regard to the approximate location of the units. Given the separation distance from the neighbouring properties to the north and south of the site, it is not considered that the proposed development would have a significant impact on neighbouring amenity.
- 8.29 In terms of the impact on residential amenity to the west of the site, it is noted that the existing car park, located in the north-west corner of the site and Blocks 4 and 5 located to the western edge would largely occupy the same position as existing; however, Block 3 would be rotated 90 degrees to face south with the flank elevation facing onto the residential properties adjoining the site and similar in position to Blocks 4 and 5. The existing buildings located to the western edge measure approx. 4.8m in height and are set at a lower height in comparison to the adjoining residential development. In contrast, the proposal would see Blocks, 3, 4 and 5 finished with a pitched roof, with an approx. eaves height of 4.35m rising to a ridge point of approx. 5m.

- 8.30 The plans detail that no windows would be installed to the west facing flank elevations. The submitted plans also detail that the existing tree and hedgerow would be retained and enhanced to the western boundary, with additional green areas to the parking area. Given, the proposal would largely replace existing units of a similar scale, it is not considered that the development would have a significant impact on neighbouring amenity to the west, in terms of loss of light, outlook or increased sense of enclosure.
- 8.31 Turning now to the impact on residential amenity to the east of the site, the submitted plans show that the majority of units to the eastern edge would be demolished, with the exception being Block 2, which would occupy a similar footprint to the existing unit. As existing the units located to the eastern edge range in height from approx. 2.6m to approx. 6.5m, with the rear elevations facing directly onto the public footpath (to the east), resulting in a boundary treatment comprising a high brick wall (approx. 4m in height). The high brick wall runs for approximately 50m, with the remaining boundary treatment to the southern end comprising a 2m high chain link fence, topped with barbed wire.
- 8.32 The proposed plans would now see the existing high brick wall to the eastern edge of the site retained. The eastern side of the site would be largely left open and given over to parking, bin storage and new green areas. The boundary treatment to the southern end of the eastern edge would consist of a 2m high welded mesh fence and vegetation, which would help assist in screening the site. Block 2 would be set away from the boundary, by 2.8m to 3.6m, and would include new areas of green space. Furthermore, Block 2 would be finished with a pitched roof, with a max height of approx. 4.8m and an eaves height of 4.3m. No windows would be inserted to the east facing flank elevation.
- 8.33 Given the separation distance, the proposed vegetation screening, its orientation in relation to the dwellings to the east and that the proposal would largely replace existing units of a similar scale, it is not considered that the proposed development would have a significant impact on neighbouring amenity to the east, in terms of loss of light, outlook or increased sense of enclosure.
- 8.34 Whilst it is acknowledged Block 1 (centre of site) will increase in height from approx. 5.2m to 10m (eastern side), given a separation distance of 13.5m to 15.4m to the nearest boundary (to the east), it is not considered the additional height would have a significant impact on neighbouring amenity to the east, in terms of loss of light, outlook or increased sense of enclosure. The eastern elevation would also feature windows (at mezzanine level); as above, given the separation distance from residential dwellings to the east, it is not considered these windows would significantly impact upon residential amenity, in terms of overlooking/loss of privacy.
- 8.35 The proposed development is therefore in accordance with the aims and objectives of the NPPF and Policy 33 of the CLP.

v. Drainage and Flooding

- 8.36 The site is almost entirely within Flood Zone 1 (low risk), with all new buildings proposed falling with Flood Zone 1. Therefore subject to satisfactory surface water drainage the CDC Drainage Engineer has no objection the proposed use, scale or location based on flood risk grounds.

8.37 The proposed method of surface water drainage is to infiltrate to ground via permeable paving/sub-base. This approach is acceptable in principle and supported by ground water monitoring and initial percolation tests. The CDC Drainage Engineer is satisfied with the principle of the current proposal, subject to a condition securing the detailed design to ensure the development is adequately drained.

8.38 The Environment Agency have been consulted on the proposal and raise no objection subject to conditions relating to drainage, contaminated land and the storage of oils, fuels and chemicals.

vi. Ecology and Biodiversity

8.39 A preliminary ecological appraisal and Ecological Impact Assessment accompanies the application. This concludes that the existing buildings on site have negligible bat roost potential. It also states that the risk of impacts on reptiles, amphibians, badgers and any other protected species is considered negligible in this case and no other surveys are considered necessary. It is recommended that any works to the trees or vegetation clearance on the site should be undertaken outside of the bird breeding season. Conditions are recommended to secure ecological/biodiversity protection and enhancements.

vii Sustainable Design and Construction

8.40 The site is located within the Settlement Boundary of Chichester and as such considered to be in a sustainable location, with good access to transport links. Furthermore, the submitted Sustainability Statement details that ducting would be provided to all parking spaces to allow for the installation of electric car charging points with 28% of spaces having active points initially. Details for a scheme of EV charging facilities would be secured by condition.

8.41 The central principle of the design will be investing in a Fabric First Approach. The building would be designed to minimise heat loss through increased levels of insulation and considered junction details (reduced thermal bridging). U Values of each element of the building would exceed the minimum new Building Regulation (Part L) values. For example Block 1 demonstrates the building goes beyond the required 19% improvement (i.e. the Building Emission Rate (7.7) is considerably lower than Target Emission Rate (21.2), therefore gives an approximate 64% improvement).

8.42 Given the proposal will see the redevelopment of an existing site, it has been proposed to re-use materials (where possible) following the pre-demolition audit. In addition, the proposal incorporates rooflights on each block, which will reduce the need for artificial lighting. Solar PV panels (on-site renewables) are also proposed to be installed on each block. The proposed energy production by technology (kWh/m²) for each block using PV panels is detailed as:

- Block 1: 35.59 kWh/m² - 574 panels / 933.6m² / 166.49 power (kWp).
- Block 2: 49.69 kWh/m² - 33 panels / 53.7m² / 9.57 power (kWp).
- Block 3: 18.79 kWh/m² - 48 panels / 78.1m² / 13.92 power (kWp).
- Block 4: 42.51 kWh/m² - 96 panels / 156.2m² / 27.84 power (kWp).
- Block 5: 44.87 kWh/m² - 60 panels / 97.6m² / 17.4 power (kWp).

8.43 The above systems are to be arranged to connect on the supply side of the sub meter in each unit/block - feeding into the landlord's distribution mains for the benefit of the whole site.

8.44 The development has also committed to minimising water use. It is recommended that the applicant's commitment in this regard is secured by a planning condition on the recommendation to permit this development. It is considered that in terms of the relevant criteria in Policy 40 and the Council's recent declaration of a climate change emergency the development demonstrates that it will deliver a proportionate and acceptable response.

viii. Other Matters

Noise

8.45 It is understood that the premises will be used in accordance with Use Class Order E and B8 under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. By definition Class E means: *'being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell fumes, smoke , soot, ash, dust or grit.'*

8.46 The submitted information details that the proposed uses would not introduce a new use to the existing industrial estate (the application proposes Use Classes B1b, B1c (now superseded by Use Class E) and B8). A condition would be imposed which would restrict the industrial estate to uses falling within E and B8.

8.47 Class E and B8 uses are by definition capable of operating in a residential area and these uses are likely to be less noisy, compared to the existing B2 Uses on the site. Whilst the submitted details do not indicate the inclusion of any external plant, the applicant would be advised that planning permission would be required for the installation of any fixed plant or equipment that materially changes the external appearance of the building. Additionally, a condition would be imposed to secure details of any required extraction system prior to installation, to avoid adverse impacts from air pollution on residential amenity. It is also recommended that the hours of operation, delivery and construction are restricted. Similarly, in the event that the units may expand or change operational model it is recommended that a condition is applied to ensure that all plant, machinery and equipment installed would be enclosed and/or attenuated. The Environmental Health Officer (EHO) also recommends that a Noise Management Plan for the site is secured by way of planning condition, in the interests of residential and environmental amenity.

8.48 In order to minimise any disturbance to residents and other business users, a condition is proposed seeking details of a Construction Management Plan, which would include such details as working hours, construction compounds and dust and noise management. The EHO also recommends a condition is imposed to secure details of the method of piling/foundation design, in the interests of protecting residential amenity and the wider area.

8.49 Subject to conditions and advisories, the EHO raises no objection to the proposal.

Lighting

8.50 In order to protect the appearance of the area, the environment and local residents from light pollution, the EHO recommends a condition is imposed to secure details of any external lighting of the site. This information, amongst other details, shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles, including timings/hours of lighting).

Air Quality

8.51 The site is not located within an Air Quality Management Area (AQMA); however, it is located adjacent to a busy road. It is considered that the proposed uses are likely to have an impact on local air quality (from vehicle movements and possible plant (e.g. heating/ventilation units) installed at the site). It is therefore recommended that a condition is imposed to ensure an Air Quality Assessment is undertaken, in order to assess the impact of the development on local air quality.

Contaminated Land

8.52 Given the past and present land uses at the site there is considered to be potential for land contamination. A comprehensive desk study, site walk over, risk assessment and sampling are required to be carried out at site. The outcome of the investigations will inform any remediation required. Services providing potable water may need to be upgraded, if areas of contamination are evident etc. Furthermore, waste materials may have been deposited at or near the site in the past, and as such ground gas monitoring may also be necessary. A gas risk assessment will also need to be produced in order to inform the design of future building foundations. Conditions would be imposed to protect the health of future occupiers of the site from any possible effects of land contamination.

8.53 A condition is also recommended ensure any fuels/oils or chemicals to be stored at the site, must be placed on impervious surfaces in order to limit spills/leaks affecting land quality at the site.

8.54 The applicant would be advised that given the age of the existing units at the site some of the buildings and structures may contain asbestos. The applicant should have regard to the Control of Asbestos Regulations 2012, and be aware that it may be necessary to notify, or obtain a licence from, the relevant enforcing authority prior to demolition or construction works commencing.

Fire Rescue Service: Water and Access

8.55 Currently the nearest Hydrant to the application site is 180 metres away. The supply of water for firefighting should be within 90 metres. A condition is recommended to secure details showing the location, installation and ongoing maintenance of 1 no. fire hydrant, in the interests of amenity and in accordance with The F&RS Act 2004.

Significant Conditions

8.56 The significant conditions required to make this development acceptable have been discussed in the relevant sections of this report. These include a Construction Management Plan, piling method, site levels, drainage details, tree/hedgerow protection, materials, landscaping, boundary treatment, ecological protection and enhancements, sustainability measures, noise insulation and management, odour control, air quality, contamination, lighting, travel plan, fire safety, cycle storage, use restriction, waste storage, hours of construction, delivery and operation.

CIL

8.57 The development is not CIL liable.

Conclusion

8.58 For the reasons set out above, the proposal is considered to be in accordance with the relevant local and national planning policy and associated guidance. Having also had regard to all other material considerations it is recommended that, subject to the conditions set out below, permission is granted.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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

3) **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,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during 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.

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

Reason: To ensure that trees, shrubs, hedgerows and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

5) **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.

6) **No development shall commence** on site until the method of piling/foundation design has been submitted to and be approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved methods.

Reason: In the interests of protecting the amenities of neighbouring properties and the wider area. 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.

7) **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.

8) **No development shall commence** until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA). Unless the LPA dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

9) If the Phase 1 report submitted pursuant to Condition 8; identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy. 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) If the Phase 2 report submitted pursuant to Condition 9; identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

11) **No development shall commence** until;

- i) an assessment of the risks posed by any ground gases and/or vapours has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with relevant guidance, and
- ii) Where the approved risk assessment identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.

Thereafter, unless otherwise agreed in writing with the local planning authority, the approved scheme shall be implemented and a verification report submitted in writing to and approved in writing by the local planning authority, before the development is first occupied/brought into use.

Reason: The site is located in an area with the potential to be affected by ground gases and vapours and therefore compliance with local and national policy must be ensured. 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.

12) **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.

13) **No development shall commence above ground level** until an air quality assessment has been carried out for the proposed development and a scheme for protecting the future residential occupiers of the buildings from the effects of air pollution nitrogen dioxide/airborne particulate matter (PM10) arising from road traffic has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to the occupation of the buildings hereby approved and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the health of the occupiers of the proposed dwelling(s) in respect of atmospheric pollution.

14) **Notwithstanding any details submitted, no development shall commence above ground level**, until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roof of the building 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 schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

15) **Prior to the installation of any extraction system** a detailed scheme shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the extraction system shall be designed, constructed and maintained so as to control noise and odour.

The scheme shall comprise plans, drawings, calculations and appropriate textual description of the components and their performance as a system. It shall include details of the canopy; air flow rates; primary grease filtration; secondary filtration; electrostatic precipitation; odour treatment technique be it ozone injection, carbon abatement or UV or any combination thereof; the characteristics of the exhaust point and the relationship of this to the building to which it is attached and other buildings in the locality; and how replacement air will be supplied. The scheme shall also include plans and a written schedule to detail the appearance, materials and finish of all external parts of the system. A proposed maintenance programme shall be included within the scheme. The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details and the system shall thereafter be retained, in accordance with the approved details.

Reason: To avoid adverse impacts from air pollution on health and quality of life and amenity.

16) **No development shall commence above ground level** until a Noise Mitigation and Management Scheme setting out details of measures to limit the impact of the activities associated with the site on the locality, together with a programme of implementation; has been submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be carried out in full accordance with the approved measures and programme including any ongoing requirements. Alterations to the Plan shall require formal written approval from the Local Planning Authority.

Reason: In order to preserve the character of the area and the amenity of both nearby residents and noise sensitive receptors within the development hereby permitted.

17) **No development shall commence above ground level** until a strategy outlining details of the sustainable design and construction for all new buildings, including: (1) building for life standards, (2) sustainable building techniques including fabric first and renewable energy technologies such as Solar PV (including full details of the savings in carbon compared to Building Regulations minimum in line with the submitted Sustainability Statement and details of the positioning, methods of mounting and design of renewable energy equipment), (3) water efficiency measures to achieve higher standards of water efficiency including external water use, (4) how a reduction in the impacts associated with traffic or pollution will be achieved and (5) provision of electric car charging points, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first use unless any variation is agreed in writing by the Local Planning Authority.

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

18) **Notwithstanding the submitted details, no part of the development hereby permitted shall be first brought into use**, until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

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

19) All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **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.

20) **Notwithstanding any details submitted, no part of the development hereby permitted shall be first brought into use**, until the associated boundary treatments have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

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

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

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

21) **Notwithstanding any details submitted, no part of the development hereby permitted shall be first brought into use**, until a scheme of ecological mitigation based on the recommendations of the submitted Ecological Impact Assessment (by Lizard Landscape Design and Ecology, July 2020 and the comments of the CDC Environmental Strategy Unit (dated: 16.09.2020); and, a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme of ecological enhancements shall include consideration of:

- Any trees removed should be replaced at a ratio of 2:1.
- Filling any gaps in tree lines or hedgerows with native species.
- Bat and bird boxes installed on the site.
- Grassland areas managed to benefit reptiles.
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.

Thereafter the strategy shall be implemented fully in accordance with the approved details and timescale.

Reason: To ensure that the protection of the species is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

22) No part of the development hereby permitted shall be first brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council as the Local Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document and in accordance with the agreed timescales. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

23) No part of the development hereby permitted shall be first brought into use 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.

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

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

25) No part of the development hereby permitted shall be first brought into use until the scheme for Electric Vehicle charging facilities has been provided and implemented in accordance with the requirements of the WSCC Parking Standards (September 2020 and any subsequent amended parking standards) and the submitted Sustainability Statement (Scott White and Hookins, July 2020). The charging facilities and spaces shall thereafter be retained at all times for their designated purpose.

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

26) No part of the development hereby permitted shall be first brought into use until details showing the precise location, installation and ongoing maintenance of the 1 no. fire hydrant to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The 1 no. fire hydrant shall thereafter be maintained as in accordance with the approved details.

Reason: In the interests of amenity and in accordance with The F&RS Act 2004.

27) No part of the development hereby permitted shall be first brought into use, until details of any external lighting of the site have been submitted to, and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and the timings of any lighting and the mechanism for turning on/off any external lighting). The lighting scheme for the site shall take into consideration the presence of bats in the local area and the scheme shall minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The scheme shall set out how the design of the lighting shall not exceed the obtrusive light limitations for exterior lighting of the Institution of Lighting Professional Guidance for Environmental Zone E3; as shown below:

- Sky Glow ULR [Max %] 5;
- Light Intrusion (into windows) Ev [lux] pre-curfew 10 lx;
- Light Intrusion (into windows) Ev [lux] post-curfew 2 lx;
- Luminaire Intensity in candelas pre-curfew 10000;
- Luminaire Intensity in candelas post-curfew 1000;
- Building Luminance Pre-curfew, Average, L [cd/m²] 10;

The curfew is between 19.00 - 07.00;

The scheme shall include an isolux diagram showing the predicted luminance in both the horizontal and the vertical plane (at a height of 3.5 metres) for the development.

The lighting shall be installed, maintained and operated in full accordance with the approved details, unless the Local Planning Authority gives its written consent to the variation.

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

28) No part of the development hereby permitted shall be first brought into use until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

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

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

30) The business units hereby permitted shall be designed to ensure that the consumption of wholesome water by persons occupying each new unit does not exceed 110 litres per person per day. **No business unit shall be first occupied** until the requirements of this condition have been fully implemented including fixtures, fittings and appliances.

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

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

Reason: In the interests of residential amenity.

32) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the 'assessment of effects and mitigation measures' section of the submitted Ecological Impact Assessment, produced by Lizard Landscape Design and Ecology (7th July 2020).

Reason: To ensure that the protection of ecology and/or biodiversity is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

33) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. **The development shall not be first occupied until;**

- i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and
- ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is bought into use, and
- iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first bought into use.

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

34) The premises shall not be used except between the hours of 07:00; and 19:00; Monday to Friday and between the hours of 08:00; and 13:00; on Saturday and at no time on Sunday, bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

35) No deliveries shall be taken to or despatched from the site outside of the hours of 07:00; and 19:00; Monday to Friday; and outside the hours of 08.00 and 13.00; on Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the neighbouring properties.

36) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage. The approved scheme shall be provided prior to the first use of the land for the storage of oils, fuels or chemicals and shall be maintained as approved in perpetuity.

Reason: To enable the Local Planning Authority to retain control over the development which may be injurious to the amenities of the area and of neighbouring properties and to prevent pollution

37) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) Order 2015, or any other statutory instrument amending, revoking and re-enacting the Order, the building hereby permitted shall not be used other than for purposes in Use Classes E and B8.

Reason: To ensure the use of the site does not have a harmful environmental effect in the interests of amenity and protecting residential amenity.

38) No sound amplifying equipment shall be used on the premises other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the equipment and an acoustic report. Thereafter the scheme shall be implemented in accordance with the approved details only.

Reason: To protect the amenities of the occupiers of nearby premises.

39) All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated, that noise therefrom at any time, when assessed according to British Standard 4142:2014, and expressed as a sound rating level, does not increase the background sound level as determined 1m from the façade of the most sensitive receptors, at any adjoining or nearby residential property.

Reason: In the interests of protecting residential amenity and the local area.

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 - Location Plan (A1)	P0867-RHP-CS-XX-PL-A-1000	P3		Approved
PLAN - Block Plan (A1)	P0867-RHP-CS-XX-PL-A-1002	P2		Approved
PLAN - Existing Site Plan (A1)	P0867-RHP-CS-XX-PL-A-1005	P2		Approved
PLAN - Proposed Site Plan (A1)	P0867-RHP-CS-XX-PL-A-1010	P7		Approved
PLAN - Block 1 - Proposed Ground Floor Plan (A1)	P0867-RHP-CS-ZZ-PL-A-2050	P2		Approved
PLAN - Block 1 - Proposed Mezzanine Floor Plan (A1)	P0867-RHP-CS-ZZ-PL-A-2051	P2		Approved
PLAN - Block 1 - Proposed Roof Plan (A1)	P0867-RHP-CS-ZZ-PL-A-2052	P2		Approved
PLAN - Block 2 - Proposed Plans and Elevations (A1)	P0867-RHP-CS-ZZ-PL-A-2062	P2		Approved
PLAN - Block 3 - Proposed Plans and Elevations (A1)	P0867-RHP-CS-ZZ-PL-A-2063	P2		Approved
PLAN - Block 4 - Proposed Plans and Elevations (A1)	P0867-RHP-CS-ZZ-PL-A-2064	P2		Approved
PLAN - Block 5 - Proposed Plans and Elevations (A1)	P0867-RHP-CS-ZZ-PL-A-2065	P2		Approved
PLAN - Block 1 - Proposed North and East Elevations (A1)	P0867-RHP-B1-ZZ-EL-A-2110	P4		Approved

PLAN - Block 1 - Proposed South and West Elevations (A1)	P0867-RHP-B1-ZZ-EL-A-2111	P4		Approved
PLAN - Site Habitat Plan (A0)	LLD1925-ECO-FIG-001-00			Not Approved
PLAN - Planting Plan (A1)	2178-TF-XX-00-DR-L-3001			Approved
PLAN - Landscape Proposals and Structural Planting Scheme (A1)	2178-TF-XX-00-DR-L-1001			Approved
PLANS - Plans PLAN -	P0867-RHP-CS-ZZ-EL-A-2160	P2		Approved
PLANS - Plans PLAN -	P0867-RHP-CS-ZZ-EL-A-2161	P2		Approved
PLANS - Plans PLAN -	P0867-RHP-CS-ZZ-EL-A-2162	P2		Approved
PLANS - Plans PLAN -	P0867-RHP-CS-ZZ-EL-A-2163	P2		Approved

INFORMATIVES

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

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

3) In order to expedite the discharge of Condition 5 the applicant is advised to complete the Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the Council's expectations and requirements for Surface Water Drainage Proposals.

4) When submitting lighting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone (to be specified for the circumstances) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" issued by the Institute of Lighting Professionals. <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusivelight-2020/>

5) Your attention is drawn to the provisions of the **Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.**

These make it an offence to:

- Kill or injure any protected species or wild bird,
- Damage or destroy the breeding sites and resting places (roosts) of certain animals including bats and dormice even if the species is not present.
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use)

The onus is therefore on you to ascertain whether such bats, birds, other animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require undertaking a bat survey or delaying works until after the nesting season for birds.

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

The nesting season for birds is between the 1st March and the 30th September. If you need to undertake works during this period you are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

6) Given the age of the existing units at the site some of the buildings and structures may contain asbestos. The applicant should have regard to the Control of Asbestos Regulations 2012, and be aware that it may be necessary to notify, or obtain a licence from, the relevant enforcing authority prior to demolition or construction works commencing. Further information is available online at <http://www.hse.gov.uk/asbestos/detail.htm>.

7) The applicant is advised that planning permission would be required for the installation of any fixed plant or equipment that materially changes the external appearance of the building.

8) For further information and technical guidance regarding land contamination the applicant should contact the District Council's Environmental Protection Team (01243 785166).

9) This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

10) This site lies within a sensitive groundwater area. Groundwater is therefore potentially at risk from activities at the site and all precautions should be taken to avoid discharges and spills to ground both during and after construction.

For further information on this application please contact Jane Thatcher on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QEAEP1ER10R00>

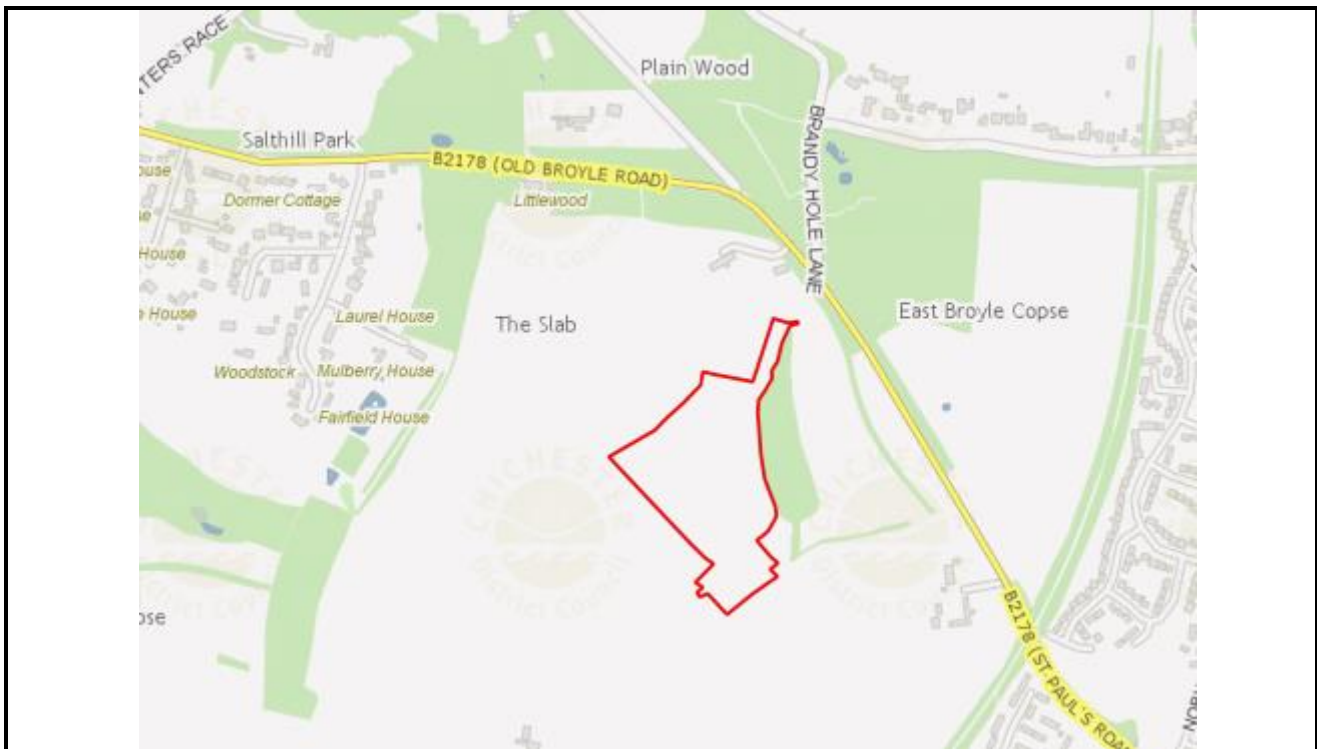
This page is intentionally left blank

Parish: Chichester	Ward: Chichester West
-----------------------	--------------------------

CC/19/03122/REM

Proposal	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 B).		
Site	Land West Of Centurion Way And West Of Old Broyle Road Chichester West Sussex PO19 3PH		
Map Ref	(E) 485000 (N) 106000		
Applicant	Linden Homes Ltd	Agent	Mr Nicholas Billington

RECOMMENDATION TO PERMIT



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

1.0 Reason for Committee Referral

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 for a comprehensive, residential-led mixed-use development by Local Plan Policy 15. It extends to 4.75 hectares and is identified as Parcel P3.C in the Overall Phasing Plan approved pursuant to 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 P3.C is located in the northern part of the SDL. On its southern side the site flanks and has direct access to the principal 'spine' road serving Phase 1. The parcel's eastern boundary adjoins a heavily wooded section of the Central Green Corridor which forms part of an extensive network of open space and SANGS that was approved under the 'infrastructure' Reserved Matters application (CC/18/01587/REM refers). The Parcel's western 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 north lies farmland forming part of the Phase 2 SDL land.
- 2.3 The site currently forms part of a large arable field which incorporates relatively substantial level differences. From the plateaued area on its western side the site slopes downward relatively steeply to meet the CGC valley, with a reduction in levels of approximately 5m across the site. There is a similar reduction in levels from the site's north-western to its south-eastern corner. The site is generally devoid of significant vegetation other than short sections of hedgerow located either side of a section of existing agricultural track which cuts across the south-western corner of the site.

3.0 The Proposal

- 3.1 At the meeting of the Planning Committee of 13 May 2020, approval was granted for all remaining Reserved Matters (RM) in respect of 141 dwellings on Parcel P3.C (CC/19/02819/REM refers).
- 3.2 Alongside the above application the applicant had, primarily for procedural reasons, also submitted a 'duplicate' RM application for the same number of dwellings. It had originally been the applicant's intention to withdraw the second application upon gaining the above RM approval. However, the recent merger of Linden and Bovis Homes has resulted in the applicant seeking to utilise the second application, referred to as Scheme B, as a means of securing various changes to the approved scheme (Scheme A).
- 3.3 The merits of the changes now sought are discussed below in Section 8 of this report. However, in summary, relative to Scheme A, Scheme B proposes the same number and mix of affordable and market homes in a near-identical layout, with the changes primarily relating to the introduction of some different market house-types in the north-western part of the parcel and the re-configuration of the affordable housing block located in the south-west corner of 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.
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.
19/03146/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	PER	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.
20/02473/REM	PCO	All outstanding Reserved Matters for the erection of 53 dwellings with associated parking, landscaping, informal open space and associated works on Phase 5, Parcel G, 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	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

Comments are summarised unless stated otherwise.

6.1 Chichester City Council - in full

Revised plans

No comments received.

Original Plans

Strong objection to the generic housing design and poor quality materials; high quality materials and local building design and appearance should be reflected in the development, for example through the use of clay and slate roof tiles, and rendered external walls rather than painted brick. Inadequate parking will be provided as a result of triple parking into garages being provided for over 60% of dwellings. Further consideration should be given to increasing sustainability measures such as electric vehicle charging points and solar panels. The main routes should have a separate cycleway provided and this must not reduce the public open space. Could the road layout be reconfigured to a more informal layout, possibly to remove the double road either side of the public open space? It is noted that there was a lack of public engagement on this particular application.

6.2 WSCC LHA - in full

Comments dated 07 October 2020

Original comments on this application were sent by the Highway Authority on 15th Sept 2020. The applicant has since submitted a revised planning layout and these comments reflect the amendments made to this plan.

The revised scheme retains the same number of properties and the same highway layout and road treatments. The previous Highway Authority comments made reference to a change to the house types and their size, but it has since been confirmed that there are no changes to the housing mix from the previously approved layout. There are changes proposed to the flats reducing the number of wheelchair accessible units and therefore the applicant has made changes to courtyard parking to reflect the reduction in the need for disabled car parking. Overall, the level of car parking is reduced by a single car parking space from 393 spaces to 392.

The proposed changes are not considered to have a material change in terms of transport comments from the previously approved application (CC/19/02819/REM). The Highway Authority would recommend that the majority of conditions included on planning permission CC/19/02819/REM are also included on any permission granted for this application. Given the applicant has now included the details of the design and layout of the additional vehicle access onto the spine road serving plots 92-96 it is now no longer required to condition further details of this additional access. The detailed design of this vehicular access point shall be agreed through the Section 38 Agreement with the Highway Authority.

The conditions to be included on any permission granted should include:

- that no dwelling shall be occupied until the vehicular access, 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 secure and covered cycle parking spaces.
- that no dwelling shall be occupied until the vehicle parking and/or garaging associated with that dwelling has been constructed and is available for use.
- to submit technical details of the design of raised tables/rumble strips and pedestrian crossing points prior to the construction of the road.

Comments dated 15 September - in full

West Sussex County Council (WSSCC) has been consulted on planning application CC/19/03122/REM that seeks approval of all outstanding Reserved Matters for the erection of 141 dwellings. The scheme is a variation of an earlier scheme permitted under planning permission CC/19/02819/REM.

The revised scheme retains the same number of properties and the same highway layout and road treatments. The main changes relate to the house types changing certain properties from 3 to 4 bed houses. There are also changes to the proposed to the flats reducing the number of wheelchair accessible units and therefore the applicant has made changes to courtyard parking to reflect the reduction in the need for disabled car parking. Overall, the level of car parking is reduced by a single car parking space from 393 spaces to 392.

The proposed changes are not considered to have a material change in terms of transport comments from the previously approved application (CC/19/02819/REM). The Highway Authority would recommend the conditions included on planning permission CC/19/02819/REM are also included on any permission granted for this application.

These conditions should include:

- that no dwelling shall be occupied until the vehicular access, 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 secure and covered cycle parking spaces.
- that no dwelling shall be occupied until the vehicle parking and/or garaging associated with that dwelling has been constructed and is available for use.
- to submit technical details of the design of raised tables/rumble strips and pedestrian crossing points prior to the construction of the road.
- to submit technical details of the design and treatment of the proposed additional access point onto the site spine road.

6.3 Sussex Police

No objections to layout and configuration of development. Various advice in respect of detailed security measures to be incorporated at the implementation stage of the development.

6.4 CDC Design and Conservation - comments in respect to revised plans only

The overall layout of the scheme in terms of roads, pavements, parking distribution and connectivity remains largely unaltered from the previous approval and is considered appropriate. Minor layout alterations have occurred to accommodate slightly different house types however this has not resulted in detrimental alterations to the scheme already approved.

As the latest proposals were initially submitted it was considered that some of the house type variations, particularly along the main route through the parcel, had reduced the visual depth in terms of the house frontages. It was identified that the loss of the T8 house type to be replaced with the Mylne would be detrimental to the street scene because of the loss of interest and depth provided through a projecting gable. It is considered that this is now satisfactorily resolved by projecting gables again being proposed.

When first submitted it was considered that variety was lacking from plots 157-159 again caused through the change in house types. Whilst projecting gables have not been reinstated in this location improvements have been made during the course of the application which have resulted in variety being added through the use of tile hanging and porch alterations. This approach is considered to reintroduce sufficient variety in the street scene.

The house type changes were also considered to have introduced an uncomfortable roof form at the ridge between plots 133-134. Subsequently changes have been made which have resulted in the roof profile being altered to improve this relationship. The roof form at the junction of these two dwellings is now considered acceptable and visually consistent with other similar semi-detached pairs within the scheme.

It is considered that compared to the previous approval the flat block parking area has been improved. With the reduced number of wheelchair accessible flats the number of larger accessible parking spaces required is lower. In place of this additional soft landscaping has become possible reducing the area of hard surfacing and adding greater greenery to the parking court.

Overall it is considered that with the secured revisions to the scheme the proposals are comparable in design quality to those approved for this parcel previously.

6.5 CDC Housing Enabling Officer - revised plans only

Further to my last comments in April (in relation to the approved reserved matters application), the applicants have addressed my concerns about the number of disabled units coming forward in one block and the proposed provision of a lift.

Some new house patterns, used elsewhere on other phases, have been introduced although the overall mix is otherwise unchanged. These provide a range of sizes/entry prices for family homes.

I have no objections to the scheme.

6.6 CDC Environment Officer

Following submission of the Sustainability Statement (Parcel 3C Scheme B Aug 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 19.16%. This will be achieved with a fabric first approach and through installing PV on 29 houses on the parcel equating to 20.5% of properties having PV in this parcel.

6.7 CDC Drainage Engineer

The proposed surface water drainage for this phase is a combination of infiltration through permeable paving (parking) and property soakaways, 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 a surface water condition 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. Initial results indicate that infiltration will be feasible in this location. As per the SUDS manuals and approved document H we will expect the maximum area possible to be drained directly to ground.

6.8 CDC Waste Lead

No objections. The layout is acceptable from a waste collection point of view.

6.9 Third Party Representations

None received

6.10 Applicant's/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
 - Maintain the low levels of crime in the district in the light of reducing resources
 - 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 As referred to in Section 3 above, a Reserved Matters approval has already been granted in respect of Parcel P.3C (Scheme A – 19/02819/REM refers). Given this fall-back position, the following assessment focusses on the relatively minor changes sought under the current 'Scheme B' proposals relative to Scheme A.
- 8.2 The change to house-types on around 35 of the plots in the north-western part of the parcel has in most instances involved a direct exchange on substantially the same footprint. However, whilst the overall housing mix has not changed, in some parts of the site a different configuration of detached, semi-detached and short-terraced units has been used. This has resulted in some minor consequential changes to configuration of these dwellings' parking areas, driveways and curtilages, however, the overall layout remains almost identical to that of Scheme A in terms of block structure and the hierarchy of streets, which include a significant proportion of traffic-calmed shared surface areas and the use of landscaping to break-up parking and soften the parcel's development edges.
- 8.3 The changes to the internal configuration of the affordable housing flatted block in the south-western corner of the parcel - to accord with the Housing Officer's suggestion to remove the wheel-chair-accessible units at first and second floor levels - has created the opportunity to introduce more landscaping into its parking area, and this change is to be welcomed.

- 8.4 In terms of detailed design, the change to house-types has not resulted in any detrimental changes to appearance of the affected areas of the layout - comparative street scenes will be provided at the meeting - and it is noted that the majority of the 'new' house-types have in fact already been permitted as part of the Reserved Matters approval for Parcel P2.B, which is currently under construction. Visual interest on prominent plots, such as those on street corners, has been maintained by a variety of means including the use of contrasting materials, the introduction of features such as chimneys and chimney breasts and the placement of additional windows in otherwise blank elevations.
- 8.5 As noted above, the overall mix and tenure of market and affordable dwellings remains unchanged. The changes to the internal layout of the affordable housing flats results in a more practicable arrangement that will prove beneficial to the Registered Provider in terms of management and maintenance.
- 8.6 The Local Highway Authority has confirmed it has no objections subject to the imposition of conditions relating to various detailed matters. As noted in the LHA's most recent comments, the detailed treatment of the parcel's two junctions with the spine road will be finalised as part of the S38 (road adoption) process which is administered by it.
- 8.7 With regard to the issue of sustainability, the submitted Sustainability Statement details the same range of measures that were proposed in respect of Scheme A, including a commitment to achieve a 19% reduction CO2 emissions relative to the requirements of the Building Regulations, with this to be achieved primarily by using a fabric-first approach combined with the installation of PV panels on 29 houses. A range of habitat and ecological enhancement and protections measures are also proposed including bird and bat boxes, log piles and hedgehog holes in garden fences and walls. Final details of the package of sustainability and ecology-related measures will be secured under the requirements of the conditions of the outline permission.
- 8.8 The comments of the City Council are noted. Whilst some of these matters have been overcome by the revised plans currently under consideration, the remainder were fully taken into account at the time of permitting the Scheme A application, which attracted identical comments from the City Council.

Significant Conditions

- 8.9 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, construction management plans, surface water drainage and sustainable design and construction. Whilst some of these details have been submitted indicatively in order to inform this RM application (e.g. sustainable design and construction, materials and surface water drainage), final approval will be required under separate discharge-of-condition applications.
- 8.10 In view of the above, the recommendation below is subject to a limited number of conditions relating to the Reserved Matters including, amongst other things, the carrying out of the development in accordance with the submitted landscaping details, securing tree protection measures and the provision of cycle and car parking.

Conclusion

8.11 This application in effect seeks amendments to the extant Reserved Matters approval for Parcel P3.C of the West of Chichester SDL. For the reasons set out above the proposed changes are considered acceptable and, accordingly, it is recommended that, subject to the planning conditions set out below, Reserved Matters approval is granted.

Human Rights

8.12 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_P3_C**:300; 301 E; 302 B; 303 B; 304 B; 305 B; 306 B; 307 B; 308 C; 309 B; 313; B

- **CB_70_068_P3_C_300**: **GC_SS**_ 01, 02; **LC_SS**_ 01; **SV_SS**_ 01 C, 02 A, 03 B, 04 A, 05 A, 06 A, 07.

- **CB_70_068_P3C_300_GC**: **T19**_ E01, E02, P01, E03, E04, E05, P02; **T14**_ E01, E02, E03, P01

- **CB_70_068_P3C_300_LC**: **BA**_ E01, E02, E03, E04, P01, P02, P03; **AS**_ E01, P01, E02, E03, P02; **A30L**_ E01, P01, E02, P02; **A40L**_ E01, P01, E02, P02.

- **CB_70_068_P3C_300_SV**: **T272**_ E01, E02, E03, E04, P01, E05, P02; **EE**_ E01, E02, E03, P01, E04, E05, P02, E06, P03, E07, P04; **T27**_ E01, P01; **EV**_ E01, E02, P01, E03, P02; **SA**_ E01 A, E02 A, E03 A, P01, E04 A, P02; **T7**_ E01, E02, P01; **T8**_ E01, E02, E03 A, E07, P01 B, E04, E05, P02, E06 A, P03, ; **MY**_ E01 A, E02, P01 B; **T11**_ E01, E02, E03, E04, P01; **T12**_ E01, E02, P01; **PE**_ E01 A, E02, P01; **T14**_ E01, E02, E03, P01; **A24L**_ E01, P01, E02, P02, E03, E04, P03, E05, P04; **2BW**_ E01, P01; **A30L**_ E01, E02, P01, E03, P02, E04, P03; **A40L**_ E01, P01

- **CB_70_068_P3C_300_GAR**_ 01, 02, 03, 04

- **LIN22580 (Scheme B)** : 18 D, 16 D (Sheets 1-7), 17 D (Sheets 1-7), 03 C.

- **194960** - 104D, 107E, 108D

- Ecological Enhancements plan (Parcel 3C scheme B) Rev A

- Verge detail - SD(12)10 REVA

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. LIN22580-03C Phase 3 Parcel C Scheme B). 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. LIN22580aia-amsC Phase 3 Parcel C Scheme B Revision C) and Ecological Mitigation Strategy dated 04.08.2020 (in respect of tree and hedgerow removal) 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 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** 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 LIN22580 16 Sheets 1 to 7 Rev D
- Soft Landscape Specification document ref: LIN22580 spec - Scheme B

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

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

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

5) **No development above ground level shall commence on plots 132, 136, 181 and 231** until a sample panel of flint has been constructed and made available for inspection on site, to accurately reflect the proposed bond, coursing and finish of the material and the type, composition and profile of the mortar. The flint sample panel shall be approved in writing by the Local Planning Authority before work commences on the flint elevations. The approved flint sample panel shall be retained on site until the work is completed on the above plots and the work shall be carried out in full accordance with the approved details.

Reason: To ensure the materials and finishes to be used are appropriate in the interest of amenity and to ensure a development of visual quality.

6) **No development in respect of the proposed highway raised tables, rumble strips and pedestrian crossing points** shall be carried out unless and until detailed technical drawings of the same have first 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

7) **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.

8) **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

9) **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.

10) **Prior to occupation of the 135th dwelling** of this phase (Phase P3.C) of the development the emergency access, including 2no. removable bollards as specified on application drawing 194960-107 Rev D and fitted with standard Fire Brigade padlocks, shall have first been constructed, surfaced and drained in accordance with the submitted details and thereafter maintained in a condition that is fit for purpose in perpetuity.

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

11) **Prior to the occupation of Plots 168 and 188** 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 2 no. bollards all as specified and positioned on application drawing 194960-107 Rev D. Once provided, the pedestrian/cycle link and bollards shall be maintained in a condition that is fit for purpose in perpetuity.

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

12) 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.

13) Notwithstanding the block paving details shown on the submitted hard surfacing drawings the final details of the block paving (in terms of whether they are 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.

14) Following the implementation of the Reserved Matters hereby approved no more than 141 dwellings shall be constructed on the land identified as Phase P3.C by the Overall Phasing Plan approved pursuant to condition 4 of outline planning permission reference CC/14/04301/OUT.

Reason: To ensure a satisfactory form of development and to accord with the quantum and phasing of development approved pursuant to the outline planning permission.

15) 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). /b 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.

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 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

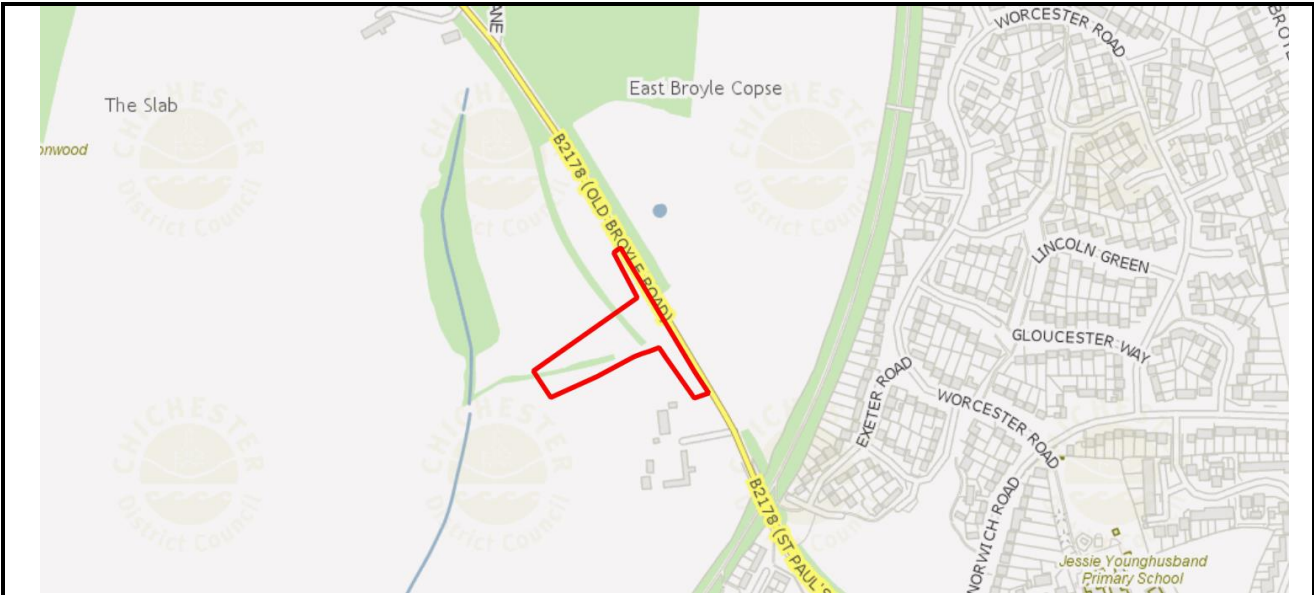
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2NQGFER0UX00>


Parish: Chichester	Ward: Chichester West
-----------------------	--------------------------

CC/20/02322/ADV

Proposal	Erection of 2 no. non-illuminated V signage boards and 4 no. non-illuminated flag advertisements.		
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	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
---	---------------------	--

1.0 Reason for Committee Referral

At the discretion of the Development Management Divisional Manager given the Committee's resolution to refuse an application for advertisements on the same application site at the preceding Planning Committee.

2.0 The Site and Surroundings

- 2.1 The application site is located at the entrance to the West of Chichester Strategic Development Location (SDL) and includes land on either side of its principal vehicular access, which is to be taken from Old Broyle Road (OBR). Detailed planning permission has already been granted for these access arrangements which comprise a three-armed roundabout on OBR leading to the 6.75m wide 'spine' road. Both the spine road and roundabout are currently under construction.
- 2.2 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 This application follows consideration of a previous application for Express Advertisement Consent for 18 non-illuminated flag pole and 2 non-illuminated V-Board advertisements at the Planning Committee of 9 September 2020 (20/01256/ADV refers). The Committee resolved to refuse consent for the following reason:

The proposed 'v' signs and flags would result in an incongruous and intrusive form of advertisement and a proliferation of signage, which would result in visual clutter of advertisements that would be detrimental to the surrounding rural landscape and the approach to the historic city of Chichester. As such the proposal would be contrary to policy 48 of the Chichester Local Plan and paragraphs 132 and 170 of National Planning Policy Framework.

- 3.2 This current application seeks to overcome this reason for refusal by significantly reducing the number proposed advertisements, with Express Consent now sought to display a total of 6 advertisements, consisting of two groupings of one 'V-Board' and two flagpole-mounted flags located either side of SDL's entrance.
- 3.3 Each of the V-boards comprises two, angled 1.50m by 3.05m sign boards (maximum height of 4.2 m above ground level) formed in powder coated metal with a vinyl covering. The flags each measure 0.9m x 2.5m and would be mounted on metal poles with a maximum height of 5.2m above ground level.
- 3.4 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.

3.5 The Committee should be aware that applications to display adverts at each of the two developers' sales areas have also recently been submitted and are currently under consideration (20/02379/ADV and 20/02341/ADV refer). Whilst these advertisements would be located in positions that are 'internal' to the SDL, when determining these applications consideration will be given to the cumulative impact of other advertisements that have been permitted in their immediate vicinity.

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	PER	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	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations**6.1 Chichester City Council**

No objection subject to a condition requiring removal upon completion of sale or first occupation (whichever comes first) of all the residential plots, within phase 1 of the site.

6.2 Third Party Representations

1 letter received from The Chichester Society:

- a) Pleased to see applicant has reconsidered its earlier excessive advertising
- b) The site address of the site is incorrect

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 direct 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, insofar as they are material, and any other relevant factors.

(i) Amenity

8.2 The proposals involve a substantial (approximately 75%) reduction in the number of individual advertisements compared to the previous application recently considered by the Committee.

8.3 Whilst the proposed flags and signboards will be visible in the locality, due to the vegetational screening along Old Broyle Road and the absence of public vantage points from the land on its eastern side, views of the relatively small number of proposed advertisements will be restricted to those available from the immediate vicinity of the site's access. Consequently, the revised proposals are considered appropriate in the context of the site's position at both the entrance to a strategic development site and also at a primarily rural 'gateway' location on a key route into the City.

- 8.4 In terms of residential amenity, views of the flags on the southern side of the new junction may be visible from the facing windows and garden area of No.2 New Cottages above the existing and proposed intervening planting, with the closest adverts being 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 has previously raised no objections 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 Concerns have previously been expressed regarding the name of the development indicated on the advertisements, and these have been relayed to the developers. 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.
- (iv) Conditions
- 8.9 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
- 8.10 The proposals involve a significant reduction in the number of proposed advertisements when compared to the application recently considered by the Committee (20/01256/ADV refers). 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.
- (vi) Human Rights
- 8.11 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 upon the completion of sale or the first occupation (whichever is the sooner) of all residential plots approved pursuant to planning permission reference CC/14/04301/OUT.

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 - Location/Block Plan	192050-012	REV P6	08.10.2020	Approved
PLAN - Elevations - Northern side of roundabout Rev:14	7	REV 14	08.10.2020	Approved
PLAN - Southern side of roundabout Rev:14	8	REV 14	08.10.2020	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=QGNLULERG7H00>


This page is intentionally left blank


Parish: Kirdford	Ward: Loxwood
---------------------	------------------

KD/20/02180/FUL

Proposal	Proposed farmhouse, garage and access. (Removal of condition 2 of permission KD/24/74 - removal of the agricultural occupancy condition).		
Site	Sussex Game Farm Scratching Lane Kirdford RH14 0JN		
Map Ref	(E) 499809 (N) 128025		
Applicant	Ms S Barnett	Agent	Mrs Gail Pilkington

RECOMMENDATION TO PERMIT



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

1.0 Reason for Committee Referral

1.1 Parish Objection – Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application property is a detached two storey residential dwelling located on the west side of Scratching Lane, Kirdford and situated outside of any settlement boundary. A wood to the east of the site separates the property from the road and agricultural land surrounds the rest of the site.

3.0 The Proposal

3.1 The application proposes removal of condition 2, agricultural occupancy condition, of permission KD/24/74 for a farmhouse, garage and access.

4.0 History

KD/00024/74	PER	Proposed farmhouse.
93/00249/OUT	REF	The erection of a dwelling to be occupied in connection with Sussex Game Farm.
20/00848/ELD	PER	Existing lawful development certificate for occupation of dwelling, without compliance with an agriculture occupancy condition.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Kirdford Parish Council

KPC objected to the original application on the grounds that our NP supports agricultural ties for the benefit of the farming community, and their removal leads to the eventual loss of an agricultural dwelling and the loss of an affordable home in the agricultural sector.

CDC's lack of supervision of existing planning conditions can lead to this situation. Effective monitoring and enforcement would reduce breaches and, in this case, an affordable home would be protected for the farming community. If a farm owner wishes to remove an agricultural tie, they can submit such a legitimate application at any time rather than breach a condition as a means to an end.

6.2 Third Party Comments

None received

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 Site Allocations DPD and all made neighbourhood plans. The Kirdford Parish Neighbourhood Plan was made on the 22nd July 2014 and forms part of the Development Plan against which applications must be considered.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 25: Development in North of the Plan Area

Policy 33: New Residential Development

Policy 45: Development in the Countryside

Appendix E: Appropriate Marketing Guidance

Kirdford Parish Neighbourhood Plan

7.3 The policies of the made Kirdford Parish Neighbourhood Plan relevant to this application are:

Policy H.3: Agricultural occupancy condition

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.4 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2022. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

7.5 Government planning policy now comprises the February 2019 National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,
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 or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.6 Consideration should also be given to Sections 4 (Decision-Making), 12 (Achieving well-designed places) and 14 (Meeting the challenge of climate change, flooding and coastal change)

Other Local Policy and Guidance

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

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

i) Principle of development

i) Principle of development

8.2 Planning permission was granted in 1974 for the dwelling under application KD/24/74. Condition 2 of the decision notice states:

‘The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290(1) of the Town and County Planning Act 1971, or in forestry (including any dependents of such a person residing within) or a widow or widower of such a person.

The site lies in an area where permission for development unrelated to the essential needs of agriculture and/or forestry would not normally be granted.’

8.3 In March this year a Certificate of Lawful Development for an existing use was submitted under application 20/00848/ELD. The Certificate was for the occupation of the dwelling without compliance with the agriculture occupancy condition. In August the Certificate was granted as it was determined that the breach of agricultural occupancy had begun more than 10 years prior to the submission of the application for the Certificate and had continued ever since. This current planning application seeks to remove condition 2 of permission KD/24/74.

8.4 As part of the submission of evidence submitted for the Certificate of Lawful Development a statutory declaration was submitted by Mrs Crouch, an owner and occupier of the dwelling. It stated:

- Mrs Crouch and her husband have lived at the dwelling since 1976.
- From 1976 the business on the farm was solely rearing pheasant and partridge chicks for the gun. Between May and July approximately 15000 pheasant chicks were hatched a week, the majority were sold as day old chicks to shoots. No birds were killed or processed on site and no birds were sent directly for slaughter for meat, they were all sold as game birds to shoots.
- Mr and Mrs Crouch retired in 1994/1995 and have not worked since.
- Their children do not work in agriculture and moved out before 1991

8.5 In 1993 planning permission was refused at the site under application 93/00249/OUT for the erection of a dwelling to be occupied in connection with Sussex Game Farm. The refusal was subsequently dismissed at appeal. The LPA's appeal statement and the Inspectors decision were included as evidence in the Certificate of Lawful Development.

8.6 One of the reasons the LPA was unable to support the 1993 application was because it was considered that the proposed dwelling would not meet an agricultural need. They stated that 'the majority of the birds are reared for shooting and thus the activity cannot be regarded as being 'agriculture' within the meaning of the Town and Country Planning Act. There is, thus no agricultural justification for a dwelling.' The use of the proposed dwelling was determined to not be for agricultural use and the application refused. The refusal was upheld by the Planning Inspector at appeal who stated that:

'The Council argues that, because most of the birds are raised for shoots, they are being produced for sport, rather than for food. Therefore, that part of your client's enterprise does not fall within the definition of agriculture which is set out in Section 336(1) of the above Act. In support of its view, the Council has cited two cases in which the courts have held that, for the purposes of other legislation, game keeping is not an agricultural occupation. The Council also contends that the processing and preparation of game is not an agricultural activity, but a materially different type of use. In my opinion, there is considerable force in the Council's argument that the rearing of game does not satisfy the statutory definition of agriculture.'

8.7 The refusal of application 93/00249/OUT and its subsequent appeal demonstrate that the dwelling was not been resided in for agricultural purposes. The statutory declaration by Mrs Crouch states that they lived at the dwelling and ran the site as game farming from 1976 to 1994/1995 and that since retirement they have continued to live at the farm. The Certificate of Lawful Development found that based on the evidence submitted, that there was no evidence to contradict the information relied upon by the applicant and on the balance of probability, the breach of condition 2 of application KD/24/74 had taken place for a period of time in excess of 10 years. The occupation of the dwelling by non-agricultural workers was therefore found lawful. Based on the evidence submitted for the Certificate of Lawful Development, the dwelling was not lawfully occupied since at least 1976 when Mr and Mrs Crouch moved in.

- 8.8 The Certificate of Lawful Development allows anyone, the current residents or anyone else in the future, to occupy the dwelling in non-compliance with condition 2 of KD/24/74. No further planning permissions would be required for them or anyone else not working in agriculture to occupy the dwelling. The owners however need to sell the property in order to meet their on-going needs, and whilst anyone can now occupy the dwelling, the continued existence of the condition could cause mortgage or finance complications and delays. For practical purposes, the owners have therefore submitted an application to remove the condition.
- 8.9 The Local Plan requirements for planning permission to remove an agricultural restriction on a property include the property to have been vigorously and exhaustively marketed for between a year and 18 months prior to the submission of the application for it to be considered acceptable. The Kirdford Parish Neighbourhood Plan also has a policy on agricultural occupancy conditions. The policy requirements includes that the removal of an agricultural condition will not be permitted unless the unit has been subject to unsuccessful marketing of its current use over a period of 12 months. Marketing of the application property has not been undertaken however, the Certificate of Lawful Development is unfettered and the benefits it provides would be transferable to subsequent occupiers, and this is a material consideration that carries consideration weight in the determining of this application.
- 8.10 While the condition was originally necessary to achieve the purpose for which it was originally intended, the existence of the Certificate of Lawful Development has the effect of making it unenforceable for all practical purposes. The Certificate of Lawful Development is therefore a significant material consideration that weighs in favour of the proposal as it makes the condition no longer enforceable. Its existence is considered to be an overriding consideration on the marketing requirements of the Local and Neighbourhood Plan and therefore the principle of the proposal is considered acceptable.

Conclusion

- 8.11 Due to granting of the Certificate of Lawful Development which found that the property had been in breach of the agricultural occupancy condition of application KD/24/74 for more than 10 years, it is a significant material consideration in the assessment of the application. It is therefore considered that since the lawful use of the dwelling is not restricted by a condition the proposal does not conflict with the development plan and therefore the proposal is recommended for approval.

Human rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be 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.

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 - Location Plan	20003		28.08.2020	Approved

Informative

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

For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QFS5BLERFKK00>

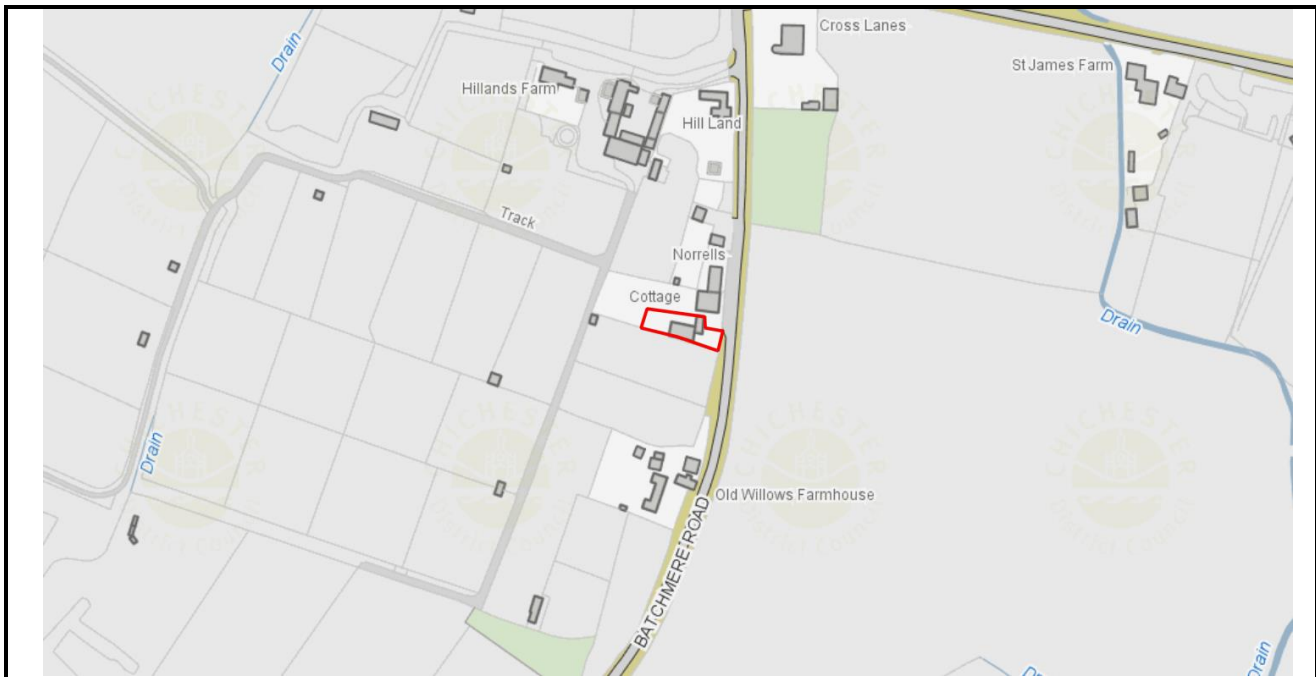
This page is intentionally left blank

Parish: Birdham	Ward: The Witterings
--------------------	-------------------------

BI/20/01130/FUL

Proposal	Erection of 1 no. 3 bed bungalow.		
Site	Plovers Cottage Batchmere Road Birdham PO20 7LJ		
Map Ref	(E) 483162 (N) 99080		
Applicant	Mr & Mrs B Kings	Agent	Mr Stephen Jupp

RECOMMENDATION TO PERMIT WITH S106



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

1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site comprises the majority of a modest sized outbuilding to the south of the dwelling known as Plovers Cottage, situated on the western side of Batchmere Road. The site falls outside any Settlement Boundary Area.

2.2 The building comprises a single storey 'L-shaped' building, with the two main elements at 90 degrees to one another, predominantly clad in natural timber. A small northern section of the outbuilding remains in ancillary residential use and does not form part of this application. The remainder of the building functions as two willow workshops and a store, as confirmed by the granting of a lawful development certificate (19/01319/ELD) for the lawful B1 (c) use of the buildings. Prior approval under Part 3, Class PA of the GPDO 2015 for the use of the existing building as a residential dwelling was granted on 3rd December 2019 (19/02603/PA3PA).

2.3 The site is situated amongst a small cluster of residential development that lines the western side of Batchmere Road. Plovers Cottage adjoins a neighbouring semi-detached dwelling to the north. Open countryside surrounds the site on all other sides.

3.0 The Proposal

3.1 Planning permission is sought for the erection of 1 no. 3 bed bungalow following demolition of the existing outbuilding.

4.0 History

07/01710/DOM	PER	Single storey garden room at rear of dwelling and closed lobby under existing slate roof canopy.
19/01319/ELD	PER	Extensions to building and use of building including said extensions for B1(c) purposes, namely as a willow workshop
19/02603/PA3PA	YESPAP	Change of Use from Class B1(c) (Light Industrial) to Class C3 (Dwellinghouse).

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 Parish Council

Birdham Parish Council objects to this application on the grounds that the building is too big for this site.

6.2 Natural England

None received

6.4 Environment Agency

None received

6.5 Southern Water

There are no public foul and surface water sewers in the area to serve this development. The applicant is advised to examine alternative means of foul and surface water disposal.

The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long-term effectiveness.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6.6 WSSC Highways

Summary

This proposal is for the erection of a three-bedroom bungalow. The site is located on Batchmere Road, a C-classified road subject to a speed restriction of 30 mph in this location. WSSC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided comments regarding highway matters for this site under application 19/02603/PA30. The LHA raised no objections to this proposal. The planning authority permitted the application.

Access and Visibility

The applicant proposes to utilise the existing access, with no alterations proposed. There are no apparent visibility issues at this access. The LHA do not anticipate that the proposal for a single dwelling would result in a material intensification of use when compared with the potential of the existing use. An inspection of data supplied to WSSC by Sussex Police over a period of the past five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the change of use to a single dwelling would exacerbate an existing safety concern.

Parking and Turning

The applicant proposes two car parking spaces for the new dwelling. The WSSC Car Parking Demand Calculator has indicated that a dwelling of this size in this location would require three car parking spaces. From inspection of the plans, there appears to be sufficient space for a third car to be accommodated within the shared driveway if required. There is also adequate space for on-site turning to be achievable, allowing vehicles to exit the site in a forward gear.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSSC Guidance on Parking at New Developments) and Chichester 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 not demonstrated cycle parking provision. Whilst the LHA acknowledges the site's rural location, cycling remains a viable option for experienced cyclists. The applicant should demonstrate cycle parking provision in the form of covered and lockable cycle storage, in accordance with WSSC standards.

Sustainability

The site is located in rural setting, approximately 1.4km south of Birdham Village. Birdham offers some local services and amenities, such as a school, shops and bus connections to Wittering and Chichester. However, the nearby road network is unlit with no footways which is anticipated to deter pedestrians. As such, it is anticipated that there will be a reliance upon the private car in this location.

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:

Car parking space (details required)

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

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.

6.7 CDC Environmental Protection

Revised comments (received 5th October 2020)

I recall I had no objection the proposals previously but these revised matters do need consideration. The proposed dwelling is relatively close to neighbouring dwellings to the North.

Noise:

If Air Source Heat Pumps are to be used there is a potential for noise to impact on neighbours. I understand that there are ASHPs on the market that could be used here provided they are suitably positioned and, if necessary, attenuated. The applicant has not provided details of predicted sound levels based on the specification of the equipment to be installed. It is therefore not possible to comment categorically on potential impact. However given the positioning of the ASHP on the Southern façade of the dwelling it seems unlikely that there will be a noise issue for neighbouring dwellings.

The "Bio-Bubble" package treatment plant is not one I have seen in situ. There is no detail that I can find about noise levels arising from the pump required to operate it. This can be covered in a single noise condition relating to plant, machinery and equipment. This seems a proportional approach rather than to request a full noise assessment at this stage.

Odours:

The manufacturers of the "Bio-Bubble" package treatment plant claim near-odourless operation, and to be frank we do not receive very many complaints about odours from package treatment plant in domestic settings. Maintenance will be required periodically to ensure proper operation in perpetuity so I would suggest a condition to this effect.

I recommend conditions as follows:

Noise :

All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom at any time, when assessed according to British Standard 4142:2014, and expressed as a sound rating level, does not increase the background sound level as determined 1m from the façade of the most sensitive receptors, at any adjoining or nearby residential property.

Reason: To protect the amenities of the adjacent occupiers.

Informative: For the avoidance of doubt, "plant, machinery and equipment" for the purposes of this condition shall include equipment installed for the drainage, heating or ventilation of the development

PW03. Package Treatment Plant

No development shall commence on the package treatment plan until a scheme for the maintenance and management of the system has been submitted to and approved in writing by the Local Planning Authority. Upon completed construction of the package treatment plant the scheme shall be strictly adhered to in perpetuity.

Reason: The details are required to ensure the foul drainage system is designed appropriately and properly maintained and managed as soon as it is installed to ensure long-term effectiveness.

Original comments (received 6th July 2020)

No Objection

6.8 CDC Environmental Strategy

Bats

Following submission of the Bat Emergence and Re-entry Survey (June 2020), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds

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

We would like a bird box to be installed on the building / and or tree within the garden of the property.

Recreational Disturbance

For this application we are satisfied that the only HRA issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

6.9 CDC Drainage

Flood Risk: 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.

Surface water drainage- the application form states that surface water is to be disposed of via soakaway, this approach is acceptable in principle. Wherever possible, driveways, parking spaces, paths and patios should be of permeable construction. Due to the scale of the proposed development we have no conditions to request. Surface water drainage should be designed and constructed to meet building regulations.

6.10 Third party objection comments

None received

6.11 Applicant/Agent's Supporting Information

The applicant/agent has provided the following support information during the course of the application:

- a) Sustainable Design Strategy
- b) Nitrate Budget Report
- c) Planning Statement and Design and Access Statement
- d) Preliminary Roost Assessment Survey
- d) Bat Emergence and Re-entry Survey

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. The Birdham Parish Neighbourhood Plan was made in 2014 and forms part of the Development Plan against which applications must be considered.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 6: Neighbourhood Development Plans

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

The Birdham Parish Neighbourhood Plan

Policy 3: Habitat Sites
Policy 5: Light Pollution
Policy 6: Biodiversity
Policy 13: Settlement Boundary Area
Policy 15: Rural Area Policy
Policy 16: Housing Density and Design
Policy 20: Surface Water
Policy 21: Wastewater Disposal

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2022. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.4 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.*

- 7.5 Consideration should also be given to the following paragraph and sections: Sections 2 (Achieving sustainable development), 4 (Decision-making), 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 7.6 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

- 7.7 The following documents are material to the determination of this planning application:
- Surface Water and Foul Drainage SPD
 - CDC Waste Storage and Collection Guidance
- 7.8 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon the amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Ecological considerations
- vi. Foul sewerage

- vii. Sustainability
- viii. Recreational disturbance
- ix. Other matters

Assessment

i. Principle of development

8.2 The application site is outside the settlement boundary; within the countryside whereby new dwellings are not normally permitted in accordance with the development strategy and settlement hierarchy established by Policy 2 of the Chichester Local Plan. However, the permitted prior approval application, 19/02603/PA3PA is a significant material consideration as it provides a realistic fallback for residential use on the site. Given this, the principle of residential development has already been established and, providing the replacement dwelling is within the parameters of the scale of the existing building, can be considered acceptable in principle; subject to assessment of other criteria and material considerations such as design, amenity and countryside impact.

ii. Design and impact upon character of the surrounding area

8.3 Policy 33 of the Chichester Local Plan sets out that any proposed development must meet the highest standards of design and provide a high quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density, height, scale and neighbouring and public amenity. Policy 45 of the Chichester Local Plan requires development in the countryside should be of a scale, siting, design and incorporate materials that would have minimal impact upon the landscape and rural character of the area. Policy 48 of the Chichester Local Plan requires, amongst other considerations, proposals respect and enhance the landscape character of the surrounding area and site. Policy 15 of the Birdham Neighbourhood Plan requires proposals within the rural area are sensitive to its setting by means of size, bulk and location.

8.4 Following amendments, the proposed dwelling would be sited in a comparable location to the existing light industrial building; the internal floor area between that previously granted under prior approval and that sought in this instance would be almost identical at approx. 118sq metres and 117sq metres respectively. There would be no significant increase in footprint from the proposal relative to the existing building.

8.5 The main change between the extant prior approval scheme and the proposed scheme is the inclusion of a pitched slate roof to form 2 no. gable ends set perpendicular to one another. The proposed ridge height would measure approx. 4.36 metres compared with the maximum ridge height of the existing building and prior approval scheme of approx. 3.21 metres, resulting in a modest increase of less than 1.3m. It is considered that the increase in ridge height would materially increase the bulk and the mass of the structure in the surrounding rural landscape; however the provision of a pitched roof would ensure a visually superior design relative to the existing flat and pitched roofs. Overall, the increase in roof height is judged to have a natural impact upon the rural landscape and given the visual improvement it is considered acceptable in this instance.

8.6 The proposed materials would comprise a brick plinth and timber boarding, with a slate roof. These materials would reflect those present on the existing structure and overall the building would reflect the rural character of the surrounding area; a condition is recommended to ensure that the finish is agreed with the LPA. The scheme would feature solar panels to the southern elevation. Subject to the finish which can be secured via condition, these would not have an undue impact upon the rural landscape. No external lighting is proposed and this can be controlled via condition.

8.7 The scheme would achieve a good standard of design that would not result in harm to the appearance of the site or the wider rural area in which it is set. The scale and siting of structure is comparable and in keeping with the scale of the extant scheme granted under prior approval and it is considered that the modest increase in ridge height would be justified. The scheme is therefore considered to comply with policies 33, 45 and 48 of the Chichester Local Plan and Policy 15 of the Birdham Neighbourhood Plan.

iii. Impact upon the amenity of neighbouring properties

8.8 The National Planning Policy Framework in paragraph 127 states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.

8.9 The proposal would be sufficiently scaled and sited to ensure that no harm to the amenity of the occupiers of Plovers Cottage would occur with regard to unneighbourly massing or loss of light.

8.10 An air source heat pump is proposed and this has the potential to have an adverse impact upon the amenity of the neighbouring property unless suitably controlled. The CDC Principal Environmental Protection Officer has advised that air source heat pumps can be attenuated where required and that noise can be suitably managed via condition. Additionally, it is understood that the Bio-Bubble" package treatment has near odourless operation and therefore this would not result in issues of odour in relation to nearby residential uses.

8.11 Overall, the scheme would conserve the amenity of neighbouring properties and the scheme would accord with Policy 33 of the Chichester Local Plan and the NPPF 2019.

iv. Impact upon highway safety and parking

8.12 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan requires the development should not create or add to problems of safety, congestion, air pollution or other damage to the environment. Furthermore, the level of parking provision should be in accordance with current West Sussex County Council guidance.

8.13 WSCC Highways have been consulted on the scheme commenting that the proposed use of the existing access to the site would not result in an issue of highway safety, whilst there would be sufficient room for the required number of cars to turn and park within the site. Secure Cycle storage and EV charging would be secured by condition.

8.14 Overall, the proposal would not 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.

v. Ecological considerations

8.15 Policy 49 of the Chichester Local Plan and Policy 6 of the Birdham Parish Neighbourhood Plan requires, amongst other considerations, that the biodiversity value of the site is safeguarded and enhanced.

8.16 The developer has submitted a Bat Emergence and Re-entry Survey with the application. This concludes that a single day roost of a common pipistrelle is present. The application proposes to retain the roost as part of a comprehensive scheme of mitigation. This has been agreed by the CDC Environmental Strategy Officer along with other ecological enhancements that would be secured via the recommended conditions.

8.17 Overall, the proposal is not likely to have a detrimental impact upon the ecological value of the site and opportunities to enhance biodiversity would be controlled by the conditions recommended. The proposal is therefore considered to be in accordance with the development plan in this respect.

vi. Foul sewerage

8.18 There are no public foul and surface water sewers in the area to serve this development. Accordingly, alternative means of foul water disposal must be considered. The developer has proposed a waste water package treatment plant which is acceptable in principle. The package treatment plant will require ongoing maintenance to ensure effective operation and therefore a condition is recommended to ensure that this takes place in accordance with policy 21 of the Birdham Neighbourhood Plan.

8.19 The site does not fall within the Solent Catchment Area as identified by Natural England in 'Advice on achieving nutrient neutrality for new development in the Solent region' (June 2020). Nutrient neutrality in relation to statutory designated sites in the Solent is therefore not a consideration for the scheme. The developer has however produced a Nitrate Budget Report and this proposes a wetland scheme to offset the increased nitrate output from the development. This would provide an ecological and environmental benefit with regard to water quality.

vii. Sustainable Design

8.20 Policy 40 of the Chichester Local Plan sets out a ten point criteria in relation to sustainable design and construction.

8.21 The developer has provided a Sustainable Design Strategy. The strategy details the following measures to be implemented:

- o Air source heat pump
- o The chosen electricity company will be one that provides all of its electric on a carbon neutral basis
- o Electric car charger point
- o The building will be constructed to a high insulation level in order to minimize the need for heating.
- o Where feasible local materials will be used in the build in order to minimize travel distances associated with the build.
- o Maximum water usage of 110 litres per person per day.

8.22 Additionally, the scheme also proposes solar panels to the southern elevation of the roof slope and nutrient neutrality.

8.23 It is considered that the measures proposed would be appropriate in principal, and full details to of the proposals would be secured by condition to ensure that the measures are provided and thereafter retained in perpetuity. The proposal would therefore accord with Policy 40 of the Chichester Local Plan.

ix. Recreational disturbance

8.24 Policy 50 and 51 of the Chichester Local Plan acknowledges the collective impact which all new dwellings within the zone of influence of the Chichester and Langstone Harbour SPA and Pagham Harbour SPA have on the ecology of areas designated within the Solent area under European Species and Habitat Directives and the derived UK Regulations. It adopts the approach, recommended by Natural England, that a contribution towards a mitigation project 'Solent Disturbance Mitigation Project'.

8.25 As the site falls into the "zone of influence" for both the Chichester and Langstone Harbour SPA and Pagham Harbour SPA, only one contribution is required and this is whichever is the higher of the two contributions (the Local Authority will then transfer half of the contribution to each scheme). This should ensure that developments do not pay twice but without undermining the funding of either scheme. This approach is approved by Natural England.

8.26 The LPA have undertaken an appropriate assessment and have received the contribution in full and the undertaking. The requirements of policy 50 and 51 have therefore been met.

x. Other matters

2.27 Consultee comments have been fully considered and addressed where required. There no material considerations that would outweigh the recommendation and compliance with the development plan.

Conclusion

2.28 Based on the above it is considered the proposal is within the parameters of the scale of the existing building and extant prior approval, whilst the scheme provides clear ecological and sustainability benefits over the extant approval. The proposal therefore complies with to development plan policies 1, 33,39,40,42,45,48,49,50 and 51 of the Chichester Local Plan and Policies 2,5,6,15,16,20 and 21 of the Birdham Parish Neighbourhood Plan. Therefore the application is recommended for approval.

Human Rights

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

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

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

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

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

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

- 3) No development or demolition shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The measures approved within the CMS shall thereafter be fully adhered to during the demolition and construction process. The CMS should provide for the following:
- a) hours of construction (including demolition) and delivery
 - b) details and method of demolition
 - c) provision for parking of vehicles
 - d) provision for storing of equipment, materials and waste
 - e) details for the erection and maintenance of any security hoarding
 - f) measures to control emission of dust and noise
 - g) provision of road sweepers and/or wheel washing facilities
 - h) details of proposed external lighting to be used during construction, which should be restricted
 - i) waste management and litter control, including prohibiting burning of materials/waste

Reason: In the interests of highway safety and protecting nearby residents from nuisance during all stages of development, and to ensure the use of the site does not have a harmful environmental effect.

- 4) Notwithstanding any details submitted **no development/works shall commence above slab level** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

- 5) No development shall commence on the package treatment plan until a scheme for the maintenance and management of the system has been submitted to and approved in writing by the Local Planning Authority and prior to first occupation of the dwellinghouse hereby permitted the package treatment plant shall be provided in accordance with the approved plans and made operational. Upon completed construction of the package treatment plant the maintenance and management scheme shall be strictly adhered to in perpetuity.

Reason: The details are required to ensure the foul drainage system is designed appropriately and properly maintained and managed as soon as it is installed to ensure long-term effectiveness.

- 6) Notwithstanding any indication on the approved plans or documents, prior to first occupation, 1 no. bird box shall be installed to the external wall of the building or in a tree on the site and 1 no. bat brick shall be integrated into the southern elevation of the building positioned 3-5 metres above ground. Once installed the bird box and bat brick shall be retained in perpetuity.

Reason: To enhance biodiversity on the site.

- 7) No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

- 8) 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. Thereafter the cycle parking shall be retained in perpetuity.

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

- 9) 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.

- 10) The dwelling hereby permitted shall not first be occupied unless and until the following sustainable design and ecological enhancement measures are fully implemented in accordance with a scheme that shall first be submitted to and approved in writing by the local planning authority:
- a) 10 no. PV panels provided to the southern elevation of the roof slope in accordance with plan 7A
 - b) Air source heat pump provided in location detailed on plan 3B, and
 - c) Mitigation measures detailed with Nitrate Budget Report including provision of a reedbed serving the proposed package treatment plant of no less than 225sq metres in the location shown on plan 3B.

The scheme shall include a cross sectional drawing showing the relationship between the roof of the extension and the PV panels at a scale of 1:20, the proposed location, appearance and performance of the proposed air source heat pump and any measures proposed to attenuate noise, and a manufacturer's specification for the PV panels and air source heat pump proposed.

Once installed the above measures shall retained and maintained to a good operation standard in perpetuity unless otherwise agreed in writing by the LPA.

Reason: In accordance with Policy 40 of the Chichester Local Plan and to ensure a more sustainable future for the Chichester District.

- 11) The development shall be carried out in strict accordance with the mitigation and enhancement measures outlined within Section 4.2 of the submitted Bat Emergence and Re-entry Surveys report document compiled by Arbtech dated 19/06/2020.

Reason: In order to preserve protected species and their habitats and enhance biodiversity within the site.

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

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

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external illumination on the building hereby permitted or the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, luminance and design including measures to prevent light spill. Thereafter the lighting shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the rural character of the surrounding area in accordance with Policy 5 of the Birdham Parish Neighbourhood Plan , the habitat of wildlife within the site and its surroundings; in particular protected bats.

- 14) The development hereby approved shall not exceed water usage of 110 litres per person per day.

Reason: In the interests of sustainable resource management

- 15) All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom at any time, when assessed according to British Standard 4142:2014, and expressed as a sound rating level, does not increase the background sound level as determined 1m from the façade of the most sensitive receptors, at any adjoining or nearby residential property.

Reason: To protect the amenities of the adjacent occupiers.

Informative: For the avoidance of doubt, "plant, machinery and equipment" for the purposes of this condition shall include equipment installed for the drainage, heating or ventilation of the development.

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 -	3	B	20.08.2020	Approved
PLAN -	6	A	17.08.2020	Approved
PLAN -	7	A	17.08.2020	Approved
PLAN - Location Plan	1		06.05.2020	Approved
PLAN - Block Plan	2		06.05.2020	Approved

INFORMATIVES

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

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

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

For further information on this application please contact William Price on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q9WE5CERIXR00>

Chichester District Council

Planning Committee

4 November 2020

Interim Policy Statement for Housing

1. Contacts

Report Author

Hannah Chivers – Principal Planning Policy Officer
Telephone: 01243 521272 E-mail: hchivers@chichester.gov.uk

2. Recommendation

- 2.1 That the Planning Committee approves the proposed revisions to the Interim Policy Statement (IPS) for Housing for development management purposes to be used to assess relevant planning applications with immediate effect.**

3. Background

- 3.1 At Planning Committee on 3 June 2020, Members were requested to approve the use of the Draft Interim Policy Statement for Housing for development management purposes to be used to assess relevant planning applications as of that date, as well as to approve the publication of the document for a four week consultation.

This report summarises the subsequent public consultation arrangements, sets out the main responses received, and the changes which have been made to finalise the Interim Statement.

4 Consultation

Arrangements

The draft IPS was published for public consultation for a period of 4 weeks from 12 June to 10 July 2020. Notification of the consultation was sent via email or letter to all entries on the Planning Policy consultation database, which includes statutory consultees, planning agents, developers, parish and town councils and other stakeholder groups, and local residents and organisations.

A new IPS webpage was set up on the Council's website which contains information about the IPS and the consultation, with the link to the consultation portal. The portal included a Frequently Asked Questions document to assist users to make comments. The notification emails and letters invited representations to be made on the IPS via the consultation portal, via email or via letter. Hard copies of the IPS were printed and posted to those who requested them.

To support the consultation and its reach, PR drafted and distributed a media release to local and regional media outlets to announce the consultation launch on 8 June, and a reminder release was issued on 2 July. A 'Let's Talk: Planning' webpage was created with information about the consultation and containing a link to the IPS

webpage to view and make comments. The Let's Talk: Planning branding was also used to promote the consultation through the Council's social media channels.

Response

In total, 150 representations were received, 21 via the consultation portal, 126 by email and 3 by letter from a variety of individuals and groups, including residents, local stakeholder groups, parish councils, statutory consultees and agents and developers.

The response was generally mixed, with some groups (for example the development industry) expressing support for the IPS and the approach to boosting housing supply, some suggesting amendments to the criteria including deleting or adding new criteria, and others seeking to argue against the requirement for additional housing.

The main recurring themes arising from the representations include:

1. Introduction of new policies is inappropriate (wildlife corridors and environmental standards)
2. Proposed environmental standards go too far/do not go far enough
3. Requirement to consider flood risk and climate change
4. Use of settlement boundaries is inappropriate
5. Seeking clarification as to how the Council has calculated its housing need figure
6. Requirement to prioritise development on brownfield sites
7. Lack of infrastructure to accommodate development
8. Time-restricted conditions should be discretionary for each development

The representations will be published in full on the consultation portal, which can be accessed via the IPS webpage on the Council's website. A summary of representations is set out in Appendix 2.

5 Changes to the IPS

In finalising the IPS, the content of the representations has been considered. In addition, the draft Statement has been in effect for approximately 5 months, and the Council has received a number of planning applications for schemes under the IPS. This has had the beneficial impact in illustrating how the document should be further refined to make it more robust and useful in its implementation.

It is proposed that the form and approach of the IPS remains unchanged. The proposed changes are primarily wording updates to strengthen the criteria, or for clarification purposes to assist applicants.

Some key amendments include:

- Adding an element of flexibility to criterion 8 (sustainable construction standards). In amending this criterion it has been important to strike a balance between the standards being too low, or being overly restrictive.
- Addition of a new criterion requiring applicants to demonstrate that the development is deliverable through the submission of a deliverability statement. This point was in the draft IPS, but it was considered that the requirement needed to be made more prominent in the document.

- A clearer section on time-restricted conditions. The IPS sets out that the Council will condition any permission to commence within 2 years from the date of grant of permission, to maximise delivery of housing. Where outline permission is granted, the Council will take a similar approach in reducing the implementation period to ensure expedient delivery of sites.
- A paragraph has been added to encourage applicants to undertake community and stakeholder engagement in order to build relationships, particularly where developments are ahead of the Local Plan Review and Neighbourhood Plan processes.
- Strengthening criterion 11 (flood risk) to include wording from the Surface Water and Foul Drainage SPD.

Colleagues from Development Management and Environmental Protection teams have been involved in finalising the content of the Statement, the full text of which is at Appendix 1 of this report. The full list of proposed modifications is set out in the schedule of amendments to the IPS in Appendix 3.

6 Use of the Interim Position Statement

- 6.1 The Statement has been produced following experience of this approach at Chichester and elsewhere, and has been drafted in the light of advice received from the Government's Planning Advisory Service. It is important that Members understand that this Interim Policy Statement is intended to be a positive statement about how the Council will encourage development proposals in the absence of a 5 year housing supply. It is not intended to frustrate proposals for housing development which are acceptable in planning terms, but instead draws upon locally relevant evidence to promote good development.
- 6.2 Not having a 5 year supply of housing means the Council is more vulnerable to speculative planning applications on sites that are not considered to be appropriate. The purpose of the IPS is to attempt to guide and improve proposals for housing in the absence of a 5 year supply. Its use is considered an important tool in articulating to parties the Council's approach to remedying the situation, and is important in maintaining the credibility of the Council and retaining the confidence of local communities.

7 Legal Implications

- 7.1 The IPS is a non-statutory planning document that does not intend to replace national planning policy regarding how planning decisions relating to residential development should be determined. The IPS sets out how the Council is taking a proactive approach to re-establishing a five year supply by providing clarity and guidance to applicants on the type of development that may be encouraged in the absence of a five year supply.
- 7.2 The starting point in the determination of any planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that determinations must be made in accordance with the development plan unless material considerations indicate otherwise. The IPS does not form part of the development plan, but is a material consideration.

8 Appendices

Appendix 1 – Interim Policy Statement for Housing

Appendix 2 – Summary of representations to the Interim Policy Statement

Appendix 3 – Schedule of amendments to the Interim Policy Statement

Chichester District Council

Interim Policy Statement for Housing Development

November 2020

1 Background

- 1.1 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014-2029 (CLPKP) on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2019.
- 1.2 The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council anticipates that the LPR will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in Spring 2021, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. Once adopted, the LPR will supersede the CLPKP and provide up to date planning policies to guide future development proposals. The LPR will provide for housing needs in accordance with paragraph 11 of the NPPF and ensure that the Council will identify deliverable sites sufficient to provide a minimum of five years' worth of housing in accordance with paragraph 73 of the NPPF.
- 1.3 The CLPKP will continue to form part of the statutory development plan until the LPR is adopted, however Planning Practice Guidance¹ makes clear that where local plans have been adopted more than 5 years ago, the housing target against which the housing supply and delivery will be assessed should be derived from the Government's standard methodology for assessing housing need. From the 15 July 2020 (five years from the date of adoption of the CLPKP), the Council's housing supply and housing delivery is assessed against a calculation of Local Housing Need, as set out in national policy and guidance, rather than the previously adopted housing target of 435 dwellings per annum.
- 1.4 The Council's housing supply position will be kept under review, but at the current time, the Council is not able to demonstrate a robust five year supply of housing as required in national policy. The position is different in parishes which have a made neighbourhood plan which allocates land for housing. In that case, the Council will need to be able to demonstrate a three year supply of housing, but this only applies if the neighbourhood plan was made within the past two years.
- 1.5 The most recent calculation of Local Housing Need is set out in the Council's 5 Year Housing Supply calculation as at 15 July 2020, which considers that the Local Housing Need as at 15 July 2020 is 628 dwellings per annum. The current standard methodology for assessing Local Housing Need draws upon household projections

¹ Paragraph: 005 Reference ID: 68-005-20190722

and housing affordability data which is subject to periodic updating, and this will have implications for this figure. In addition, the Government has announced proposed changes to the standard methodology which, if implemented, will have implications for the calculations of Local Housing Need. It is therefore intended that this document is accompanied by a separate schedule setting out the current calculation of Local Housing Need which can be periodically updated.

2 Approach to boosting housing supply

- 2.1 The Council is required to significantly boost its housing supply², and is working proactively to achieve a five year supply at the earliest possible date.
- 2.2 Until the LPR is adopted, the Council must continue to judge planning applications on their own individual merits with reference to the adopted Development Plan and national planning policy including the NPPF.
- 2.3 This statement aims to provide interim guidance which will apply until the Council has adopted the Local Plan Review. If, prior to that point the Council has established a 5 year supply, then the need for this Interim Policy Statement will be reviewed at that point. The intention is for the Council to be able to guide development to appropriate and sustainable locations using this document to assist in the consideration of planning applications. It will help to ensure that housing proposals that may be submitted in advance of the Local Plan Review are assessed in a consistent manner against national and local planning policies, with the aim of ensuring that the most appropriate development comes forward in the most suitable locations.
- 2.4 The Council intends for this Interim Statement to form one part of the Council's proactive approach to the delivery of housing whilst the LPR progresses towards adoption. Other approaches being taken to boost housing supply and delivery include:
 1. Prioritising progress on delivery of allocated known sites, including West of Chichester, progressing the Tangmere Compulsory Purchase Order, and testing more long term sites, such as Southern Gateway; and
 2. Inviting developers to speed up the delivery of development, and, where appropriate, to consider intensifying development on sites already underway.
- 2.5 By taking these actions, the Council intends to demonstrate how it is taking a proactive approach to reducing the shortfall and re-establishing a five year supply.

3 Planning Policy Context

- 3.1 The National Planning Policy Framework (NPPF) (February 2019) is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking (paragraph 11) this means:
 - Approving development proposals that accord with an up-to-date development plan without delay; or

² Planning Practice Guidance – Housing Land Supply <https://www.gov.uk/guidance/housing-supply-and-delivery#year-housing-land-supply>

- 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:
 - The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- 3.2 Consideration should be given to footnotes 6 and 7 of the NPPF, as well as other relevant paragraphs of the NPPF.
- 3.3 Planning law requires that applications for planning permission must be in accordance with the development plan unless material considerations indicate otherwise. In this context, the Development Plan comprises the adopted Chichester Local Plan: Key Policies 2014-2029 (CLPKP), the Site Allocations Development Plan Document and the 'made' Neighbourhood Plans for parishes in the Local Plan Area.
- 3.4 As of the 15 July 2020, the relevant housing policies contained within the adopted Local Plan are deemed to be 'out of date', however the CLPKP will remain part of the statutory development plan (until the LPR is adopted) and will continue to provide the basis for the consideration of planning applications for development within the Plan area.
- 3.5 The Council is currently reviewing its adopted Local Plan, and consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. At this stage of plan preparation, only very limited weight can be given to the draft policies of the LPR. In accordance with paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to:
- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) The degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater weight that they may be given).
- 3.6 As preparation of the LPR continues, and in line with the criteria above, consideration will be given (at the time of the application) to the weight of the draft policies in the LPR. Planning applications received in advance of the adoption of the LPR are expected to demonstrate how they will not undermine the plan-making process in accordance with paragraph 49 of the NPPF.

4 Local Context

- 4.1 The approach put forward in this document is based on identifying relevant criteria from national and local planning policies, including the NPPF, and the adopted and emerging plans. It is by no means the case that all applications will be appropriate, and on this basis, this Interim Statement has been prepared in order to facilitate delivery of housing sites by giving guidance as to which sites may be appropriate for development in the short term.

Deliverable

- 4.2 Given that the Council is concerned about the potential shortfall in housing supply, sites put forward under this approach should be “deliverable” at the time that the site is put forward for planning permission. They should not be, for example, dependent upon delivery of significant off-site infrastructure which would prevent them from delivering completed dwellings within 5 years; and should be fully in the applicant’s control.
- 4.3 Applicants will also be expected to show that they intend to develop sites promptly so that proposals will begin to be delivered within a short period. Demonstration of deliverability³ and the intention to develop (for example, through the requirement to submit a phasing plan) will be required to support planning applications.
- 4.4 In the first instance, the Council would encourage applications for full planning permission to be made. Where necessary, the Council would encourage the submission of hybrid applications for larger sites (part full and part outline). Planning applications for outline permission can be made, however the Local Planning Authority would expect a parameter plan to be submitted as part of the outline application, and that an indicative layout is provided to judge the potential housing mix and layout.
- 4.5 Applicants should refer to the Local List on the Council’s website which sets out the information which is required to support a valid planning application. Attention is drawn in particular to the requirement for applicants to submit an Interim Policy Statement Justification to demonstrate how the proposal would accord with all of the requirements contained within this Interim Policy Statement.

Time restricted conditions

- 4.6 The Council will seek to condition any planning permission to commence within 2 years from date of grant of planning permission to maximise the likelihood of delivery of housing within the Local Plan Area. Where outline permission is granted, the Council will take a similar approach in reducing the implementation period to ensure expedient delivery of sites.

Locational Sustainability

- 4.7 Sites should be sustainably located in relation to existing settlements, with access to the facilities and services that are generally likely to be required by new residents.

³ NPPF definition of deliverable

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

Policy 2 of the CLPKP, and emerging policy S2 of the LPR, sets out the settlement hierarchy which will inform consideration of any proposed site.

- 4.8 Sites should be of a scale and density appropriate to the adjoining settlement. Smaller scale sites, that provide for the gradual growth of settlements, are more likely to be suitable than sites that would significantly change the character of a place. Developments adjoining smaller settlements which are less locationally sustainable will be expected to be smaller in scale than those that might be suitable for the extension of Chichester or the Settlement Hubs, with their larger sizes and range of facilities. The Council may support higher density development in settlements with greater facilities and accessibility⁴.
- 4.9 Sites should also be acceptable in all other respects, e.g. highways access, flood risk, contribute to affordable housing and open space requirements, provide net gains to biodiversity, and should reflect the needs of local communities, in relation to the amount, size, type and mix of housing tenures proposed. It is important that any proposed development also complies with environmental standards as identified in Policy 40 of the CLPKP.

Relevant evidence

- 4.10 This Interim Statement does not set out in full the range of relevant national and local planning policy and practice which will be applied when considering planning applications for residential development. It has been prepared to provide further guidance for applicants but should be read alongside other relevant national and local policy.
- 4.11 Applicants are also directed to evidence base studies available on the Council's planning policy webpages that may be used to inform, steer and help determine proposals, including but not limited to: the Housing and Economic Land Availability Assessment (HELAA), the Strategic Flood Risk Assessment, the Water Quality Study and the Infrastructure Delivery Plan.
- 4.12 Applicants are encouraged to submit their own evidence in addition to the Council's evidence base.

Local engagement

- 4.13 The Council would encourage applicants to undertake engagement with the local community and relevant stakeholders regarding their proposals for development.

5 Purpose of this document

- 5.1 This Interim Policy Statement does not seek to alter the statutory and/or non-statutory planning policy framework for decision-making. The Statement sets out how the Council is taking a proactive approach in seeking to boost its supply of housing, and reflects adopted and emerging plan work, in order to provide a mechanism for the Council to provide clarity and confidence in relation to how planning applications should be determined in the interim period until the Local Plan Review is adopted.

⁴ As set out in paragraphs 123 and 137 of the NPPF

- 5.2 The acceptability of planning proposals will ultimately need to be assessed by the decision-maker on a case by case basis, in relation to the economic, social and environmental dimensions of sustainable development, leading to a conclusion about the overall sustainability of the proposals, whilst having regard to all elements of the proposal, up to date development plan policies including those within made Neighbourhood Plans, the NPPF, and other material considerations. This Interim Statement will seek to secure additional opportunities for housing development in locations which are sustainable and where it can be demonstrated that there would be early delivery of new homes, subject to meeting all of the criteria in this Statement.
- 5.3 This Statement applies to greenfield and brownfield sites outside of settlement boundaries, and does not apply to existing allocations within the Chichester Plan area or to land within the South Downs National Park.

6 Interim Housing Policy Statement

6.1 The Council recognises the presumption in favour of sustainable development as set out in the National Planning Policy Framework and its application where the Council is unable to demonstrate a five year housing land supply. While the presumption applies, the Council will seek to ensure that planning applications for good quality housing developments of an appropriate scale and in accessible locations are supported.

6.2 To provide clarity for applicants and other parties, the following criteria set out what the Council considers good quality development in the Chichester Local Plan area, with reference to adopted and emerging Local Plan and made Neighbourhood Plan policy and evidence.

1. The site boundary in whole or in part is contiguous with an identified settlement boundary as approved in the adopted development plan (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it). Where a proposal is separated from the settlement boundary by road, railway line, cycle path or pedestrian footpath, it will meet this criterion where it is shown be sustainable and integrated with the settlement it adjoins.

Relevant policies include:

- CLPKP Policy 2 Development Strategy and Settlement Hierarchy
- CLPKP Policy 45 Development in the Countryside
- LPR Policy 2 Settlement Hierarchy
- LPR Policy S4 Countryside

Relevant evidence includes:

- Local Plan Policies Map

2. The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy and the range of facilities which would make it a sustainable location for new development.

Relevant policies include:

- CLPKP Policy 2 Development Strategy and Settlement Hierarchy
- LPR Policy S2 Settlement Hierarchy

Relevant evidence includes:

- Settlement Hierarchy Background Paper
- Settlement Capacity Profiles

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 proportionate evidence. Where a proposed development is environmentally significant (by virtue of its size, location or degree of prominence in the locality), development proposals must be accompanied by a Landscape and Visual Impact Assessment.

Relevant policies include:

- CLPKP Policy 47 Heritage and Design
- CLPKP Policy 48 Natural Environment
- LPR Policy S24 Countryside
- LPR Policy S26 Natural Environment
- LPR Policy DM28 Natural Environment

Relevant evidence includes:

- Landscape Capacity Study
- Landscape Gap Assessment

4. Development proposals make best and most efficient use of the land⁵, 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 land parcels will not be encouraged.

Relevant policies include:

- CLPKP Policy 2 Development Strategy and Settlement Hierarchy
- CLPKP Policy 7 Masterplanning Strategic Development
- CLPKP Policy 33 New Residential Development
- CLPKP Policy 47 Heritage and Design
- LPR Policy S2 Settlement Hierarchy
- LPR Policy S32 Design Strategies for Strategic and Major Development Sites
- LPR Policy DM3 Housing Density

Relevant evidence includes:

- Settlement Hierarchy Background Paper

⁵ As set out in paragraphs 123 and 137 of the NPPF

5. Proposals should demonstrate that development would not have an adverse impact on the surrounding townscape and landscape character, including the South Downs National Park⁶ 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.

Relevant policies include:

- CLPKP Policy 43 Chichester Harbour Area of Outstanding Natural Beauty
- CLPKP Policy 47 Heritage and Design
- CLPKP Policy 48 Natural Environment
- LPR Policy S24 Countryside
- LPR Policy S26 Natural Environment
- LPR Policy DM19 Chichester Harbour Area of Outstanding Natural Beauty
- LPR Policy DM27 Historic Environment
- LPR Policy DM28 Natural Environment

Relevant evidence includes:

- Landscape Capacity Study

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 adversely affect the potential or value of the wildlife corridor.

Relevant policies include:

- CLPKP Policy 49 Biodiversity
- LPR Policy DM29 Biodiversity
- LPR Policy S30 Strategic Wildlife Corridors
- LPR Policy DM31 Trees, Hedgerows and Woodlands

Relevant evidence:

- Strategic Wildlife Corridors Background Paper
- Local Biodiversity Action Plan

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

Relevant policies include:

- CLPKP Policy 9 Development and Infrastructure Provision
- CLPKP Policy 12 Water Management in the Apuldram Wastewater Treatment Catchment

⁶ Under Section 62 of the Environment Act 1995

- CLPKP Policy 34 Affordable Housing
- CLPKP Policy 54 Open Space, Sport and Recreation
- LPR Policy S6 Affordable Housing
- LPR Policy S12 Infrastructure Provision
- LPR Policy S31 Wastewater Management and Water Quality

Relevant evidence includes:

- Infrastructure Delivery Plan
 - Open Space, Sport Facilities, Recreation Study and Playing Pitch Strategy
 - Approach to securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass SPD
 - Surface Water and Foul Drainage SPD
 - Joint Environment Agency and Southern Water Position Statement on Managing New Housing Development in the Apuldram (Chichester) Wastewater Treatment Works Catchment
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 Sustainable Construction and Design 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 and ventilation systems 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. Proposals that can commit to delivery of EV charging infrastructure that exceeds policy requirements will be given strong positive weight.

Flexibility – the standards achieved as detailed above may be a matter for negotiation at the time of the planning application, having regard to abnormal site costs, economic viability and the technical feasibility of meeting the standards on a specific site.

Should central government introduce equivalent or higher standards during the lifetime of this Interim Statement then the first three bullet points above will cease to be used and said national standards will replace them.

Relevant policies include:

- CLPKP Policy 40 Sustainable Design and Construction
- LPR Policy DM16 Sustainable Design and Construction

Relevant evidence includes:

- West Sussex County Council Car Parking Standards Guidance
- West Sussex Cycling Design Guide

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.

Relevant policies include:

- CLPKP Policy 33 New Residential Development
- CLPKP Policy 47 Heritage and Design
- LPR Policy S20 Design
- LPR Policy S22 Historic Environment
- LPR Policy S32 Design Strategies for Strategic and Major Development Sites
- LPR Policy DM27 Historic Environment

Relevant evidence includes:

- National Design Guide

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.

Relevant policies include:

- CLPKP Policy 8 Transport and Accessibility
- CLPKP Policy 39 Transport, Accessibility and Parking
- LPR Policy S23 Transport and Accessibility
- LPR Policy DM8 Transport, Accessibility and Parking

Relevant evidence includes:

- Local Plan Policies Map
- Settlement Hierarchy Background Paper
- WSCC Walking and Cycling Strategy 2016-2036
- Chichester Local Cycling and Walking Infrastructure Plan

11. Development is to be located in areas at lowest risk of flooding first, and 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 effective function of the flood plain, either by impeding surface water/ flood flows or reducing storage capacity. All flood risk assessments and sequential and exception test processes should be informed by the most recent climate change allowances published by the Environment Agency.

Built development can lead to increased surface water run-off; therefore new development is encouraged to incorporate mitigation techniques in its design, such as permeable surfaces and surface water drainage schemes must be based on sustainable drainage principles.

Relevant policies include:

- CLPKP Policy 42 Flood Risk and Water Management
- LPR Policy S27 Flood Risk Management
- LPR Policy DM18 Flood Risk and Water Management

Relevant evidence includes:

- Strategic Flood Risk Assessment Level 1
- HELAA
- Chichester Surface Water and Foul Drainage SPD
- WSCC Lead Local Flood Authority Policy for the Management of Surface Water

12. Where appropriate⁷, 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.

Relevant evidence includes:

- *Advice on achieving nutrient neutrality for new development in the Solent Region*, Natural England June 2020

13. Development proposals are required to demonstrate that they are deliverable from the time of the submission of the planning application through the submission of a deliverability statement justifying how development will ensure quicker delivery.

The Council will seek to impose time restricted conditions on planning applications to ensure early delivery of housing.

⁷ As defined in paragraph 4.10 of the Natural England 'Advice on achieving nutrient neutrality for new development in the Solent Region 2020' document

This page is intentionally left blank

Appendix 2 – Summary of representations to the Interim Policy Statement

1 Background

- CDC must clarify how it has calculated housing figure of 628
- CDC must challenge government on housing requirement
- Housing figure is too high given environmental constraints
- Reconsider statistics underpinning this statement
- Request that 628 is maximum figure per annum
- Consider Neighbourhood Plans that have reached Regulation 14 status
- Parishes with made NP should be treated as less than 2 years old as cannot progress due to uncertainties surrounding Local Plan Review
- Explain that large proportion of District in National Park which has displayed need to Chichester
- 1.2 is Spring 2021 a bit ambitious?
- Make clear that 628 is minimum

Changes to

2 Approach to boosting housing supply

- Clarify statements relating to prioritising progress on known sites and inviting developers to intensify development – what evidence or actions will be required?
- 2.1 housing supply should not be boosted other than for affordable housing and starter homes for key workers on brownfield sites
- There are many unimplemented planning permissions and local plan allocations which should be developed before further land is released.
- 2.1 and 2.3 make clear that 628 is the minimum figure
- 2.1 no new second homes
- 2.2 does not allow for cohesive development
- Hope that forthcoming applications do not pre-empt the proposed allocation sites in the Local Plan Review
- 2.2 Reference to NPPF in entirety
- 2.3 explain where more sustainable locations are likely to be found
- 2.3 no indication by what criteria 'appropriate development is judged
- 2.3 should include brownfield sites
- 2.3 rule out sites in Flood Zone 3
- Amend para 2.3 to “This statement aims to provide interim guidance which will apply until the adoption of the Local Plan Review, with a clear intention that it will enable the Council to show that it Council considers it has a five year supply of housing in line with Government guidance. The intention is for the Council to be able to guide development to appropriate and sustainable locations

using this document to assist in the consideration of planning applications. It will *be given considerable planning weight* to help to ensure that housing proposals that may be submitted in advance of the Local Plan Review are assessed in a consistent manner against national and local planning policies, with the aim of ensuring that the most appropriate development comes forward in the most suitable locations.”

- 2.4.1 how will ‘prioritising be carried out?’
- 2.4.2 how does inviting developers to speed up change anything, what incentives will be offered?
- 2.4 delete reference to priorities
- 2.4 actions do not seem to carry weight except to negatively impact the area
- 2.4.3 add wording to state that developer must provide costed infrastructure plan to be developed with infrastructure providers and must be in place prior to first occupancy
- 2.4 should be concerned with sites that are approved or allocated
- Amend 2.4 to “The Council intends for this Interim Statement to form one part of the Council’s proactive approach to the delivery of housing whilst the LPR progresses towards adoption. Other approaches being taken to boost housing supply and delivery include:
 1. Prioritising progress on delivery of *allocated known* sites, including West of Chichester, progressing the Tangmere Compulsory Purchase Order, and testing more long term sites, *such as Southern Gateway; and*
 2. Inviting developers to intensify and speed up development, on sites already underway; *and*
 3. *Encouraging residential development on accessible brownfield sites (including those identified or subject of submissions for the Brownfield Land Register”*
- Sites should be sustainable in the long term
- Priority should go to sites which can deliver quickly in sustainable locations
- Will the Council consider publishing an Annual Position Statement alongside this?

3 Planning Policy Context

- No confidence that this policy will enable CDC to exert any control of development
- 3.1 no new development on sites which could be inundated due to rising sea levels within next 100 years
- 3.2 sites within 1 mile of coast should be precluded from development
- 3.4 how well will this stand up to scrutiny?
- 3.4 amend to make clear that out of date housing policies should not apply to applications for housing
- Amend 3.4 to include “...planning applications for development within the Plan area. *Weight will also be given to the extent of unmet housing need (measured by reference to five year supply and HDT performance) and regard will be had to leading case law where shown to be relevant.”*
- 3.5/3.6 applications should not prejudice the emerging local plan
- Include broad site allocation strategy in Local Plan Review

4 Local Context

- Relies too heavily on the settlement hierarchy
- Important that the tests of suitability are robustly applied
- Is environmental infrastructure included in definition of significant off site infrastructure?
- Scale and density of current sites goes against wording of IPS
- Provide a formula for estimating an appropriate number of dwellings per parish
- Place limit on distance between new development and location of existing infrastructure
- Need for off-site infrastructure does not impede delivery of new homes and should not be used as a reason to refuse permission
- Reconsider or revise wording inviting developers to 'speed up' or 'intensify'
- 4.1 include reference to NPPF
- 4.2 consider appropriateness of a completion date for all or phases of a development justified by the special circumstances under which these developments are permitted if justified on grounds of meeting urgent housing need
- 4.2 concerned that by not making approval contingent on off-site infrastructure will result in unfit/compromised roads and amenities
- 4.2 provision of infrastructure needs to be in parallel with housing development
- 4.2 make clear that only implementation of the permission of a scheme is required rather than delivery in entirety.
- 4.3 clarify that applications will be considered on a case by case basis having regard to the ability to deliver meaningful levels of housing within 5 years
- 4.3 make reference to encouragement of hybrid applications for detailed first phase to ensure prompt delivery with subsequent phases shown with illustrative layouts
- 4.3 use of time restricted condition should be justified for each individual development
- 4.3 2 year start date should be from grant of planning permission
- 4.3 clarify consequences should a developer fail to deliver housing within time frame. E.g. if the site was sold onto another development would the 2 year period start again?
- Amend para 4.3 to "Applicants will also be expected to show that they intend to develop sites promptly so that completed dwellings will begin to be delivered within a short period [up to a maximum of 2-3 years]. The Council will apply strong positive weight to proposals which can accept a planning condition such that any planning permission to commence within 2 years and also to require the early completion of dwellings to maximise the likelihood of delivery of housing within the Local Plan Area. Demonstration of deliverability³ and a binding requirement the intention to develop (for example, through the requirement to submit a phasing plan) will be required to support planning applications and to help enable the Council to resist applications for less suitable sites."
- 4.4 consider whether outline applications are appropriate – or seek indicative layouts and firm development parameters and time limits to reduce land banking
- 4.4 include wording to state that "where outline planning permission has been granted, submission of the subsequent reserved matters will be required within 2 years."
- 4.5 development should be well away from the water to allow rollback of coast and creation of saltmarsh habitat

- 4.5 adjust settlement hierarchy to reflect climate change induced flood risk to coastal settlements
- 4.5 question Kirdford's location in settlement hierarchy
- 4.5 add wording "all infrastructure development must be in place to support the development before first occupation"
- Amend para 4.5 to "Policy 2 of the CLPKP, and emerging policy S2 of the LPR, sets out the anticipated settlement hierarchy which will inform consideration of any proposed site as part of a broader analysis of ensuring that growth is directed to sustainable locations with good access to public transport hubs and a range of shops and services."
- Amend para 4.6 to "Sites should be of a scale and density appropriate to the adjoining settlement and its ability to provide local services to sustain growth. Smaller scale sites, that provide for the gradual growth of settlements, are more likely to be suitable than sites that would significantly change the character of a place. Developments adjoining smaller settlements which are less locationally sustainable will be expected to be smaller in scale than those that might be suitable for the extension of Chichester or other settlements which have access to public transport hubs and are of larger size with a broader range of facilities (including the Settlement Hubs), ~~with their larger sizes and range of facilities.~~ The Council may support higher density development in settlements with greater facilities and accessibility⁴."
- 4.6 clarify that smaller sites are sites no larger than 1 hectare
- 4.6 only agree to sites that do not change the character of a place
- 4.6 concerns about increasing density with regards to character of the area and flood risk
- 4.6 density should reflect physical ability of site to absorb/drain floodwater
- 4.6 include explanation of what constitutes a small site in relation to individual settlements
- 4.6 should be applied to control development of housing in Lavant Road
- 4.7 include reference to access to/facilities for public transport
- 4.7 – include reference to biodiversity
- 4.8 take account of emerging policies and guidance relating to climate mitigation
- 4.8/4.9 provide broad locational strategy
- 4.9 include reference to AONB, SPAs, SACs and SSSIs
- Amend para 4.9 to "... the Water Quality Study and the Infrastructure Delivery Plan. Strong weight will be given to an emerging report in regard to the Locational Sustainability of Settlements which will focus upon proximity to services and public transport hubs. Where settlements have considered Neighbourhood Plan or Parish Plan processes, regard will also be had to those processes and their background material which were subject of consultation."

5 Purpose of the document

- Provide appropriate balance to NPPF presumption to indicate need for a demonstration of social, economic and environmental benefits in all cases together with a demonstration all material considerations have been applied, assessed and mitigated
- Include explanation as to status of the document
- Question need for document given national policy provides sufficient detail regarding decision taking in current circumstances

- Additional layer of policy is unnecessary
- 5.2 not clear how the IPS will be used in decision-making e.g. are developments scored? And what level of compliance is acceptable
- Amend para 5.2 to "...the NPPF, and other material considerations. The IPS will seek to secure additional opportunities for housing development in locations which are sustainable and where it can be demonstrated that there would be early delivery of new homes."
- 5.2 include reference to made Neighbourhood Plans
- CDC can only apply limited weight to this document.

6 Interim Housing Policy Statement

- Criteria for 'good quality housing development' must be published, with examples
- Words 'should' and 'shall' are not strong enough – replace with 'must'
- Amend wording to "...in accessible and safe locations"
- Should be recognition that some criteria are from emerging policy and therefore should not be afforded full weight
- Should every single relevant policy be listed under the relevant policy and relevant evidence sections?
- Entire section should be restructured to make clear that purpose is to provide framework for accelerated delivery in locations which can be acceptable in planning terms and would generally be concluded to represent good quality development.
- Amend para to read "...and evidence. Applicants are encouraged to submit their own evidence in addition to the Council's evidence base."
- The criteria are overly restrictive and instead should reflect the requirements of the NPPF
- Criteria should be clarified as having varied importance subject to site characteristics/location especially where a development would deliver wider benefits that support the grant of planning permission

Criteria 1

- Amend policy wording to: "The site boundary 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) and not result in apparent coalescence with another settlement."
- Amend wording to ""The site boundary in whole or in part is contiguous with an identified settlement boundary as approved in the relevant made Neighbourhood Plan or the Site Allocations Development Plan Document (ie at least one boundary must adjoin the settlement boundary or be immediately adjacent to it)"
- Wording requires precision in terms of definition of 'adjoins' and 'adjacent to'
- Use parish boundaries not settlement boundaries
- Amend wording to include "Where a proposal is separated from the SPA by road, railway, cycle path etc it will meet this test where it is shown to be sustainable and integrated with the settlement it adjoins."
- Criteria is overly restrictive
- Amend wording to "The site boundary in whole or in part is contiguous with an identified settlement boundary or the land abuts built

development that is adjacent to an identified settlement boundary

- Combine criteria 1 and 2
- Amend wording to “The site boundary in whole or in part is contiguous with the built form of a settlement (i.e. at least one boundary must adjoin the existing development or be immediately adjacent to it) and the scale of development proposed is appropriate having regard to the settlement’s location in the settlement hierarchy.
- Amend to include “...Sites that adjoin housing development that separate them from an existing settlement boundary and are otherwise well related to the existing settlement pattern will be considered on a case by case basis.”
- Criteria should acknowledge that proposals that would make better use of land within an existing SDL will also be considered to meet this criterion.
- Amend wording to “The site boundary in whole or in part is contiguous with an identified a settlement boundary identified in either the adopted Local Plan or a made Neighbourhood Plan...”
- Amend wording to “...with an identified settlement boundary and/or a Strategic Development Location boundary (i.e. at least one boundary must adjoin the settlement/ Strategic Development Location boundary or be...)”
- Amend wording to “...contiguous with either an identified settlement boundary, established built form, or a committed site allocation...”

Criteria 2

- Amend wording to “adopted and emerging Local and Neighbourhood Plan policy and evidence.”
- Make clear that the HELAA is not a material planning consideration
- Combine criteria 1 and 2
- Amend wording to “...hierarchy and the range of facilities which would make it a sustainable location for new development. Proposals that can provide walkable links to public transport hubs (particularly train stations) prior to first occupation will be given strong positive weight.”
- Include the Conservancy Priority Views Study as relevant evidence

Criteria 3

- This criteria should prevent coalescence between Summersdale and Lavant
- Landscape Gap Assessment should not be given weight
- Criteria should provide flexibility as to whether a full LVIA is required
- Amend criteria so that proportionate assessment is required (LVA) and that LVIA is only required when it is reasonable and can be assessed by someone suitably qualified
- Amend to read “...settlements, or as part of # areas identified...”
- Medmerry must be considered as an SPA
-

Criteria 4

- Wording should be more explicit in prioritising development on brownfield land
- Amend wording to: “...the artificial sub-division of larger land parcels OR INDIVIDUAL PLOTS will not be encouraged, NOR WILL ARTIFICIAL PROPOSALS TO CREATE MORE THAN ONE ACCOMMODATION BUILDING ON AN EXISTING PLOT”
- Add reference to existing SDLs
- Amend to read “...appearance of the nearby settlement...and the Settlement Hubs or other locations close to railway stations).....will not be encouraged. The re-use of land with existing built form (or otherwise PDL and sites on the Brownfield Land Register) for homes will be given strong positive weight.
- Include reference to Brownfield Land Register
- Amend to include “...Piecemeal development of land within the existing Strategic Development Locations which fails to deliver comprehensive development will not be acceptable.”
- Include CLPKP Policy 7 Masterplanning Strategic Development in list of relevant policies
- Amend wording to “of the land, whilst ~~respecting~~ taking into account the desirability of maintaining the character and appearance of the settlement or of promoting regeneration and change.”
- Provide clarity as to wording of final sentence – artificial sub division should be considered against constraints such as land ownerships.
- Amend wording to “Arbitrarily low density or piecemeal development such as the artificial sub-division of larger land parcels will not be encouraged that does not respect the character and appearance of the area and does not make best and most efficient use of the land in terms of boosting housing supply, will not be supported. Sub-division of larger land parcels must be justified by evidence (including land ownership details, commercial or environmental constraints) and should be supported by an overall framework plan/masterplan for delivery. Applications that are arbitrarily sub-divided without such justification will not be supported.”

Criteria 5

- Include wording at end of criteria “and the Chichester Harbour AONB. Land within the Chichester Harbour AONB has the highest status of landscape protection, and proposals must also be shown to contribute to and enhance the quality of its biodiversity that has been recognised by international, national and local designations.”
- Include reference to Conservancy Priority Views Study
- Make clear that some development in AONB is acceptable
- Strengthen criteria to ensure that proposals have no adverse impact on the openness of views and setting of the SDNP
- Reference to Section 62 of the Environment Act 1995
- Include “...Harbour AONB. Proposals within the AONB that are sustainably located and do not materially impact long-distance views and intervisibility will be given positive weight.”
- Intervisibility is a new policy requirement and this criteria should be deleted
- Amend criteria to include “...demonstrate consideration of the impact of development beyond reasonable doubt that the development will have no material impact on the...”
- What policies will be put into place to protect the AONB, Medmerry and Pagham Harbour from developments within zones of influence

Criteria 6

- This criteria is at odds with the development at Whitehouse Farm and contradicts the Council's declared Climate Change Emergency
- Include reference to requirement to 'safeguard and provide a net gain to biodiversity'
- Include CLPKP Policy 49 and LPR DM29 in relevant policies
- Include Local Biodiversity Action Plan in relevant evidence
- Scale of protection should be 500m
- Mature trees should be protected whether in corridor or not
- Should be blanket protection within corridors and a commitment to a strong buffer zone around them
- Consider emerging Chichester Coastal Plan Nature Recovery Area
- New policy in emerging plan and should not be given weight/should be deleted
- Amend wording to "...that they will not *adversely* affect the...."
- Reference to policy requirements relating to SPAs and SACs
- Add data to include what is meant by 'potential or value'
- Amend criteria to include "...should demonstrate *beyond reasonable doubt* that..."

Criteria 7

- Reference the Chichester 'Approach to securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass' SPD
- Require further detail here regarding wastewater treatment
- Reference Surface Water and Foul Drainage SPD
- Reference CDC endorsed joint EA/SWS Statement for Apuldram Catchment
- Reference to constraints on wastewater as overcoming these can slow down development
- Capacity of sewerage system should be taken into account
- Infrastructure should include flood mitigation and flood defence infrastructure
Infrastructure should be provided ahead of development
- Include "...highways improvements. *Proposals that can commit to the delivery of any necessary infrastructure prior to first occupation will be given strong positive weight.*"
- Should apply critical analysis to evidence supplied by Southern Water giving their track record of managing infrastructure
- Should be recognised that proposals are only required to make provision for infrastructure that is necessary for the development to be acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind of development.
- Amend criteria to include "...be secured, *and that the necessary financial resources have been committed and ring fenced* including..."
- Add text after Infrastructure Delivery Plan to say "*should be fully costed and implemented prior to the start of development or first*

occupancy

Criteria 8

- Introduces new policy and should be deleted (bullets 2, 3, 4)
- Criteria does not go far enough
- Solar panels/solar tiles/solar glass should be fitted as a minimum (for which government funding may be available)
- Standards should be defined and should exceed the minimum
- Maximum priority should be given to enabling development which reduces CO2.
- Include reference to the West Sussex Cycling Design Guide
- Include facilitation of renewable community supplies and banning of individual home boilers
- Include trees in every development
- New dwellings should have water meters
- Give recognition to role of increased insulation in well-designed buildings
- Developers must include in the sustainability statement evidence that the site will be free from flood risk until 2065
- Development should respect dark sky policy
- Include "Proposals that would secure the re-purposing of existing built form in sustainable locations to deliver new homes will be afforded strong positive weight"
- Include "...Parking Standards Guidance. Proposals that can commit to delivery of EV charging infrastructure that exceeds policy requirements will be given strong positive weight."
- Include access to/facilities for public transport
- Amend wording to include "Where appropriate, development proposals should apply sound sustainable design, good environmental practices, sustainable building techniques and technology, including the use of materials that reduce the embodied carbon of construction and the use of re-used or recycled materials."
- Amend wording to include "Energy consumption will be minimised and the amount of energy supplied from renewable resources will be maximised to meet the remaining requirement, including the use of energy efficient passive solar design principles where possible."
- Remove following wording: "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;"
- Remove the following wording: "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"
- Include following wording: "Flexibility - The standards achieved as detailed above may be a matter for negotiation at the time of the planning application, having regard to abnormal costs, economic viability, the feasibility of meeting the standards on a specific site and other requirements associated with the development."

- Add wording "Use of fossil fuels within new developments of more than 10 units shall not be permitted."

Criteria 9

- How will you achieve high quality design and creating places of high architectural build and quality? Design Protocol has not been updated since 2013
- Design & Access Statements should account for needs of less mobile/disabled people
- Amend to "respect or enhance"
- For designated heritage assets it should be "preserve or enhance"
- Amend to accord with national policy
- All dwellings should have sufficient off street parking in line with number of beds per property

Criteria 10

- Emphasis importance of footpaths, cycle paths and public transport infrastructure
- Design roads to include sheltered bus stopping zones and design houses with better provision for secure storage and access for bicycles
- Substitute 'should' with 'will'
- Remove 'where appropriate' from wording
- Development should be located with reliable vehicular and public transport or cycle accessibility to Chichester/nearest secondary settlement
- Pedestrian/cycle routes should be fully protected from motor vehicles
- Make reference to supporting network of PRow and seek opportunities to join up existing and/or improvements to the network
- Include access to/facilities for public transport
- Include WSCC Walking and Cycling Strategy 2016-2026 as relevant evidence
- Include reference to the Chichester LCWIP
- Amend wording to include "...upgraded linkages. For the sake of clarity pedestrian and cycle links should be sufficiently wide e.g. walkways need to be wide enough for families with small children walking together so that they do not come into conflict with vehicular traffic."

Criteria 11

- Reference the West Sussex LLFA Policy for the Management of Surface Water
- Could take opportunity to set out locations where development would not be supported due to high flood risk and impacts of climate change on flood zones
- Section does not distinguish between sources of flood risk and may be useful to do so
- Reference to Strategic Flood Risk Assessment

Reference to EA Climate Change allowances

- FRAs should be informed by most recent climate change allowances and sea level rises
- Sites less than 7m AOD should not be developed
- Amend wording to “...to ensure that the new houses are #is safe, that... would not constrain the effective-natural function of the flood plain.”
- Amend wording to include “...residual risks are safely managed. Development in areas at risk of flooding as identified by the Environment Agency flood risk maps will need to be supported by a site specific flood risk assessment to demonstrate the development will be safe, including the access and egress, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall. This also includes...”

Criteria 12

- Strongly encourage CDC to progress a strategic nitrate mitigation scheme
- Give weight to proposals that will not impact nitrates (e.g. I north)
- Define ‘where appropriate’
- Off-sets for nutrient emissions from new developments should not be dealt with by remote re-balancing. Any off-sets must be within the catchments defined by Natural England for the Solent (March 2020). Assessments of nitrate budgets for new developments must be independently performed by qualified parties.
- Amend wording to “...Development proposals that discharge to the Solent catchment of Chichester Harbour shall demonstrate how they achieve mitigated nitrate neutrality taking account of Natural England’s guidance on achieving nutrient neutrality for new housing development where relevant”
- Amend to include “new housing development. Proposals that can commit to this approach prior to first occupation will be given strong positive weight.”
- Amend to include “...housing development. Mitigation arrangements should be legally detailed as part of the planning application, deliverable, and financial arrangements should verifiable and independently ring fenced.”

Additional suggested policies

- New policy as follows: 13. In the context of development proposals that are not contiguous with a defined settlement boundary (such as washed over settlements or freestanding built form) then it will be necessary that the site boundary in whole or in part is contiguous with existing built form, or currently supports built form on the site itself. Those proposals would be acceptable subject to demonstration that the location is otherwise sustainable and would not materially impact upon the character of the countryside.
Relevant policies include:
 - CLPKP Policy 2 Development Strategy and Settlement Hierarchy
 - CLPKP Policy 45 Development in the Countryside

• LPR Policy S4 Countryside

Relevant evidence includes:

• Local Plan Policies Map

• HELAA

- New policy as follows: 14. In the context of development proposals located close to settlements, evidence of engagement with local stakeholders will be encouraged. Where there is evidence that proposals have been developed through iterative dialogue and can demonstrate (full or partial) support with stakeholders that will be afforded very strong positive weight.

Relevant evidence includes:

• Neighbourhood Plans (adopted and working papers)

• Parish Plan (adopted and working papers)

- Include a criteria allowing infill development

Other suggested comments/amendments

- Concerned at number of houses built recently
- Infrastructure (sewerage, transport, education, doctors) cannot cope
- Additional housing at Birdham is unsustainable
- Refer to interaction of housing and education and employment provision
- Focus on affordable housing should be on affordable housing for rent
- No development in areas with present or future flood risk
- No development without northern bypass
- Make better use of existing housing stock instead of building new houses
- No additional residential development on Manhood Peninsula
- Do not destroy high quality agricultural land
- Concerns over further development in Bosham
- No proposals to improve infrastructure
- Prioritise brownfield sites
- Provision of bungalows for elderly
- Give parish council planning committees more power
- Housing distribution should be equitable across parishes
- Include an executive summary to explain the purpose and general concept of the document
- Seek assurances that the determination of future planning applications recognises the potential increased cumulative impacts on biodiversity and natural environment
- Does not take account of climate change and EA predictions for flood levels
- Proposes construction of houses in an unsustainable manner

- Will negatively impact on chalk streams
- Ignores requirement for all development to be nutrient neutral
- Ignores need for effective place-making
- Criteria are what we expect but we do not see any of these things in new developments
- More information on how CDC intend to implement and control this policy if it is to be effective
- No room between AONB and the National Park to accommodate new development
- Any permitted development must concentrate on needs of local families and residents
- Proposed increase in development contradicts goal of sustainability
- No consideration of impacts of Covid 19 or Brexit - revisit HEDNA
- Council should proactively brownfield seek sites in Chichester city e.g. the car parks, The Tannery, House of Fraser
- Hope that levels of facilities and services are taken into account
- No consideration of Chichester Harbour
- Align this document with the Committee on Climate Change Green Recovery document
- Proposed allocation at Highgrove Farm is not to scale with Bosham
- Suggest encouragement of local water treatment through constructed reed beds.
- Restrict amount of market housing provided
- No more development on Manhood Peninsula until A287 has been widened to allow for footpaths and cycle lanes
- Concerned at proposal for development on Pottery Field, Nutbourne
- Include a policy to prevent overdevelopment e.g. of Westhampnett
- Reference dates of all relevant policies and evidence documents
- Include reference to the Sustainability Appraisal
- Clarify how IPS will be applied to existing local plan allocations
- Include statement that IPS is applied to greenfield and brownfield sites outside of settlement boundaries
- Issue new housing land supply position statement
- CDC should list which Local Plan policies the Council considers to be up to date
- The Council must allocate more sites in order to avoid being in this position in the future
- Clarify that where housing policies in the Local Plan are out of date, those relevant to housing delivery in Neighbourhood Plans are also considered to be out of date
- Include statement to say that the Council will encourage coordination of production of next tranche of Neighbourhood Plans to follow the Local Plan Review

This page is intentionally left blank

Appendix 3

Schedule of proposed amendments to the Interim Policy Statement

Section/Criterion number	Proposed amendments
1.3	Amend wording to “From the 15 July 2020 (five years from the date of adoption of the CLPKP), the Council’s housing supply and housing delivery will be <u>is</u> assessed against <u>a calculation of Local Housing Need, as set out in national policy and guidance</u> the figure of 628 dwellings per annum , rather than the previously adopted housing target of 435 dwellings per annum.”
1.4	Amend wording to read “The <u>Council’s</u> housing supply position will be <u>kept under reviewed</u> at that time , but <u>at the current time, the Council is not able to demonstrate a robust five year supply of housing as required in national policy.</u> There is a risk that the Council will not be able to continue to demonstrate a robust five year supply of housing land as required in national policy, and the presumption in favour of sustainable development set out in the NPPF will apply. The position is different in parishes which have a made neighbourhood plan which allocates land for housing.”
1.5	Add new paragraph to read “ <u>The most recent calculation of Local Housing Need is set out in the Council’s 5 Year Housing Supply calculation as at 15 July 2020, which considers that the Local Housing Need as at 15 July 2020 is 628 dwellings per annum. The current standard methodology for assessing Local Housing Need draws upon household projections and housing affordability data which is subject to periodic updating, and this will have implications for this figure. In addition, the Government has announced proposed changes to the standard methodology which, if implemented, will have implications for the calculations of Local Housing Need. It is therefore intended that this document is accompanied by a separate schedule setting out the current calculation of Local Housing Need which can be periodically updated.</u> ”
2.3	Amend wording to “This statement aims to provide interim guidance which will apply until the Council <u>has adopted the Local Plan Review.</u> Considers it has a five year supply of housing in line with Government guidance. <u>If, prior to that point the Council has established a 5 year supply, then the need for this Interim Policy Statement will be reviewed at that point....</u> ”
2.4.1	Amend wording to “ <u>Prioritising progress on delivery of allocated known sites...</u> ”
2.4.2	Amend wording to “ <u>Inviting developers to intensify and speed up the delivery of development, and where appropriate, to consider intensifying development on sites already underway.</u> ”
3.4	Amend wording to “ From <u>As of</u> the 15 July 2020, the relevant housing policies contained within the adopted Local Plan will be <u>are</u> deemed to be ‘out of date’...”
4.1	Amend wording to “...national and local planning policies, including the <u>NPPF, and the</u> adopted and emerging plans.”

4.2	Amend wording to "...They should not be, for example, dependent upon delivery of significant off-site infrastructure <u>which would prevent them from delivering completed dwellings within 5 years</u> ; and should be fully in the applicant's control"
4.3	Amend wording to "Applicants will also be expected to show that they intend to develop sites promptly so that <u>dwellings proposals will begin to be delivered within a short period [up to a maximum of 2 years]. Demonstration of deliverability and the intention to develop (for example, through the requirement to submit a phasing plan) will be required to support planning applications.</u> "
4.4	Amend wording to " <u>In the first instance, the Council would encourage applications for full planning permission to be made. Where necessary, the Council would encourage the submission of hybrid applications for larger sites (part full and part outline).</u> Planning applications for outline permission can be made, however the Local Planning Authority would expect relevant information to demonstrate how the criteria in this Interim Policy Statement can be complied with. It is also expected that a parameter plan to be submitted as part of the outline application, and that an indicative layout is submitted with an application in order <u>provided</u> to judge the potential housing mix and layout."
4.5	Add new paragraph: " <u>Applicants should also refer to the Local List on the Council's website which sets out the information which is required to support a valid planning application. Attention is drawn in particular to the requirement for applicants to submit an Interim Policy Statement Justification to demonstrate how the proposal would accord with all of the requirements contained within this Interim Policy Statement.</u> "
4.6	Add new section 'Time restricted conditions' with text to read " <u>The Council will seek to condition any planning permission to commence within 2 years from grant of planning permission to maximise the likelihood of delivery of housing within the Local Plan Area. Where outline permission is granted, the Council will take a similar approach in reducing the implementation period to ensure expedient delivery of sites.</u> "
4.7	Amend wording to "Sites should also be acceptable in all other respects, e.g. highways access, flood risk, contribution to affordable housing and open space requirements, <u>provide net gains to biodiversity, and should...</u> "
4.8	Amend wording to "...Developments adjoining smaller settlements <u>which are less locationally sustainable</u> will be expected to be smaller in scale than those that might be suitable for the extension of Chichester or the Settlement Hubs, with their larger sizes and range of facilities."
4.9	Amend wording to "Sites should also be acceptable in all other respects, e.g. highways access, flood risk, contribute to affordable housing and open space requirements, <u>provide new gains to biodiversity, and should</u> reflect the needs of local communities, in relation to the amount, size, type and mix of housing tenures proposed."
4.12	Add new text to read " <u>Applicants are encouraged to submit their own evidence in addition to the Council's evidence base.</u> "
4.13	Add new section "Local engagement" with text to read " <u>The Council would encourage applicants to undertake engagement with the local community and relevant stakeholders regarding their proposals for development.</u> "

5.2	Amend wording to “The acceptability of planning proposals will ultimately need to be assessed by the decision-maker on a case by case basis, in relation to the economic, social and environmental dimensions of sustainable development, leading to a conclusion about the overall sustainability of the proposals, whilst having regard to all elements of the proposal, up to date development plan policies <u>including those within made Neighbourhood Plans</u> , the NPPF, and other material considerations. <u>This Interim Statement will seek to secure additional opportunities for housing development in locations which are sustainable and where it can be demonstrated that there would be early delivery of homes, subject to meeting all of the criteria in this Statement.</u> ”
5.3	Amend wording to “This Statement <u>applies to greenfield and brownfield sites outside of settlement boundaries, and does not apply to existing allocations within the Chichester Plan area or to land within the South Downs National Park.</u> ”
6.2	Amend wording to “To provide clarity for applicants and other parties, the following criteria set out what the Council considers good quality development in the Chichester Local Plan area, with reference to adopted and emerging Local Plan <u>and made Neighbourhood Plan</u> policy and evidence.”
Criterion 1	Amend wording to “The site boundary in whole or in part is contiguous with an identified settlement boundary <u>as approved in the adopted development plan</u> (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it). <u>Where a proposal is separated from the settlement boundary by road, railway line, cycle path or pedestrian footpath, it will meet this criterion where it is shown to be sustainable and integrated with the settlement it adjoins.</u> ”
Criterion 1	Remove reference to HELAA under ‘Relevant evidence’
Criterion 2	Amend wording to “The scale of development proposed is appropriate having regard to the settlement’s location in the settlement hierarchy <u>and the range of facilities which would make it a sustainable location for new development.</u> ”
Criterion 3	Amend wording to “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 <u>proportionate evidence. Where a proposed development is environmentally significant (by virtue of its size, location or degree of prominence in the locality), development proposals must be accompanied by a Landscape and Visual Impact Assessment</u>
Criterion 4	Amend wording to “...Arbitrarily low density or piecemeal development such as the artificial sub-division of larger land parcels will not be encouraged.
Criterion 4	Under ‘relevant policies’ include: CLPKP Policy 7 Masterplanning Strategic Development LPR Policy S32 Design Strategies for Strategic and Major Development Sites
Criterion 5	Amend wording to “Proposals should demonstrate <u>that consideration of the impact of development would not have an adverse impact on the surrounding townscape and landscape character...</u> ”

Criterion 5	Include footnote referencing Section 62 of the Environment Act 1995
Criterion 6	Amend wording to "...should demonstrate that they will not <u>adversely</u> affect the potential..."
Criterion 6	Under 'relevant policies' include: CLPKP Policy 49 Biodiversity LPR Policy DM29 Biodiversity LPR Policy DM31 Trees, Hedgerows and Woodlands
Criterion 6	Under 'relevant evidence' include: Local Biodiversity Action Plan
Criterion 7	Amend wording to "Development proposals should set out how necessary infrastructure will be secured, including, for example: wastewater conveyance and treatment, <u>flood mitigation and defence</u> , affordable housing, open space and highways improvements.
Criterion 7	Under 'relevant evidence' include: Approach to securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass SPD Add reference to the Surface Water and Foul Drainage SPD Joint Environment Agency and Southern Water Position Statement on Managing New Housing Development in the Apuldram (Chichester) Wastewater Treatment Works Catchment
Criterion 8	Amend wording to "...Applicants will be required to submit necessary detailed information within a <u>Sustainability Sustainable Construction and Design Statement</u> or chapter within the Design and Access Statement..."
Criterion 8	Amend bullet point 2 to "...through improvements to the <u>fabric and ventilation systems</u> of the dwelling..."
Criterion 8	Amend bullet point 4 to "Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance. <u>Proposals that can commit to delivery of EV charging infrastructure that exceeds policy requirements will be given strong positive weight.</u> "
Criterion 8	Additional wording to criteria " <u>Flexibility – the standards achieved as detailed above may be a matter for negotiation at the time of the planning application, having regard to abnormal site costs, economic viability and the technical feasibility of meeting the standards on a specific site.</u>
	<u>Should central government introduce equivalent or higher standards during the lifetime of this Interim Statement then the first three bullet points above will cease to be used and said national standards will replace them.</u> "
Criterion 10	Under 'relevant evidence' include: WSCC Walking and Cycling Strategy 2016-2036 Chichester Local Cycling and Walking Infrastructure Plan
Criterion 11	Amend wording to "Development <u>is to be located in areas at lowest risk of flooding first, and 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.</u> This includes, where relevant, provision

	<p>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 <u>effective</u> function of the floodplain, either by impeding <u>surface water/ flood flows</u> or reducing storage capacity. All flood risk assessments <u>and sequential and exception test processes</u> should be informed by the most recent climate change allowances published by the Environment Agency.</p> <p><u>Built development can lead to increased surface water run-off; therefore new development is encouraged to incorporate mitigation techniques in its design such as permeable surfaces and surface water drainage schemes must be based on sustainable drainage principles.</u></p>
Criterion 11	<p>Under 'relevant evidence' include: HELAA WSCC Lead Local Flood Authority Policy for the Management of Surface Water</p>
Criterion 13	<p>New criterion to read "<u>Development proposals are required to demonstrate that they are deliverable from the time of the submission of the planning application through the submission of a deliverability statement justifying how development will ensure quicker delivery.</u></p> <p><u>The Council will seek to impose time restricted conditions on planning applications to ensure early delivery of housing.</u></p>

This page is intentionally left blank

**PLANNING COMMITTEE
(Wednesday 4th November 2020)
SCHEDULE OF OUTSTANDING CONTRAVENTIONS**

1. This report provides an update on the position of contraventions included in the previous schedule and includes cases that have since been authorised.

2. Statistics as at 1st October 2020

Case Numbers:	CDC	SDNP	Total
On hand as at last report:	267	124	391
Cases received since last report:	141	40	181
Cases closed since last report:	110	25	135
Current number of cases on hand:	298	139	437
Number of "On hand" cases awaiting compliance with an EN or the outcome of an appeal/application	74	35	109

3. Performance Indicators are for CDC area only as this information is not available for cases within the South Downs National Park:

a. Time taken to initial visit from date of complaint:

Low within 20 days (175 Cases)	96%
Medium within 10 days (42 Cases)	96%
High with 2 days (12 Cases)	100%

b. Time taken to notify complainants of action decided from date of complaint:

Low within 35 days (169 Cases)	100%
Medium within 20 days (42 Cases)	100%
High within 9 days (11 Cases)	100%

4. Notices Served.

Notices Served:	Apr - Jun 2020		Total in FY 2020/21	
	CDC	SDNP	CDC	SDNP
Enforcement Notices	4	1	4	1
Breach of Condition Notices			2	
Stop Notices	1		1	
Temporary Stop Notices	4		8	1
Section 215 Notices				
Section 225A Notices				
High Hedge Remedial Notices	1		1	
Tree Replacement Notice				
Total	10	1	16	2

If Members have any specific questions on individual cases, these should be directed to the contact officer:

Shona Archer, Enforcement Manager (01243 534547)

OUTSTANDING CONTRAVENTIONS – SOUTH DOWNS NATIONAL PARK

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BURY/SDNP/ 17/00096/ SEC215 (Sue Payne)	Sydenham Cottage West Burton Road West Burton Pulborough	Untidy land	19.03.18	S215 Notice S215/29/BY/24 issued. Compliance date 30.07.18 04.10.18 – Notice not complied with 12.12.18 – letter before prosecution action sent 18.09.19 – Crawley Magistrates Court awarded costs against the owner who did not attend. The total fine is £660; the victim’s surcharge is £66 and the costs of £1769.39. The courts imposed a Collection Order. 28.10.19 – further site visit – non-compliance 03.04.20 – witness statement provided to Legal Team to advance to prosecution for non-compliance 23.06.20 – site visit undertaken. No remedial works undertaken and are unlikely to be. The property is now considered to be a Building at Risk. 16.07.20 – SDNPA agreed that CDC Historic Building Advisors assess the property; owner to be informed that the issue of a repairs notice is pending. 19.10.20 – SDNPA have advised seeking confirmation of ownership and if the owner resides at the property. HBA to undertake an assessment of the condition of the building. Contact should then be made with the owner setting out steps to avoid Repairs Notice (S48)

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
COMP/SDNP/ 15/00210/ COU (Shona Archer)	Cowdown Farm Cowdown Lane Compton	Without planning permission, change of use of the building for the stationing of a caravan for the purposes of human habitation	27.06.18	EN CP/7 issued 03.01.19 - Appeal dismissed with variation New compliance date 03.07.20 Letter sent to owner regarding compliance Compliance SV pending
COMP/SDNP/ 15/00209/ COU (Shona Archer)	Cowdown Farm Cowdown Lane Compton	Without planning permission, the construction of a gable end wall in the west elevation of the building	04.07.18	EN CP/9 issued 03.01.19 - Appeal dismissed with variation New compliance date 03.04.20 Letter sent to owner regarding compliance Compliance SV pending
FERN/18/ 00082/GENER (Emma Kierans)	Land at Coombe House Marley Heights Fernhurst	Without planning permission, change of use of the Land to use as garden land in association with the dwelling house	28.08.19	EN FH/27 authority given to issued Appeal lodged – Written Representations 14.07.20 – Appeal dismissed New compliance date 14.10.20 Contact landowner regarding compliance with notice and carry out compliance check w/c 2 nd Nov
FIT/SDNP/17/ 00755/COU (Tara Lang)	Lithersgate Common Bedham Lane Fittleworth	Without planning permission change of use of the Land to a BMX cycle track	28.11.18	EN FT/10 issued Appeal lodged – Written Representations 23.03.20 – Appeal dismissed with variation to compliance period in step (ii) to removing the bunds in 12 months New compliance date 23.03.21

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
HART/SDNP/ 18/00587/TPO (Tara Lang)	Three Cornered Piece Hollow Road East Harting	Breach of condition - occupation	19.06.19	BCN HT/28 issued Compliance due 19.09.19 15.10.19 - BCN considered not to have been complied with. 24.10.19 –No evidence to demonstrate non-compliance with the notice. 18.06.20 – site visit revealed that the authorised persons do not live on site. Prosecution instructions to be prepared 23.10.20 – Prosecution papers forwarded to Legal Services
HART/SDNP/ 18/00587/TPO (Tara Lang)	Three Cornered Piece Hollow Road East Harting	Without planning permission, the erection of brick pillars and gates	01.07.19	EN HT/29 issued Compliance date 12.11.19 Works of compliance have not been carried out. The offence of failing to comply with the enforcement notice will be prosecuted. 18.06.20 – As above 15.10.20 – Prosecution matrix and draft witness to be prepared
HEY/SDNP/18/ 00087/GENER (Emma Kierans)	Land at Northend House Polecats Heyshott Midhurst	Without planning permission the erection of iron gates, brick pillars, bollards and kerb lighting, hardstanding and retaining strip	31.01.19	EN HY/3 issued Appeal lodged – Written Representations 20.07.20 – Appeal dismissed in part to remove bollards and kerb lighting, hardstanding and retaining strip New compliance date 20.10.20 Carry out compliance check w/c 2 nd Nov

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
LUR/SDNP/ 17/00447/ GENER (Emma Kierans)	Land at Jays Farm Jays Lane Lurgashall	Without planning permission the creation of an access track and hardstanding	29.07.19	EN LG/16 issued Appeal decided – split decision The access is allowed and hardstanding dismissed Compliance date 14.10.20 20.10.20 – notice complied with. Remove from next list
MID/SDNP/19/ 00295/COU (Emma Kierans)	Half Moon Petersfield Road Midhurst	Without listed building consent the alteration of a curtilage listed building	13.02.20	LBEN MI/18 issued Compliance date 26.05.20 15.07.20 - The works to the outbuilding have not been carried out 19.10.2020 – letter to be sent to advise that LPA will prosecute for failure to comply with the notice
MID/SDNP/19/ 00295/COU (Emma Kierans)	Half Moon Petersfield Road Midhurst	Without planning permission the erection of a boundary fence within the curtilage of a listed building	13.02.20	LBEN MI/19 issued Compliance date 26.05.20 15.07.20 - The fence has been removed from the front boundary. 19.10.2020 – letter to be sent to owners to request removal of remaining section of fence
MILL/SDNP/16/ 00110/COU (Steven Pattie)	Land West of the Junction to Dangstein Road	Without planning permission change of use to mixed use of camping, education and training, manufacture of wood products	19.06.18	EN ML/25 issued Appeal lodged - Hearing 14.01.20 – Appeal dismissed New compliance date 14.04.20 29.07.2020 – Both caravans removed from the land all other items on the Notice are included in a current planning application SDNP/20/01796/FUL pending consideration 19.10.20 – application remains pending consideration

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
SN/SDNP/15/ 00301/ BRECON (Shona Archer)	1 Sutton Hollow The Street Sutton	Without planning permission the erection of a dwellinghouse	18.08.16	EN SN/3 issued Appeal ongoing – Written Representations Exchanged statements and awaiting date for PINS site visit SDNP/17/00294/FUL – refused and appeal lodged SDNP/17/00295/LB – refused and appeal lodged 20.09.17 – s174 appeal conjoined with s78 appeal 28.02.18 – Appeal dismissed, enforcement notice upheld. 21.12.18 – SDNP/18/05458/HOUS made but then withdrawn 21.05.19 – Further app made SDNP/19/02414/ 11.10.19 – application refused 24.10.19 – Meeting with owners 19.10.20 – the owners have confirmed that the roof will be taken off and lowered
TILL/SDNP/18/ 00733/COU (Emma Kierans)	Land South East of Beggars Corner Halfway Bridge Lodsworth	Without planning permission the erection of a timber field shelter	08.01.20	EN LD/16 issued Appeal lodged – Written representations 02.09.20 – Appeal dismissed New compliance date 02.12.20

Chichester District Cases:

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
AP/18/00393/ CONHH (Emma Kierans)	Ferndale 133 Birdham Road Appledram	Without planning permission the erection of a fence and gates in excess of 1 metre in height adjacent to a highway	06.11.19	EN AP/5 issued Appeal lodged – Written Representations Appeal dismissed New compliance date 24.10.20 Carry out compliance check w/c 9 th Nov
BI/15/00194/ CONTRV (Shona Archer)	Land North West of Birdham Farm, Birdham Road, Chichester	Without planning permission the stationing of a mobile home for the purposes of human habitation	06.05.15	EN BI/23 and BI/24 issued The Appeal decision was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations Compliance date: 2 August 2018 04.10.18 – letter issued stating Councils intention to seek Mandatory Court Order 12.4.19 – meeting with legal services to advance Injunction 13.3.20 – first hearing in the High Court of the application for a Mandatory Injunction 27 – 28 July 2020 – Second hearing in the High Court. 10.08.20 - Injunction granted by the High Court: by 31 December 2020 to cease using the land for residential purposes and to remove all caravans, fixtures and fitting and by 31 January 2021 to remove all hard standing, fences etc. and restore the land to its agricultural use. Not to bring any caravan/mobile home and not to carry out any development without permission of or application to the Council 19.10.20 - Application lodged by some Defendants for permission to appeal the above. Waiting supporting documents from their solicitor before Council's reply 23.10.20 – letter issued to owners/occupiers and persons unknown to remind them of the requirements of the Order

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road Chichester	Without planning permission erection of a stable building	10.08.15	EN BI/29 issued with compliance date of 21.12.15 Following the outcome of the Inquiry, compliance to remove the stables is considered to be 2 August 2018 As Above
BI/15/00139/ CONSH (Shona Archer)	Access track and hardstanding -land North West of Premier Business Park, Birdham Rd	Without planning permission excavation, deposit of hardcore and erection of gates and fences	21.09.15	EN BI/30 issued The Appeal decision on the above matters was published on 2 August 2017 The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations Compliance date: 2 November 2018 12.4.19 – meeting with legal services to advance Injunction proceedings As serial BI/15/00194/CONTRV
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road	Without planning permission, change of use of the land to a mixed use as a residential caravan site, for the storage of caravans and the keeping of horses	03.03.16	EN BI/31 issued The Appeal decision on the above matters was published on 2 August 2017 The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations Compliance date: 2 August 2018 12.4.19 – meeting with legal services to advance Injunction proceedings As serial BI/15/00194/CONTRV

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/17/00356/ CONMHC (Shona Archer)	Plot 12 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/44 issued Appeal lodged – Hearing – awaiting date
BI/17/00361/ CONMHC (Shona Archer)	Plot 13 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/41 issued Appeal lodged – Hearing – awaiting date
BI/17/00362/ CONMHC (Shona Archer)	Plot 14 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/42 issued Appeal lodged – Hearing – awaiting date
BI/17/00357/ CONMHC (Tara Lang)	Plot 15 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to a mixed use of agriculture, a residential caravan site and animal boarding and rescue centre	22.11.18	EN BI/43 issued. Compliance date 03.07.19 17.08.19 – notice not complied with. Contravener to be invited for interview 24.09.19 – interview postponed 10.10.19 – interview postponed 14.10.19 – prosecution papers now to be prepared 24.10.19 – owner has stated that the land has been sold. 10.01.20 - owner states that the site and will soon be vacated 01.04 20 – Breach remains ongoing – prosecution proceedings to commence post COVID-19 22.07.20 – prosecution papers compiled. 19.10.20 – Owner has stated that has made steps to comply with the EN. Site visit required to check on progress

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/17/00061/ CONENG (Emma Kierans)	Oak Farm Land North of Cowdry Nursery Sidlesham Lane Birdham	Without planning permission the erection of a building	13.08.18	EN BI/40 issued Appeal logged – Written Representations 06.02.20 – appeal dismissed New compliance date 06.05.20 Building retained and permission granted for works to retain it as a holiday let. No works undertaken. 19.10.2020 – letter to be sent to owner to request removal of the building
BI/18/00240/ CONCOU (Shona Archer)	Land east of Birdham Farm Birdham Road Birdham	Without planning permission, change of use of the land to a general storage use including the storage of motor vehicles, parts, metal, wood, ladders, plastic, trailers and windows	23.01.19	EN BI/45 issued Compliance date 06.06.19 Observations of the land indicate that full compliance has not been achieved 27.6.19 - Site visit to be undertaken to assess the land – then letter before action sent to the owner if required 10.10.19 – Site visit found that the land continued to be used for the storage of building materials, the parking of a lorry and the disposal of household items 17.10.19 – Meeting on site with the landowner. He would like to make an application to use the land as storage place.He is aware that failure to clear the land now results in an offence. 8.1.20 – no application made but use of land is continuing. The owner considers that the LPA wrongly issued the notice. 16.07.20 – aerial photo show some waste remains on site 22.10.20 – letter to be sent to owner explaining evidence of ongoing offence and that the LPA proposes commencing prosecution of the offence.

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/19/00046/ CONCOU (Steven Pattie)	Kellys Farm Bell Lane Birdham	Without planning permission the material change of use of land to use as a car wash business	31.07.19	EN BI/46 issued Appeal lodged – Written Representations 13.07.20 – appeal dismissed New compliance date 13.09.20 Notice complied with. Remove from next list
BI/17/00356/ CONMHC (Shona Archer)	Plot 12 Land North West of Premier Business Park Birdham Road	Use and development comprising the bringing onto the land of a twin unit mobile home and it being conjoined and connected to services	03.06.20	TSN/66 issued This notice will cease to have an effect on 24.06.20 Remove from next list
CC/15/00064/ CONLB (Sue Payne)	13 Parchment Street Chichester	Without Listed Building Consent the installation and fitting of 3 no. upvc double glazed windows	18.10.17	LBEN CC/138 issued Appeal lodged – Public Inquiry on 30.10.18 at City Council 26.02.19 – Appeal dismissed with variation. Costs awarded to the Council and repayment plan agreed. Compliance date 26.02.2020 03.04.20 – compliance check to be carried out once Covid 19 restrictions are lifted 16.07.20 – compliance check to be carried out post COVID. 19.10.20 – owner confirmed works to be carried out in October. Owner subsequently refused to undertake repairs due to the cost. Contacted owner setting out potential for prosecution which could add additional costs

Page 149

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
CC/15/00018/ CONBC (Shona Archer)	Wildwood 30 Southgate Chichester	Breach of condition – use of rear of premises	16.08.18	BCNEN CC/143 issued Appeal lodged – Written Representations 12.08.19 – appeal succeeds on variation of period of compliance to 6 months and the enforcement notice is upheld as varied New compliance date 12.02.20 01.04.20 – application 20/00138/FUL received 15.07.20 - awaiting determination of the application 02.09.20 – application refused 24.10.20 – date that use was required to cease Site inspection due w/c 26.10.20 to assess if the offence of retaining and using the kitchen is taking place.
CC/18/00181/ CONLB (Sue Payne)	24 Washington Street Chichester	Without planning permission the installation of upvc double glazed windows to the upper and first floor rear elevation	11.12.19	LBEN CC/149 issued Compliance date 22.07.20 09.10.20 – owner confirmed works had not been undertaken as COVID-19 resulted in loss of employment and funds necessary to undertake works
D/17/00374/ CONCOM (Emma Kierans)	Southend Farm Selsey Road Donnington	Without planning permission, change of use of the land to a mixed use for agriculture and the storage of modular buildings, portable structures and metal storage containers	26.09.18	EN D/8 issued Appeal lodged – Written Representations Appeal dismissed with variation to compliance period New compliance date of 19.06.20 23.10.20 – Partial compliance – operation has ceased and partial removal of cabins. All cabins to be removed by 28.02.21

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
E/17/00391/ CONDWE (Emma Kierans)	Dragon Nursery Third Avenue Batchmere	Without planning permission, the construction of outer walls of a building	14.06.18	EN E/31 issued Appeal lodged 19.06.19 – Appeal withdrawn 04.07.19 – letter sent to owner stating new compliance date of 19.12.19 08.01.20 – Liaising with land owner regarding steps for compliance, have agreed an extension of time for a month 02.04.20 – negotiating compliance steps, have agreed extension of time 15.07.20 – negotiating next steps 12.10.20 - an application for the retention of some of the walling to be submitted by end of Nov
E/16/00320/ CONCOU (Steven Pattie)	Witsend Nursery Third Avenue Batchmere	Without planning permission, change of use of land for the storage of caravans, motorhomes, boats and boat trailers	06.06.19	EN E/32 issued Appeal lodged – Written Representations 14.09.20 - The appeal is dismissed and the enforcement notice is upheld with correction and variations New compliance date 14.01.21
E/18/00340/ CONENF (Emma Kierans)	Medmerry View Drove Lane Earnley	Without planning permission change of use of the land to recreational amenity land.	09.01.20	EN E/33 issued Compliance date 20.05.20 Compliance not achieved, allowed a further 28 days for compliance 09.10.20 – Prosecution papers for non-compliance of the notice forwarded to Legal Services
E/20/00161/ CONBC (Emma Kierans)	Medmerry View Drove Lane Earnley	Breach of condition - Excess of permitted caravans	19.05.20	BCN E/34 issued Compliance date 19.11.20

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
EWB/18/00139/ CONBC (Emma Kierans)	Land north east of Beech Avenue Bracklesham Bay Chichester	Breach of condition – Landscaping	04.02.19	BCN EW/46 issued Compliance date 05.04.19 14.06.19 – most works carried out, still two steps pending – full compliance is yet to be achieved, monitoring 17.10.19 – working with the developer to ensure full compliance 08.01.20 – the developer has confirmed a timetable for some works, waiting to hear confirmation for outstanding matters 02/04/20 – the final steps of compliance need to be carried out, liaising with developer 15.07.20 - planting was halted due to COVID-19, liaising with developer 19.10.20 - developer contacted regarding progress with planting
EWB/19/00413/ CONHH (Emma Kierans)	2 Kestrel Close East Wittering	Without planning permission, the erection of a close boarded fence and posts	17.07.20	EN EW/47 issued Compliance date 28.11.20 12.10.2020 – breach ceased. File to be closed. Remove from next list.
FB/17/00376/ CONWST (Steven Pattie)	The Old Thatched House Mill Lane Fishbourne	Untidy land and building	31.10.18	S215 Notice issued Compliance date 12.03.19 15.10.19 – Property for sale and buyer in place 10.01.20 – Buyer to submit a LBC application 02.04.20 - LBC granted - Ref: 20/00219/LBC 30.7.20 - Sale of property proceedings with new purchaser Continue to monitor 19.10.20 – A new purchaser is in consultation with the LPAs HBA see 20/02335/PRELB current owner has updated planning enforcement.

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
FU/17/00011/ CONBC (Tara Lang)	Land south of Scant Road East Hambrook West Ashling	Without planning permission the construction of two wooden chalet buildings on raised breeze block foundations	12.09.19	EN FU/71 issued Appeal lodged – Hearing
FU/17/00011/ CONBC (Tara Lang)	Land south of Scant Road East Hambrook West Ashling	Cease all the activity involved in the construction of the wooden chalet buildings	12.09.19	SN FU/72 issued Takes effect on 17.09.19
FU/17/00310/ CONCOU (Shona Archer)	Cutmill Depot Newells Lane West Ashling	Without planning permission, change of use of land to use as a residential caravan site	27.09.18	EN FU/67 issued Appeal lodged – Written Representations 21.07.20 – notice upheld with compliance period varied to 8 months New compliance date 21.03.21
FU/18/00246/ ETRNP (Tara Lang)	Old Allotment Site Newells Lane West Ashling	Without planning permission, the laying of hard core to provide a hard surface	17.03.20	EN FU/74 issued Compliance date 28.07.20 15.10.20 – Owner has confirmed that he will either submit a planning application for the access track or remove it. He will confirm his intentions within 28 days
FU/18/00246/ ETRVNP (Tara Lang)	Land at The Old Allotment Site Newells Lane West Ashling	Without planning permission the creation of a hardstandings	15.09.20	EN FU/75 issued Compliance date 27.01.21

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
FU/18/00323/ CONHI (Sue Payne)	Land south of West Stoke Farm West Stoke Funtington	High Hedge Remedial Notice	15.05.19	HHRN HH/22 issued Appeal lodged – Written Representations
FU/18/00368/ CONBC (Tara Lang)	Land At 6 Oaklands West Ashling Road Hambrook Funtington	Without planning permission, the material change of use of the land to a use for the stationing of a touring caravan, two mobile homes and a motor home for the purposes of human habitation	17.07.20	EN FU/76 issued Compliance date 28.11.20
FU/19/00231/ CONBC (Tara Lang)	3 West Ashling Road Hambrook Funtington	Breach of condition – number of caravans exceeding permission	26.09.19	BCN FU/73 issued Compliance date 26.12.19 Planning application (19/02662/FUL) for additional caravans refused A/W submission of a further planning application 23.07.20 – instructions sent to legal for prosecution for non- compliance with BCN. 15.10.20 – Further witness statement for the prosecution being completed on request from Legal
FU/20/00246/ CONBC (Tara Lang)	Field West of Beachlands Nursery Newells Lane West Ashling	The importation and laying of hard core materials, access track and hard standing and importation of mobile homes and caravans	27.08.20	TSN/69 notice issued Notice ceases to be in effect on 24.09.20 20/00950/FUL – appeal lodged

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
FU/20/00288/ CONENG (Tara Lang)	Land west of Newells Lane West Ashling	The importation and laying of hard core materials and tarmac to form an access track and hard standing, the use of plant and machinery on the land, the siting and importation of mobile homes and caravans to the land	27.08.20	TSN/70 notice issued Notice ceases to be in effect on 24.09.20 07.09.20 – papers for prosecution of non-compliance with the TSN submitted to Legal Services 13.11.20 – Hearing at Brighton Magistrates Court
FU/20/00299/ CONENF (Tara Lang)	Land south of The Stables Newells Lane West Ashling	Without planning permission, the erection of stone pillars and walls	27.06.19	EN FU/70 issued Compliance date 07.11.19 24.02.20 Prosecution matrix and witness statement sent to legal for prosecution 17.06.20 – letter sent to owner by legal. If no compliance by 03.08.20 legal will apply to court for a date for prosecution. 15.10.20 – Updated witness statement sent to legal for consideration
LX/20/00069/ CONHI (Sue Payne)	Garton House High Street Loxwood	High Hedge	21.09.20	HHRN HH/23 issued Compliance date step one 20.04.21 Compliance date step two 20.04.22

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
NM/16/00325/ CONCOM (Shona Archer)	Land at 6 Oakdene Gardens North Mundham Chichester	Without planning permission storage of metal containers and other items	10.01.19	EN NM/28 issued Appeal lodged – Written Representations 03.08.20 – Appeal dismissed New compliance date 03.11.20 Date for compliance varied to 31.03.21
NM/18/00187/ CONMHC (Tara Lang)	Fisher Granary Fisher Lane South Mundham	Without planning permission, change of use of the land to use for the stationing of a mobile home for human habitation	06.08.19	BCNEN NM/29 issued Appeal lodged – Written Representations 13.05.20 – appeal dismissed with variation and compliance period of 9 months New compliance date 13.02.21
O/17/00074/ CONENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the change of use of land to general storage use	14.06.17	EN O/27 issued Appeal dismissed. New compliance date 01.10.18 02.10.18 – site continues to be used for storage. Letter sent requiring full access to site Dec 18 - Case put on hold following a family bereavement 12.04.19 – site viewed – goods on the land are in breach of the notice. 21.6.19 – letter sent to owner to inform them that officers will carry out a site inspection on 18 July 2019 24.10.19 – July site visit postponed due to summer temperature. Letter sent to owner stating that officers will visit on 14 November 2019 11.12.19 – site visit undertaken – no compliance with the notice. Prosecution papers to be raised. 05.02.20 – Draft prosecution papers to Legal Services 06.08.20 – site visit showed that waste on land is increasing 22.10.20 - letter and evidence to be sent to owner stating LPAs intention to commence a prosecution

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
O/17/00074/ CONENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the erection of a wooden building on raised concrete blocks	14.06.17	EN O/28 issued Appeal dismissed. New compliance date 01.10.18 As previous serial
O/15/00202/ CONAGR (Tara Lang)	Oakham Farm Church Lane Oving	Without planning permission change of use to a mixed use for agriculture and the storage of caravans, motorhomes/ caravanettes, motor vehicles and shipping containers	03.02.17	EN O/26 issued Appeal dismissed – new compliance date 05.04.18 20.12.19 – Confirmation received that only a limited number of vehicles remain. Application for retention to be submitted 09.04.20 - planning application submitted 29.05.20 – application 20/00882/FUL refused 30.07.20 – site visit needed to check current situation 18.08.20 – site visit carried out. Most of the vehicles and caravans have been removed. 21.10.20 – Owner’s agent contacted for an update on when the remaining vehicles and caravans will be removed. Awaiting response.
O/19/00141/ CONHH (Emma Kierans)	Oakham Farmhouse Church Lane Oving	Without planning permission the erection of a fence in excess of 1 meter in height adjacent to a highway	13.02.20	EN O/30 issued Appeal lodged – Written Representations

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
PS/13/00015/ CONAGR (Shona Archer)	Crouchland Farm, Rickmans Lane, Plaistow	Without planning permission, change of use of the land from agriculture to a commercial biogas plant	15.07.15	EN PS/54 issued Appeal lodged – Public Inquiry originally scheduled for APP/P3800/15/3137735. Appeal part allowed/part dismissed 21.11.17 – Appeal dismissed. Enforcement Notice upheld, 21.12.17 for Step (i) - “cease use including the cessation of importation and processing of feedstock” Compliance date of 23.05.19 for all other steps; 04.12.17 – EA confirmed compliance with Step (i); 17.10.18 – Planning Committee authorised extension to compliance until 21.05.21 21.6.19 – engagement with site owners ongoing 24.10.19 – planning enforcement is maintaining contact with the landowner of Lagoon 3 to impress upon them the need for compliance and to highlight the reducing time scale in which to achieve this. 01/04/20 – contact ongoing 30.07.20 – contact ongoing 23.10.20 – compliance being sought through contact with owner
PS/13/00015/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the installation, construction, engineering operations and deposit of earth in connection with a commercial biogas plant	15.07.15	EN PS/55 issued 17.09.20 – owners confirmed the emptying and disposal of the contents of Lagoon 2 and that it will most likely take until the end of October to complete the emptying and disposal work

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
PS/18/00088/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the erection of a steel framed lean-to building	01.11.18	EN PS/65 issued Appeal lodged – Written Representations 10.01.20 – appeal dismissed with variation to the compliance period New compliance date 10.05.21
PS/18/00088/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the construction of a slurry lagoon, earth bund and fencing	01.11.18	EN PS/67 issued Appeal lodged – Written Representations 10.01.20 – appeal decision varied the notice finding that the slurry lagoon and earth bunds were immune from enforcement action. The removal of the fencing was upheld and the compliance period amended New compliance date 10.05.21
PS/17/00104/ CONBC (Sue Payne)	Burgau Barn Plaistow Road Ifold	Without planning permission, the erection of a dwellinghouse	10.09.19	EN PS/68 issue Appeal lodged – Written Representations 21.09.20 – Appeal dismissed with variation - Cease the residential use of the dwellinghouse and remove all the structure, components and fittings apart from any remaining parts of the original structure of the agricultural building. New compliance date 21.09.21

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
SB/18/00389/ CONCOU (Steven Pattie)	Land at 1 Green Acre Inlands Road Southbourne	Without planning permission, change of use of land to use as a building site compound and the stationing of a catering van	12.06.19	EN SB/117 issued Appeal lodged –Written Representations 13.05.20 – the appeal succeeds in part only and permission granted for the land to be used as a construction site for 12 months. Otherwise the notice is upheld with correction. Compliance date 13.05.21
SB/18/00389/ CONCOU (Steven Pattie)	Land at 1 Green Acre Inlands Road Southbourne	The use of the access track by construction traffic	12.06.19	Stop Notice SB/118 issued with EN SB/117 Takes effect 18.06.19
SB/20/00215/ CONTRV (Tara Lang)	Land South East side of Priors Leaze Lane Hambrook	Without planning permission, the laying and compaction of hard core and tarmac chippings over an existing (unmade) track and to create new access tracks and the formation of an earth bank	20.08.20	EN SB/120 issued Compliance date 30.03.21 Appeal lodged
SB/20/00215/ CONTRV (Tara Lang)	Land South East side of Priors Leaze Lane Hambrook	The resurfacing of existing tracks, construction of new access tracks and earth bank	20.08.20	SN SB/121 issued with EB SB/120 Takes effect 24.08.20

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
SB/20/00345/ CONCOU (Steven Pattie)	Southbourne Farmshop Main Road Southbourne	The stationing and parking of motor vehicles	19.10.20	TSN/71 issued Notice ceases to be in effect on 16.11.20
SI/16/00026/ CONMHC (Steven Pattie)	Zsaras Yard Highleigh Road Sidlesham	Without planning permission the change of use of the land for the stationing of a caravan for the purpose of human habitation	06.11.19	EN SI/71 issued Appeal lodged –Written Representations 02.07.20 – appeal dismissed New compliance date 02.01.21
SI/19/00259/ CONBC (Emma Kierans)	Field South of Green Lane Piggeries Ham Road Sidlesham	Breach of condition 2 – expiry of occupation condition	17.07.20	BCNEN SI/75 issued Compliance date 28.02.21
SY/19/00067/ CONHH (Sue Payne)	Wayside Chichester Road Selsey	Without planning permission the erection of a wall, railings, entrance gate and piers	04.03.20	EN SY/71 issued Compliance date 15.07.20 17.07.20 – notice not complied with. Letter before action sent 19.10.20 – owner refused to comply with notice however a site visit on the 8 th October confirmed that some works had been undertaken. Owner contacted and advised what further works would be required

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
TG/19/00069/ CONSRV (Sue Payne)	17 Nettleton Avenue Tangmere	Breach of condition - retention of amenity land	09.01.20	BCN TG/21 issued Compliance date 10.04.2020 held in abeyance until determination of appeal against refusal of planning application 19/01532/FUL
TG/19/00070/ CONHH (Sue Payne)	12A Nettleton Avenue Tangmere	Without planning permission the erection of a wooden close boarded means of enclosure	30.01.20	EN TG/24 issued Appeal lodged – Written representation 02.09.20 – Appeal dismissed with increase in compliance period to 3 months New compliance date 02.12.20
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use as a civil engineering contractor's yard	10.04.18	EN WE/40 issued Appeal lodged – Public Inquiry date amended to 27/04/21
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use for the storage of portable site office cabins, container cabins, portable toilet blocks and commercial vehicles	10.04.18	EN WE/41 issued Appeal lodged – Public Inquiry date amended to 27/04/21

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use for the storage of metal skips, building materials, scaffolding equipment, lifting platforms, storage racks, engine parts, commercial vehicles, HGV's, redundant vehicles and truck bodies	10.04.18	EN WE/42 issued Appeal lodged – Public Inquiry date amended to 27/04/21
WE/16/00191/ CONCOU (Shona Archer)	Unit 2 Land north of Cemetery Lane Woodmancote	Without planning permission material change of use of the land to a mixed for open storage of vehicles and use as a HGV Operating Centre	24.07.17	EN WE/39 issued Appeal ongoing – Written Representations 19.06.18 – PINs sit visit New compliance date 02.01.2020 7.1.2020 – it is reported that the use is continuing. To be checked on site and prosecution proceedings taken if confirmed. 11.6.20 – planning application WE/19/03206/FUL Refused and appeal lodged. 23.10.20 – consideration of a prosecution is held in abeyance pending the appeal being determined

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
WE/17/00333/ CONMHC (Tara Lang)	Land at Home Paddock Stables Hambrook Hill North Hambrook	Without planning permission, change of use of the land to a mixed us comprising equine and the stationing of a shepherd's hut	27.06.18	WE/44 issued Appeal lodged - Hearing 14.01.20 – Appeal dismissed with variation to compliance period to 12 months New compliance date 14.01.21
WE/17/00403/ CONENG (Tara Lang)	Land South West of Racton View Marlpit Lane Hambrook	Without planning permission, the erection of fencing and entrance gates, wing walls and piers and raised gravel banks containing wooden sleepers	06.08.18	EN WE/46 issued Appeal lodged – Written Representations 13.08.19 – appeal dismissed and the notice is upheld New compliance date 13.11.19 10.01.2020 – Works to remove the walls, gates and pillars has commenced. Additional works due to be completed within the next few weeks Site visit required post COVID-19 24.07.20 – site visit carried out. Works to comply with EN still not completed. Prosecution for non-compliance with EN under consideration 21.10.20 – Owner has confirmed his intention to comply with the Enforcement Notice. He requires advice on type of fence and gates acceptable in this location. Advised to submit an application for pre-application advice.
WE/19/00117/ CONMHC (Steven Pattie)	Land North of The Grange Woodmancote Lane Woodmancote	Without planning permission, change of use of the land to the stationing of two mobile homes for the purpose of human habitation	15.01.20	EN WE/47 issued Appeal lodged – Hearing

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
WE/19/00421/ CONCOU (Tara Lang)	Wardens Plot, The Paddocks, Common Road, Hambrook	Breach of condition – stationing of additional caravans	19.05.20	BCN WE/48 issued Compliance date 28.11.20
WE/20/00261/ CONENG (Steven Pattie)	Land east of Monks Hill Westbourne	Formation of a hardstanding and importation of materials	13.08.20	TSN/68 issued Notice ceases to be in effect on 10.09.20 Application submitted
WH/19/00096/ CONBC (Emma Kierans)	Land North of Stane Street Madgwick Lane Westhampnett	Breach of condition – hours of operation	15.08.19	BCN WH/4 issued Date to comply by 13.09.19 12.10.20 – case kept open to be responsive to any potential future reports
WI/18/00100/ CONCOU (Steven Pattie)	Land at Itchenor Park Itchenor Chichester	Without planning permission, change of use of land to the storage of boats, boat hulls, moulds, frames, boat trailers, wooden pallets, metal cages, boxes, magazines and packaging	29.07.19	EN WI/16 issued Appeal lodged – Written Representations 07.09.20 - Appeal is dismissed New compliance date 07.03.21
WW/16/00251/ CONCOU (Steven Pattie)	Land East of Brook House Pound Road West Wittering	Without planning permission the use of a wooden building for the purpose of human habitation	14.01.20	EN WW/49 issued Appeal lodged – Written representation

This page is intentionally left blank

Chichester District Council

Planning Committee

Wednesday 04 November 2020

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Between 22-Sep-2020 and 13-Oct-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
<u>20/01639/FUL</u> East Wittering And Bracklesham Parish Case Officer: Maria Tomlinson Written Representation	Land Adjacent To Neska Longlands Road East Wittering Chichester West Sussex PO20 8DD - Demolition of existing outbuilding and erection of 2-bedroom chalet bungalow.
<u>20/01418/FUL</u> Sidlesham Parish Case Officer: Calum Thomas Written Representation	Longreach 14A Chalk Lane Sidlesham PO20 7LW - Replacement B1/B8 unit.

2. DECISIONS MADE

Reference/Procedure	Proposal
<p>19/02922/DOM East Wittering And Bracklesham Parish</p> <p>Case Officer: Calum Thomas</p> <p>Householder Appeal</p>	<p>Cornerpiece 18 Coney Road East Wittering PO20 8DA - Proposed entrance porch and loft conversion including 2 no front dormers.</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>"... The appeal is dismissed..... The main issues in this appeal are the effects of the proposed development on the character and appearance of the existing dwelling and the locality, along with the effects on neighbouring property concerning outlook, privacy and sense of space... Cornerpiece is a bungalow situate on a prominent corner plot.... The character of the wider locality is influenced by the mix of dwelling designs and materials, including single storey, ... two storey.... of traditional and contemporary designs. Some of the original bungalows have been altered resulting in a variety of roof forms, including dormer windows and roof lights. Front dormers..... within the local area generally are of an appropriate scale for the roof and set down from the roof ridge. The dormer windows proposed... would be large structures set high on the roof slope, such that their roof ridge would appear close to the roof ridge of the building. This would give the building a top-heavy appearance. The front dormers would be placed symmetrically, but would not be subordinate to the main roof, and so would be contrary to the Council's Design Guidelines for Alterations to Dwellings & Extensions (Revised September 2009). The scale and siting of the dormer windows would detract from the overall proportions of the building resulting in an adverse impact on the street scene. Some of the features of the proposed development, such as the front porch and rear extension, would not appear out of place given the variety of dwelling styles in the immediate area. Nevertheless, I consider that the disproportionate size and prominence of the front dormers would result in a poor design for the scheme that would fail to take the opportunities available for improving the character and quality of the area. The proposal would, therefore, be at odds with the National Planning Policy Framework concerning design. ... The adjoining bungalow to the north of the appeal site, ... is set back further from Coney Road than the appeal bungalow. The juxtaposition.....would mean the proposed development would not have an unacceptable adverse effect on the neighbours' outlook.The proposed extension includes upstairs windows facing towards these neighbouring properties. the scheme proposes obscured glazing in the north and western elevations..... the window proposed in the southern elevation would provide oblique views of the adjoining rear garden that would be unlikely to result in an unacceptable standard of privacy for this residential area. Notwithstanding my favourable finding for the appellant concerning the likely effects on the living conditions of neighbours, the proposed design would harm the character and appearance of the existing dwelling and the locality. I consider that the proposed loft conversion would be new residential development for the purposes of applying Policy 33 of the Chichester Local Plan: Key Policies 2014-2029. The proposed development would be contrary to Policy 33 because it would not meet criteria 1 and 6, concerning design. This conflict would be sufficient to bring the proposal into conflict with the development plan as a whole. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed. "</p>	

Reference/Procedure	Proposal
<p data-bbox="196 230 427 297"><u>19/02781/OUT</u> Loxwood Parish</p> <p data-bbox="196 365 616 398">Case Officer: Jeremy Bushell</p> <p data-bbox="196 454 411 499">Public Inquiry</p>	<p data-bbox="639 230 1465 376">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).</p>
Appeal Decision: APPEAL WITHDRAWN	
Withdrawn	
<p data-bbox="196 674 483 741"><u>20/00541/DOM</u> Southbourne Parish</p> <p data-bbox="196 808 475 875">Case Officer: Maria Tomlinson</p> <p data-bbox="196 909 512 943">Householder Appeal</p>	<p data-bbox="639 674 1473 775">44 Bramley Gardens Southbourne PO10 8AN - Erection of fencing along side of garden to edge of drive to continue existing.</p>
Appeal Decision: APPEAL DISMISSED	
<p data-bbox="180 999 1487 1469">“The current layout, with the open element of the garden adjacent to the pavement at the front and side of the dwelling actively contributes to softening the character of the built environment. The installation of a close boarded fence around almost the entire perimeter of the site would introduce a harsh and visually harmful addition to the character of the area as it would fail to reflect the more open landscaping opposite the site and the within the surrounding gardens. This would be exacerbated by the length of the fence as it would wrap around the entire corner of the site and meet the exiting close boarded fence that runs the length of the rear garden close boarded fencing has been erected along the boundaries of other properties in the area. However, the fencing on those sites do not extend for the boundary and include elements of being set back from the pavement which creates a more considered relationship. I have found that the proposal would conflict with the development plan. There are no material considerations that would outweigh this conflict, and therefore I conclude that the appeal is dismissed.”</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>17/00356/CONMHC</u> Birdham Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>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.</p>
<p><u>17/00361/CONMHC</u> Birdham Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>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.</p>
<p><u>17/00362/CONMHC</u> Birdham Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>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.</p>
<p><u>19/00845/FUL</u> Birdham Parish</p> <p>Case Officer: Daniel Power</p> <p>Written Representation</p>	<p>Common Piece Main Road Birdham West Sussex - Use of land for the stationing of a static caravan.</p>
<p><u>19/01352/DOM</u> Bosham Parish</p> <p>Case Officer: Oliver Naish</p> <p>Householder Appeal</p>	<p>The Old Town Hall Bosham Lane Bosham PO18 8HY - Construction of an outdoor swimming pool.</p>

Reference/Procedure	Proposal
<p>* <u>20/00128/FUL</u> 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>* <u>19/03008/FUL</u> Chichester Parish</p> <p>Case Officer: Martin Mew</p> <p>Written Representation</p>	<p>23 Lavant Road Chichester PO19 5RA - Erection of 5 no. flats and parking, landscaping and associated works.</p>
<p><u>20/00188/FUL</u> Chichester Parish</p> <p>Case Officer: William Price</p> <p>Written Representation</p>	<p>L A Fish 110 The Hornet Chichester West Sussex PO19 7JR - Change of use of residential accommodation above fish & chip shop from 1 no. habitable flat to 3 no. habitable flats, including extended first floor area partially implemented approval CC/08/00137/FUL.</p>
<p><u>20/00609/DOM</u> 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><u>20/00610/LBC</u> 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>

Reference/Procedure	Proposal
<p><u>20/00967/FUL</u> 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>
<p><u>17/00011/CONBC</u> Funtington Parish</p> <p>Case Officer: Tara Lang</p> <p>Informal Hearing</p>	<p>Land South Of The Stables Newells Lane West Ashling West Sussex - Appeal against Enforcement Notice FU/71</p>
<p><u>18/00323/CONHI</u> Funtington Parish</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22</p>
<p>* <u>19/00445/FUL</u> Funtington Parish</p> <p>Case Officer: Martin Mew</p> <p>Written Representation</p>	<p>Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex - Relocation of 2 no. existing travelling show people plots plus provision of hard standing for the storage and maintenance of equipment and machinery, 6 no. new pitches for gypsies and travellers including retention of hard standing.</p>
<p><u>20/00878/FUL</u> Funtington Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>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.</p>

Reference/Procedure	Proposal
<p><u>19/01400/FUL</u> Loxwood Parish</p> <p>Case Officer: William Price</p> <p>Written Representation</p>	<p>Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS - Erection of a detached dwelling following demolition of free-standing garage.</p>
<p><u>19/00141/CONHH</u> Oving Parish</p> <p>Case Officer: Emma Kierans</p> <p>Written Representation</p>	<p>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.</p>
<p><u>20/00926/FUL</u> Plaistow And Ifold Parish</p> <p>Case Officer: Rebecca Perris</p> <p>Householder Appeal</p>	<p>Barton Farm The Forestry Road Plaistow RH14 0PA - Erection of replacement timber entrance gate.</p>
<p><u>20/00046/PA3Q</u> Sidlesham Parish</p> <p>Case Officer: William Price</p> <p>Written Representation</p>	<p>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).</p>
<p><u>19/01859/FUL</u> Southbourne Parish</p> <p>Case Officer: Calum Thomas</p> <p>Written Representation</p>	<p>Land Rear Of Mayfield Prinsted Lane Prinsted Southbourne PO10 8HS - 1 no. dwelling.</p>

Reference/Procedure	Proposal
<p><u>19/02691/FUL</u> Southbourne Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>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).</p>
<p><u>19/01532/FUL</u> Tangmere Parish</p> <p>Case Officer: William Price</p> <p>Written Representation</p>	<p>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</p>
<p>* <u>19/02365/FUL</u> Tangmere Parish</p> <p>Case Officer: Martin Mew</p> <p>Written Representation</p>	<p>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).</p>
<p><u>16/00251/CONBC</u> West Wittering Parish</p> <p>Case Officer: Steven Pattie</p> <p>Written Representation</p>	<p>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.</p>
<p>* <u>18/02708/DOM</u> West Wittering Parish</p> <p>Case Officer: Daniel Power</p> <p>Written Representation</p>	<p>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.</p>

Reference/Procedure	Proposal
<p>* <u>19/01622/FUL</u> West Wittering Parish</p> <p>Case Officer: Daniel Power</p> <p>Written Representation</p>	<p>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.</p>
<p><u>19/02136/FUL</u> West Wittering Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>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.</p>
<p><u>13/00163/CONWST</u> Westbourne Parish</p> <p>Case Officer: Shona Archer</p> <p>Public Inquiry 27/04/2021 TBC</p>	<p>The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against WE/40, WE/41 and WE/42</p>
<p><u>13/00163/CONWST</u> Westbourne Parish</p> <p>Case Officer: Shona Archer</p> <p>Public Inquiry 27/04/2021 TBC</p>	<p>The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against WE/40, WE/41 and WE/42</p>

Reference/Procedure	Proposal
<p><u>13/00163/CONWST</u> Westbourne Parish</p> <p>Case Officer: Shona Archer</p> <p>Public Inquiry 27/04/2021 TBC</p>	<p>The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against WE/40, WE/41 and WE/42</p>
<p><u>19/00117/CONMHC</u> Westbourne Parish</p> <p>Case Officer: Steven Pattie</p> <p>Informal Hearing</p>	<p>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.</p>
<p><u>20/00237/FUL</u> Westbourne Parish</p> <p>Case Officer: Calum Thomas</p> <p>Informal Hearing</p>	<p>Land North Of The Grange Woodmancote Lane Woodmancote Emsworth Hampshire - Erection of a polytunnel to house fish tanks for a hydroponic / aquaponic fish farm.</p>
<p><u>20/00366/FUL</u> Westbourne Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Woodmancote Meadow Woodmancote Lane Westbourne West Sussex PO10 8RF - Erection of a 1 no. 3 bedroom dwelling.</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land North West of Birdham Farm, Birdham Road	Of 4 Enforcement Notices	Injunction granted by the High Court on 10 August: by 31 December 2020 to cease using the land for residential purposes and to remove all caravans, fixtures and fitting and by 31 January 2021 to remove all hard standing, fences etc. and restore the land to its agricultural use. Not to bring any caravan/mobile home and not to carry out any development without permission of or application to the Council. Application lodged by some Defendants for permission to appeal the above. Waiting for supporting documents from their solicitor before replying with Council's objection.
High Court Hearings		
Site	Matter	Stage
23 Southgate, Chichester (The Vestry)	Challenge to issue of planning permission dated 9th December 2019	Virtual Hearing held on 15th September 2020. Judgement awaited.
Prosecutions		
Site	Breach	Stage
Land West of Newells Lane, West Ashling	Of Temporary Stop Notice	Court date obtained for 13 November at Brighton Magistrates' Court. Defendant served with summons and supporting evidence

7. POLICY MATTERS

This page is intentionally left blank

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 22/09/2020 and 13/10/2020

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

Reference/Procedure	Proposal
<u>SDNP/19/06009/LDP</u> Fernhurst Parish Council Parish Case Officer: Rebecca Perris Written Representation	Meadow Cottage Hawksfold Lane East Fernhurst GU27 3JW - Proposed lawful development for single storey rear extension. The application is made under the auspices of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1 (Class A.) to build one single-storey rear extension to the detached dwelling known as Meadow Cottage.
<u>SDNP/20/00500/FUL</u> Bury Parish Council Parish Case Officer: Jenna Shore Written Representation	The Barn Hale Hill West Burton West Sussex - Change of use of agricultural building and associated works to form 1 no. residential dwelling house.
<u>SDNP/20/02266/FUL</u> Fernhurst Parish Council Parish Case Officer: Charlotte Cranmer Written Representation	Fernhurst Place The Cylinders Fernhurst GU27 3EL - Demolition of existing dwelling and the erection of 4 dwelling houses and outhouses.

2. DECIDED

Reference/Procedure	Proposal
<p><u>SDNP/19/05107/FUL</u> Lynchmere Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>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.</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>“...The introduction of a residential use, with all of the domestic paraphernalia that goes with that, would interrupt the secluded and undeveloped appearance of the site and erode its rural character. ... semi-detached suburban bungalows, at odds with its rural setting. ... seen from surrounding land and in glimpsed views from the local footpath network. ... reducing the tranquility and sense of remoteness ... Visitors using the accommodation would reasonably expect to enjoy the surroundings, including the associated gardens, which would therefore need to have patios, outdoor seating and associated domestic equipment. ... perceived as permanent dwellings. ... graveled parking areas ... further add to the domestication of the site. ... appear suburban in nature and uncharacteristic of the vernacular buildings in this part of the National Park. ... the agricultural appearance and use of the existing buildings are compatible with the character of the area ... fail to conserve and enhance the landscape and natural beauty of the South Downs National Park. As a result of the harm to the landscape qualities of the National Park ... strategic approach to the location of new development is supported by paragraph 79 of the Framework which advises that planning policies and decisions should avoid the development of isolated homes in the countryside ... sustainable tourism, including visitor accommodation, subject to a number of criteria. ... isolated location outside any settlement boundary as defined in the Plan. ... erode its rural character and appearance ... adverse impact on the landscape qualities of the National Park ... isolated from facilities and services ... almost all trips to and from the site are likely to be by private motor car. ... The proposed development would not be associated with any established tourism use or wider farm diversification scheme. ... location of the site would not be suitable for holiday accommodation ... the amount of movements associated with two holiday lets would not in my view result in an unacceptable degree of disturbance to them. ... no harm would be caused to the living conditions of neighbouring occupants at Forest Mead or Stonefield ... harm would be caused to the landscape and natural beauty of the South Downs National Park and that the site would be an unsuitable location for the development because of conflict with the spatial strategy of the South Downs Local Plan and the lack of accessibility. This harm outweighs the limited benefit to the landscape from the removal of the existing buildings on the site. ...”</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p>* <u>SDNP/18/05093/LDE</u> Elsted and Treyford Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Informal Hearing</p>	<p>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.</p>
<p><u>SDNP/20/01745/PA16</u> West Dean Parish Council Parish</p> <p>Case Officer: Louise Kent</p> <p>Written Representation</p>	<p>Chilgrove Farm Old West Dean Road West Dean PO18 9HU - Erection of 17.5 metre telecoms mast and associated equipment compound</p>
<p><u>SDNP/19/04625/LIS</u> Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>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.</p>
<p><u>SDNP/20/01881/PA16</u> Stoughton Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Church Farm, Stoughton Dairy Wildham Lane Stoughton PO18 9JQ - Proposed mast, antennas and cabinets.</p> <p>Linked to <u>SDNP/20/00335/PA16</u></p>
<p><u>SDNP/20/00335/PA16</u> Stoughton Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Church Farm, Stoughton Dairy Wildham Lane Stoughton PO18 9JQ - Prior Notification for the erection of a 12.97m high mast with 3 antennas within a shroud, one 0.3m dish, to be painted Bitter Chocolate, together with equipment cabinets, satellite dish and ancillary apparatus.</p> <p>Linked to <u>SDNP/20/01881/PA16</u></p>

Reference/Procedure	Proposal
<p><u>SDNP/19/03168/LIS</u> Harting Parish Council Parish</p> <p>Case Officer: Piotr Kulik</p> <p>Written Representation</p>	<p>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.</p>
<p><u>SDNP/19/04624/FUL</u> Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>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.</p>
<p><u>SDNP/19/04507/FUL</u> Lavant Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>Roughmere Lavant Road Lavant PO18 0BG - Demolition of double garage and shed, and replacement with 1 no. chalet bungalow.</p>
<p><u>SDNP/19/01956/HOUS</u> East Dean Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Householder Appeal</p>	<p>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.</p>
<p><u>SDNP/19/05938/HOUS</u> Lurgashall Parish Council Parish</p> <p>Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>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.</p> <p>Linked to <u>SDNP/19/05939/LIS</u></p>

Reference/Procedure	Proposal
<p><u>SDNP/18/04604/FUL</u> Funtington Parish Council Parish</p> <p>Case Officer: Piotr Kulik</p> <p>Written Representation</p>	<p>The Coach House Southbrook Road West Ashling PO18 8DN - Replacement dwelling.</p>
<p><u>SDNP/19/05939/LIS</u> Lurgashall Parish Council Parish</p> <p>Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>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.</p> <p>Linked to <u>SDNP/19/05938/HOUS</u></p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS



Agenda Update Sheet

Planning Committee
Wednesday 4th November 2020

ITEM: 5

APPLICATION NO: CC/20/01914/FUL

Corrections to Committee Report

Page 11, Section 2.6, lines 2, 3 and 5 should read: 'east' / 'eastern'.

Page 11, Section 3.2, line 3 should read: *'The new Use Class E replaces Use Classes A1, A2, A3, B1(a), B1(b), B1(c) and parts of D1 & D2.'*

Page 11, Section 3.3, line 4 should read: 'unformalised'.

Amendment to legislation

During the course of the application new legislation (under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) came into force from 1st September 2020, which introduced Use Class E. The new Use Class E replaces Use Classes A1, A2, A3, B1(a), B1(b), B1(c) and parts of D1 & D2. By definition Class E means: *'being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell fumes, smoke, soot, ash, dust or grit.'*

However, the Council's Solicitor has advised that as this application was submitted prior to 1st September 2020, the description of development and any conditions imposed on the permission granted, should relate to the 'old' uses classes, in accordance with the transitional provisions in the 2020 Regulations. An informative outlining the above will be included with any subsequent permission.

Amended applicant details

The applicant is Chichester District Council (CDC).

1 Further objection (totalling 13)

- i. Concern regarding handling of application.
- ii. Residents' concerns are being ignored.
- iii. Lack of openness and transparency.
- iv. Lack of time to consider application and amended plans (eastern boundary).
- v. Inaccurate drawings.

- vi. Pre-app advice has been ignored.
- vii. Concern regarding future businesses occupying the site.
- viii. Lack of information supplied with application in relation to noise/odour.

Amended plan received

An amended 'Proposed Site Plan' (plan no. P0867-RHP-CS-XX-PL-A-1010-P8) has been received.

The amended plan details that approx. 70m (northern section) of the eastern boundary has been realigned 1.2m to the west; resulting in subsequent, minor alterations to the layout of the proposed car parking, cycle storage and landscaping.

The public footpath would now measure approx. 3m in width and would be the first stage of the 'Twitten' widening scheme, to accommodate a future cycle/pedestrian route. The CDC Estates Team have confirmed that as part of the redevelopment they will 'make good' with regards to the widened public footpath, to ensure the footpath has a consistent surface treatment for the envisaged length of the widened footpath as proposed. Subsequent work necessary to designate it as a formal footpath/cycleway will fall to WSCC. A condition is recommended to secure final details of the footpath specification (see below).

The applicant has confirmed that delivery of the land necessary to accommodate the southern section of the route will be included in proposals to be brought forward for the Portfield site (08/00554/OUT and 15/02075/EXT refers); including a strip at the southernmost area set aside for potential cemetery extension which may not be required.

Moving the northern most part of the link 1.2m into the site secures the first section of the widened route.

Further Consultee comments received

WSCC PROW

This route as well as being a PROW (Public Right Of Way) also has the higher status of being an E road numbered E3285/10005 so comments would be required from my Highways Colleagues and take precedence over our comments given the higher rights. I note that Highways have responded to the access from the site road onto Westhampnett Road but not about the E road. I would strongly advise you to contact the Highways team for comments regarding the E road.

I can confirm that from a PROW perspective if our Highways team confirm they are happy with what is proposed with the cycling use and width provided we are in principle supportive of the proposal.

WSCC Highways

WSCC as Highway Authority have no objections to the gifting of land by the applicant with a view to widening this route out.

The PROW would be widened to permit of potential future pedestrian/cycle connection. Cycling would only be permitted once a continuous route was possible and this may be dependent on the former football site coming forward. This would protect a potential route between Westhampnett Road and Church Road. These works could be delivered through the wider works WSCC are looking to do in the area.

Additional condition

No part of the development hereby permitted shall be first brought into use, until the widened footpath to the east of the site has been constructed, surfaced and drained in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority, in consultation with WSCC PROW and Highways.

Reason: To secure satisfactory standards of access for the proposed development and to encourage and promote sustainable transport.

Amendments to conditions relating to noise/deliveries

The applicant has advised that by imposing Condition 34 (hours of use), the operation of the industrial estate would be unduly restricted particularly as the occupiers of individual units have not yet been confirmed. It is also recognised that there are another 20 no. units on site and a 'one size fits all' approach, in this instance would hinder future operations.

The CDC Environmental Health Officer (EHO) is content to secure appropriate operational hours through the submission of a 'Noise Management Plan' (Condition 16) for the site. The EHO has recommended that Condition 16 is amended to ensure the approved scheme would robustly control how the whole site operated; along with measures to limit the impact of the activities associated with the site on the locality. Additionally, the EHO recommends that condition 35 is amended to preclude deliveries and HGV movements to or from the site between specified hours. Consequently, with these amendments as set out below it is considered that condition 34 can be deleted.

It is also noted that there are additional conditions in place to ensure residential amenity would not be unduly affected (e.g. Conditions: 3 (CEMP); 15 (extract systems); 16 (noise management plan) 27 (lighting); 35 (delivery hours); 37 (use restriction); 38 (sound amplifying equipment); and, 39 (noise attenuation)).

16) **No unit at the development hereby permitted shall be first occupied**, unless and until a Noise Mitigation and Management Scheme setting out details of measures to limit the impact of the activities associated with the unit/service yard on the locality, together with a programme of implementation; has been submitted to and approved in writing by the Local Planning Authority. The Noise Mitigation and Management Scheme shall detail practicable noise control measures to mitigate noise impacts emanating from the units/service yard at neighbouring receptors. Appropriate noise control measures shall include, but not necessarily be limited to: the operational and delivery hours for each unit; not letting vehicles idle; no overnight running of refrigerated/air conditioned commercial vehicles (and/or their fridge/air-conditioning units); on-site noises such as the use of radios; noise from unloading vehicles; keeping doors closed where appropriate; providing suitable smooth surfaces or matting for any cages/trolleys; training of staff; specifying the type of vehicles accessing the unit/service yard; only the use of broadband reversing alarms including fork lift trucks, details of site vehicle manoeuvres to demonstrate

minimum need to reverse etc. Once approved the Noise Mitigation and Management Scheme shall be carried out in full and shall be adhered to at all times including any ongoing requirements and for all subsequent operators of the site, unless any specific variation is first agreed in writing by the Local Planning Authority following submission of details in that behalf.

Reason: In order to preserve the character of the area and the amenity of both nearby residents and noise sensitive receptors within the development hereby permitted.

35) There shall be no deliveries (taken to or despatched from the site) or HGV movements outside of the hours of 07:00; and 19:00; Monday to Friday; and outside the hours of 08.00 and 13.00; on Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the neighbouring properties.

Deletion of existing condition

34) The premises shall not be used except between the hours of 07:00; and 19:00; Monday to Friday and between the hours of 08:00; and 13:00; on Saturday and at no time on Sunday, bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

Amendments to other conditions

The following proposed conditions are amended to accord and to ensure residential amenity is safeguarded. The amendments have been underlined for ease of reference, but this formatting would not appear on the final decision notice.

3) **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 vibration and 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,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during 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.

8) No development shall commence until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA). Unless the LPA dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's 'Land Contamination Risk Management' technical framework guidance (LCRM).

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

13) No development shall commence above ground level until an air quality assessment has been carried out to assess the impact of existing air pollution on the proposed development and also assess the impact of the proposed development on local air quality. As required, where identified in the assessment, a scheme for protecting the existing locale from the effects of air pollution nitrogen dioxide/airborne particulate matter (PM10 and PM2.5) arising from road traffic and/or other sources of air pollution shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the occupation of the buildings hereby approved and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the health of the occupiers of the proposed dwelling(s) in respect of atmospheric pollution.

15) **Prior to the installation of any extraction system** (to include but not restricted to, cooking or paint spraying), a detailed scheme shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the extraction system shall be designed, constructed and maintained so as to control noise and odour.

The scheme shall comprise plans, drawings, calculations and appropriate textual description of the components and their performance as a system. It shall include details of the canopy; air flow rates; primary grease filtration; secondary filtration; electrostatic precipitation; odour treatment technique be it ozone injection, carbon abatement or UV or any combination thereof; the characteristics of the exhaust point and the relationship of this to the building to which it is attached and other buildings in the locality; and how replacement air will be supplied. The scheme shall also include plans and a written schedule to detail the appearance, materials and finish of all external parts of the system. A proposed maintenance programme shall be included within the scheme. The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details and the system shall thereafter be retained, in accordance with the approved details.

Reason: To avoid adverse impacts from air pollution on health and quality of life and amenity.

27) **No part of the development hereby permitted shall not be first brought into use**, until details of any external lighting of the site have been submitted to, and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles, the timings of any lighting and the mechanism for turning on/off any external lighting). The lighting scheme shall set out how the design of the lighting shall not exceed thresholds from the Institution of Lighting Professional's for Environmental Zone E3 (suburban), 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20)'; and shall minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

28) **No part of the development hereby permitted shall be first brought into use** until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's 'Land Contamination Risk Management' technical framework guidance (LCRM).

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

37) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted

Development) Order 2015 (as amended), or any other statutory instrument amending, revoking and re-enacting such Orders, the buildings hereby permitted shall not be used for any purpose other than for purposes in Use Classes B1(b), B1(c) and B8.

Reason: To ensure the use of the site does not have a harmful environmental effect in the interests of amenity and protecting residential amenity.

39) Prior to the installation of any external mechanical plant and/or externally venting plant (including ventilation, refrigeration, air condition, air handling units), a scheme for the control of noise and vibration to be used in pursuance of this permission shall be submitted to and improved in writing by the Local Planning Authority. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant, machinery or equipment shall be implemented and thereafter maintained as approved.

Reason: In the interests of protecting residential amenity and the local area.

Additional Informatives

11) Any external mechanical plant shall be assessed in accordance of BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound". A rating level, as determined 1m from the façade of the most sensitive receptors, that is no more than the established, representative background sound level is an indication of a "low impact", dependent on context.

12) By virtue of Regulation 4 of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 this application, reference CC/20/01914/FUL, has been determined by reference to the schedule to the Use Classes Order 1987 as it existed on 31st August 2020.

ITEM: 6

APPLICATION NO: CC/19/03122/REM

Amendment to condition 1

Soft landscaping drawing numbers updated:

- **LIN22580 (Scheme B):** 18 D, 16 F (Sheet 1), 16 D (Sheets 2-7), 17 D (Sheets 1-7), 03 C

Amendment to condition 3

Soft landscaping drawing numbers updated:

- *Soft Landscape Proposals plans LIN22580: 16 Sheet 1 (Rev F) and Sheets 2 to 7 (Rev D)*

Correction to condition 5

Reference to Plot 231 is removed

ITEM: 7

APPLICATION NO: CC/20/02322/ADV

Deletion of Paragraph 7.3

Paragraph 7.3 is deleted as the presumption in favour of sustainable development set out at paragraph 11 of the NPPF is not relevant to the determination of applications made under the Advertisement Regulations.

Amendment to Condition 2

The condition is amended to clarify the point at which the advertisements should be removed and the land reinstated.

2 - The advertisements hereby permitted shall be removed and the land on which they are situated reinstated upon the completion of the sale of the final dwelling constructed pursuant to planning permission reference CC/14/0431/OUT or any subsequent permission for the same development granted under an application made pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended).

Reason: In the interests of amenity

ITEM: 8

APPLICATION NO: 20/02180/FUL

COMMENT:

Applicants/Agents additional supporting information

- With the granting of the CLEUD [Certificate of Lawful Existing Use or Development], it is recognised by all sides that the agricultural occupancy condition is technically unenforceable and has outlived any useful planning purpose.
- The CLEUD allows anyone to occupy Sussex Game Farm and therefore the condition is now irrelevant but can cause unnecessary complications and delays with conveyancing.
- Sussex Game Farm is a large dwelling located on an elevated site with extensive panoramic views to the south. It is currently valued at approaching £3 million and is clearly not within the financial reach of anyone employed or last employed in agriculture.
- The CLEUD is an overriding material consideration as it makes the condition no longer reasonable or enforceable. The condition therefore no longer accords with paragraph 55 of the NPPF which requires conditions to be “necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”
- We have provided evidence of other properties in the locality where the LPA and Inspectors on appeal have agreed that, irrespective of development plan policy, in these circumstances the removal of the condition is appropriate as the existence of the CLUED is an overriding consideration.

ITEM: 10

Interim Policy Statement for Housing

COMMENT:

Amendment to title of document

The documentation is for guidance and does not have the same status as policy. The title of document is therefore proposed to be amended to 'Interim Position Statement for Housing'. Any alternative reference throughout the agenda papers should be replaced by this wording, and the final document itself would be amended throughout, prior to publication.

This page is intentionally left blank