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A meeting of **Planning Committee** will be held Virtually on **Wednesday 5 May 2021** 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 R Plowman, Mr H Potter, Mr D Rodgers, Mrs S Sharp 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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**

The minutes relate to the meeting of the Planning Committee on 21 April 2021 (copy to follow).

3 **Urgent Items**

The Chair will announce any urgent items that due to special circumstances will be dealt with under agenda item 13 (b).

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

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

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

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

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 9 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

5 **TG/20/02726/FUL The Co-operative Food, Malcolm Road, Tangmere, Chichester (9.35 approximate start time)** (Pages 3 - 22)

Relocate existing entrance to store, new external coldrooms, new window to side of property, new mechanical plant, new canopies and covered walkway and re-lay out existing car park including additional bollards. Reconfigure timber fenced areas, (resubmisson of previously withdrawn application ref no. 19/02707/FUL).

6 **SB/21/00221/PLD Green Acre, Inlands Road, Nutbourne (10.20 approximate start time)** (Pages 23 - 29)

Proposed lawful development certificate for the use of land for agricultural purposes.

7 **LM/20/03360/FUL White Cottage, Copse Road, Hammer, Linchmere (11.05 approximate start time)** (Pages 31 - 43)

Conversion of dwelling into 2 no. dwellings with associated parking.

8 **CC/20/03166/REM Land West Of Centurion Way And West Of Old Broyle Road, Old Broyle Road, West Sussex (11.50 approximate start time)** (Pages 45 - 68)

All outstanding Reserved Matters for the erection of 84 dwellings with associated parking, landscaping, informal open space and associated work on Phase 6I, pursuant to permission 14/04301/OUT.

9 **CC/19/03191/REM Phase 2 Of The Westhampnett/North East Chichester SDL Land North East Of Graylingwell Park, Chichester (12.35 approximate start time)** (Pages 69 - 92)

Application for reserved matters (appearance, landscaping, layout and scale) for residential development comprising up to 200 no. dwellings, including an element of affordable housing, associated landscaping and open space, Lavant Valley Linear Greenspace, surface water attenuation and ancillary works and vehicular access from the area known as 'Phase 4 of the Graylingwell Park development permission CC/16/03791/OUT.

10 **Schedule of Contraventions** (Pages 93 - 124)

The Planning Committee is asked to consider the quarterly schedule which updates the position with regards to planning enforcement matters.

11 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters between 10 March 2021 and 13 April 2021** (Pages 125 - 137)

The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.

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

Matters between 10 March 2021 and 13 April 2021 (Pages 139 - 142)

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 **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

14 **Exclusion of the Press and Public**

There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972

2. The press and public may view the agenda papers on Chichester District Council's website at Chichester District Council - Minutes, agendas and reports unless these are exempt items.

3. This meeting will be audio 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 audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.

4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]

5. 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

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
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

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

Chichester District Council

Planning Committee

Wednesday 5 May 2021

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)
- Mr R E Plowman – Chichester City Council (CC)
- Mrs S M Sharp – 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

- Mr R E Plowman – Chichester Conservation Area Advisory Committee

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: Tangmere	Ward: North Mundham And Tangmere

TG/20/02726/FUL

Proposal	Relocate existing entrance to store, new external coldrooms, new window to side of property, new mechanical plant, new canopies and covered walkway and re-lay out existing car park including additional bollards. Reconfigure timber fenced areas, (resubmisson of previously withdrawn application ref no. 19/02707/FUL).		
Site	The Co-operative Food Malcolm Road Tangmere Chichester West Sussex PO20 2HS		
Map Ref	(E) 490414 (N) 106551		
Applicant	The Co-operative Group	**Agent**	Mr Christopher Jackson

RECOMMENDATION TO PERMIT

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

1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is within the Tangmere Settlement Boundary Area, at the intersection between Malcolm Road and Tangmere Road. The site comprises a two-storey property with retail use to the ground floor and a vacant first floor. East and south of the building is laid to hardstanding which serves as car parking for customers of the store and staff. The existing store entrance is situated to the southern elevation, with deliveries entering the store through a goods entrance located to the western elevation.

2.2 Residential properties are located in close proximity to the north and south of the site. Immediately west of the site is the Tangmere village centre. A number of trees subject to Tree Preservation Orders are located to the eastern boundary of the site. It is notable that the site borders the Tangmere Conservation Area, which encompasses Tangmere Road to the east.

3.0 The Proposal

3.1 The application proposes to re-configure the internal layout and extend the store to provide new external cold-rooms, and the application suggests that post office facilities will be provided. The additional cold-rooms would be provided through an extension and alterations to the existing fixed canopy area to the north-east of the main building. The store entrance would be re-located from the southern elevation to the eastern elevation and external alterations are proposed to facilitate this. Other external alterations include the creation of a fire escape to the western elevation.

3.2 The application also proposes to re-configure delivery arrangements to the unit. It is proposed that deliveries would arrive adjacent to the southern elevation of the building, before being moved along a new covered walkway adjacent to the western side of the building, and would enter the building via new deliveries only entrance, created to the north-western corner of the building.

3.3 The application proposes to extend the existing plant area to the western elevation to allow for the accommodation of new plant and the renewal of existing plant. Additional air condition units will be situated to the western elevation.

3.4 The application also proposes to re-configure the car parking area from the current arrangement comprising 28 spaces (24 space + 2 disabled spaces + 2 parent and child spaces) to a revised layout comprising 32 spaces (27 spaces + 2 disabled + 2 parent and child spaces). While there will be an addition of 3 spaces, 6 spaces are proposed to be allocated to staff parking. A dedicated loading bay for deliveries to the store would be provided adjacent to the southern elevation of the building.

4.0 History

02/02782/FUL	PER	Addition of timber cladding to elevations of public house.
76/00015/TG	PER	O/L Public House with car park.
78/00033/TG	DISMIS	2 no. houses, 3 bungalows, garages and access road.
79/00041/TG	PER	New Public House.
79/00044/TG		O/L 9 x 2 bedroom dwellings and garages.
80/00004/TG	PER	Extension to beer and spirits store on existing plans.
80/00042/TG	PER	Erection of Public House and car park.
81/00016/TG	PER	Single garage.
81/00036/TG	PER	1 ton calor gas storage tank and enclosure.
81/00040/TG	PER	2 pole signs (adv).
92/00038/TG	PER	One illuminated sign (adv).
92/00044/TG	WDN	One projecting sign, one fascia sign and two signs on fixed posts in ground (all illuminated) (adv).
92/00050/TG	PER	Two ground mounted static floodlights 70 watts each.
94/01914/ADV	PER	1 no. set of applied letters.
02/03453/ADV	PER	Various signs.
05/02949/FUL	REF	1 no. dwelling and garage.
08/00046/FUL	REF	Erection of wooden pergola structure for use as a smoking shelter. Form doorway from rear of bar.
08/02062/FUL	PER	Insertion of new doorway from bar area to external play area within public house garden.

12/01334/FUL	PER	Proposed minor extensions, introduction of new shop fronts, an external plant compound to house refrigeration plant and various minor exterior alterations to building, including installation of an ATM machine.
12/03418/ADV	PER	2 no. illuminated fascias, 2 no. wall mounted signs non illuminated, 3 no. post signs non illuminated, 1 no. hanging sign non illuminated. Illumination during opening hours only.
13/00774/FUL	PER	Alteration to existing vehicular access to include alteration to pavement and verge layout.
16/04038/FUL	PER	Change of use of upper floors from vacant (A4) to 3 no. residential apartments (C3) including installation of external stair, bin and cycle store and car parking spaces.
19/02707/FUL	WDN	Relocate existing entrance to store, new external coldrooms, new window to side of property, new mechanical plant, new canopies and covered walkway, re-layout of existing car park including additional bollards. Reconfigure timber fenced areas.
20/00220/PRESS	PRE	Relocate existing entrance, new external coldrooms, new window, new mechanical plant, new canopies, covered walkway and re-layout of carpark.
20/02146/ADV	PER	Installation of 1 no. non-illuminated hanging sign, 2 no. internally illuminated wall mounted signs and 13 no. non-illuminated wall mounted signs.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Tangmere Parish Council objects to this application as re-submitted because it still has not adequately addressed the negative impact on the neighbouring residential property - in terms of noise and light. Councillors found that the Design & Access Statement still did not explain the purpose or the benefit of the proposal.

6.2 WSCC Local Highways Authority

Further comments following receipt of vehicle tracking plan 3521.09A received 10 March 2021

The latest plan (3521.09a) does seem to better represent the access geometry on the ground. The plan now shows a rigid body delivery vehicle accessing the site, manoeuvring into the loading bay and leaving in the forward gear.

Paragraph 4.03 of the Delivery Management Plan states that “Direct deliveries to Cooperative stores comprise of bread deliveries which are by smaller rigid vehicles up to 17t and milk deliveries by an articulated vehicle”

Plan 3521.03 already shows how an articulated vehicle can accessing the site, manoeuvring into the loading bay and leaving in the forward gear albeit with a narrower access geometry demonstrated on that particular plan.

In conclusion it would be considered that the internal car parking amendments proposed do not materially impact upon delivery and service of the site.

The Local Highways Authority does not consider that the proposal would not have and 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.

Further comments (condensed) received 19 February 2021 following receipt of tracking plan 3521.09:

West Sussex County Council was consulted previously on Highway Matters for this application and provided comments dated 17/11/2020. No highways concerns were raised though a retrospective request was made that swept path tracking plans be provided to demonstrate delivery arrangements are workable within the revised parking arrangements.

A similar scheme under planning application 19/02707/FUL was made to which no highways objections were raised. The application was later withdrawn.

The current application seeks various amendments to the Co-operative Food Store, Malcolm Road, Tangmere, Chichester. The amendments include the relocation of the existing entrance to the store, new external coldrooms, new window to side of property, new mechanical plant, new canopies and covered walkway, re-layout of existing car park including additional bollards and reconfigured timber fenced areas.

No highways concerns would be raised to the various internal store amendments.
The existing car park provides 28 spaces (24 Spaces, +2 Disabled, +2 Parent & Child). The proposed new car park layout will provide 31 spaces, (27 Spaces, +2 Disabled, +2 Parent & Child). While there will be an addition of 3 spaces, 6 spaces are proposed to be allocated to staff parking. Without knowing the floorspace of the store the Local Highways Authority are not in a position to provide any more comments on parking demand. Nevertheless, more parking is being provided so there is not likely to be any material implications towards on street car parking.

In terms of layout the spaces would be considered accessible, though the proposed 'island' spaces may require the use of a multi-point manoeuvre to access and egress. The on site delivery unloading bay is to be relocated and formally laid out. Swept path tracking plans (3521.09) demonstrate how an articulated delivery vehicle can access the site, manoeuvre to park in the loading bay and exit the site in the forward gear. I note the existing arrangements (as demonstrated under 13/00774/FUL) require the delivery vehicle to overrun formally laid out parking spaces. As such the proposed arrangements seem to be a betterment over the existing situation.

The Local Highway Authority does not consider that the proposal would have and 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.

<u>Original comments (condensed) received 17th November 2021:</u>

This application seeks various amendments to the Co-operative Food Store, Malcolm Road, Tangmere, Chichester. The amendments include the relocation of the existing entrance to the store, new external coldrooms, new window to side of property, new mechanical plant, new canopies and covered walkway, re-layout of existing car park including additional bollards and reconfigured timber fenced areas.

West Sussex County Council was consulted previously on Highway Matters for a similar scheme under planning application 19/02707/FUL to which no highways objections were raised. The application was later withdrawn.

No highways concerns would be raised to the various internal store amendments.

The existing car park provides 28 spaces (24 Spaces, +2 Disabled, +2 Parent & Child). The proposed new car park layout will provide 31 spaces, (27 Spaces, +2 Disabled, +2 Parent & Child). While there will be an addition of 3 spaces, 6 spaces are proposed to be allocated to staff parking. Without knowing the floorspace of the store the Local Highways Authority are not in a position to provide any more comments on parking demand. Nevertheless, more parking is being provided so there is not likely to be any material implications towards on street car parking.

In terms of layout the spaces would be considered accessible, though the proposed 'island' spaces may require the use of a multi-point manoeuvre to access and egress.

The Local Highway Authority does not consider that the proposal would have and 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.

6.3 CDC Conservation and Design

Thankyou for consulting Conservation and Design on the application related to the above property. I have reviewed the submitted documentation and am familiar with the site.

The proposals in the context of a commercial building of this sort of scale are relatively minor. The property is surrounded by post war and more recent housing which is characteristic of the immediate surroundings. A very narrow strip of the Tangmere Conservation Area passes in front of the site. This piece of the conservation area contains no historic buildings or any real indicated of historic character. Not all parts of conservation areas are considered equal in terms of historic merit. In any event, due to the minor nature of the proposals there is no harmful effect on either the streetscene or the Tangmere Conservation Area. The proposals should not be refused on either design or conservation grounds.

6.4 CDC Economic Development Service

The Economic Development Service supports this application.

The relocation of both the customer and service entrance will improve safety and customer experience, while updating the retail and services available to the community of Tangmere.

6.5 CDC Environmental Protection - Noise

Further comments (2 February 2021) following receipt of Delivery Management Plan (3521.08a) and luminaire list and luminaire layout plan

I have had the opportunity to review the attached documents and the emails below. It is evident that the information, provided to date, would not suffice to fully discharge the conditions that were recommended by our department, 2nd December 2020.

However, our department would still be accepting of the principle of specifying the aforementioned conditions to any permission that may be granted. It is considered the conditions shall provide adequate safeguards to neighbouring amenity.

The attached delivery Plan (3521.08a) would not be adequate on its own to satisfy the Noise Management Condition. The points that you bullet point in your email below, 13th Jan 2021, would also have to be included. The design of the walkway structure is adequate from a noise control perspective. Our department would ask that the mass of the structure is increased from the proposed 7kg/m2 to 10kg/m2. It is considered this would achieve the noise attenuation used in the predictions in the initial noise assessment.

With regard to lighting provision, it is stated that new lights shall only be positioned to the underside of the walkway. If this is confirmed to be the case, there should be minimal light breakout and spill as the walkway is completely solid to one side. In order to satisfy the recommended condition the applicant will have to provide an assessment of the light impact at neighbouring receptors to demonstrate it is compliant to the Institution of Lighting Professionals Guidance criteria, as specified.

Further comments (13 January 2021)

It is acknowledged, by our department, that a rating level of 8dB above background is predicted, at the most sensitive residential window, for the one hour reference period during a delivery and in accordance with BS4142:2014. In order to avoid an adverse noise impact, at the sensitive receptors, it is evident that a robust delivery noise management plan shall have to be agreed and implemented. Due to the predicted noise level, above background, it would be prudent to formally agree the delivery noise management plan prior to approval as the measures agreed will material impact the likelihood of avoiding a significant adverse noise impact. Due to the lack of current information provided with regard to lighting, again a lighting scheme should be approved prior to permission being granted or prior to development.

Original comments (2 December 2020)

Our department has no objection, in principle, to the proposals. However, it is considered necessary to stipulate that conditions are a requirement of any planning permission that may be granted. This is considered necessary to safeguard the amenity of the locale.

Consideration has been given to Noise Solution Ltds Plant Noise Impact Assessment (Ref: 88753, Revised January 2020) and Delivery Noise Impact Assessment (Ref: 88753, Revised 29th September 2020), herein referred to as the plant noise report and delivery noise report. A visit was made to the application site, 30th November 2020, to further inform these comments.

For both the plant noise report and the delivery noise report the survey methodology, assessment criteria and findings are accepted. The background sound levels that are used for assessment are deemed representative and the character ratings and assumptions made are considered reasonable considering the context of the application site.

Plant Noise:

The mechanical plant to be installed shall have to be in accordance with the plant location plan Appendix D and the plant specification Appendix E of Noise Solution Ltds Plant Noise Impact Assessment (Ref: 88753, Revised January 2020). Prior to operation, the Local Planning Authority shall have to be notified in writing of any changes to the location and specification of plant to be installed. The noise impact, as a result of any changes to plant, shall be reassessed and submitted in writing to the Local Planning Authority for approval prior to operation of any plant.

It shall also be a condition that the air conditioning units only operate when the store is open, namely 07.00 to 22.00 Monday to Saturday and 07.00 to 21.00 Sunday, as specified in the plant noise report. It is anticipated the operation of the air conditioning units will be controlled by a timer.

Delivery Noise:

The delivery noise report stipulates in Section 2 that deliveries shall be made by vehicles no bigger than 12m rigid lorries and that there will be no overlap of deliveries. Proposed delivery hours are:

Monday, Wednesday, Thursday, Saturday, one delivery between 11.00 and 18.00.

Monday to Saturday, one delivery between 08.00 and 12.00.

It is considered the above restrictions shall be made conditions.

It is recognised that smaller deliveries will be made via third party suppliers (bread, sandwiches, newspapers, etc). It is considered smaller deliveries shall be restricted to 07.00 to 19.00 Mon-Sun.

It is noted that even with the introduction of a proposed walkway screen along the trolley walkway, that there is a predicted noise level of 8dB above background at the nearest window at Duxford Court during a one hour delivery slot. It is considered however, that the implementation of a robust noise management plan shall mitigate noise disturbance to an acceptable level. The following condition is therefore considered necessary:

Prior to first operation, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA). The approved Plan shall be maintained thereafter. Alterations to the Plan will require formal written approval from the LPA.

Informative: Any noise management plan submitted for approval will include the mitigation measures specified in Sections 6.20 and 6.21 Noise Solution Ltds Delivery Noise Impact Assessment (Ref: 88753, Revised 29th September 2020). In addition the building specification, design and predicted noise attenuation properties of the walkway screen along the trolley walkway shall be included. It is noted in the proposed plan (Drg no. 3521.11C. Oct 19, revised 10.10.20) that the covered walkway shall be finished in tarmac. It would be expected that the maintenance of the smooth tarmac surface would be a measure detailed in the noise management plan.

It is considered that the above recommended noise conditions should avoid significant adverse noise impacts at the nearest residential receptors and mitigate any noise disturbance to a practicable minimum. This is in line with the requirements of the National Planning Policy Framework (2019) and the guidance contained with in the Planning Noise Advice Document for Sussex (2015).

<u>Lighting:</u>

Of note, there are no details of any amendments to the lighting provision at site. If the lighting is to be altered in any way it would be required that a light impact assessment is conducted and submitted as part of the application. Alternatively the following condition would be necessary:

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 shall not exceed thresholds from the Institution of Lighting Professionals for Environmental Zone E3 (suburban), Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20); and shall minimise potential impacts 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.

6.6 Third party objection comments

1 no. third party representations of objection has been received concerning the following matters:

a) lack of communication regarding proposals from The Co-operative
b) measures discussed and agreed as part of pre-application discussions have not been followed through to the revised application
c) location of waste/rubbish area in close proximity to neighbouring bedrooms and concerns around timing of movements
d) noise from plant and deliveries
e) unacceptable light pollution
f) unacceptable general intrusion

2.25 Applicant/Agent's Supporting Information

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

a) Design and Access Statement
b) Delivery Management Plan
c) Noise Impact Assessment
d) Plant Noise Assessment
e) Delivery Plan
f) Luminaire list and luminaire layout plan

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 Tangmere Neighbourhood Plan was made on the 19th July 2016 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 3: The Economy and Employment Provision
Policy 6: Neighbourhood Development Plans
Policy 8: Transport and Accessibility
Policy 18: Tangmere Strategic Development Location
Policy 19: Tangmere Strategic Employment Land
Policy 29: Settlement Hubs and Village Centres
Policy 39: Transport, Accessibility and Parking
Policy 47: Heritage

Tangmere Neighbourhood Plan

Policy 1: A spatial plan for the Parish
Policy 3: Employment Uses
Policy 10: Design

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 paragraphs and sections: Section 4 (Decision-making), 6 (Building a strong, competitive economy), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment) .The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Tangmere Conservation Area Character Appraisal

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:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- 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 Tangmere Conservation Area
iv. Impact upon highways safety and parking
vi. Impact upon the amenity of neighbouring properties

i) Principle of development

8.2 The overarching strategy within the Chichester Local Plan (CLP) is to secure sustainable development by directing new development to existing built up areas and creating sustainable communities. The application site comprises an important retail use within the centre of Tangmere Village, which is designated as a Service Village within Policy 2 of the CLP. The provision of services and facilities is important to the function of Service Villages, and therefore in principle extensions and alterations to the existing retail premises in this location would be acceptable.

8.3 The application site is situated within a sustainable location and therefore it is considered that the principle of upgrading and extending the existing retail unit is acceptable subject to an assessment of material planning considerations.

ii) Design and impact upon the character of the surrounding area

8.4 The NPPF requires new development to be of a high standard of design, and Policy 10 of the Tangmere Neighbourhood Plan requires that design reflects the local character of the village in its scale, density, massing, height, landscape design, layout and materials.

8.5 The proposed external alterations to the building are minor in nature. The additions and amendments to fenestration would have minimal impact upon the appearance of the building. The extension of the existing lightweight canopy to the north-eastern corner would project beyond the eastward range of the main building; however given the existing canopy to this elevation and the existing compound area formed from 2 metre closeboard fencing, it is not considered that this element of the scheme would be harmful. The proposed covered walkway would have limited impact on the street scene due to the setback from the southern elevation of the building and positioning behind existing closeboard fencing. The presence of mature and substantial trees to the western boundary prevents any significant views of the site from the west.

8.6 It is therefore considered that the proposal constitutes an acceptable standard of design that respects and responds to its context and therefore the proposal accords with national and local policies in this respect.

iii) Impact upon Tangmere Conservation Area

8.7 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the Local Authority give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policy 47 of the Chichester Local Plan states that permission will only be granted where it can be demonstrated that the proposal conserves or enhances the special interest and settings of the designated heritage assets.

8.8 A narrow strip of the Tangmere Conservation Area passes to the east of the site, encompassing Tangmere Road. The part of the Conservation Area for which the site could be considered to form the setting, contains no historic building or any buildings of special architectural interest. In considering the characteristics of this part of the Conservation Area and the minor nature of the proposed alterations, it is judged that the proposal would not have a detrimental impact upon the character and appearance of the Tangmere Conservation Area. It is notable that the CDC Principal Design and Conservation Officer has advised that the proposal should not be resisted on either design or conservation grounds. The proposal would therefore be acceptable in this regard.

iv) Impact upon Highway safety and parking

8.9 The application proposes the reconfiguration of the existing parking arrangements at the site to provide an additional 3 no. parking bays and an allocated loading bay adjacent to the southern elevation of the building. WSCC Highways have confirmed that the layout of the spaces would be considered to be acceptable. The internal alterations and extension of the store are not likely to result in intensification in the use of the site. Due to the provision of additional parking on site, there is not likely to be any material implications towards on street parking.

8.10 WSCC Highways in their capacity as Local Highways Authority have confirmed that 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 the proposal is not contrary to the National Planning Policy Framework (paragraph109), and that there are no transport grounds to resist the proposal.

v) Impact upon the amenity of neighbouring properties

8.11 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.

8.12 Noise sensitive receptors are located in close proximity to the site; namely neighbouring residential properties at Duxford Close situated immediately north of the site and residential properties to the southern side of Malcolm Road. The application site is separated from the neighbouring residential property to the north by means of a closeboard fence and mature vegetation. It is understood from the site history and the third party representation received that the current delivery arrangements and plant provision result in disturbance to the neighbouring residential property and therefore the application provides an opportunity to remedy this situation. Officers consider that there are two main sources of noise arising from the proposal; plant noise and delivery/operational noise.

8.13 The developer has submitted a Plant Noise Assessment which concludes that the noise impact upon neighbouring residential properties will be below the levels where a "low impact" would be expected. This document has been reviewed by the Council's Senior Environmental Protection officer who accepts the survey methodology, assessment criteria and findings of the report, and that unacceptable disturbance to neighbouring properties from the proposed plant is not anticipated. Conditions are recommended to ensure that the plant installed matches the specification and locations detailed within the document, whilst conditions are also recommended to ensure that the air conditioning units are only operated during store opening hours, controlled via automatic timer.

8.14 The developer has also submitted a Delivery Noise Impact Assessment for consideration. This document details that deliveries will be made by rigid lorries no greater than 12 metres in length aside from milk deliveries which will be made via articulated lorry. Deliveries will take no longer than one hour to complete and will not overlap. The proposed delivery times are as follows:

- Delivery of ambient goods: Deliveries limited to one delivery each day on Monday, Wednesday Thursday and Saturday and deliveries limited to11am-6pm inclusive.

- Delivery of chilled/frozen: Deliveries limited to one delivery per day Monday-Saturday between 8am-12 noon.

8.15 Planning conditions are recommended to ensure that this takes place in accordance with these details, along with restriction of deliveries by smaller suppliers to between 06.00 and 19.00 Monday to Sunday.

8.16 Deliveries will be unloaded at the loading bay before being taken along a partially enclosed tarmac walkway running adjacent to the western elevation of the building before entering the building in the north-west corner of the site.

8.17 Mitigation measures are proposed to ensure disturbance from deliveries is minimised however even with the mitigation measures proposed there is a predicted noise level of 8dB above background at the nearest window at Duxford Court during a one hour delivery slot. It is therefore considered a robust Noise Management Plan will be required to further mitigate noise disturbance. Conditions are recommended to ensure that this takes place prior to commencement of works and measures recommended include the following:

- inclusion of the mitigation measures specified in Sections 6.20 and 6.21 Noise Solution Ltds Delivery Noise Impact Assessment (Ref: 88753, Revised 29th September 2020).
- building specification, design and predicted noise attenuation properties of the walkway screen along the trolley walkway
- full manufacturer's details of a "low impact" surface for the trolley walkway
- soft/slow shut doors
- confirmation that storage/unloading/movement of trolleys following delivery can be undertaken within the building. Where this cannot take place a robust plan shall be put in place to reduce external trolley movements to the minimum operationally required, with a cut off time specified for the external movement of trolleys

8.18 The developer has confirmed (in an email dated 26th January 2021) that the trolleys will be worked inside the store and empty ones then left outside under the canopy, to be collected during the next delivery. Additionally "door closers" are also proposed. These details are not however considered sufficiently robust to prevent the need for a Noise Management Plan condition and a condition is still recommended by officers.

8.19 The application also proposes the installation of lighting to the underside of the covered walkway. Delivery Plan drawing 3521.08a advises that the lighting will be motion activated. Should lighting only be situated to the underside of the walkway, it is anticipated that there is minimal scope for light breakout. However, a condition is recommended to ensure that an assessment is provided prior to the commencement of development to ensure that light impact at neighbouring properties complies with the Institution of Lighting Professionals Guidance criteria and would therefore be deemed to have an acceptable impact upon the amenity of neighbouring properties.

8.20 Subject to measures to be secured by the recommended conditions, Officers consider that proposal would not result in adverse impacts resulting from light pollution or noise pollution upon neighbouring residential properties. Accordingly, it is considered that the proposal would comply with paragraph 127 of the NPPF.

<u>Conclusion</u>

8.21 Based on the above it is considered that the proposal would allow an existing business to expand its offering to local residents, whilst suitably managing the potential for adverse impacts upon the amenity of neighbouring properties. . The proposal therefore complies with the NPPF, development plan policies 1, 2, 3, 6, 8, 18, 19, 29, 39 and 47 of the Chichester Local Plan and policies 1, 3 and 10 of the Tangmere Neighbourhood Plan. There are no material considerations that indicate that the application should not be determined in accordance with the development plan and therefore the application is recommended for approval.

Human Rights

8.22 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 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) Notwithstanding any details submitted, no works/development shall commence unless or 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 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 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: In the interests of the amenity of neighbouring residential properties that might otherwise experience light pollution

4) Notwithstanding any details submitted, no works/development shall commence unless or until, a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority (LPA). The approved Noise Management Plan shall thereafter be fully implemented prior to first use of the development hereby permitted, and at no time shall the retail premises be operated other than in accordance with the approved Noise Management Plan.

Reason: In the interests of the amenity of neighbouring properties.

5) Prior to first use of the development hereby permitted, the mechanical plant hereby approved shall be installed in strict accordance with the plant location plan Appendix D and the plant specification Appendix E of Noise Solution Ltd's Plant Noise Impact Assessment (Ref: 88753, Revised January 2020). Thereafter the plant shall be maintained as approved in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Any application to change the location and specification of plant to be installed shall include a noise impact assessment.

   Reason: In the interests of the amenity of neighbouring properties

6) Notwithstanding the information submitted, prior to first operation of the AC plant hereby permitted, the plant shall be permanently fitted with a timer to ensure the plant is not operational outside the associated store opening hours. Thereafter the AC plant shall not be operated at any time outside of the associated store opening hours and the timer shall be maintained in full working order as approved in perpetuity.

   Reason: To reduce night-time noise levels in the interests of protect the amenity of nearby properties.

7) Notwithstanding any details submitted the external materials to be used shall match, as closely as possible, in type, colour, and texture those of the existing building unless otherwise agreed in writing by the local planning authority.

   Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

8) Notwithstanding any indication on the approved plans or documents, the refuse collection shall take place only between the following hours:

   07.00-19.00 Monday to Friday
   10.00-16.00 Sunday

   Reason: To safeguard the amenities of neighbouring properties

9) Notwithstanding any indication on the approved plans and documents, deliveries to the store shall be undertaken in accordance with section 4 of the submitted Delivery Management Plan produced by Wellsfield Associates. Specifically, the following measures shall be strictly adhered to in perpetuity:

i. With the exception of milk deliveries, deliveries shall only be undertaken by rigid frame vehicles no greater than 12 metres in length.
ii. Deliveries shall not take longer than 1 hour to complete,
iii. There shall be no more than one delivery undertaken at a time,
iv. Delivery times for resupply by the parent chain of the business operating from the premises shall be limited to the following:

- Delivery of ambient goods: Deliveries limited to one delivery each day on Monday, Wednesday, Thursday and Saturday and deliveries limited to 1100 to1800 inclusive, and at no other times or days.

- Delivery of chilled/frozen: Deliveries limited to one delivery per day Monday-Saturday between 0800-1200, and at no other times or days.

v. deliveries made via third party suppliers (such as bread, sandwiches, newspapers and greencore) shall not be carried out other than between the hours of 0600 and 1900 Monday to Saturday, and at no other times or days, with the exception of newspaper deliveries on a Sunday

Reason: In the interests of protecting the amenity of neighbouring properties

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 - Proposed Floor Plan	3521.11	C	23.10.2020	Approved
PLAN - Existing and Proposed Elevations	3521.12	B	23.10.2020	Approved
PLAN - Location and Block Plans, Existing and Proposed Site Plans	3521.13	C	23.10.2020	Approved
PLANS - Plans PLAN -	3521.08	A	26.01.2021	Approved
PLAN	3521.09	A	09.03.2021	Approved

INFORMATIVES

1) Provision shall be made within the Noise Agreement Plan for the incorporation of the following measures:

-inclusion of the mitigation measures specified in Sections 6.20 and 6.21 Noise Solution Ltds Delivery Noise Impact Assessment (Ref: 88753, Revised 29th September 2020).

-building specification, design and predicted noise attenuation properties of the walkway screen along the trolley walkway. The mass of the walkway structure should be designed to achieve a mass of no less than 10kg/m2.

-inclusion of soft/slow shut doors to the delivery entrance

-full manufacturer's details of a low impact/ smooth tarmac surface for the trolley walkway

- full details for the management of the ongoing management and maintenance of the low impact/smooth tarmac surface

-confirmation that storage/unloading/movement of trolleys following delivery can be undertaken within the building. Where this cannot take place a robust plan shall be put in place to reduce external trolley movements to the minimum operationally required, with a cut off time specified for the external movement of trolleys.

Consideration shall be given to other measures and controls that would reduce noise generation during deliveries to the site.

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=QINVZ1ERHS300

Parish: Southbourne	Ward: Southbourne

SB/21/00221/PLD

Proposal	Proposed lawful development certificate for the use of land for agricultural purposes.		
Site	Green Acre Inlands Road Nutbourne West Sussex		
Map Ref	(E) 477474 (N) 105671		
Applicant	Seaward Properties Ltd	**Agent**	Mr Peter Cleveland

RECOMMENDATION TO PERMIT

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1.0 Reason for Committee Referral

1.1 Red Card: Cllr Brown. Important information/opinion to raise in debate (This site was (and still is) designated for gypsy / traveller accommodation. There is a serious shortfall of such sites in the area.)

2.0 The Site and Surroundings

2.1 The application falls within the Prinsted and Southbourne settlement boundary area; situated between Priors Orchard and dwellings fronting Inlands Road. It is served by a narrow access onto Inlands Road and Priors Orchard, however, this falls outside of the application site.

2.2 The site is surrounded by residential development. The site is bounded by 1.8m close board fencing with trees to the outside, including a mature tree by the southern boundary and various species of mature trees along the eastern boundary. The western and northern boundary includes mature hedgerows. The site is laid to gravel.

2.3 The site has a lawful use as a gypsy/traveller site comprising 5 no. pitches established under application reference 14/01678/FUL. Each pitch is served by a mobile home, with 1 no. mobile home located close to the northern boundary and 2 no. mobile homes to the western and eastern boundaries facing into the site. A stable/barn building is positioned to the southern end of the site. A single-storey utility building is located at the north-eastern end of the site.

3.0 The Proposal

3.1 The grant of a lawful development certificate under S192 of the Town and Country Act 1990 as amended by Section 10 of the Planning and Compensation Act 1991 is sought for the proposed use of the site for agricultural purposes.

3.2 The covering letter advises that the use would comprise *'the grazing and keeping of livestock. No physical structures are proposed or required, nor any demolition necessary as the existing caravans on site are temporary, moveable structures.'*

3.3 The planning agent has advised via email correspondence with the case officer (dated 16th March 2021) that the proposed agricultural use would *'likely be for the keeping of chickens. This was a former use of the site, accordingly it can revert to this use without any works to remove hardstanding etc.'* It is further advised in an email to the case officer (dated 1st April 2021) that should a certificate be granted, it is likely that a Farm Business Tenancy will be sought and an appropriate Holding Number for livestock created.

4.0 History

02/00808/COU	PER	Change of use from redundant chicken shed to stables and tack room.
04/00934/DOM	PER	Dropped kerb.
10/01463/PE	REC	Proposed restoration/alteration of two existing buildings for the purpose of single residential

		property and garage/workshop with storage.
13/03608/FUL	PER106	Proposed change of use of land to three pitch site comprising the stationing of three mobile homes for settled gypsy accommodation and the construction of three associated utility buildings.
14/01678/FUL	PER106	Full application for demolition of existing stable / store and proposed change of use of land to provide two additional mobile homes pitches and one additional utility building for settled gypsy accommodation (total 5 pitch site) revised application further to permission granted under SB/13/03608/FUL for proposed change of use of land to three pitch site comprising the stationing of three mobile homes for settled gypsy accommodation and the construction of three associated utility buildings.
14/02644/FUL	REF	Site warden accommodation in relation to permissions for settled gypsy accommodation (total 5 pitch site).
15/01780/DOM	APPRET	Replace rear garage with conservatory.
19/00474/FUL	REF	Temporary change of use of land to site compound and associated amendments to construction management plan.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

The loss of a gypsy and traveller site is not acceptable and they are protected in the emerging Local Plan. In addition, 94 pitches are required in the next five years and 150 in the next 15 years.

6.2 Third party objection comments

3 no. third party representations of objection have been received concerning the following matters:

a) Plan A4 S101 is inaccurate as it shows road access from Priors Orchard. The only official access is via Inlands Road.
b) Concerns regarding the possibility of the applicant applying to build houses on the site in the future. This would result in foul sewerage concerns.
c) Developer of Priors Orchard ignored restrictions on Inlands Road being used to supply the development

6.3 Third party support comments

1 no. third party representations of support have been received concerning the following matters:

a) The land will revert back to former agricultural use
b) The access from Inlands Road is to remain closed
c) The former agricultural use of the site is for the keeping of chickens
d) The use of the site for agricultural purposes will reduce noise disturbance to neighbouring residential development from vehicular traffic associated with the use of the land as gypsy/traveller pitches and Seawards using the site as a compound for construction materials

6.4 Applicant/Agent's Supporting Information

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

a) Covering Letter
b) Court of Appeal Judgement in J. L. Engineering and Another v Secretary of State and Another
c) Queens Bench Division Judgement in North Warwickshire Borough Council v Secretary of State for the Environment and Another

7.0 Planning Policy

7.1 Planning policies are not relevant in the determination of a Certificate of Lawful Development application.

7.2 The application is made under Section 192 of the Town and Country Planning Act 1990 as amended by Section 10 of the Planning and Compensation Act 1991, for a Certificate of Lawfulness for a proposed use. S192 states that:

(1) If any person wishes to ascertain whether—

(a)any proposed use of buildings or other land; or

(b)any operations proposed to be carried out in, on, over or under land,
would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

8.0 <u>Planning Comments</u>

8.1 The main issues arising from this proposal are:

i) Whether the proposed use of the land for agricultural purposes would amount to development
ii) Other matters

<u>Assessment</u>

i) <u>Whether the proposed use of the land for agricultural purposes would amount to development</u>

8.2 The application seeks to establish that the use of the land for agricultural purposes does not constitute development and therefore can be considered lawful.

8.3 Section 55(2)(e) of the Town and Country Planning Act 1990 (TCPA 1990) states *'the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;'* shall not be taken to be "development" for the purposes of the act.

8.4 Section 336 of the TCPA 1990 defines "agriculture" as follows:

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;

8.5 In considering the above sections of the TCPA 1990, it is judged that the use of the land for agricultural purposes would not amount to development and can be considered lawful for the purposes of Section 192 of the Town and Country Planning Act 1990 as amended by Section 10 of the Planning and Compensation Act 1991.

8.6 The covering letter submitted by the agent advises that the proposed agricultural use would comprise *'the grazing and keeping of livestock. No physical structures are proposed or required, nor any demolition necessary as the existing caravans on site are temporary, moveable structures.'* The planning agent has advised via email correspondence with the case officer that the proposed agricultural use would *'likely be for the keeping of chickens. This was a former use of the site, accordingly it can revert to this use without any works to remove hardstanding etc.'* It is further advised in a subsequent email to the case officer that should a certificate be granted, it is likely that a Farm Business Tenancy will be

sought and an appropriate Holding Number for livestock created. It is considered that the use of the site for the keeping of chickens would amount to a use of the land falling within the definition of "agriculture" as outlined within the TCPA 1990. It is notable however that the certificate sought is only for the use of the land for agricultural purposes and not for a specific agricultural activity. Whether the future use of the land amounts to agricultural use is a matter of fact and degree that is entirely contingent on any future activities undertaken and is not a matter for consideration in determining this certificate.

8.7 Condition 4 of planning permission 14/01678/FUL, which established the lawful use of the site comprising 5 no. gypsy/traveller pitches, contained a restriction of the use of the utility buildings on the site for any other purpose other than purposes incidental to the use of the mobile homes on the site as dwellings. The proposed agricultural use of the site would not preclude the use of the existing day rooms for agricultural purposes as defined within the TCPA 1990 as this would not amount to “development”.

ii. Other matters

8.8 Comment have been received from the Parish Council and third parties referring to the planning policy merits of the proposal, however, planning policies are not a consideration in the determination of a Certificate of Lawful Development application.

Conclusion

8.9 Officers are satisfied that the proposed use of the land for agricultural purposes would not amount to development and can be considered lawful for the purposes of Section 192 of the Town and Country Planning Act 1990 as amended by Section 10 of the Planning and Compensation Act 1991.

Human Rights

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 subject to the following conditions and informatives:-

1) The use of the land described in the First Schedule on the land described in the Second Schedule would not amount to development and can be considered lawful for the purposes of Section 192 of the Town and Country Planning Act 1990 as amended by Section 10 of the Planning and Compensation Act 1991.

First Schedule

Use of land for agricultural purposes

Second Schedule

Green Acre, Inlands Road, Nutbourne, West Sussex

2) This decision relates to the following plans submitted with the application:

P105 and S101

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=QNJR3RERLA500

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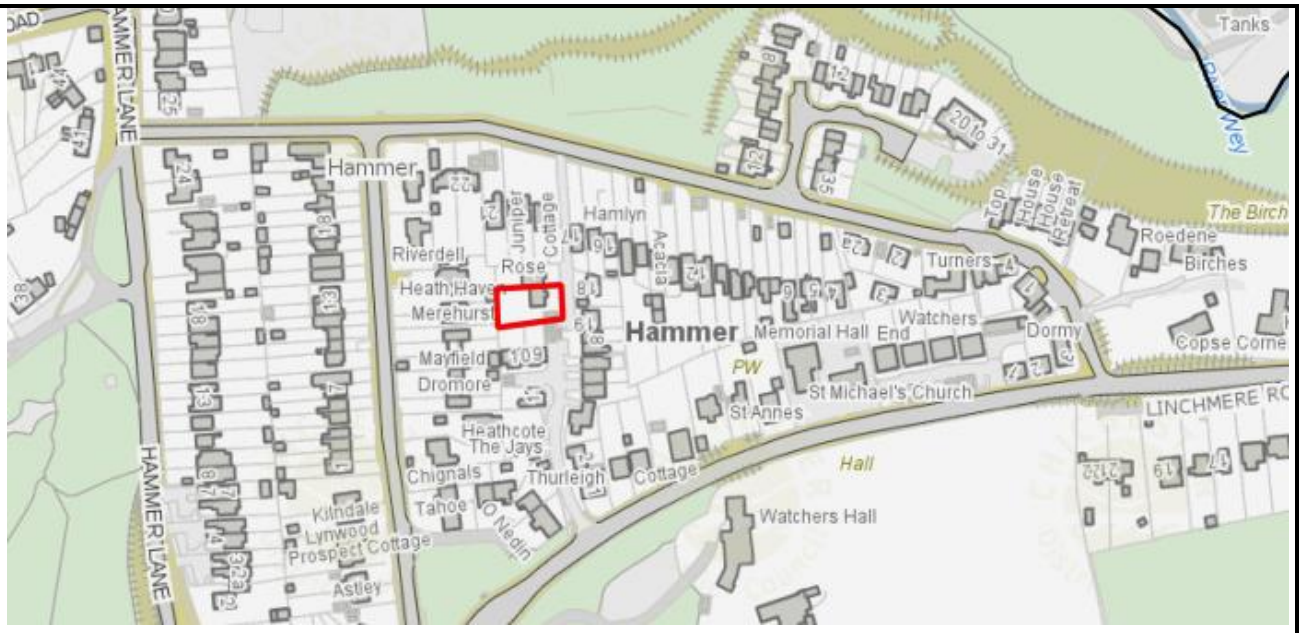
Parish: Linchmere	Ward: Fernhurst

LM/20/03360/FUL

Proposal	Conversion of dwelling into 2 no. dwellings with associated parking.		
Site	White Cottage Copse Road Hammer Linchmere GU27 3QH		
Map Ref	(E) 487640 (N) 132357		
Applicant	Mr Tom Patton	**Agent**	Mr Thomas Patton

RECOMMENDATION TO



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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 sited on the west side of a backland development to the south side of Copse Road, situated within the Camelsdale and Hammer settlement boundary. The character of the surrounding area is residential, with a mixture of different styles of dwellings. The site is surrounded by residential dwellings to the north, east and west, and a garage compound that serves Pegasus Close is located to the south.

2.2 A two-storey side extension has been constructed, permitted under application 20/01789/DOM. This is attached to the south elevation of the property and the property forms an 'L' shape. The walls of the permitted extension are rendered with the roof featuring clay pantiles to match the existing dwelling. To the front of the existing dwelling is a parking area. There was previously a detached garage to the south-east of the property, which was demolished as part of the works permitted under previous applications. The demolition of the garage has allowed space for parking spaces to the front of the extension that is being constructed. A garden is situated to the rear of the property.

3.0 The Proposal

3.1 The application proposes to convert the extension into a separate dwelling. Previous permission was granted for an extension to the dwelling incorporating changes to the original three-bedroom, two reception room dwelling, to become a four-bedroom dwelling with three reception rooms, and an open planned kitchen and dining room.

3.2 Under this current application, the original dwelling would revert back to being a three bedroom, two reception roomed, dwelling. The extension would become a separate dwelling with two bedrooms at first floor and an open plan kitchen and living room on the ground floor.

3.3 Two parking spaces are proposed to the front of each property, both fencing and planting are proposed to separate the two parking areas. A fence is proposed in line with the south elevation of the original dwelling to create a seperate rear garden for each dwelling. The gardens would consist of a patio and lawn with a detached cycle and bin store. The original dwelling would retain its front entrance, the proposed dwelling would be accessed by a pedestrian path to the south of the property with its main entrance on the south side elevation. In line with the rear elevation of plot 2 would be a gate to access the rear garden of plot 2. A gate and pedestrian path adjacent to the gate and the south and rear boundaries of plot 2 would enable access to the rear garden of plot 1. The external appearance of the dwellings would be as permitted under application 20/01789/DOM, which has been constructed, with the exception of the addition of a gable open porch to the main entrance of plot 2, on the south side elevation, which has been proposed as part of this application.

4.0 History

19/02906/DOM	REF	2-storey side extension and an extension over an existing lean-to roof following the demolition of an existing garage.
20/00952/DOM	PER	Proposed two storey side extension, rear extension above existing lean-to roof and internal reconfiguration.
20/01789/DOM	PER	Variation of Condition 2 of householder permission LM/20/00952/DOM - Change layout of first floor to line up the external south wall with ground floor wall.

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 Lynchmere Parish Council

LM/20/03360/FUL - WHITE COTTAGE objection

Lynchmere Parish Council has considered this application and raises an objection to the proposal as below:

1] Creating a new dwelling will create additional traffic and parking issues in an already overcrowded small road. The area as a whole is not designed for higher density housing given the vehicle access limitations.

2] There is currently no housing requirement in Lynchmere Parish.

3] Permitting this development would set a precedent for other nearby properties.
In addition to these points Council points out that there is no planning application notification sign visible on or near the property.

6.2 Highways

Further comments 24.03.2021

I note the provided swept path tracking diagrams demonstrating the ability for vehicles to manoeuvre into and out of each space and turn within the private road. This enable vehicles to exit onto the public highway in a forward gear and as such I do not have any concerns with regard to the proposal and no highway safety concerns on the public highway would be raised.

Original comments 25.02.2021 (Summarised)

The site is located on a privately maintained road, consequently these comments are for advice only. The nearest public highway is approximately 60m north of the site at the junction with Copse Road, an un-classified road subject to a speed limit of 30mph.

No alterations to the existing access onto Copse Road are proposed. The private road currently appears to serve 4 dwellings. The addition of a single dwelling is not anticipated to result in a material intensification of use of the existing access.

The proposed dwellings will be provided with two parking spaces each, with each space meeting minimum specification of 2.4 x 4.8m as set out in Manual for Streets. The WSCC Car Parking Demand Calculator expects that a minimum of 5 parking spaces would be required - 2 for the proposed 2-bedroom dwelling and 3 for the proposed 3-bedroom dwelling. However, the LHA appreciate that the third parking space for the 3-bed dwelling is likely to be required for visitor provision and therefore any overspill parking demand is anticipated to occur infrequently. Whilst the LHA would not raise any highway safety concerns to overspill parking in this location due to the private nature of the road, the LPA may wish to consider the potential impacts of this proposal on on-street parking from an amenity point of view.

The site is located within an existing residential area within walking distance of bus stops providing access to Haslemere and Alton. The applicant proposes cycle storage within the rear gardens of each dwelling to reduce the reliance upon the private car in this location.

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 WSCC 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.

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: *[Officer note – recommended conditions regarding the provision of car parking, cycle parking and electric vehicle charging spaces incorporated into officer recommendation].*

6.3 Drainage

Surface Water Drainage:

The documents submitted in support of this application suggest that the proposed means of surface water drainage is through on-site infiltration via soak-away structures. This approach is acceptable in principle as it follows the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

Wherever possible, driveways, parking spaces, paths and patios should be of permeable construction. We would also like to see dedicated discrete soak-away structures for each individual property.

Due to the scale, nature and location of the proposed development we have no conditions to request. However, surface water drainage infrastructure must be designed and constructed in accordance with current building regulations.

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

6.4 Environmental Protection

The information provided within the Policy 40 Statement is sufficient to meet our requirements on sustainable construction and should be conditioned should permission be granted and subsequently implemented in its entirety.

6.5 Third party objections comments

5 no. letters of objection have been received, summarised:

a) The original proposal to extend White Cottage provides a family home in keeping with the surrounding properties. The current proposal to convert to two dwellings contradicts the previous application. Converting to two dwellings is a change of purpose.
b) The conversion would lead to an extremely high density of dwellings in a small area. The new property would not be suitable as a family home but would more likely be a starter or rental property, not in keeping with other houses in the immediate vicinity.

c) The other houses in the shared drove are larger family properties. The proposed new dwelling would not be a family property and would cause the area to be overdeveloped.
d) The character of White Cottage has been affected by the extension.
e) The proposed change of use would make the neighbouring attached property an "end of terrace" changing the nature of the house.
f) An additional dwelling would increase noise levels.
g) The proposed side access for both properties is unsuitable and probably too narrow for adequate amenity.
h) The splitting of the garden into two would result in a reduction in amenity.
i) The additional dwelling would result in highway safety issues.
j) It would increase the number of cars, with visitors to the property it would also increase the quantity of vehicles travelling up the driveway and also parking on Copse Road – a quiet rural road which is already over-parked.
k) The plans show that the boundary at the front has been artificially positioned to allow for the minimum space allowable for two cars in front of the new property.
l) There is insufficient space for four vehicles to be parked in these allocated spaces for both properties. There is no allowance for room in between the parking spaces.
m) It would not be possible for cars parked at the proposed property to turn and drive out forwards, increasing the possibility of accidents. The extra cars would also impede the parked cars at number 19 turning to drive out forwards.
n) To reverse out of the small spaces for the new dwelling would only be possible by encroaching on a neighbouring driveway, and only if there were no vehicles parked here.
o) The narrow, single car width, private drive is inadequate for a potential increase of 25% in traffic generated which in turn will compromise safety.
p) The swept path analysis is incorrect.
q) No visitor parking is proposed.
r) The extension is not an extension it is a new build that is being constructed.
s) The proposed new dwelling would clearly not be suitable for either disabled or the elderly.
t) The supply of water and the treatment of waste water/sewage capacity would not be up to an additional household.
u) A site notice has not been displayed and neighbour notifications have not been sent.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Lynchmere 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 25: Development in North of the Plan area
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction

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

7.3 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 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. 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. Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Pan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in Spring 2022, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted during 2023.

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 and related policy guidance in the NPPG.

7.5 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.

7.6 The following sections of the revised NPPF are relevant to this application: 2, 5, 8, 9, 11, 12, 14 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.7 Other documents that are material to the consideration of the application include:

- Surface Water and Foul Drainage SPD
- Planning Obligations and Affordable Housing SPD
- CDC Waste Storage and Collection Guidance
- CDC Design Guidelines for Alterations to Dwellings and Extensions Planning Guidance Note 3

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:

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

8.0 Planning Comments

8.1 The main issues arising from this application are considered to be:

i. Principle of development
ii. Design and impact upon the character of the surrounding area
iii. Impact upon the amenity of neighbouring properties
iv. Impact upon highway safety and parking
v. Sustainability
vi. Drainage
vii. Other Matters

i) Principle of development and the policy position

8.2 The application site lies within the settlement of Camelsdale and Hammer, identified under Policy 2 of the local plan as a service village where small scale housing development is supported. There is also a presumption in favour of sustainable development within the settlement boundary.

In addition as a result of the lack of a 5 year housing land supply the housing policies in the local plan are out of date and in accordance with paragraph 11 of the NPPF, planning permission for new dwellings should be granted without delay unless there is conflict with the framework therefore unless the development is found to be in conflict with the NPPF, the development is acceptable in principle. In this instance as the site is within the settlement boundary, the principle of the development is considered acceptable.

ii) Design and impact upon the 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.

8.4 Apart from the addition of a gable open porch to the main entrance of plot 2, on the south side elevation, no external alterations are proposed to the property from that which was permitted under application 20/01789/DOM. A one-metre high timber fence and planting is proposed to separate the front gardens of the two properties. Due to the natural materials, the size and that the boundary treatment would be in keeping with the area, it is considered that this visual alteration to the front of the site would not have a harmful appearance on the character of the area.

iii) Impact upon the amenity of neighbouring properties

8.5 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.

8.6 A 1.8m high timber fence is proposed to separate the rear gardens of the properties therefore ensuring that the use of the gardens would not cause overlooking to each other. No additional windows or extensions are proposed as part of the proposed works therefore it is considered that the proposal would not have an unacceptable effect on the amenities of the neighbouring properties in particular to their outlook, privacy or available light. The proposal would therefore accord with the NPPF and policy 33 of the CLP.

iv) Impact upon highway safety and parking

8.7 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 Pan 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.

8.8 The plans for the previous permissions for the extension showed three cars parked at the site but due to the spacing of the cars it is considered from viewing those plans that there is sufficient space for four cars to be parked at the site. Four parking spaces are proposed for the development, two for each site. WSCC Highways were consulted and no objection was raised. They stated that the proposed parking spaces would each meet the space meeting minimum specification of 2.4 x 4.8m as set out in Manual for Streets. They also stated that whilst the WSCC Car Parking Demand Calculator expects that a minimum of five parking spaces would be required, two for the proposed two-bedroom dwelling and three for the three-bedroom dwelling, they consider that the third parking space for the three-bedroom dwelling is likely to be required for visitor provision and therefore any overspill parking demand is anticipated to occur infrequently. In addition, the site is located within an existing residential area within walking distance of bus stops providing access to Haslemere and Alton and cycle storage is proposed for each dwelling thereby reducing the reliance upon the private car in this location.

8.9 Following the raising of concerns by the Parish and third parties regarding the impact of the development on highway safety and parking in the area, the applicant commissioned a swept path analysis for the properties showing how each of the parking spaces would be accessed and exited without encroaching onto neighbouring sites. Highways were then consulted on the swept path analysis. They note that the swept path tracking diagrams demonstrate the ability for vehicles to manoeuvre into and out of each space and turn within the private road which would allow vehicles to exit onto the public highway in a forward gear and therefore no highway safety concerns are raised.

8.10 It is advised that a condition be added requiring that the parking layout is constructed in accordance with the submitted plans before the occupation of the proposed additional dwelling. The site plan shows that cycle storage is proposed to be sited in the rear garden, elevation plans have not been submitted therefore it is also advised that a condition be added requiring these plans are submitted and the use of the cycle storage is also conditioned to ensure that cycle storage is always available.

v) <u>Sustainability</u>

8.11 The submitted Sustainability Statement complies with Policy 40 of the Local Plan, which comprises 10 criteria for achieving sustainable design and construction for all new dwellings and new non-domestic dwellings. The development is committed to implementing measures such as restricting the use of water. Refuse and recycling bin storage is also shown on the submitted plans. Electric vehicle charging points have not been proposed. It is therefore advised that a condition be added requiring electric vehicle charging spaces are provided in accordance with plans and details to be submitted.

8.12 It has been demonstrated that the development would include sustainable construction and design measures such as recycling storage and the provision of cycle storage to reduce the energy demand and wider environmental impacts of the development in accordance with policy 40. Conditions are recommended in order to secure the proposed sustainability measures.

vi) Drainage

8.13 During the consultation of the application a third party raised concerns with the impact of the development on drainage. The Council's Drainage Engineer was consulted on the proposed works, no concerns were raised and it was confirmed that the proposed means of surface water drainage is acceptable.

vii) Other Matters

8.14 During the consultation of the application comments were received from the Parish Council and third parties that a site notice was not displayed at the site. A site notice was displayed on the front boundary of the site and one was also displayed at the entrance of the access to the cul-de-sac.

Conclusion

8.15 Based on the above it is considered the principle of the additional residential unit at the site is acceptable, the design and layout would be acceptable, the development would not have a harmful impact on highway safety and parking in the area and the proposal is acceptable in all other respects. The proposal therefore complies with development plan policies and NPPF and the application is recommended for approval.

Human Rights

8.16 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 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 "Plans Referred to in Consideration of this Application".

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

3) No part of the development hereby permitted shall be occupied until the vehicle parking spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

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

4) No part of the development hereby permitted shall be occupied until metrically scaled floor and elevations plans of the refuse and recycling and cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling and cycle 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, encouraging sustainable management of waste and to provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

5) No part of the development hereby permitted shall be occupied until the dwelling has been constructed in accordance with the terms of the submitted Sustainability Statement. Thereafter the sustainability measures shall be maintained and kept operational in perpetuity.

Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and to accord with the terms of the application.

6) 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.

7) The dwelling hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying the dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). The dwelling hereby permitted shall not 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 dwelling and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

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 - Swept Path Analysis Plan	JG02		01.03.2021	Approved
PLAN - SITE LOCATION & BLOCK PLAN	00	A	22.12.2020	Approved
PLAN - PROPOSED GROUND FLOOR PLAN	04	E	15.04.2021	Approved
PLAN - PROPOSED 1ST FLOOR & ROOF PLAN	05	C	15.04.2021	Approved
PLAN - PROPOSED ELEVATIONS	06	C	15.04.2021	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.

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=QLQX3KERK5D00

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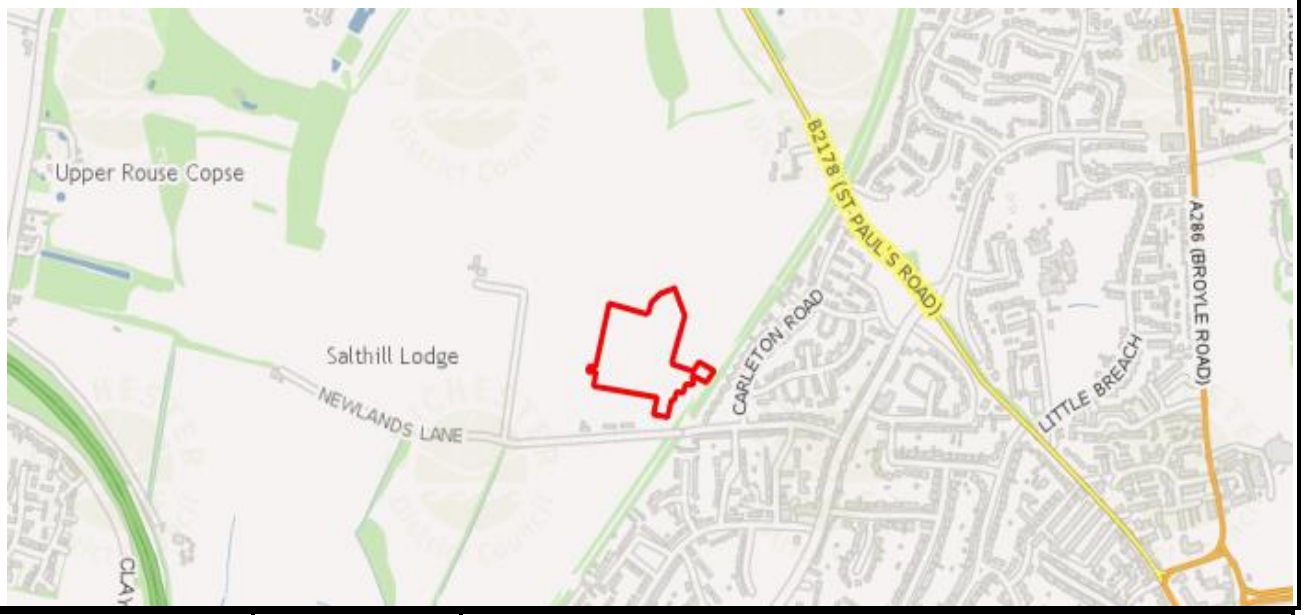
Parish: Chichester	Ward: Chichester West

CC/20/03166/REM

Proposal	All outstanding Reserved Matters for the erection of 84 dwellings with associated parking, landscaping, informal open space and associated work on Phase 6I, pursuant to permission 14/04301/OUT.		
Site	Land West Of Centurion Way And West Of Old Broyle Road, Old Broyle Road, West Sussex		
Map Ref	(E) 485000 (N) 106000		
Applicant	Vistry Southern	**Agent**	Mr Nicholas Billington

RECOMMENDATION TO PERMIT



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

1.0 Reason for Committee Referral

Red Card: Cllr John-Henry Bowden - The proposal is for a major development

2.0 The Site and Surroundings

2.1 The application site forms part of the West of Chichester Strategic Development Location (SDL) which is allocated by Local Plan Policy 15 for a comprehensive, residential-led mixed use development including up to 1600 homes. Outline planning permission for 'Phase 1' of the SDL was granted in 2018 for its first 750 homes, a mixed use neighbourhood centre (14/04301/OUT refers) and its primary highway infrastructure.

2.2 The site extends to 2.68 hectares and is identified as Parcel P6.I in the Overall Phasing Plan approved pursuant to the outline planning permission. 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.

2.3 P6.I is located in the south-eastern corner of the developed part of the Phase 1 site. It originally formed part of a large, arable field which reduces in height by approximately 7m between its northern and southern boundaries.

2.4 On its western side the parcel faces onto a section of the Central Green Corridor which forms part of the SDL's extensive SANGS permitted under the first, 'Infrastructure' Reserved Matters application. To its north, the site adjoins residential parcel P3.E. The SDL's allotments wrap around the parcel's southern boundary and south-eastern corner. A small area in the north-eastern corner of the parcel backs onto Centurion Way.

2.5 The Committee will be aware that, in addition to the 'infrastructure' reserved matters application referred to above, detailed approval has already been granted in respect of eight residential parcels (P2.A, P2.B, P3.C, P3.D, P3.E, P5.F, P5.G and P6.H) and the sports facilities which are to be located in the south-western corner of the SDL. Four further reserved matters applications in respect of (i) the Phase 1 allotments; and (ii) the residential, community, health and employment-related elements of the mixed use Local Centre; and (iii) the Local Centre's primary school; and (iv) a duplicate application in respect of the P6.I proposals, are currently under consideration.

3.0 The Proposal

3.1 The application seeks approval for the reserved matters of Appearance, Layout, Landscaping and Scale in respect of 84 dwellings.

3.2 In terms of housing mix, the affordable housing component consists of 22 dwellings, equating to 26% of housing provision within the parcel. Three units would be provided in a shared ownership tenure comprising 2 x 3 bed houses and 1 x 2 bed house. The remaining 19 affordable dwellings would be in a rented tenure comprising 4 x 2 bed houses, 9 x 3 bed houses and 6 x 4 bed houses. The affordable units would be provided in a mix two storey detached, semi-detached and terraced houses.

3.3 The 62 market dwellings would comprise 27 x 2 bed, 15 x 3 bed and 20 x 4/5 bed dwellings provided in a mix of two storey detached, semi-detached and terraced houses.

3.4 In broad terms the layout comprises a combination of three perimeter blocks in the north-western part of the parcel which are defined by peripheral streets and pedestrian routes, along with streets that back on to the parcel's southern and south-eastern boundaries.

3.5 In terms of vehicular access, P6.I is primarily served by one of the SDL's second order, 5.5m wide roads, which connects to parcels P6.H and P3.E to the west and north respectively. The remainder of the parcel is served by 4.8m wide tertiary (tarmac) and shared surface (buff coloured pavers) areas, with the latter provided adjacent to the western and southern boundaries in order to give a less urban feel to these parts of the development.

3.6 In the north-eastern part of the parcel, the layout provides for the enclosure (by facing dwellings) of the remaining three sides of the 0.5Ha pubic open space which was permitted as part of the P3.E proposals. Opposite the south-eastern corner of this open space, a link to Centurion Way is proposed in the form of a 3m wide cycle-path. On the southern edge of the parcel a link is provided to a further cycle path, which connects to Newlands Lane through a landscaped area forming part of the adjoining allotments.

3.7 The design of the dwellings follows a traditional approach involving a mix of detached, semi-detached and short terraces of two storey houses in a mix of facing materials including various tones of brick along with some tile hanging and flint work, all beneath plain tiled roofs.

3.8 In terms of parking provision, a total of 208 spaces are proposed consisting of 164 on-plot spaces, 32 garage and 12 visitor spaces, with the latter distributed throughout the parcel.

3.9 As referred to in the responses of consultees and discussed in the assessment section of the report below, the application has been subject to considerable amendment since its submission. These amendments are discussed in the assessment section of the report below, however, the most significant changes can be summarised as follows:
- a decrease in the number of dwellings from 86 to 84
- a decrease in the number of affordable dwellings by 4
- a reduction in the density of the development in the part of the parcel located closest to Centurion Way
- the re-prioritisation of the junction of the second order street with the shared surface street in the south-east corner of the parcel
- the configuration of the route for cyclists to/from the south-eastern corner of the parcel and Newlands Lane
- the wholesale replacement of some house-types with others of a superior design

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.
19/02424/REM	WDN	All outstanding Reserved Matters for the erection of 91 dwellings with associated parking, landscaping, informal open space and associated work on Phase 2, Parcel B, pursuant to permission 14/04301/OUT. (scheme 2)
19/02584/REM	PER	Application for all outstanding reserved matters (layout, appearance, scale and landscaping) following outline planning permission CC/14/04301/OUT, for sports facility consisting of 1x adult rugby pitch, 1x adult football pitch, 1x adult cricket pitch and sports pavilion building with associated drainage, landscaping, parking and other works (Phase 1).
19/02626/REM	PER	All outstanding Reserved Matters for the erection of 29 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel P.3D, pursuant to permission 14/04301/OUT.

19/02819/REM	PER	All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 3C, pursuant to permission 14/04301/OUT.
19/03122/REM	PCO	All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Phase 3, Parcel C, pursuant to permission 14/04301/OUT (scheme 2).
20/00462/FUL	WDN	Construction of an electrical substation and associated parking to serve the west of Chichester strategic development site.
20/00600/NMA	PER	Non-material amendment to planning permission CC/14/04301/OUT - Proposed additional planning condition to enable the submission and agreement of details of any temporary sales and marketing facilities required on site in relation to the sales and marketing of new homes.
19/03146/REM	PER	All outstanding Reserved Matters for the erection of 154 residential dwellings with associated parking, landscaping, informal open space and associated works on Phase 3, Parcel E, pursuant to permission 14/04301/OUT.
20/00600/NMA	PER	Non-material amendment to planning permission CC/14/04301/OUT - Proposed additional planning condition to enable the submission and agreement of details of any temporary sales and marketing facilities required on site in relation to the sales and marketing of new homes.
20/01046/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	PER	All outstanding Reserved Matters for the erection of 55 dwellings with associated parking, landscaping, informal open space and associated work on Phase 5, Parcel G, pursuant to permission 14/04301/OUT.

20/03108/REM	PER	All outstanding Reserved Matters for the erection of 65 residential dwellings with associated parking, landscaping, informal open space and associated works on Phase 6.H, pursuant to permission 14/04301/OUT.
20/03167/REM	PCO	All outstanding Reserved Matters for creation of allotment gardens with associated parking, landscaping, informal open space and works pursuant to permission 14/04301/OUT.
21/00460/REM	PCO	All outstanding Reserved Matters for the erection of buildings within the West of Chichester Local Centre to include a retail building with 8no. affordable dwellings, 4no. employment (office) buildings, 2no. health care facility buildings, a community centre and public open space to include a Locally Equipped Area of Play and Multi-Use Games Area; associated parking, landscaping and associated work in relation to the above; all pursuant to permission CC/14/04301/OUT.
21/00461/REM	PCO	All outstanding Reserved Matters for the erection of a one-form entry primary school and associated ancillary buildings, access, parking, and works in relation to the above pursuant to permission CC/14/04301/OUT.
21/00956/REM	PCO	All outstanding Reserved Matters for the erection of 84 residential dwellings with associated parking, landscaping, informal open space and associated work on Phase 6I, pursuant to permission 14/04301/OUT (scheme B).

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

No objection. The City Council is pleased to note that our previous comments in respect of surrounding land parcels appear to have been heeded in respect of this application, particularly in respect of provision of cycle and footpaths around the site and a significant improvement on solar panel provision. We look forward to further improvement on future land parcels.

6.2 Sussex Police

No major concerns with the proposals. Various advice, technical guidance and best practice should be taken into account at the implementation stage of the development.

6.3 WSCC Local Highway Authority - in full

Comments of 14 April 2021

I can confirm that the revised arrangement for the route outside plot 358 is proposed as per my request in my latest comments to parcel 6I. These changes are welcomed by the Highway Authority and are considered to provide an enhancement arrangement for all road users and provides the best design solution.

Comments of 12 April 2021

West Sussex County Council (WSCC) as Highway Authority have been consulted upon the Reserved Matters application for Phase 6 Parcel I. WSCC previously provided comments on this application dated 18th February 2021. The applicant has subsequently amended the scheme to take account of these and other consultee comments on the application. These comments relate to the latest revised plans submitted by the applicant.

Parking

The applicant has retained the level of car parking proposed in earlier revisions. The total number of car parking spaces remains at 208 spaces. As per earlier comments the proposed level of car parking is deemed acceptable and not considered to result in significant levels of overspill car parking taking place.

Residential Street Layout

The below bullet points provide the latest Highway Authority comments in relation to the proposed residential street layout, in light of the amended plans that take account of the outstanding issues highlighted in the Highway Authority's initial consultation response:

- Crossing points - the applicant has revised the crossing point locations to take account of the previous Highway Authority comments and better locate some of the crossing points which were located away from the desire line for pedestrians. These amendments are welcomed by the Highway Authority. Additionally, the applicant has provided additional crossing points to enhance pedestrian access to the area of public open space (located in the adjacent parcel).

- Proposed cycle link to Centurion Way - the applicant has now annotated on the submitted drawings that the cycle link shall extend beyond the site boundary to tie in with the existing Centurion Way, these works would have to be delivered by the applicant and secured as part of any permission granted. The applicant would also have to obtain all necessary highway and landowner consents to undertake these works. The acknowledgment of a willingness to undertake these works is however welcomed by the Highway Authority. The applicant has also amended the tactile paving where the cycle link re-joins the carriageway and adopted WSCC's preferred approach of having a separate pedestrian crossing located away from where cyclists are able to re-join the carriageway. The applicant has also confirmed that the proposed carriageway treatment is charcoal blocks this shall assist in reducing vehicle speeds at a location where cyclists shall be re-joining the carriageway. These amendments are welcomed, and the proposed arrangement is considered acceptable.

- Junction outside plot 356 - as per WSCC's earlier request the applicant has downgraded the junction outside plot 356 to become a simple dropped kerb residential crossover rather than a bell mouth junction. For clarity consideration could be given to annotating the plan that this junction is proposed to be a standard vehicle crossover. This arrangement is welcomed by WSCC and shall help to reduce vehicle speeds and provide a greater degree of priority for pedestrians crossing this junction.

- Proposed cycle connection through allotments to Newlands Lane and shared surface area around plots 356 - It was also suggested that the shared surface serving plots 356-358 could be extended eastward to encompass the cycle and pedestrian path such that the entry point for the dedicated path would be just south of plot 358. The applicant has considered this option but considered that the separate cycle and pedestrian path, as proposed would be preferential. They state that widening the shared surface area would have resulted in a potentially circa 7.4 metre wide area of hard standing which it is considered would encourage people to park on the eastern edge of the shared surface and that this could hinder pedestrian and cycle access. This point is noted and not disputed however this issue with parking could occur in applicants proposed arrangement. Even if a route is delineated in a different material people may still choose to park there. A raised kerb may act as a deterrent but the only way to design this issue out is to narrow the carriageway to such a width that anyone parking there would cause an obstruction.

On this basis the Highway Authority are still of the view that the preferential arrangement is to transition the 3m shared pedestrian/cycle route to the south of plot 358. This transition allows both pedestrian and cyclists onto the shared surface. The current pedestrian/cycle route on the eastern side (shown in white) becomes soft landscaping which would prevent parking taking place and all users share the shared surface. It is not evident as to why there is an explicit need for a separate segregated route when given the likely flows and that pedestrians, cyclists and vehicles can all safely use the shared surface area and what is currently proposed is a potentially over-engineered solution and is contrary to the approach taken in similar circumstances elsewhere within the

development. On the northern section of this route where the shared use route meets the outside of the 90% bend a short section of footpath could be provided on both sides of the shared surface, as is currently proposed on the western side; to help transition pedestrians onto the shared surface.

Whatever is proposed as part of this parcel needs to align with the proposals for the allotments parcel to the south.
Summary

Considering the amendments made by the applicant, they have addressed most of the points originally made by WSCC. WSCC have no objections in principle to the application subject to the inclusion of the aforementioned conditions in earlier comments. Also, prior to determination the applicant should reconsider the proposed cycle arrangement outside plots 356 - 358.

Comments of 25 February 2021

West Sussex County Council as Highway Authority have been consulted on this reserved matters application (CC/20/03166/REM) for 84 residential dwellings in
Phase 6 Parcel I of the strategic development site land West of Chichester (Outline Planning Consent CC/14/04301/OUT). It should be noted that these comments also take account of revised plans submitted by the applicant in February 2021.

Car Parking
The applicant originally proposed a total of 222 car parking spaces for this parcel of 86 dwellings. This comprised of:
- 167 allocated spaces
- 46 garage spaces
- 9 unallocated visitor bays

In subsequent revised plans the applicant reduced the level of parking to 208 spaces and the number of units proposed to 84; the proposed parking consisted of:
- 164 allocated spaces
- 32 garages
- 12 unallocated visitor spaces

The level of car parking is proportionally similar to that proposed at earlier reserved matters applications for different development parcels on this site; which have already been granted consent. The vehicle spaces per dwelling are set out below for this and other development parcels.
- Parcel 2A 73 units (CC/19/01134/REM) - 2.57 vehicle spaces per dwelling
- Parcel 2B 91 units (CC/19/01531/REM) - 2.62 vehicle spaces per dwelling
- Parcel 6H 65 units (CC/20/03108/REM) - 2.54 vehicle parking spaces per dwelling
- Parcel 6I 84 units (this planning application) - 2.48 vehicle spaces per dwelling

The proposed level of car parking is similar to previously approved parcels and therefore the proposed level of car parking is deemed acceptable and not considered to result in significant levels of overspill car parking taking place.

There are some areas of the parcel where car parking has the potential to dominate the street scene. These areas are around plots 325 to 336 and 302 to 307. In these areas the applicant has tried to break up the parking by the inclusion of landscaping and footpaths to properties. These shall help provide respite for pedestrians rather than having a continuous dropped vehicle crossover where vehicles could be entering or leaving a space. This arrangement is therefore not considered to pose an unsatisfactory road safety issue. The Local Planning Authority should however consider the dominance of parked vehicles from a visual perspective and any impact it may have on the street scene.

Cycle Parking
The applicant is proposing that each house will be provided with either cycle storage space within a garage or through dedicated cycle storage facilities in the back gardens.

All the proposed garage spaces are greater than the minimum requirements of 6m by 3m to accommodate the storage of both cars and bikes. The applicant has stated that all houses without a garage shall have a 1.8m x 1.2m shed for cycle storage. All back gardens have a separate access point which prevents the need for users to carry their bike through the property.

The proposed cycle storage is therefore considered appropriate and an appropriately worded condition should secure their implementation prior to the first occupation of each house they are serving.

Residential Street Layout
As per other parcels the residential roads have been designed to a 20mph design speed and in accordance with guidance within the Manual for Streets. This is in order to encourage a low vehicle speed environment and encourage pedestrian and cycle trips within the site.

The applicant has submitted a highway geometry plan to demonstrate the carriageway widths, visibility splays and kerb radii proposed. The carriageway widths within the parcel range from 4.8m to 5.5m wide. Footways are provided in non-shared surface streets and they are 2m. The design and alignment of road is generally considered appropriate for its context and sufficient to keep vehicle speeds low.

The Highway Authority wishes to make the following comments in relation to street layout:
- Car Parking - some of the car parking proposed is not independently accessible in that it requires a user to move one car to access another. However, these spaces are all within the same household ownership and therefore is not considered to be an issue that requires addressing through the design at planning stage.
- Crossing points - details of proposed crossing points have been provided. The Highway Authority are of the view that some of these crossing points could be better located closer to the desire line for pedestrians. This is especially the case at junctions 1 and 4 on the crossing details plan (drawing number 197430-008). At the side roads the crossings are set back within the side roads which mean that pedestrians have to deviate away from their desire line to use the crossing.

Therefore, these should be reviewed and relocated to better cater for the pedestrian desire line. As well as the relocated crossing point a lowered kerb could still be provided as a transition point from the footway onto a shared surface area. Additionally, consideration should be given as to whether there is a need for any formal crossing facilities (in the form of dropped kerb/tactile paving) to aid crossing towards the public open space in the adjacent parcel. Details of these pedestrian crossings could be secured via condition.

- Proposed cycle link to Centurion Way - this additional link to Centurion Way is welcomed by the Highway Authority and shall increase pedestrian and cycle permeability into and from the site. The Highway Authority have the following comments to raise about the link:

1) It is noted that the link is only proposed to the applicant's boundary and no formal connection is proposed to Centurion Way. WSCC as Highway Authority have no issues with this connection and therefore would look for the applicant to design and deliver the connection from their boundary to the existing alignment of Centurion Way. Further details and its implementation could be secured via a Grampian style condition as necessary.

2) Dropped kerb and road treatments - the applicant has provided details of the proposed signing, tactile paving and bollards where the cycle links enter this parcel. This detail is included on drawing 197430-007. The signing associated with the connection onto Centurion Way is appropriate but the tactile needs amending. If it is intended that pedestrians will also cross where the kerb is lowered to allow cyclists onto the carriageway there needs to be a corresponding tactile paving on the other side of the road. Alternatively, and the Highway Authority's preference, is that alternative locations in this area are found for a pedestrian crossing to the open space and then just a lowered kerb needs to be provided onto carriageway level with the existing corduroy tactile paving on the footway either side of where cyclists may be travelling retained.

3) Consideration could be given to an alternative road treatment in this location. It is noted the carriageway is raised around the open space and a different surface material could help further reduce vehicle speeds in this more sensitive location. An alternative road surface may already be proposed but it is not explicit from the plans. Details of this cycle link and any treatments/bollards could be secured via condition.

- Proposed cycle connection through allotments to Newlands Lane - The connection in the southern part of the parcel connecting through the allotments towards Newlands Lane needs to be amended these suggested changes are covered within the Road Hierarchy bullet point below.
- Road Hierarchy - generally the design rational for the roads assist in demonstrating the road hierarchy through the site. However, it is felt that the road hierarchy within the site could be enhanced by making amendments to the junction arrangement around plot 356 and the allotments. Consideration should be given as to the benefits of continuing a kerb line on the outside of the bend so it is just a vehicle crossover with a continuous footway to strengthen the secondary route and that the short link to plot 358 is subsidiary to this. The mouth of the side road access could also be narrowed and a standard vehicle crossover implemented to help strengthen its lower status. This could then transition into a shared surface beyond this point before meeting the access to the allotments. The currently existing footway that runs adjacent to the shared surface area could be incorporated into

the shared surface and the transition from shared pedestrian/cycle route is relocated to the south outside plot 358. This would then just require a strip of corduroy paving across the shared pedestrian/cycle route and a single bollard to prevent vehicle access.

Summary

The Highway Authority have no in principle objections to planning application CC/20/03166/REM. However, prior to determination the applicant should provide clarification on the points raised within these comments.

Should CDC wish to approve this application WSCC as Highway Authority would recommend that appropriately worded conditions are included on any permission granted that require the following:

1. that no dwelling shall be occupied until the vehicular access, roads, footways, car/garaging including visitor car parking spaces and cycle parking and turning spaces serving that development have been constructed and are available to use.

2. details of pedestrian crossing facilities.

3. to submit technical details of the design of the cycle way link to Centurion Way

6.4 <u>CDC Housing Enabling Officer</u>

Throughout the planning applications and consultations for this development it has always been appreciated that, being a large strategic site, different phases will vary a little from the Strategic Housing Market Assessment (SHMA) mix as they come in as a reserved matters applications. The SHMA will be met overall, and such variations avoid enclaves and mono-tenures giving different character areas and densities within the development.

The mixes and the sizes for both the market and the affordable units are acceptable on this phase. Units are being monitored as phases come forward to ensure they meet the planning permission, the s106 and that they give a good range of units.

The affordable/market split (23:77%) is acceptable and while there are proportionally more rented units on this phase, the affordable rent/shared ownership split is acceptable, bearing in mind that there will be some variation phase to phase.

Registered Provider
Affordable units are to be handed over to a RP, whom the council approves, on completion. Affordable housing units are to be externally indistinguishable from market housing.

Disabled Units
It is noted that two potential wheelchair units are identified. The need and suitability as assessed by occupational therapists will be considered nearer the time of building out.

Pepper potting
The pepper potting is acceptable.

6.5 CDC Drainage Engineer

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

We have 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.

6.6 CDC Environmental Strategy Officer

Ecology
We are satisfied with the Ecological Report Parcel 6I (Nov 2020) and that this is in line with the proposals agreed as part of the outline application.

Policy 40
Following submission of the Sustainability Statement, we are satisfied that the criteria detailed within policy 40 will be meet. We are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions of 19%. The will be achieved with a fabric first approach and through installing PV on 20 houses on the parcel equating to 23% of properties having PV in this parcel.

6.7 CDC Waste Lead

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

6.8 Third Party Objection

2 Third Party objections have has been received concerning:
a) Will exacerbate air quality and congestion issues in the locality
b) Character of Chichester is being destroyed
c) The Council is lying down in front of a steam roller driven by Central Government
d) Dwellings are of a poor design

6.9 Third Party Other

2 third party representations have been received concerning the following:
a) Dwellings could be more thermally efficient
b) Some detailing is unconvincing
c) More trees should be included to the eastern square
d) Centurion Way cycle link is welcomed
e) Car parking on cycle route through allotments should be discouraged
f) Open space within allotments should contain a sitting area

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 paragraphs and sections: Sections 2, 4, 5, 8, 9, 11, 12, 14 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.5 The following Supplementary Planning Documents are material to the determination of this planning application:
- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

i. Principle of the development
ii. Layout, character, design and landscaping
iii. Housing mix
iv. Sustainability
v. Significant conditions

i) Principle of the development

8.2 The principle of developing the SDL for a residential-led, mixed use development has been established by the 2018 outline planning permission. That permission included a set of approved parameter plans detailing land uses, street hierarchy, storey heights, footpath and cycleways, public open space and the quantum and density of development throughout the SDL.

8.3 As part of the first Reserved Matters application for residential development (Parcel P2.A - 19/01134/REM refers) a Residential Architectural Design Strategy was also approved. This document sets out the broad design principles for each of the identified residential character areas within Phase 1 of the SDL.

8.4 Given that P6.I is allocated for residential use by the outline permission's parameter plans, the following sections of this report are primarily concerned with the assessment of the proposal against the remaining reserved matters of layout, scale, appearance and landscaping, alongside other relevant material planning considerations. Clearly, conformity with the approved parameter plans, Architectural Design Strategy (ADS) and Masterplan are key considerations in this case.

ii) Layout, character, design and landscaping

8.5 As noted above, P6.I is located in the south-eastern corner of the Phase 1 site and at the edge of its developed area. The approved parameter plans reflect this context and identify it is as being suitable for two storey development within the Low Density range (20-25 dpHa) in the areas adjoining the southern and south-eastern boundaries, and within the Medium Density range (25-35dpHa) in the remainder of the parcel.

8.6 With regard to the approved Architectural Design Strategy, P6.I is located within the Eastern Character Area where development should respond to the parcel's 'soft' edges whilst also providing strong frontages along the second order street and suitable enclosure of the 'Eastern Square' open space.

8.7 It is considered that the proposals, which have been subject to amendment during the course of the application, successfully respond to the principles established by the Design Strategy and parameter plans. The layout follows sound urban design principles, being based largely on perimeter blocks that provide good levels of vehicular and pedestrian permeability in a coherent and legible layout of streets that follows the agreed street hierarchy.

8.8 Along the parcel's western boundary, which flanks the Central Green Corridor, the layout consists of an appropriately loose-knit arrangement of detached dwellings served by informal, shared surface streets. With regard to the Eastern Square, following amendments to the design and materials of the dwellings that face onto it, the proposals now suitably define this important open space. Turning to density issues, during the course of the application dwellings have been redistributed within the parcel in order to considerably loosen the layout adjacent to its southern and south-eastern boundaries, resulting in a markedly less urban character to these peripheral parts of the development.

8.9 The Highway Authority has welcomed the various layout changes made throughout the progress of the application including the re-design of a number of junctions, amendments to the location and number of pedestrian crossing points and the re-configuration of the cycleway link from the south-eastern corner of the parcel to Newlands Lane. Further, no objections have been raised in terms of the distribution or quantum of parking, or in respect of the arrangements for access and turning for waste and emergency vehicles.

8.10 With regard to the cycleway link to Centurion Way (CW) proposed in the north-eastern corner of the parcel, the Committee will be aware that the provision of direct connections from the SDL's eastern residential parcels to this important pedestrian and cycle route did not form part of the parameters established by the outline planning permission. However, the developers have noted local aspirations to improve connections and have responded accordingly, showing the provision of a link up to the boundary where there is an existing gap in the trees and where CW is almost at grade.

8.11 The developers are only in control of land up to the site boundary, but have confirmed that they would be prepared to carry out the works necessary to form the 3m long connection from the boundary to the hard surface of CW. The intervening land is owned by WSCC but does not form part of the adopted highway.

8.12 In terms of the delivery of the off-site connection it is understood that, in its capacity as landowner, WSCC has confirmed to the developers in writing that it does not raise any in-principle objection to the link being formed on its land. Subject to the satisfactory completion of the works, which would need to be agreed with and licensed by WSCC acting in its capacity as Highway Authority, the linking section would be dedicated as part of the publically maintainable highway network.

8.13 The proposed connection will significantly improve pedestrian and cycle links between the development and nearby local services and facilities, and the developers' commitment to undertake the necessary works is to be welcomed. Condition 5 below secures provision of both the Cycle Link and its onward connection to the hard surface of Centurion Way.

8.14 With regard to detailed design considerations, the proposed approach of traditionally designed, two storey dwellings using a mixed palette of materials accords with the approved Design Strategy and is consistent with the approach taken on similarly located parcels elsewhere in the SDL. During the course of the application various improvements have been secured including the wholesale exchange of some house-types, the introduction of more chimneys, a greater variety in porch design and the creation of more interest to the side elevations of a number both corner-turning dwellings and dwellings which will be seen in public views from beyond the parcel's boundaries.

8.15 In terms of landscaping, existing peripheral planting has been retained and will be protected during construction by appropriately positioned fencing. Where dwellings back onto Centurion Way a separate landscaped strip, which will include native hedge planting, has been retained along the parcel's boundary. This will be physically separate from the adjacent residential gardens and would be maintained by the development's Management Company. Along with the adjoining buffer to the rear of properties in Parcel P3.E, this strip of landscaping should help soften the appearance of the development and reduce any perception of domestic clutter in views from Centurion Way.

8.16 Tree species such as silver birch, field maple and cherry are distributed throughout the parcel's interior, along with sections of hedgerow and pockets of domestic shrub planting, all of which serve to soften the development and break up areas of parking.

8.17 In terms of hard landscaping, a variety of surface materials are proposed. As with the approach already established in respect of other residential parcels, shared surface areas are to be formed in buff-coloured pavers, with the parcel's higher order roads formed in a mix of tarmac and charcoal pavers with 2m wide tarmac footpaths on either side. Modest ramps and textured rumble strips denote changes in road surface materials, acting as traffic calming features at key junctions and to the perimeter of the Eastern Square. Specification of the shared surface areas is reserved by condition 4 below in order to ensure that are sufficiently robust to withstand the manoeuvring of waste freighters.

8.18 In conclusion on this issue, it is considered that the approach to the layout, design and landscaping set out in the amended proposals successfully responds to the context of the site. The proposals will provide a satisfactory living environment for prospective residents, will comply with the approved Residential Architectural Design Strategy and parameter plans and makes good provision for off-site links for pedestrians and cyclists. There are no objections with regard to highway safety or on the grounds of the level or distribution of parking provision.

iii) <u>Housing Mix</u>

8.19 The affordable housing provision consists of 22 dwellings, equating to 26% of housing provision within the parcel. Whilst this falls short of the standard 30/70 split usually applied to developments in the District, variations between parcels are inevitable on a strategic site of this scale. There are no concerns regarding the proportion or mix of affordable units proposed in the final Phase 1 parcel (the Local Centre) that is awaiting determination and, accordingly, the Housing Officer has raised no objections.

iv) <u>Sustainability</u>

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

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

- Alongside the habitat enhancements arising from the landscaping proposals outlined above, detailed ecological enhancement and protection measures are proposed (including bird and bat boxes, and hedgehog holes in fencing and walls), with these secured through planning conditions attached to the outline planning permission.
- Dwellings will be designed to achieve 110 litres of water consumption per person per day.

- The proposals have been assessed against Building For Life Standards and, based on the preceding analysis of the application, the Statement's conclusion that the development performs generally well against the methodology's criteria is accepted.
- The proposals incorporate a variety of sustainable design and construction measures including various fabric-first measures, the use of high efficiency heating and hot water systems and low energy fittings and solar powered street lights.
- In terms of renewable energy, following discussions with the applicant the indicative proposals in respect of p/v panel provision have been amended, with the number of dwellings within the parcel likely to receive panels increasing from 20 to around 35. This would result in approximately 42% of dwellings benefiting from panels and would contribute to an overall reduction of around 31% in C02 emissions when compared to the requirements of the Building Regulations.
- The solar panels will be installed in-roof, rather than on top of a pre-tiled roof, to minimise any impact on the appearance of the dwellings.

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

v) Significant Conditions

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

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

Conclusion

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

8.26 On this basis it is recommended that, subject to the planning conditions set out below, approval of the remaining reserved matters in respect of Parcel P6.I is granted.

Human Rights

8.27 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.

RECMMENDATION
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_P6_I_**:200 C, 201 F, 202 C,203 C,204 C ,205 C,206 C,207 C, 208 C, 209 C, 211 C, 212 C.

- **CB_70_068_P6_I_200_CA_A24L_**:E01 A, PO1 A; **CA_A30L_**:E01 A, E02 A, E04 A, E05, P01 A, P02 A, P03 A, P04; **CA_A40L_**:E01 A, E02 A, P01 A; **CA_EE_**:E01 B, E02 A, E03 A, E04 A, P01 A; **CA_EV_**:E01 B, E02 A, P01 A; **CA_SA_**:E01 B, E02 A, P01 B, P02 A; **CA_T12_**:E01 A, P01 A; **CA_T14_**:E01, E02, E03, E04, P01, P02; **CA_T19_**:E01, E02, P01; **CA_T27(2)_**:E01 A, E03, E04 B, P01 A, P02, P03 B; **ES_A30L_**:E02 A, E04 , E05, P02 A, P03, P04; **ES_A40L_**:E01 A, P01 A; **ES_EE_**:E01 B, E02, P01 A; **ES_SA_**:E01 B, E02 B, P01 B, P02 B; **ES_T12_**:E01, E02, P01; **GAR_**:01 A, 02 A; **GC_T7_**:E01 B, E02 A, P01 A; **GC_T12_**:E01 A, P01 A; **GC_T14_**:E01 A, E02 A, P01 A; **GC_T19_**:E03 A, E04 A, P02 A; **SS_A24L_**:E01 B, E02, P01 A; **SS_SA_**:E01 A, P01 A; **SS_T7_**:E01 A, P01 A; **SS_T14_**:E01, E02, P01; **SS_T19_**:E01, E02, P01

- **CB_70_068_P6_I_200_CA_SS_**:01 B, 02 B, 03 B

- CB_70_068_P6_I_200_SS_SS_01 B

- CB_70_068_P6_I_200_GC_SS_01 B

- CB_70_068_P6_I_200_ES_SS_01 B

- **CSA/4746/**:106 D, 107 D, 108 D, 109 D, 110 D

- **197430-**:003 D, 006 D, 007 D, 008 D

- Ecological Enhancements plan (Parcel 6I) (14.04.21)

- Verge detail - SD(12)10 REV A

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 Retention, Removal and Protection Plan ref: BHA_718_03 Rev A. 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: Land west of Chichester Parcel 6i November 2020 Rev A and in accordance with BS5837:2012. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

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

3) All soft landscape works shall be carried out in accordance with the approved details and plans and specifications as listed below and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **These works shall be carried out in the first planting season after practical completion of the development or occupation of the final dwelling in Parcel P6.I** 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 Ref: CSA/4746/108 Rev D and CSA/4746/109 Rev D including the planting specification detailed therein

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

4) Notwithstanding the submitted details **no development in respect of the shared surface areas hereby permitted shall commence** unless and until technical details have been submitted to demonstrate that they will be constructed so as to withstand the manoeuvring of waste collection freighters. The shared surface areas shall be constructed in accordance with the approved details and thereafter maintained in a condition that is fit for purpose in perpetuity.

Reason: In the interests of highway safety

5) **No development shall proceed unless and until** a Scheme of Works for the provision of a connection from the proposed Cycle Link located immediately to the south of plot 369 to the adjacent section of the hard surface of The Centurion Way has been submitted to the Local Planning Authority. The Scheme shall (i) be agreed in writing prior to occupation of any dwelling within Parcel P6.I; and (ii) include a timetable for provision of the both the Cycle Link (to be provided in accordance with the approved plans) **and** its connection to The Centurion Way which, for the avoidance of doubt, shall confirm that all of the above-mentioned works will be completed no later than the first occupation of any dwelling within Parcel P6.I. The agreed scheme shall be implemented in its entirety and thereafter the Cycle Link shall be retained in perpetuity for the purpose of providing unfettered public access to and from the site by pedestrians and cyclists.

Reason: In the interests of providing satisfactory access for cyclists and pedestrians. It is considered necessary for this to be a pre-commencement condition as the Cycle Link connection involves third party land, and it is therefore appropriate that the technical details of this important element of infrastructure works and the timetable for their delivery are considered and agreed at an early stage of the development of Parcel P6.I.

6) **Prior to first occupation of plot 356, 357 or 358** the cycle route through the adjoining shared surface street between its junctions with the secondary street to the north of plot 356 and the cycle path to the east of plot 359 shall be provided in accordance with the approved plans and thereafter retained in perpetuity for the purpose of facilitating unfettered public access for all pedestrians and cyclists.

Reason: In the interests of providing good connectivity for pedestrians and cyclists and to accord with the parameter plans approved pursuant to outline planning permission reference CC/14/04301/OUT.

7) **No dwelling within Parcel P6.I shall first be occupied** unless and 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) 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.

11) 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 the approved drawing reference SD(12)10 REV.A.

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

12) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). No dwelling hereby permitted shall be first occupied until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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

INFORMATIVES

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

2) This permission shall be read in conjunction with the planning conditions imposed on the outline consent 14/04301/OUT, and the associated Legal Agreement, dated 11th April 2018, made under Section 106 of the Town and Country Planning Act 1990.

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

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

5) With regard to condition 5, your attention in drawn to the WSCC email of 17 April 2021 concerning the process of obtaining the necessary agreements in respect of the works required to form the linking section of cycleway that would be located on WSCC land. For the avoidance of doubt, this reserved matters approval is granted without prejudice to the need to separately enter into any such agreements.

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

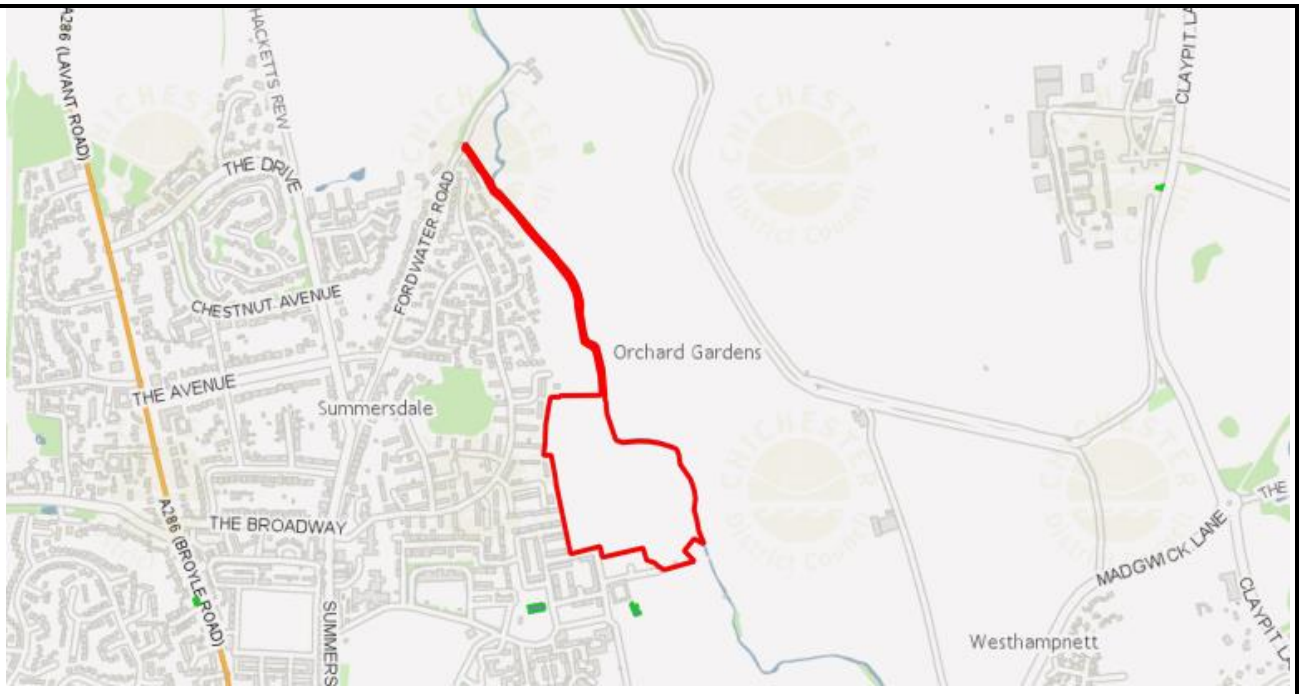
To view the application use the following link - https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QKTN5NERJE700

Parish: Chichester	Ward: Chichester East

CC/19/03191/REM

Proposal	Application for reserved matters (appearance, landscaping, layout and scale) for residential development comprising up to 200 no. dwellings, including an element of affordable housing, associated landscaping and open space, Lavant Valley Linear Greenspace, surface water attenuation and ancillary works and vehicular access from the area known as 'Phase 4 of the Graylingwell Park development permission CC/16/03791/OUT.		
Site	Phase 2 Of The Westhampnett/North East Chichester SDL Land North East Graylingwell Park Chichester West Sussex		
Map Ref	(E) 486954 (N) 106194		
Applicant	Redrow Homes Ltd	**Agent**	Pegasus Group

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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

1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The site forms the northern part of the Westhampnett/North East Chichester strategic housing allocation detailed in policy 17 of the Chichester Local Plan. This is a substantial land allocation subject to various environmental constraints which limit the extent of land that can be developed for housing. The two areas for the housing elements of this 500 dwelling allocation (Phase 1 and Phase 2) are therefore located separately within the strategic development land (SDL). Phase 1 is located to the far south east of the SDL between Stane Street and Madgwick Lane. That site obtained outline planning permission in June 2016 for 300 dwellings (WH/15/03524/OUTEIA) and following subsequent approval of the reserved matters is currently well under construction by Barratt/David Wilson Homes. At the same time a separate outline planning permission (WH/15/03884/OUT) was given for the delivery of sports playing pitches in the central part of the SDL with a green infrastructure link comprising a new pedestrian/cycleway leading from Madgwick Lane to the playing pitches and onto the point where it meets the SE corner of Phase 2 of the SDL development which is the subject of this current application for the approval of reserved matters.

2.2 The application site forms part of an open river valley landscape and consists of a misshapen rectangular parcel of arable land of approximately 8.826 hectares situated on the north eastern boundary of the built up area of Chichester, east of the neighbourhood of Summersdale and the new development taking place at Graylingwell Park to the south-west. The site includes a narrow ribbon of land following the west side of the river Lavant which extends north to the point where it meets the unmade section of Fordwater Road - this land forms part of the Lavant Valley Linear Greenspace and is within Flood Zone 3. Whilst the site is currently not included within the settlement boundary for Chichester, as Phase 2 of the Westhampnett / North East Chichester SDL with outline planning permission for up to 200 new homes it will be encompassed within the City's settlement boundary as part of the Local Plan Review.

2.3 The site adjoins the existing 2-2.5 storey housing at Winterbourne Road from which it is separated by an overgrown boundary hedgerow formed of native species. There is very little vegetation within the site itself. A short section of hedgerow following an east-west alignment running down the slope appears to be a remnant boundary hedge and is isolated from the eastern and western edges of the site. There are a few isolated evergreen trees along river edge. The majority of the site is within Flood Zone 1. A small area in the south-east corner is in Flood Zone 2 and a small part in the northern part of the site is in Flood Zone 3. No buildings are proposed to be located in these areas.

2.4 The prevailing landform for the site slopes down from west to east and the site is bounded to the east by the River Lavant. Across the river valley to the north-east of the site is the Goodwood Motor Racing Circuit (GMRC) and Aerodrome. A well established public bridleway - Stocks Lane - follows the outer perimeter of the GMRC linking Madgwick Lane to the south-east (and Phase 1 of the SDL) with New Road to the south of East Lavant. The application site is not currently accessible from the existing highway network.

3.0 The Proposal

3.1 Outline planning permission granted in November 2018 (reference 16/03791/OUT) established the principle of up to 200 new homes on the application site. All matters were reserved. However, also in November 2018, a separate planning permission reference 18/01911/FUL fixed the details of a single point of vehicular access to the site 6m wide at the southern boundary taken via Phase 4 of the adjoining Graylingwell Park development. Detailed matters relating to the appearance and landscaping of the site and the layout and scale of the proposed buildings are now submitted as the reserved matters for approval under this application.

3.2 As part of the outline application a set of three parameter plans covering Land Use/Access and Movement, Density, and Building Heights were submitted to establish a framework for developing the site within which the current detailed proposals have been brought forward. Whilst the quantum of development and the principle of a vehicular access to the site through Graylingwell Park were the only matters formally approved under the outline and separate access permissions, the parameter plans provided an additional broadbrush and unrefined layer of detail in terms of the intended density of housing, the building heights and access and movement patterns through any future layout. In permitting the outline planning application the Planning Committee endorsed the officers' recommendation that the parameter plans should be conditioned (condition 3) in order to control the various matters they refer to as part of the reserved matters application.

3.3 In terms of the detail, the current application is for the full 200 dwellings on the site (30% or 60 dwellings of which will be affordable homes) which results in a density of development of the net developable area (6.32 ha) of approximately 32 dwellings per hectare. The new dwellings comprise 2, 2.5 or 3 storeys and are either terraced, semi-detached, detached or in apartment blocks. The proposed mix of accommodation is as follows:

Market Housing

2 bed x 35
3 bed x 68
4 bed x 37

Total 140 (all houses)

Affordable Housing

1 bed x 9 (flats for Rent)
2 bed x 21 (15 flats for Rent; 6 Intermediate houses)
3 bed x 20 (all houses - 14 Rent; 6 Intermediate)
4 bed x 10 (all houses - 4 Rent; 6 Intermediate)

Total 60

3.4 The development is being provided with a total of 414 parking spaces, which comprise 52 unallocated / visitor parking spaces, 345 allocated parking spaces and 108 garages of which 35 garage spaces that comply with the minimum dimensions (6m x 3m) to be counted as a parking space. In accordance with the WSCC parking standards these 35 garages each contribute half an allocated parking space, therefore contributing a total of 17 parking spaces towards the total parking provision. (In summary: 52 + 345 + 17 = 414). 40 dwellings will have an 'active' electric vehicle charging facility.

3.5 The dwellings are laid out around a framework of primary roads at 5.5m wide giving access to private drives at 4.5m to 5m wide and shared surface streets at between 5m and 5.5m wide. The layout allows a pattern of development which has most dwellings fronting onto the roads with rear gardens backing onto rear gardens. The layout focusses the only 3 storey buildings in the development into the south-west corner of the site with the remainder of the site at pre-dominantly 2 storey with some 2.5 storeys. The site has been divided into 7 different character areas to differentiate the different use of house types and architectural detailing, the density of housing and the way the house types relate to each other and the street and the landscaping treatment around them. This closely follows the broad parameter plans approved under the outline planning permission.

3.6 The proposed materials palette for the dwellings comprises 3 types of facing brick, tile hanging to match the roof tiles of which there are 3 types and the use of white roughcast render. The Redrow Homes architectural style is quite distinctive amongst rival volume housebuilders with its pattern book echoing an Arts and Craft influence including the use of projecting bay windows, hipped roofs with dropped eaves, decorative tiling and brickwork and distinctive small paned windows.

3.7 The proposals include 2 areas proposed for allotments totalling 1,760sqm both on the eastern edge of the development amidst the large swathe of landscaped public amenity space which will border the west side of the River Lavant and will additionally accommodate the shallow SuDS attenuation basins required as part of the surface water drainage strategy and the 3m wide combined pedestrian/cycleway - the Lavant Valley Linear Greenspace - approved under the outline permission.

3.8 An equipped play area of 660sqm is shown located in the south-east corner of the site within an area of public open space and will comprise natural play equipment. This area will also contain the foul water pumping station for the development. Foul water mains drainage will be taken from the site via the new strategic sewer to Tangmere Wastewater Treatment Works (WwTW).

3.9 In terms of reducing carbon emissions and renewable energy the proposals are for a fabric first approach to provide high levels of insulation and with the addition of PV arrays on 71 dwellings capable of generating 39,854.82kWh/year of electricity the scheme is to achieve a 19% increase in energy savings over current building regulations.

4.0 History

16/03791/OUT	PER106	Residential development comprising up to 200 no. dwellings, including an element of affordable housing, associated landscaping and open space, Lavant Valley Linear Greenspace, surface water attenuation and ancillary works and vehicular access from the area known as 'Phase 4 of the Graylingwell Park development.'
17/00206/EIA	EIANR	Residential development comprising up to 200 no. dwellings, including an element of affordable housing, associated landscaping and open space, Lavant Valley Linear Greenspace, surface water attenuation and ancillary works and vehicular access from the area known as 'Phase 4 of the Graylingwell Park development.'
18/01911/FUL	PER	A minor road to provide access between Phase 2 of the Westhampnett / North East Chichester Strategic Development Location (application ref: CC/16/03791/OUT) and the Graylingwell Park Development.
18/03104/DOC	PER	Discharge of condition 20 of CC/16/03791/OUT.
20/02734/DOC	REF	Discharge of Condition 15 (Construction Environmental Management Plan) of Outline Planning Permission CC/16/03791/OUT.
21/00588/DOC	PCO	Discharge of Condition 15 of Outline Permission CC/16/03791/OUT - Construction Environmental Management Plan

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	YES
- Flood Zone 3	YES
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Comments received 06.02.2020

Strong Objection. The surrounding area has a lack of parking which would be further exacerbated by the proposal's shortfall of both allocated and visitor parking. Sufficient parking must be provided to at least minimum WSCC standards in this area. The pedestrian/cycle path should be provided along the linear greenspace following the course of the Lavant, and not through the streets within the site. Solar panels should be provided for appropriately orientated properties.

In order to promote walking and cycling, pavements should be provided on both sides of all rows of houses, and cycle lanes along the principle streets. If a shared surface is intended (e.g. along the Lavant) it should be connective, and of a different material, finish and appearance than the road, otherwise the appearance is of a series of drives with no pavement and no pedestrian/cycle connectivity.

A total of 113 garages are proposed providing a total of 12 parking spaces. This is a significant area of built form for little gain. If all the garages were replaced with a shed (and path) for cycle storage, and all properties with a drive were provided with an external socket for electric car charging, 30-50% of these garages could be provided as a parking space instead and the rest removed from the plan, this would be a significant improvement in terms of sustainability as well as parking standards. The development should be aiming to achieve carbon neutrality.

6.2 Environment Agency

No objection to the reserved matters application as submitted. We note that the submitted layout for Phase 2 identifies that no built development will be located within Flood Zones 2 and 3, and identifies that there will be a 10 metre buffer zone alongside the River Lavant.

6.3 WSCC - Highways

(Comments - 20 April 2021)
The highway officer has indicated that the revisions which the applicant has carried out are acceptable overall subject to the addition of conditions relating to the vehicular access from Graylingwell Park Phase 4, safety and design considerations including compliance with LTN 1/20 for the shared pedestrian/cycleways within the site, car and cycle parking spaces and construction of the internal roads. Whilst the revised internal road layout does not warrant a highway objection it does not – in places – fully embrace guidance in Manual for Streets (i.e. sections of roads with just single footways alongside one side of them and other areas where footways stop and then re-start further along). Visitor parking is still below what current guidance recommends and as such could lead to some on-street parking. Again this does not warrant an objection on highway grounds, particularly as the site is in a sustainable location which lends it to less use by car and the widths of the streets are such that parked vehicles are unlikely to cause an obstruction. Off-street car parking does also provide for visitors for a number of the properties shown.

(Comments - 28 October 2020)
More information/clarification requested on: Internal road layout, visitor parking, internal shared foot/cycleway, Upgrading of E-W path to shared facility, Plan showing access arrangements with Graylingwell Park Phase 4, Proposed carriageway widths.

6.4 CDC - Coastal and Drainage Engineer

Additional submitted plans now show areas of permeable paving and cellular soakaways. As previously stated all water should be drained to ground unless percolation rates, or groundwater are such that this is not possible. Based on our knowledge of the local geology and the information to date, we remain hopeful that all surface water could be drained directly to ground in accordance with the hierarchy of preference for different types of surface water drainage disposal systems. We previously raised concerns about the proximity of the attenuation basins to the main river. These concerns remain, and we hope the Environment Agency have been consulted on this matter.*

We have reviewed a proposed schedule of groundwater monitoring and percolation tests to inform the detailed surface water drainage scheme. This has demonstrated that the site can be drained if infiltration were to prove unviable, and we are still satisfied that we can control the surface water scheme through existing conditions if you were minded to approve the application.

*[*Planning Officer Comment: the attenuation basins were shown on the parameter plans which were approved under the outline planning permission. The EA has considered the plans showing the location of the basins and has raised no objection or specific observation on this component of the surface water drainage design. The proposed surface water drainage now relies on a combination of natural infiltration and the use of the attenuation basins – see para 8.13 of the report for further information]*

6.5 CDC - Housing Enabling Officer

The affordable mix is acceptable. Disappointed that the developers are adhering to the market mix they have presented. We have discussed that the difference between my preferred mix and their mix is relatively small in relation to the site as a whole. As such, and in light of the HEDNA being recommendations only, the Council would not win on appeal. I must reluctantly accept the mix they are proposing therefore.

6.6 CDC - Conservation and Design Officer

Layout - Through the process of the application changes have been made to layout of the proposals. Initially it was considered that the proposed development did not appropriately address the Graylingwell development to the South. Revisions have been made relocating the proposed apartment block to front this southern road better integrating the two developments and removing rear boundaries from fronting the highway. There are limited points available for connecting to the existing development to the West side of the development. However it is considered that opportunities have been taken to make connections such as pedestrian access to the existing play area. The proposed footpath / cycle way will also provide additional connection outside the site. Throughout the proposals it is considered that footpaths have been located in positions where they benefit from sufficient overlooking largely passing to the front of properties. The scheme is considered to work with its context in terms of layout situating the denser housing adjacent

to the existing housing development and the lower density housing adjacent to the open green spaces / countryside and river Lavant to the East. This provides a softer boundary appropriate for the edge of settlement location. The number of trees proposed within the public realm and parking courts has been improved particularly in the denser parts of the site which is welcomed but it remains considered that trees are lacking from the Primary Street. In terms of parking it is largely considered well resolved within the Eastern half of the proposals with private driveways minimising the dominance of car parking in the street scenes. To the Western half of the proposals concern has been raised regarding the amount of dwellings reliant on parking provision to the frontage of properties. The current layout whilst retaining a significant amount of front parking bays is considered the most appropriate by limiting the visibility of the parking in the main street scene. Given the density proposed particularly to the South West corner it is understood that it is more challenging to balance the required provision in a limited space. It was previously considered that the amount of soft landscaping to visually break up the parking was insufficient. Improvements have subsequently been made resulting in a greater amount of soft landscaping and tree planting in these areas which is welcomed. The parking in the area named 'The Square' was considered a particularly negative example being clearly visible in the street scene, additional planting including trees and hedges has provided some visual relief.

Elevations - Overall the detailing to the frontages of the properties is considered well resolved and likely to provide a well detailed and appropriately varied yet unified appearance to the street scenes. Throughout the proposals corner turner plots and visible side elevations were initially considered to be substantially lacking in appropriate detailing and fenestration. There have been some improvements secured during the course of the application which have resolved the situation for some plots and improved it for others but there are other plots where the opportunity has not been taken to design buildings which turn the corners well.

6.7 CDC - Environmental Protection

The site layout has been assessed with respect to the orientation of dwellings towards Goodwood Motor Circuit (GMC) and Goodwood Airfield (GA). It is recognised that the dwellings within the development are predominantly at least 400 metres distant from the nearest point of the GMC and the development is not directly overflown by any of the runways. Noise was a material consideration in this development and the Planning Noise Assessment Report 12/3752/R1 submitted by Cole Jarman is noted. Whilst no specific mitigation measures are advised within this noise report it is beneficial for the nearest dwellings to be orientated towards the circuit and airfield. This arrangement affords maximum mitigation of any noise from these sources by creating a barrier to sound from the motor circuit and airfield to provide quieter areas immediately behind the properties facing.

6.8 CDC - Environment Officer

Bats - 10 trees onsite (along the river Lavant) have potential for roosting bats and should be retained. Hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. Lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill. Bat bricks / tiles / tubes shall be integrated into the new building onsite facing south/south westerly positioned 3-5m above ground.

Water Voles - No works within 10m buffer adjacent to River Lavant. Satisfied that the protection measures in the Ecological Mitigation and Management Plan (EMMP) to be put in place for the creation of the Swales within this buffer zone are suitable.

Reptiles - the mitigation [strategy] proposed in the Updated Reptile surveys (Sept 2020) would be suitable. A condition should be used to ensure this takes place.

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

Nesting Birds - works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. A number of bird boxes to be installed on the new buildings onsite as well as on the trees within the 10m [buffer zone] along the River Lavant.

Policy 40 (Sustainability) – The site is within the SDL and 19% carbon savings over current building regulations is acceptable.

6.9 CDC - Contract Services

The layout overall appears to be suitable, however I would recommend a revised swept path analysis for some of the smaller turning areas using the correct vehicle sizes as the freighters Chichester District Council use are a little longer and wider than shown. This would give us the reassurance for service delivery.

[Planning Officer Comment: A subsequent iteration of the vehicle tracking drawing shows application of the correct 11m long CDC refuse vehicle which is successfully able to negotiate around the site]

6.10 Sussex Police

General comments provided to ensure that the development is safe and responds to Secured by Design recommendations. No specific difficulties identified. Observation that development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked, this design has all but eliminated the need for vulnerable rear garden pathways.

6.11 SDNP Link Officer

Comments awaited, the Committee will be updated.

6.12 5 Third Party Objections

- over development, Chichester is full.
- parts of the city are grid locked, the roads, amenities and public services, schools, health care cannot cope with what we have at present.
- destruction of green belt, agricultural land and harmful to biodiversity.
- will cause parking issues.
- building on a flood plain.
- loss of privacy.
- harmful to wildlife that uses the field.
- Chichester Society - 3 storey flats too prominent with pitched roofs; more detail needed of The Square, shouldn't be just a car park; no reference to bus services and local shopping; missed opportunity to create a community facility /entrance pavilion at the main road access point to the estate which is referred to as "by others"; UPVC windows.

6.13 Agent's Supporting Information

The application is accompanied by a pack of detailed drawings and a comprehensive suite of accompanying reports on the following matters: Planning Statement including Affordable Housing Statement; Position Statement on Housing Mix; Design Statement; Flood Risk Assessment; Chichester Long Term Ground Water Monitoring Letter Report; Ecological Mitigation and Management Plan; Reptile Survey; Parking Assessment and Highway Layout; Arboricultural Statement and Tree Survey; Air Quality Assessment; Drainage Statement incorporating Maintenance Management Plan; Noise Assessment; Sustainability Statement. The above reports can be read in detail on the Council's website.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, 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 10: Chichester City Development Principles

Policy 13: Chichester City Transport Strategy
Policy 17: Westhampnett/North East 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
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

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

7.3 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 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. 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. Following consideration of all responses to the consultation, significant further work has been identified and the Council is currently reviewing its Local Development Scheme (LDS). At Council on 12 March the revised LDS timetable was agreed. Adoption of the LPR is now anticipated in March 2023.

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

Part 1 - Strategic Policies
S1: Presumption in Favour of Sustainable Development
S2: Settlement Hierarchy
S3: Development Hierarchy
S4: Meeting Housing Needs
S6: Affordable Housing
S16: Development within vicinity of Goodwood Motor Circuit and Airfield
S20: Design
S23: Transport and Accessibility
S26: Natural Environment
S27: Flood Risk Management
S29: Green Infrastructure
S32: Design Strategies for Strategic and Major Development Sites
AL4: Land at Westhampnett/North East Chichester

Part 2 - Development Management Policies
DM2: Housing Mix
DM3: Housing Density
DM8: Transport, Accessibility and Parking
DM16: Sustainable Design and Construction
DM18: Flood Risk and Water Management

DM23: Lighting
DM25: Noise
DM28: Natural Environment
DM29: Biodiversity
DM30: Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas
DM32: Green Infrastructure
DM34: Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

National Policy and Guidance

7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 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

7.6 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

7.7 Consideration has also been given to:
- Surface Water and Foul Drainage SPD
- Planning Obligations and Affordable Housing SPD
- CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions
- 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:
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area.

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- Principle of the development
- Layout, Design, Scale and Appearance
- Housing mix
- Landscaping
- Sustainability
- Other matters (Biodiversity, Noise, Drainage, Residential Amenity)
- Significant conditions

Principle of the development

8.2 The principle of developing Phase 2 of the North East Chichester SDL for residential development of up to 200 new homes has been established by the 2018 outline planning permission. That permission included a set of parameter plans detailing the intended density of housing, the building heights and access and movement patterns through any future layout. The need for subsequent reserved matters applications to comply with the broad development objectives establish by these parameter plans was conditioned under the outline permission. The parameter plans therefore provide the agreed structure or framework from which the subsequent detail of the housing development will hang. The outline application was also accompanied by a series of 'sketch' plans which sought to add another layer of detail to the approved parameter plans. In particular the Illustrative Proving Layout illustrated in broad terms how a development of 200 dwellings might be accommodated on the site and it has some very clear parallels with the detailed proposals subject of the current application.

8.3 Given that this site benefits from outline permission and is required to be in broad conformity with the approved parameter plans, the following sections of this report are primarily concerned with the assessment of the proposal against the remaining reserved matters of layout, scale, appearance and landscaping, alongside other relevant material planning considerations.

Layout, scale and design

8.4 The proposed layout of the development follows that shown in the illustrative proving layout submitted with the outline application in terms of the areas of open amenity space, equipped playspace, means of access and allotment provision. The dwellings are arranged around the site in a series of perimeter blocks which enables most dwellings to front onto and positively address the streets. The primary streets are surfaced in tarmac with shared streets and spaces and private drives and parking courts defined with block paving. The development responds positively to the parameter plans conditioned on the outline planning permission. The density of development is higher at the south-west corner of the site adjacent to the eastern edge of Graylingwell Park at around 45 dwellings per hectare (dph) mainly as a consequence of the 3 storey flat block developments proposed in this location. Moving eastwards from this point the scale of building reduces to 2-2.5 storeys in the 'middle' zone of the site with a density of approximately 30 dph and then to a development of 2 storey detached houses on the 'outer' zone or eastern edge of the site facing out onto the River Lavant and the open landscape of the river valley beyond at a density of around 20 dph. The average overall density of the site is 31 dph which

compares favourably with the Council's suggested benchmark development of 35 dph for most development. The proposed grading of the development with a looser grain to the outer edge and a greater concentration of housing adjacent to the existing settlement edge of Chichester reflects the principles of the development agreed under the outline permission and is considered to be an acceptable and successful response to the edge of settlement location. The Council's Design Officer is generally supportive of the proposed layout whilst recognising that certain compromises have been made in the more dense parts of the site in order to accommodate the required level of parking. The originally submitted plans have undergone amendment through the course of the application and the key changes are a re-alignment of the pedestrian/cycleway path adjacent to the River Lavant so that it accords with the parameter plans, the integration of more on-street visitor parking, additional tree planting to break up and soften areas of parking, enlargement of the equipped play area in the south-east corner of the site to meet the required size and an enlargement of the allotments in the south-east corner of the site again to meet the required standards.

8.5 The scale of the proposed buildings is governed by the Building Heights parameter plan conditioned on the outline permission. The submitted development is predominantly 2 to 2.5 storey dwellings which is commensurate with the existing scale of development in Summersdale. The building heights gradually step down in scale at half storey intervals as you pass down the natural slope of the land from S/SW to E/NE. The tallest buildings at 3 storeys comprise the apartment blocks located on part of the southern and western edge of the development adjoining phase 4 at Graylingwell Park (where 3-3.5 storey buildings have been approved) and Winterbourne Road, then a 3-2.5 storey transition zone and then development at 2 storeys at the eastern/north eastern edge of the site where the site adjoins the River Lavant. It is considered that the development in this form is acceptable and will respect the landscape sensitivities of the site and its surroundings.

8.6 In terms of the design of the dwellings, the Redrow Homes proposals are for a style of architecture which the Committee last considered at the 31 March meeting in respect of the application for 143 dwellings on land south of Oving Road (O/20/02471/FUL). That style is repeated again here and results in a strong Arts and Crafts influence to the design which is quite distinctively different from that seen from rival volume housebuilders. The Council's Design officer has sought a number of minor elevational amendments to certain areas of the site but overall considers the detailing to the frontages of the properties is well resolved and likely to provide a well detailed and appropriately varied yet unified appearance to the street scenes. Officers agree with this assessment.

Housing Mix

8.7 The proposed housing delivers the required 30% affordable housing and following the Phase 1 housing development in the Westhampnett/NE Chichester SDL at Madgwick Park, the affordable housing component is proposed to be secured through a section 106 agreement appended to an approval for this reserved matters application. The affordable housing is tenure blind and pepper-potted across the site consistent with the requirements of the SPD. The overall housing mix whilst showing a slight divergence in terms of the preferred market mix is accepted by the Council's Housing Officer.

Landscaping

8.8 The principle of a housing development of 200 homes on the application site has been accepted by the Council in the granting of outline planning permission. Hand-in-hand with that permission is a tacit acceptance of a fundamental and irreversible change in the character and appearance of the existing land from agricultural field to housing development. To provide some mitigation for this inevitable change, the amount of development has been graded as agreed at the outline planning stage with the lower density of housing focussed on the outer edge of the site combined with a landscaped buffer with tree planting adjacent to the River Lavant. This helps to reinforce a softer transition to the countryside beyond from what will be the new settlement boundary for Chichester in this location . The planted green landscape buffer incorporates the SuDS basins and two separate areas for allotments as well as public open amenity space. At its narrowest it is a minimum 11 metres wide but it flares out significantly at the northern and southern ends to around 47 metres wide.

8.9 The integration of tree planting along the development's internal streets will also over time provide a degree of softening and the retention of the approximately 70 metre long native hedgerow which part bisects the site east-west provides a mature green corridor which will enhance biodiversity as well as waymarking the proposed footpath connection link to the west site boundary and the existing play area at Winterbourne Road. The development does not incorporate the major new structural planting referred to in Local Plan policy 17, but the objective of 'softening' the impact of the development on distant views from the north and north-east (the National Park) and at close quarters around the Motor Circuit is achieved. In terms of distant views of the site from the National Park, it is considered that whilst it will be apparent that there is new additional built form, the development will appear connected to and well integrated into the backcloth of the City. The National Park Authority raised no objection to the application at outline stage having considered the proposed parameter plans detailing density of housing and building heights spread across the site and the illustrative proving layout. A further response has been requested on this application and the Committee will be updated. From the Stocks Lane bridleway some 400 metres to the east on the perimeter of the Motor Circuit the continuous high hedging which follows its course will provide only occasional fleeting glimpses of the site as it rises up westwards from the River Lavant to meet the existing housing at Summersdale and the new housing at Graylingwell Park at the top of the slope. Within the context of an approval for 200 dwellings on the site it is considered that the development makes satisfactory provision for landscaping both on its perimeter and within the development itself.

Sustainability

8.10 Condition 22 on the outline planning permission requires the developer to design and construct the development to achieve the objectives in Policy 40 of the Local Plan. In terms of Local Plan policy 40 the developer has submitted a Sustainability Statement which commits to achieve a betterment of Building Regulations part L1A by 19% in terms of CO2 emissions. This will be achieved through a fabric first approach and through the installation of solar PV panels on 71 dwellings. The Council’s Environment Officer has confirmed that the approach is an acceptable response to the objectives of LP policy 40. The proposals also commit to personal water consumption being not greater than 110 litres per person per day and this will be secured by condition as will the provision of electric vehicle charging points to accord with WSCC policy.

Other Matters

8.11 Biodiversity - Whilst the site comprises for the main part an arable field, at its margins particularly adjacent to the course of the River Lavant it has greater ecological interest. Condition 5 on the outline permission requires the provision and management of a 10 metre wide buffer zone from the top of the bank, alongside the River Lavant to provide for ecology. In response to that condition as part of this reserved matters application, the applicant has submitted an Ecological Mitigation and Enhancement Plan which sets out details to improve the biodiversity of the site. To that end the proposals include provision of three reptile hibernacula within the 10 metre buffer, a 2 metre buffer strip adjacent to the River Lavant to ensure suitable grassland management for water vole habitat is retained there in the long term, three Schwegler 2F bat boxes within the 10 metre buffer plus bat tubes on newly constructed buildings and bat boxes erected on trees outside of the buffer zone. A detailed lighting condition attached to the outline permission (condition 12) acknowledges the sites edge of countryside location and mindful of the wider Dark Skies context of the National Park will require approval of the amount and form of external lighting including street lighting in order to control light spillage. The likely presence of bats particularly in the 10 metre buffer zone adjacent to the River Lavant is addressed in condition 5 on the outline permission which prohibits any lighting in this area. The biodiversity proposals also include one Schwegler 1B hole nest box and one Schwegler 2H open fronted nest box for birds within the main buffer zone. Within the site, garden boundary fences will include small gaps underneath to allow the free passage of hedgehogs and small mammals. The Council's Environment Officer has considered the proposals and the package of measures and confirmed that the mitigation and enhancements are suitable subject to a condition being imposed to secure them.

8.12 Noise - The proposed layout shows a modest incursion of some housing into the 400 metre noise buffer zone established around Goodwood Motor Racing Circuit in the Local Plan. This principle was accepted on the outline planning permission as sufficient to provide an acceptable level of residential amenity. The applicant has submitted a further Noise Assessment with the application which has been assessed by the Council's Environmental Protection Officer. Whilst no specific mitigation measures are advised within the noise report the orientation of outward facing dwellings towards the circuit and airfield is considered to afford maximum mitigation of noise from this source by creating a barrier to sound from the motor circuit and provide quieter areas immediately behind the properties facing. Notwithstanding this, condition 23 on the outline permission requires that before construction commences on the dwellings above slab level, full details of how the internal living spaces are to accord with specific noise limits for the daytime and night time periods. This information will need to be submitted as part of the discharge of planning conditions. The site is not overflown by aircraft using the Aerodrome so the issue relates to motor vehicle noise only. With condition 23 in place and the obligation on the applicant/developer to demonstrate non-exceedance of noise limits through design, officers are satisfied that this issue is satisfactorily addressed.

Drainage

8.13 Surface Water - Conditions 4, 16 and 19 on the outline planning permission require approval of the fine detail of the proposed surface water drainage arrangements. The principle of the site draining to attenuation basins adjacent to the River Lavant has been accepted on the outline permission and indeed they were clearly shown and annotated as such on the parameter plans approved under that permission. The Environment Agency under consultation on this application has raised no objection to the proposals. The additional information submitted with this application has added an additional level of detail to the drainage proposals. An offline cellular tank is to be used to provide additional storage and permeable paving is to be used for driveways and private roads to provide treatment and supplementary surface water attenuation. The drainage layout also provides for an element of infiltration which is supported by the Council's Drainage Engineer.

8.14 Foul Drainage - Condition 6 on the outline planning permission requires that prior to commencement of the development an overall site-wide foul water drainage scheme including full details of the proposed off site means of foul sewerage disposal which is required to go to Tangmere Waste Water Treatment Works has been submitted to and been approved in writing by the Local Planning Authority in consultation with Southern Water. No further conditioning is required in respect of this application. There is no issue relating to nitrates given that the site is required to discharge its foul water to Tangmere WwTW which does not discharge into the protected waters of the Solent Maritime SAC.

8.15 Residential Amenity – The proposed housing respects the Council’s design guidelines in terms of minimum separation distances for back-to-back and side-to-back relationships and in a number of instances the minimum distances are exceeded. The side-to-back orientation of the proposed dwellings on the west site boundary with the existing development at Winterbourne Road along with the retention of the significant boundary hedging will ensure that existing amenities are protected. The 3 storey flat block in the south–west corner of the site has been configured so that the principal rooms do not directly overlook the new Phase 4 development at Graylingwell Park.

Significant conditions

8.16 The outline planning permission was subject to a comprehensive schedule of 31 conditions which negates the need for a significant number of extra conditions. Notwithstanding that, there are conditions on the recommendation which in part supplement those already imposed on the outline permission and these include the following - the delivery of sustainable measures to accord with the requirements of Local Plan policy 40, implementation of the landscaping proposals including tree protection measures, a scheme of waymarking for the pedestrian and cycle access route as part of the Lavant Valley Linear Greenspace, road surfacing construction designed to comply with weight of Council refuse vehicles and biodiversity measures.

S.106 Agreement

8.17 Whilst the outline planning permission was accompanied by a comprehensive S.106 agreement it also required an Affordable Housing Strategy to be submitted with the first reserved matters application (i.e. this application) in order to secure details of, inter alia, the proposed number, location, tenure mix, unit size, nomination rights etc. The Affordable Housing Strategy is to be secured through this reserved matters application via a second S.106 agreement. The drafting of that second S.106 agreement is now agreed with the applicant on the basis of the number, dwelling type, mix and tenure set out in paragraph 3.3 of this report. The development is to be built in two phases with 42 affordable dwellings being built in the first phase before occupation of the 60th market dwelling, and 18 affordable dwellings built in the second phase before occupation of the 31st market dwelling in that phase. It is anticipated that the second S.106 will be completed following the Committee meeting.

Conclusion

8.18 The principle of a housing development on this site has been established, through the allocation of the SDL in the Local Plan and the specific requirements of policy 17, the concept statement, the endorsed masterplan for the SDL and the granting of outline planning permission for 200 dwellings in November 2018. The proposed details submitted as part of this reserved matters application are considered to be faithful to the broadbrush level of detail which was submitted with the outline application. The application has attracted only 5 third party letters of objection and the objections of the City Council on points of detail have been substantially addressed in the later iterations of the submitted plans. The development is considered to be well integrated with the existing eastern boundary of Chichester as required by policy 17 with housing of an attractive design and appearance. Delivery of 200 new homes will make a significant contribution to addressing the Council's housing supply shortfall in addition to providing 60 affordable dwellings. The application is therefore recommended for approval subject to the additional conditions identified in the schedule below.

Human Rights

8.19 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

DEFER FOR SECTION 106 THEN 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:
P18-1497_01BB-01; P18-1497_01BB-02;

P18-1497_13I House Type Pack:-
P18-1497_13 Sheet 01D: Buxton Elevations (Brick)
P18-1497_13 Sheet 02D: Buxton Floor Plans
P18-1497_13 Sheet 03E: Letchworth Elevations and Floor Plans (Brick)
P18-1497_13 Sheet 04E: Warwick Elevations and Floor Plans (Brick)
P18-1497_13 Sheet 05B: Warwick Elevations and Floor Plans (Render)
P18-1497_13 Sheet 06C: Amberley Elevations and Floor Plans (Brick)
P18-1497_13 Sheet 07B: Amberley Elevations and Floor Plans (Render)
P18-1497_13 Sheet 08H: Oxford Lifestyle Elevations and Floor Plans (Brick)
P18-1497_13 Sheet 09G: Cambridge Elevations and Floor Plans (Render)
P18-1497_13 Sheet 10F: Leamington Lifestyle Elevations and Floor Plans (Brick)
P18-1497_13 Sheet 11C: Leamington Lifestyle Elevations and Floor Plans (Render)
P18-1497_13 Sheet 12F: Shaftesbury Elevations and Floor Plans (Brick)
P18-1497_13 Sheet 15E: Sunningdale Elevations and Floor Plans (Brick)
P18-1497_13 Sheet 17E: Henley Elevations (Brick)
P18-1497_13 Sheet 18E: Henley Floor Plans
P18-1497_13 Sheet 19: Richmond Elevations (Brick)
P18-1497_13 Sheet 20: Richmond Elevations (Render)
P18-1497_13 Sheet 21A: Richmond Floor Plans
P18-1497_13 Sheet 22B: 1bed & 2bed Apartments Front Elevation (Brick)
P18-1497_13 Sheet 22D: 1bed & 2bed Apartments Rear Elevation (Brick)
P18-1497_13 Sheet 23D: 1bed & 2bed Apartments Side Elevation (Brick)
P18-1497_13 Sheet 24E: 1bed & 2bed Apartments Ground Floor Plan
P18-1497_13 Sheet 25E: 1bed & 2bed Apartments First Floor Plan
P18-1497_13 Sheet 26D: 1bed & 2bed Apartments Second Floor Plan
P18-1497_13 Sheet 27E: 2 Bed Apartments Front Elevation (Render)
P18-1497_13 Sheet 28F: 2 Bed Apartments Side Elevation (Render)
P18-1497_13 Sheet 29F: 2 Bed Apartments Rear Elevation (Render)
P18-1497_13 Sheet 30F: 2 Bed Apartments Side Elevation (Render)
P18-1497_13 Sheet 31E: 2 Bed Apartments Ground Floor Plan
P18-1497_13 Sheet 32F: 2 Bed Apartments First Floor Plan
P18-1497_13 Sheet 33F: 2 Bed Apartments Second Floor Plan
P18-1497_13 Sheet 34B: Tavy End Elevations (Brick)
P18-1497_13 Sheet 35C: Tavy End Floor Plans
P18-1497_13 Sheet 36B: Tavy Middle Elevations (Brick)
P18-1497_13 Sheet 37C: Tavy Middle Floor Plans
P18-1497_13 Sheet 38B: Dart End Elevations (Brick)
P18-1497_13 Sheet 39C: Dart End Floor Plans
P18-1497_13 Sheet 40D: Dart Middle Elevations (Brick)
P18-1497_13 Sheet 41E: Dart Middle Floor Plans
P18-1497_13 Sheet 42D: Bourne End Elevations (Brick)
P18-1497_13 Sheet 43E: Bourne End Floor Plans

P18-1497_13 Sheet 44E: Bourne End Second Floor Plan
P18-1497_13 Sheet 47D: Tweed End Elevations (Brick)
P18-1497_13 Sheet 48E: Tweed End Floor Plans
P18-1497_13 Sheet 49C: Tweed Middle Elevations
P18-1497_13 Sheet 50D: Tweed Middle Floor Plans
P18-1497_13 Sheet 55: Single Garages Elevations and Floor Plan (Brick)
P18-1497_13 Sheet 56: Twin Garages Elevations and Floor Plan (Brick)
P18-1497_13 Sheet 58D: Ledsham Elevations (Brick)
P18-1497_13 Sheet 59E: Ledsham Floor Plans
P18-1497_13 Sheet 61C: 1bed & 2bed Apartments Side Elevation (Brick)
P18-1497_13 Sheet 62C: Harrogate Elevations and Floor Plans (Brick)
P18-1497_13 Sheet 63D: Harrogate Elevations and Floor Plans (Render)
P18-1497_13 Sheet 64A: 1bed Maisonette Elevations (Brick)
P18-1497_13 Sheet 65B: 1bed Maisonette Ground Floor Plan
P18-1497_13 Sheet 66B: 1bed Maisonette First Floor Plan
P18-1497_13 Sheet 67: Lincoln 3 Elevations (Brick)
P18-1497_13 Sheet 68: Dart End Elevations (Brick)
P18-1497_13 Sheet 68B: Lincoln 3 Floor Plans
P18-1497_13 Sheet 69: Bourne Middle Elevations (Brick)
P18-1497_13 Sheet 70A: Bourne Middle Floor Plans
P18-1497_13 Sheet 71A: Bourne Middle Second Floor Plan
P18-1497_13 Sheet 72: Cambridge Elevations and Floor Plans (Render)
P18-1497_13 Sheet 73: Harrogate Elevations and Floor Plans (Render)
P18-1497_13 Sheet 74: Henley Elevations (Brick)
P18-1497_13 Sheet 75: Henley Floor Plans

P18-1497_16J; P18-1497_17E; P18-1497_20I; P18-1497_21I; 6977.LM.03I; 6977.WCBZ.PP.5.0A; 18-295-01A; 18-295-04; 18-295-200E; 18-295-201E; 18-295-202E; 18-295-203E; 18-295-204E; 18-295-205E; 18-295-206E; 18-295-207E; 18-295-208E; 18-295-209E; 18-295-210D; 18-295-211D; 18-295-212D; 18-295-215D; 18-295-220; 18-295-02; 7495-EVCP-001; 39-1038.02A; 39-1038.018.1; 7495-PV-001

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

2) **No development shall commence on site** until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the 'Tree Survey to BS5837:2012, Proposed Tree Retention and Removal, Arboricultural Imapct Assessment and Tree Protection Plan' prepared by FLAC dated October 2020 and including the existing hedgerow which part bi-sects the site east to west. Thereafter the protective fencing shall be retained for the duration of the works and in accordance with the above report prepared by FLAC dated October 2020 and the recommendations of BS5837:2012, 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 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.

3) The development hereby permitted shall not be carried out other than in full accordance with the mitigation measures and ecological enhancements set out in the Ecological Mitigation and Management Plan (December 2019) produced by ECOSA together with the mitigation in the Updated Reptile Surveys (September 2020) and shall be carried out in accordance with details and a timetable for implementation to be submitted to and agreed in writing by the Local Planning Authority **before work commences on site.** For the avoidance of doubt details of the mitigation measures and ecological enhancements shall include:
- areas of wildflower grassland planting
- management of vegetation within two metre buffer from River Lavant
- protection of retained trees in accordance with BS 2012:5387
- provision and retention of 3 no. hibernacula for reptiles
- provision of 2 no. bat boxes and 3 no. bird boxes
- gaps to be provided at the bottom of garden boundary fences to allow free movement of hedgehogs and small mammals across the site.

Reason: In the interests of conserving and enhancing biodiversity.

4) **Before construction of the final wearing course of the internal roads** within the development hereby permitted details shall be submitted to and be approved in writing by the Local Planning Authority of the surfacing materials which shall be suitably strong enough to take the weight of a 26 tonne waste freighter vehicle. The final wearing course of the internal roads shall thereafter be constructed in the approved surfacing materials.

Reason: To ensure that the internal roads are designed and constructed to withstand the weight of the heaviest vehicles using them.

5) **Before the Lavant Valley Linear Greenspace footpath and cycle path is first brought into use** a scheme of waymarking to be first agreed in writing by the Local Planning Authority following the submission of details in that behalf shall be implemented and once implemented shall thereafter be retained.

Reason: To ensure that the recreational benefit of the public

6) **Before construction of any dwelling above slab level** the technical specification of the active Electric Vehicle (EV) charging point facilities shall be submitted to and be approved in writing by the Local Planning Authority. The development shall provide for a minimum of 40 active EV charging point facilities and no dwelling which is to be provided with an active EV charging facility shall be first occupied until that facility has been provided and is ready for use.

Reason: To comply with Appendix B of the West Sussex County Council Guidance on Parking at New Developments (September 2020) and to provide for sustainable means of transport in accordance with Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

7) **No development above slab level shall commence** until verge details for all roofs (main roofs, garages and pitched roof porches) have been submitted to and been 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 finishes to be used are appropriate in the interest of amenity and to ensure a development of visual quality.

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

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

9) Notwithstanding the Solar PV locations shown on drawing number 7495-PV-001, **there shall be no development above slab level** until detailed calculations and plans have been submitted to and been approved in writing by the Local Planning Authority which shall demonstrate that the development will meet the electricity generation levels set out in section 7.5 'Photovoltaic Panels' of the Sustainability Statement prepared by JSP ltd Sustainability and dated April 2021. Thereafter the Solar PV panels shall be installed and fitted flush with the roof plane and be ready for use in accordance with the approved details prior to the occupation of the associated dwellings.

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

10) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). **No dwelling hereby permitted shall be first occupied** until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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

11) **No dwelling shall be first occupied** until the associated road(s), footways and casual parking areas serving that dwelling have been constructed, surfaced and drained in accordance with the approved plans.

Reason: To secure satisfactory standards of access for the proposed development.

12) **No dwelling shall be first occupied** until such time as the North-South and East-West foot and cycle paths shown serving the development have been constructed in accordance with a timetable and plans and details to be submitted to and approved in writing by the Local Planning Authority after consultation with the Local Highway Authority. The foot and cycle paths shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety.

INFORMATIVES

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

2) The Local Planning Authority has acted positively and proactively in determining this application by 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.

3) 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 Jeremy Bushell on 01243 534734.

To view the application use the following link - https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q30LGGERLLX00

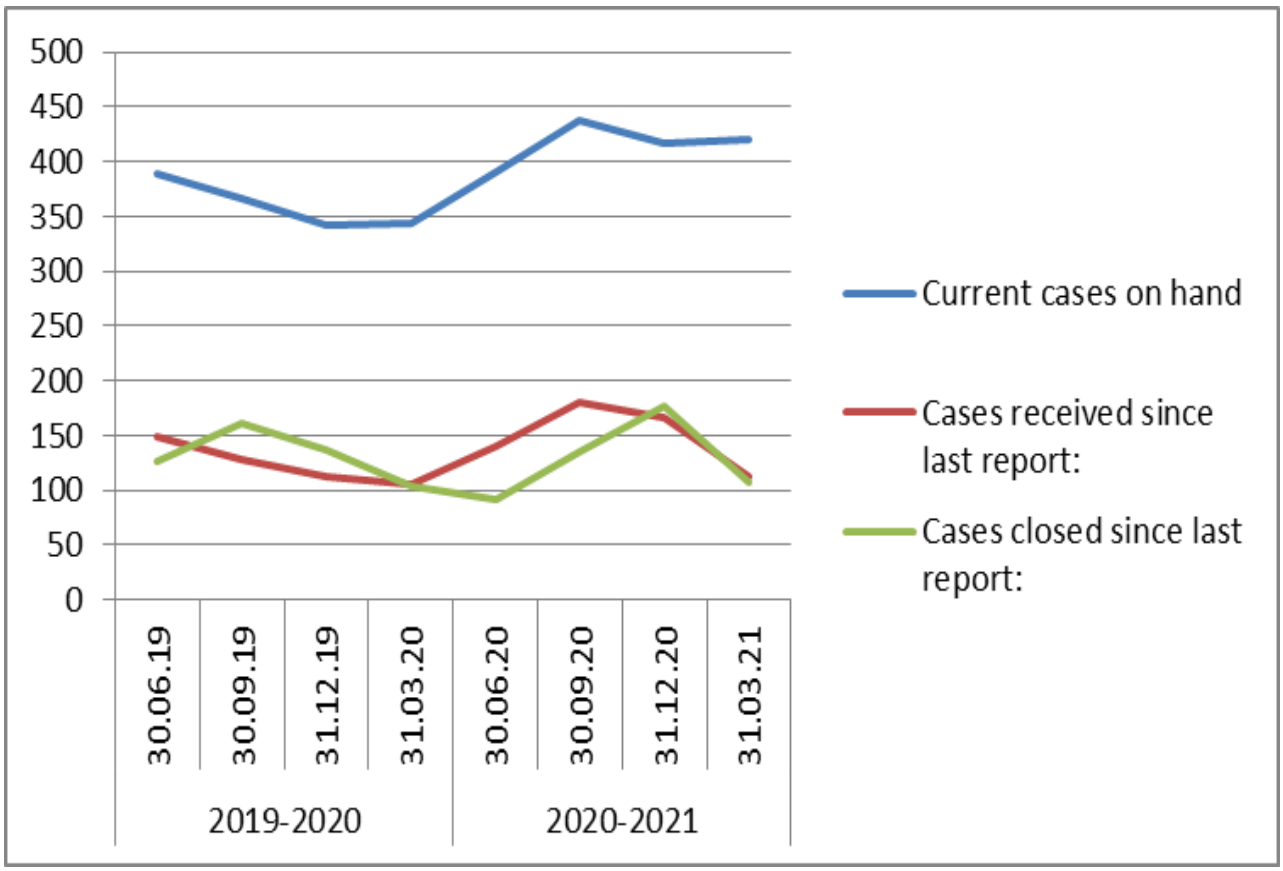
PLANNING COMMITTEE
(Wednesday 05th May 2021)
SCHEDULE OF OUTSTANDING CONTRAVENTIONS

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

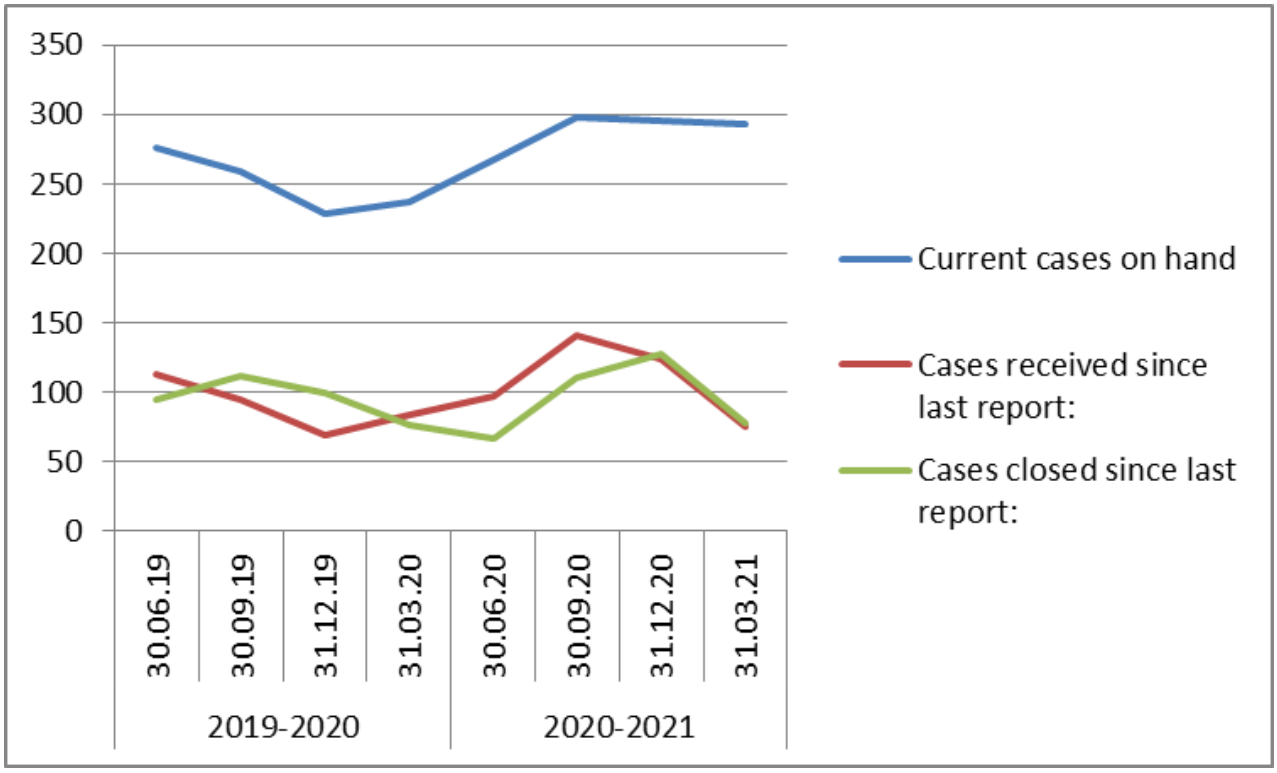
2. **Statistics as at 31st March 2021**

Case Numbers:	CDC	SDNP	Total
On hand as at last report:	295	122	417
Cases received since last report:	75	37	112
Cases closed since last report:	77	31	108
Current number of cases on hand:	293	128	421
Number of "On hand" cases awaiting compliance with an EN or the outcome of an appeal/application	93	36	129

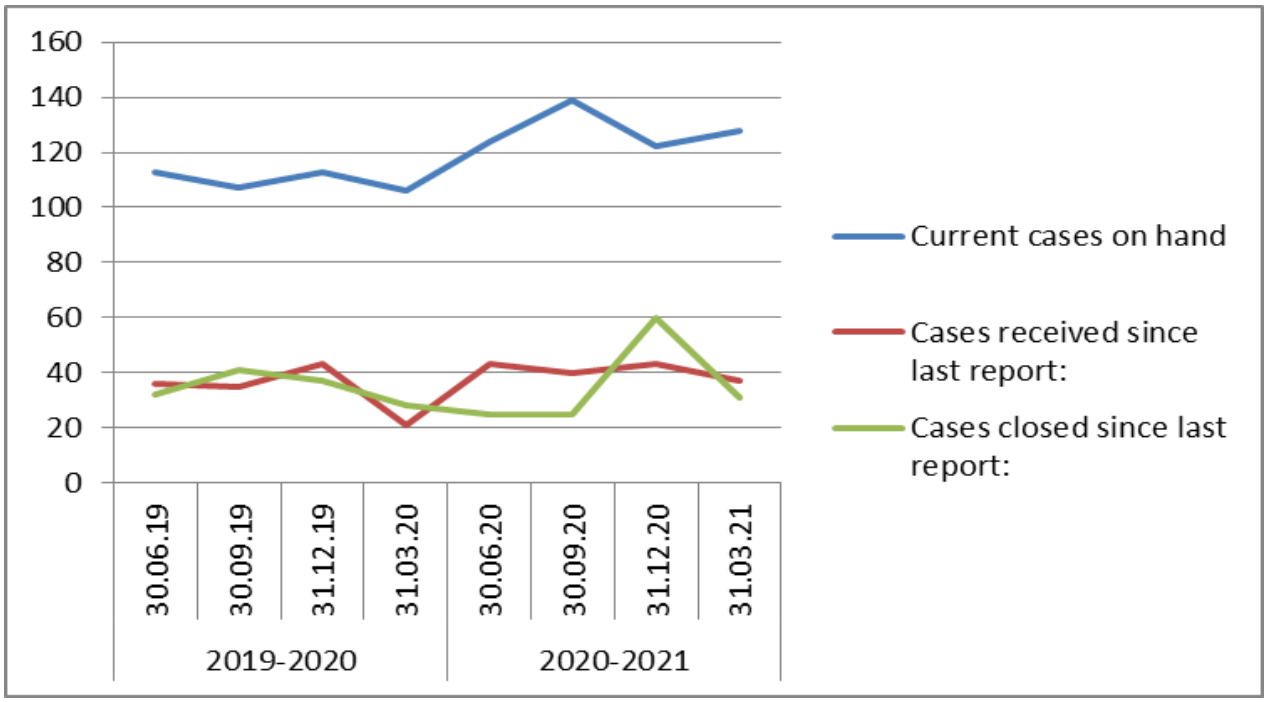
CDC and SDNP



CDC



SDNP



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 (361 Cases)	97%
Medium within 10 days (73 Cases)	98%
High with 2 days (20 Cases)	100%

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

Low within 35 days (341 Cases)	100%
Medium within 20 days (75Cases)	100%
High within 9 days (19 Cases)	100%

4. Notices Served.

Notices Served:	Jan- Mar 2021		Total in FY 2020/21	
	CDC	SDNP	CDC	SDNP
Enforcement Notices	8	1	15	2
Breach of Condition Notices	2		5	
Stop Notices	1	1	2	1
Temporary Stop Notices	2	2	13	3
Section 215 Notices				
Section 225A Notices				
High Hedge Remedial Notices			2	
Tree Replacement Notice				
Total	13	4	36	6

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. No compliance achieved by 30.07.18 as required 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 – Property is considered to be a Building at Risk. 16.07.20 – SDNPA agreed that CDC Historic Building Advisor [HBA] assess the property; owner to be informed that the issue of a repairs notice is pending. 19.10.20 –confirmation of ownership and occupancy sought. HBA to assess condition of the building; and owner to be informed of steps required to be taken to avoid Repairs Notice 20.01.21 –SDNPA and Legal advised sending a further letter to Owner requesting contact is made to avoid issue of S48 Repairs Notice. 22.04.21 – Matter sits with SDNPA and HBA to consider what action should be taken to safeguard this listed building at risk.
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 19.04.21 – No compliance, caravan remains – prosecution proceedings to commence.

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/ 15/00209/ 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 19.04.21 – No compliance, internal building remains – prosecution proceedings to commence.
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 22.12.20 – Owner confirmed that use had ceased. a/w easing of Covid restrictions to remove jumps, bunds, sheds etc. 22.04.21 – Officers working with owners to achieve compliance.
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 20.01.21 –Legal Services reviewing case 21.04.21 – Further information required to progress prosecution It is noted that the temporary pp has expired

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/ 20/00600/ OPDEV (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. 29.10.20 – Prosecution papers forwarded to Legal Services 20.01.21 –Legal Services reviewing case 21.04.21 –Further information required to progress prosecution
LURG/SDNP/ 20/00539/ OPDEV (Emma Kierans)	Land North of Blind Lane Lurgashall	Without planning permission, the erection of an agricultural building	27.01.21	EN LG/17 issued Compliance date 27.04.21 Appeal against the refusal validated 22.03.21 Enforcement action put on hold until appeal determined
LURG/SDNP/ 20/00539/ OPDEV (Emma Kierans)	Land North of Blind Lane Lurgashall	Building works in the construction of an agricultural building	27.01.21	SN LG/18 issued Notice takes effect on 31.01.21 Appeal against the refusal validated 22.03.21 Enforcement action put on hold until appeal determined
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 sent to advise that LPA will prosecute for failure to comply with the notice 22.04.21 – following the relaxation of lockdown a compliance site visit will be carried out

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
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 – fence has been removed from front boundary 19.10.2020 – letter sent to owners to request removal of remaining section of fence 22.04.21 – as above
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 by the SDNPA 30.04.21– application remains pending consideration. Determination date due 11.05.21
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. 19.10.20 – the owners have confirmed that the roof will be taken off and lowered 22.04.21 – site visit to be undertaken following the relaxation of lockdown

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
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 Owner intends to submit an application for smaller building by the end of April 2021. Further action to be reviewed should application not submitted

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 dismissed. New compliance date 24.10.20 20.01.21 application to be submitted to amend fence/gates 23.03.21 – application 21/00177/DOM withdrawn 20.04.21 - site visit carried out, letter before action sent and prepare witness statement for prosecution
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 Appeals were dismissed and the enforcement notice(s) upheld New Compliance date: 2 August 2018 0.08.20 - 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 to appeal Court Order - dismissed 08.01.21 – As a result of the current COVID situation the injunction order of the High Court was amended administratively by the Justice to read - 1) that the Defendants shall cease the use of the site for residential purposes and remove all caravans, mobile homes, portable toilets etc. by **31 March 2021.** 2) The Defendants shall remove all hard-core, tracks, fences, stables, cabling etc. and restore the land to its agricultural use by **30 April 2021.** 19.04.21 – site continues to be occupied by 5 families. 22.04.21 – further visit to take place after 30 April.

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 serial BI/15/00194/CONTRV**
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 **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 **As serial BI/15/00194/CONTRV**
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 – 08.06.21

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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 – 08.06.21
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 – 08.06.21
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 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 20.01.21 – some structures removed but stables and MH remain on the land. Officers are attempting to work with the owner to bring about compliance 22.04.21 – MH has now been broken up. Officers continue to work with owner to achieve compliance.

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 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 sent to request removal of the building 20.01.21 - carry out compliance check when restrictions lifted 20.04.2021 - works are in progress regarding compliance with the notice. Continue to monitor.
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 17.10.19 – Meeting on site with the landowner. He would like to make an application to use the land as storage place 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 20.01.21 – land use reduced but vehs remain on the land. To be progressed as stated above 17.02.21 – prosecution papers forwarded to Legal Services

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/15/00064/ 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 January 2021 - The owner has made enquiries to development management in relation to altering the design and submitting a planning application. He has been advised the amended design is not appropriate and to undertake works as set out in the enforcement notice. COVID-19 is likely to delay these works. April 2021 – owner advised by development management to install windows as specified in the enforcement notice. No communication from owner. Personal financial circumstances unlikely to have changed. Owner reluctant to undertake the works.
CC/20/00380/ CONTRV (Sue Payne)	Land North West Of Newbridge Farm Salthill Road Fishbourne Chichester	excavation/digging, hardsufaces and hardcore and introduction of caravans	18.12.20	TSN/73 notice issued Notice ceases to be in effect on 15.01.21 18.01.21 – Prosecution papers for non-compliance with the TSN forwarded to Legal Services 22.04.2021 – Statement to be amended

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 02.09.20 – application refused 29.10.20 – SV found that Wildwood, South Street Chichester is still using the unauthorised kitchen in breach of the BCN issued 04.12.20 – draft prosecution papers sent to Legal Services 20.01.21 –Legal Services reviewing case 22.04.21 – Owners have indicated an intention to carry out further noise monitoring work with a view to making a further application BUT legal service will now proceed to draft Court Summons
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 January 2021 – no changes in the personal circumstances of the owner and COVID-19 continuing to hinder progress April 2021 – no changes in the personal circumstances of the owner.

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CC/20/00380/ CONTRV (Sue Payne)	Land North West Of Newbridge Farm Salthill Road Fishbourne Chichester	Without planning permission, the material change of use of the land to use as a residential mobile home/caravan site	05.01.21	EN CC/151 issued Compliance date 16.10.21 Appeal lodged – Written Representation Start date confirmed and statements due 23rd April 2021
CC/20/00380/ CONTRV (Sue Payne)	Land North West Of Newbridge Farm Salthill Road Fishbourne Chichester	Building operations – excavation/digging of trenches, hard surfaces, erection of buildings/structures and bringing on further mobile homes or caravans	05.01.21	SN CC/152 issued Notice takes effect on 09.01.21
CC/20/00223/ CONBC (Emma Kierans)	125 Cedar Drive Chichester	Breach of condition – obscure glazing	21.04.21	BCN CC/153 issued Compliance date 22.06.21
D/20/00180/ CONBC (Emma Kierans)	Former St Wilfrids Hospice Grosvenor Road Donnington	Breach of condition – hours of operation	23.11.20	BCN D/11 issued Date to comply by 21.12.20 11.01.21 - keep open for monitoring 20.04.21 – keep open for monitoring

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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 02.04.20 – negotiating compliance steps, have agreed extension of time 12.10.20 - an application for the retention of some of the walling to be submitted by end of Nov 20.01.21 - application to be submitted by end of Feb 21 20.04.21 - NFA report drafted – to be authorised
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. 20.01.21 - carry out compliance check when restrictions lifted 08.03.21 – notice complied with. **Remove from next list**
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 20.01.21 – Legal Services reviewing the case 20.04.21 – Further site visit arranged in order to update witness statement

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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 14.12.20 – letter before action sent 20.01.21 - Prosecution papers to be prepared 02.02.21 – Prosecution papers forwarded to Legal Services 20.04.21 – As above
EWB/19/00332/ CONHH (Emma Kierans)	Sunlands Bracklesham Lane Bracklesham Bay Chichester	Breach of condition – removal of hoarding	0712.20	BCNEN EW/48 issued Compliance date 18.03.21 20.04.21 - Compliance check to be carried out
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 02.04.20 - LBC granted - Ref: 20/00219/LBC 30.7.20 - Sale of property proceedings with new purchaser 19.10.20 – new purchaser is in consultation with the LPAs HBA 20.01.21 – Property remains in a for sale process, continue to monitor 30.03.2021 – A new owner has confirmed that they are working through the items listed on the s.215 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 – virtual event 25/01/21 29.01.21 - Appeal dismissed New compliance date 29.04.21

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
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 22.04.21 – Site visit required to check on compliance with Enforcement Notice.
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 05.02.21 – Notice complied with. **Remove from next list**
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 20.01.20 - site visit required to check on compliance 22.04.21 – Enforcement Notice has been partially complied with. Officers are working with owner to achieve discharge of drainage condition on FU/17/01191/FUL. Once this has been discharged, the enforcement case can be closed.

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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 Awaiting new PINs site visit date
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 19.11.20 – Listed for court at 10.00hrs 29.01.21 at Brighton Magistrates Court 25.01.21 - The above case has been adjourned to 30/07/2021 at Brighton Magistrates Court at 11:00
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 21.01.20 – Hearing at Crawley Magistrates Court 13.01.21 – relisted by court to 17.06.21

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FU/20/00288/ CONENG (Tara Lang)	Land West of Newells lane West Ashling	Without planning permission, the carrying out of engineering operations to remove top soil and excavate the ground, followed by the importation of hard-core and gravel to form areas of hardstanding and an access track	28.10.20	EN FU/77 notice issue Compliance date 09.06.21 Appeal lodged – awaiting start letter
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 19.11.20 – Listed for court at 10.00hrs on 29.01.21 at Brighton Magistrates Court 25.01.21 - The above case has been adjourned to 30/07/2021 at Brighton Magistrates Court at 11:00
FU/19/00294/ CONBC (Tara Lang)	Land East of Tower View Nursery West Ashing Road Hambrook	Breach of conditions – excess number of caravans	19.01.21	BCN FU/78 issued Compliance date 18.07.21

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FU/21/00087/ CONBC (Tara Lang)	3 West Ashling Road, Hambrook, Funtington, West Sussex	Breach of conditions – occupation category	08.02.21	BCN FU/79 issued Compliance date 08.08.21
FU/20/00109/ CONTRV (Shona Archer)	Field west of Beachlands Nursery, Newells Lane Funtington	Without planning permission the change of use of the land to a residential mobile home/caravan site	17.03.21	EN FU/80 issued Compliance date 24.10.21
FU/18/00270/ CONBC (Tara Lang)	Land West of Beachlands Nursey Newells Lane, West Ashling, Chichester, West Sussex	Without planning permission, the material change of use of the Land to use as a residential mobile home site	17.03.21	EN FU/81 issued Compliance date 24.10.21
FU/18/00270/ CONBC (Tara Lang)	Land West of Beachlands Nursey Newells Lane, West Ashling, Chichester, West Sussex	Without planning permission, the formation of a hardstanding and the installation of a metal container building	17.03.21	EN FU/82 issued Compliance date 24.10.21

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HN/20/00400/ CONCOU (Sue Payne)	Land east of Farmfield Nurseries Selsey Road Hunston	Without planning permission, the material change of use of the land to a general storage use.	11.03.21	EN HN/28 issued Compliance date 22.10.21 April 2021 – appeal lodged
HN/20/00400/ CONCOU (Sue Payne)	Land east of Farmfield Nurseries Selsey Road Hunston	Without planning permission the erection of two container buildings	11.03.21	EN HN/30 issued Compliance date 22.07.21 April 2021 – appeal lodged
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 April 2021 – step one compliance completed
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 30.04.21

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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 20.01.2021 – Site Visit required to check on number of vehicles still present on site 03.02.21 – letter before prosecution action sent. 22.04.21 – There are only a few vehicles left on the site now. Officers are continuing to work with owners to achieve full compliance.
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 23.10.20 – Appeal dismissed New compliance date 23.01.21 20.04.21 - compliance check to be carried out

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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 – contact ongoing 30.12.20 – owner confirmed his intentions to sell the site but has yet to say what steps he will take 20.01.21 – CDC monitoring situation – cross services 23.04.21 – Compliance site visit to be made after 21.05.21
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 20.01.21 – site visit required 23.04.21 – as above

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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 23.04.21 – as above
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 23.04.21 – as above
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

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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 Appeal lodged – Written Representations 03.02.21 – appeal dismissed New compliance date 03.08.21
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

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SB/17/00279/ CONSH (Steven Pattie)	Land North Of The Shrubbery Thorney Road Southbourne	Without planning permission the siting of a metal container building	25.02.21	EN SB/122 issued Compliance date 08.07.21
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 20.01.21 to carry out compliance check when restrictions lifted 20.04.2021 – Site visited the breach remains. Letter sent to the owner and their agent with regard to prosecution proceedings.
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 Appeal Lodged – Hearing virtual event 07.09.21
SI/21/00038/ CONMHC (Sue Payne)	Land To The East Of Ivy Grange Keynor Lane Sidlesham West Sussex	The erection of buildings and sheds, the use of plant and machinery, the carrying out of operational development and the occupation of the mobile home on to the land	19.02.21	TSN/77 issued The notice cease to be in effect on 19.03.21

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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 8th October confirmed that some works had been undertaken. Owner contacted and advised what further works would be required January 2021 – discussion with the owner to remedy the breach however restricted by COVID-19 regulations April 2021 – discussion with the owner to agree May 2021 to remedy the breach following COVID-19 restrictions being lifted.
TG/19/00069/ CONSRV (Sue Payne)	17 Nettleton Avenue Tangmere	Breach of condition - retention of amenity land	09.01.20	BCN TG/21 issued Appeal against refusal of planning application 19/01532/FUL 23.10.20 – Planning appeal dismissed New compliance date 28.01.21 14.01.21 - Planning application 20/03130/DOM submitted to change the use of the land 08.04.21 – application refused April 2021 – agent confirmed that an appeal would be lodged against recent planning refusal
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 26.11.20 – agreement from Divisional Manager to delay compliance until 02.02.21 22.04.21 – EN notice complied with. **Remove from next list.** New structure erected contrary to Art 4 Direction, investigation open to deal with this breach.

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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 Sept 2021
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 September 2021
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 September 2021

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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 20.01.21 – planning appeal in progress 30.04.21 – planning appeal remains in progress
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. Site visit required post COVID-19 24.07.20 – site visit carried out. Works to comply with EN still not completed. Consider prosecution for non-compliance 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. 14.01.21 – Owner has confirmed most of the works have been done to comply with the EN. Site visit required 22.04.21 – Owner has done most of the work to comply with Enforcement Notice. Part of the fence remains in situ. Officers now considering prosecution for the part of the notice not complied with

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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 14.01.2021 – Allowed owner a further 2 weeks to confirm her intentions with regard to compliance with EN 29.01.21 – date for compliance deferred to 31.03.21 22.04.21 – date for compliance deferred to 30.06.2021
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 25.11.20 09.12.20 – enforcement notice upheld with variation New compliance date 09.09.21
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 31.03.21 – Notice complied with. **Remove from next list**
WE/19/00217/ CONCOU (Steven Pattie)	Land West of 4 The Paddocks, Common Road, Hambrook, Westbourne	Without planning permission the material change of use of the land to use as a residential caravan site	03.02.21	EN WE/49 issued Compliance date 17.09.21 Appeal lodged - Hearing

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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 20.01.21 - remains open for monitoring 20.04.21 - remains open for monitoring
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 20.04.2021 – compliance check carried out. The vast majority of the work has been carried out. 21.04.21 - Letter sent requesting removal of remaining items.
WW/16/00251/ CONCOU (Steven Pattie)	Land East of Brook House Pound Road West Wittering	Without planning permission, the material change of use of the wooden building to use as a single dwellinghouse	14.01.20	EN WW/49 issued Appeal lodged – Written representation

Chichester District Council Planning Committee

Wednesday 5 May 2021

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

between 10-03-2021 - 13-04-2021

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

Note for public viewing via Chichester District Council web site

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

* = Committee level decision

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
20/02178/DOM	
Plaistow And Ifold Parish **Case Officer: Beverley Stubbington** **Written Representation**	Winkins Wood Farm Shillinglee Road Plaistow RH14 0PQ Extension and adaptation of northern wing including removal of conservatory and internal and external alterations.
20/03159/PA3Q	
Sidlesham Parish **Case Officer: Maria Tomlinson** **Written Representation**	Willowdene Nursery Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG Class Q (a) application for Prior Approval - change of use from agriculture to 1 no. large dwellinghouse (C3 Use Class).

2. DECISIONS MADE

Reference/Procedure	Proposal
20/02002/DOM	
East Wittering And Bracklesham Parish **Case Officer: Vicki Baker** **Householder Appeal**	Hazard Cottage East Bracklesham DriveBrackleshamPO20 8JH Raise roof of garage for an additional bedroom (amendments to previous permission 15/03025/FUL).
Appeal Decision: APPEAL ALLOWED	
"…. The garage would continue to be subservient in scale to the main house and would be clad in similar materials. Changing the roof pitch to match that of the main house would, aesthetically, compare favourably to the current shallower roof form. I conclude that, while the altered garage would be more prominent in views along East Bracklesham Drive, that prominence would not appear harmful to the character or appearance of the area given the greater massing of newer development along the road, and that the garage would remain subservient in scale to the host dwelling. The increase in height and bulk when viewed from the enclosed yard and front parking area to Le Var would also not be so significant as to appear over dominant…"	

Reference/Procedure	Proposal
20/01726/FUL	
Funtington Parish **Case Officer: Maria Tomlinson** **Written Representation**	Stockers Farm Salthill Road Fishbourne PO19 3PY Replacement dwelling, detached car barn and associated works (alternative proposal to extant permission FU/19/02841/FUL).
Appeal Decision: APPEAL ALLOWED	
"... The Council raises no objection to the part of the proposal for a replacement dwelling, having granted planning permission for a replacement dwelling under FU/19/02841/FUL……for this appeal ……. The main issues are whether the car barn and associated works is justified in this location, and its effect on the character and appearance of the area. In considering the storage barn subject of FU/20/00878/FUL, the Inspector concluded that there was a justified need for another barn on the site as a replacement for that to be demolished……..to help maintain the grounds of Stockers Farm … The proposed car barn would be located in the same position as the storage barn permitted under FU/20/00878/FUL…. I agree with the previous Inspector that in this case the location relates well to the existing barn to be retained... in my view the simple elevations clad with trapezoidal wall panels and timber sliding doors would not appear out of place alongside the retained barn or its countryside setting…Because of the size and degree of separation of the car barn from the dwelling, it is reasonable and necessary to impose a condition limiting its use for purposes incidental to the dwelling [and] a condition requiring the removal of the storage containers and external storage, other than where shown to be retained on the approved plans, is necessary in the interests of the appearance of the site and wider countryside. …"	

Reference/Procedure	Proposal
20/01021/FUL	
Sidlesham Parish **Case Officer: Vicki Baker** **Written Representation**	4 Cow Lane Sidlesham PO20 7LN Demolition of an existing agricultural storage building and the construction of 1 no. 3 bed 1.5 storey dwelling, ancillary to main dwelling.
Appeal Decision: APPEAL DISMISSED	
… As the building would remain long after the personal circumstances of the appellant had changed, I place little weight in planning terms on the intention to use it as extended family accommodation. The proposed residential dwelling, whether occupied in conjunction with the existing dwelling or not, does not require a countryside location, would not meet an essential rural need and would not support rural diversification. It would also be located in a position with poor accessibility to local services and facilities. The provision of additional residential accommodation is a modest benefit…"	

Reference/Procedure	Proposal
19/01951/FUL	
Oving Parish **Case Officer:** **Jeremy Bushell** **Informal Hearing**	Land At The Corner Of Oving Road And A27 Chichester PO20 2AG Erection of 143 dwellings, with associated access, parking, public open space, landscaping, extension to residential curtilages of existing properties along Oving Road and other associated works.
Withdrawn	

3. IN PROGRESS

Reference/Procedure	Proposal
17/00356/CONMHC	
Birdham Parish **Case Officer: Shona Archer** **Informal Hearing** **08-Jun-2021** **EPH**	Plot 12 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission, change of use of the Land to the storage of a caravan and a highway maintenance vehicle used for white line painting. Linked to **17/00361/CONMHC** and **17/00362/CONMHC**
17/00361/CONMHC	
Birdham Parish **Case Officer: Shona Archer** **Informal Hearing** **08-Jun-2021** **EPH**	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission, change of use of the Land to the storage of a caravan and a diesel fuel oil tank. Linked to **17/00356/CONMHC** and **17/00362/CONMHC**
17/00362/CONMHC	
Birdham Parish **Case Officer: Shona Archer** **Informal Hearing** **08-Jun-2021** **EPH**	Plot 14 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission change of use of the land to use as a residential caravan site. Linked to **17/00356/CONMHC** and **17/00361/CONMHC**
*** 19/02579/FUL**	
Chichester Parish **Case Officer: Martin Mew** **Written Representation**	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Change use of land to travellers caravan site consisting of 4no. pitches each containing 1no. mobile home, 1no. touring caravan, 1no. utility dayroom; play area and associated works. Linked to **20/00380/CONTRV**
20/00380/CONTRV	
Chichester Parish **Case Officer: Sue Payne** **Written Representation**	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Appeal against creation of hardstandings and siting of mobile homes without planning permission. Linked to *** 19/02579/FUL**

Reference/Procedure	Proposal
*** 20/00412/OUT**	
Chidham & Hambrook Parish **Case Officer: Joanna Bell** **Informal Hearing**	Land Off Broad Road Broad Road Hambrook PO18 8RF Outline Application for the construction of 35 no. affordable residential dwellings for first time buyers and those looking to rent their first home (Paragraph 71 entry-level exception site), with all matters reserved other than access.
19/02493/OUT	
Earnley Parish **Case Officer: Jeremy Bushell** **Informal Hearing**	Earnley Concourse Clappers Lane Earnley Chichester West Sussex PO20 7JN Outline planning application with all matters except Access reserved. Demolition of Earnley Concourse buildings, Elm Lodge, Gate Cottage and the Ranch House and replacement with residential development of up to 32 no. dwellings with associated access and footway works, landscaping, open space and drainage infrastructure
20/01235/FUL	
Earnley Parish **Case Officer: Maria Tomlinson** **Written Representation**	111 Second Avenue Almodington Earnley PO20 7LF Erection of 1 no. dwelling - Alternative design to planning permission E/18/02530/FUL.
*** 19/00431/AGR**	
East Wittering And Bracklesham Parish **Case Officer: Martin Mew** **Written Representation**	Hundredsteddle Farm Hundredsteddle Lane Chichester West Sussex PO20 7BL Grain store and machinery store.

Reference/Procedure	Proposal
20/02001/FUL	
East Wittering And Bracklesham Parish **Case Officer: Vicki Baker** **Written Representation**	Land South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex PO20 7JE New access to the highway.
20/01980/FUL	
Fishbourne Parish **Case Officer: Calum Thomas** **Written Representation**	Parking Area South Of Black Boy Court Main Road Fishbourne West Sussex Extension and change use of roofspace to habitable accommodation over carport to create single dwellinghouse.
20/02303/FUL	
Fishbourne Parish **Case Officer: Jane Thatcher** **Written Representation**	Land At Bethwines Farm And South Of Ivy Lodge Blackboy Lane Fishbourne West Sussex Construction of 35 no. affordable residential dwellings for first-time buyers with associated access, parking, landscaping and associated infrastructure.
*** 19/00445/FUL**	
Funtington Parish **Case Officer: Martin Mew** **Written Representation**	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.
18/00323/CONHI	
Funtington Parish **Case Officer: Sue Payne** **Written Representation**	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ Appeal against HH/22

Reference/Procedure	Proposal
19/01400/FUL	
Loxwood Parish **Case Officer: William Price** **Written Representation**	Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.
19/02903/FUL	
Plaistow And Ifold Parish **Case Officer: William Price** **Written Representation**	Plot 1B Land At Sparrwood Farm Shillinglee Road Plaistow West Sussex Erection of stable barn and (25m x 50m) manege including fencing, solar photovoltaic panels and muck heap.
20/01448/FUL	
Plaistow And Ifold Parish **Case Officer: Dale Jones** **Written Representation**	Land North Of Sparrwood Farm Dunsfold Road Plaistow West Sussex RH14 0QF Proposed agricultural barn.
19/02999/FUL	
Selsey Parish **Case Officer: Martin Mew** **Written Representation**	Hillfield House 4 Clayton Road Selsey Chichester West Sussex PO20 9DB Demolition of existing dwelling and the erection of 4 no. dwellings, 4 no. garage spaces and associated external works.
*** 20/01574/DOM**	
Selsey Parish **Case Officer: Calum Thomas** **Householder Appeal**	Park Cottage Park Road Selsey PO20 0PR Proposed single storey rear extension. Retrospective permission for outbuilding to provide ancillary accommodation and Jacuzzi shelter.

Reference/Procedure	Proposal
20/02466/PLD	
Selsey Parish **Case Officer: Maria Tomlinson** **Written Representation**	Ashbourne Residential Home Byways Selsey Chichester West Sussex PO20 0HY Use as a single dwelling within Use Class C3.
19/00259/CONBC	
Sidlesham Parish **Case Officer: Emma Kierans** **Informal Hearings** **07-Sep-2021** **EPH**	Field South Of Green Lane Piggeries Ham Road Sidlesham West Sussex Appeal against non-compliance with the conditions of the appeal decision - temporary occupancy
20/00032/FUL	
Southbourne Parish **Case Officer: Joanna Bell** **Written Representation**	Gosden Green Nursery 112 Main Road Southbourne PO10 8AY Demolition of existing B8 and B1 buildings and erection of replacement buildings for a mix of B8 and B1 uses, with access, parking and landscaping.
20/01053/FUL	
Southbourne Parish **Case Officer: Calum Thomas** **Written Representation**	Mountain Ash 106 Main Road Southbourne PO10 8AY Erection of 1 no chalet bungalow.
20/02077/FUL	
Southbourne Parish **Case Officer: Maria Tomlinson** **Written Representation**	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.

Reference/Procedure	Proposal
19/02136/FUL	
West Wittering Parish **Case Officer: Maria Tomlinson** **Written Representation**	Land East Of Brook House Pound Road West Wittering Chichester West Sussex PO20 8AJ Construction of 1 no. boat house with ground floor storage ancillary to first floor self-contained residential unit.
20/01200/FUL	
West Wittering Parish **Case Officer: Maria Tomlinson** **Written Representation**	Seahaven West Strand West WitteringPO20 8AU Demolition of existing dwelling and construction of replacement dwelling.
16/00251/CONBC	
West Wittering Parish **Case Officer: Steven Pattie** **Written Representation**	Land East Of Brook House Pound Road West Wittering Chichester West Sussex PO20 8AJ Appeal against breach of condition 2 to 13/02676/DOM - use of outbuilding subject to Enforcement Notice WW/49.
19/01985/FUL	
Westbourne Parish **Case Officer: Calum Thomas** **Informal Hearings VIRTUAL**	The Paddocks Common Road Hambrook Westbourne Chichester West SussexPO18 8UP Change of use of land to allow for the extension of an existing Gypsy/Traveller site comprising of an additional four mobile homes, four touring caravans and one dayroom.
19/03206/FUL	
Westbourne Parish **Case Officer: Jane Thatcher** **Written Representation**	Unit 2, Ten Acres Cemetery Lane Woodmancote Westbourne PO10 8RZ Change of use of site for B8 storage of privately owned and commercial vehicles, with ancillary offices and stores. (retrospective).

Reference/Procedure	Proposal
13/00163/CONWST	
Westbourne Parish **Case Officer: Shona Archer** **Public Enquiry** **14-17 & 21-22Sep-2021** **Chichester Harbour Hotel**	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42
19/00217/CONCOU	
Westbourne Parish **Case Officer: Steven Pattie** **Informal Hearing**	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP Appeal against Enforcement Notice WE/49
20/02824/OUT	
Westhampnett Parish **Case Officer: Jeremy Bushell** **Public Enquiry** **03-Aug-2021** **VIRTUAL**	Land Within The Westhampnett / North East Chichester Strategic Development Location (north Of Madgwick Lane) Chichester Outline Application with all matters reserved except for access for the residential development comprising up-to 165 dwellings, including an element of affordable housing; together with an access from Madgwick Lane as well as a relocated agricultural access, also from Madgwick Lane; Green Infrastructure, including the enhancement of the Lavant Valley Linear Greenspace; sustainable drainage systems; and associated infrastructure.

4. VARIATIONS TO SECTION 106 AGREEMENTS

None

5. CALLED-IN APPLICATIONS

None

6. COURT AND OTHER MATTERS

Injunctions		
Site	**Matter**	**Stage**
Land West of Birdham Farm, Birdham Road	Of 4 Enforcement Notices	Injunction granted by the High Court on 10/8/20 to: A) stop occupation of the land for residential use; B) remove all caravans; C) do not carry out any development without prior permission of the Council; D) clear & restore the land to its agricultural use. Deadlines in the above Injunction extended by Order of 7/1/21 because of Covid lockdown to **31/3/21** for A) & B) above and to **30/4/21** for D) above. **Update:** The Defendants' Legal Representative proposed an extension to the above deadlines due to the continuing Covid Lockdown. This has been agreed in principle to 30 June and 31 July respectively, however they have not made the application to the court. The Council will take a view after the 30 April deadline expires as to our next steps (breach of court order) if they do not make an application to extend before then.

Court Hearings		
Site	**Matter**	**Stage**

Prosecutions		
Site	**Breach**	**Stage**
Land South of The Stables, Hambrook	Of Enforcement Notice	Original First hearing adjourned by the court due to Covid restrictions to 30/7/21 at Brighton Magistrates' Court. All papers served on the Defendant.
West Ashling Road, West Ashling	Of Condition Notice	Original First hearing adjourned by the court due to Covid restrictions to 30/7/21 at Brighton Magistrates' Court. All papers served on the Defendant.
Land West of Newells Lane, West Ashling	Of Temporary Stop Notice	Original First hearing adjourned by the court due to Covid restrictions to 17/6/21 at Crawley Magistrates' Court. All papers served on the Defendant.

7. POLICY MATTERS

None

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South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 10/03/2021 and 13/04/2021

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.

3. CURRENT APPEALS

Reference/Procedure	Proposal
SDNP/19/06009/LDP 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.
SDNP/20/01391/LIS Heyshott Parish Council Parish Case Officer: Charlotte Cranmer **Informal Hearing**	Dunford House Dunford Hollow West Lavington GU29 0AF - Demolition of modern extension and external and internal alterations to facilitate the change of use of the building to a single dwellinghouse.

Reference/Procedure	Proposal
SDNP/20/02578/FUL Fernhurst Parish Council Parish Case Officer: Louise Kent **Written Representation**	Bramleys 36A Vann Road Fernhurst GU27 3JN - Construction of a new dwelling and garage within the garden.
SDNP/20/02062/HOUS Petworth Town Council Parish Case Officer: Jenna Shore **Householder Appeal**	Leith House Angel Street Petworth West Sussex GU28 0BG - Demolition of existing double garage to replace with Annex extension to include glazed link. Internal/external alterations to the existing property.
SDNP/20/01390/FUL Heyshott Parish Council Parish Case Officer: Charlotte Cranmer **Informal Hearing**	Dunford House Dunford Hollow West Lavington GU29 0AF - Change of use of listed building (Use Class C2) to a single dwellinghouse (Use Class C3), including demolition of modern extension and external and internal alterations.
SDNP/20/03281/HOUS Lurgashall Parish Council Parish Case Officer: Beverley Stubbington **Householder Appeal**	Sybs Farm Jobsons Lane Windfall Wood Common Lurgashall GU27 3BX - Replacement garage with ancillary accommodation.
SDNP/19/03032/FUL Bignor Parish Council Parish Case Officer: Louise Kent **Written Representation**	Manor Farm Bignor Road Bignor RH20 1PQ - Change of use of agricultural land to a tourist use for the siting of 6 no. shepherds huts, camping and with a part conversion of an agricultural barn to provide ancillary facilities.

Reference/Procedure	Proposal
SDNP/20/01635/LDP West Lavington Parish Council Parish Case Officer: Derek Price **Written Representation**	Kennels Farm Selham Road West Lavington Midhurst West Sussex GU29 0AU - Proposed use of buildings at Kennels Farm as Estate Maintenance yard including a joinery workshop, painters workshop, stores and offices.
SDNP/19/05938/HOUS Lurgashall Parish Council Parish Case Officer: Jenna Shore **Written Representation**	Aldworth Farm Jobsons Lane Lurgashall GU27 3BY - Two storey rear extension to northern wing. Minor internal alterations and replacement fenestration to south west extended section and north east extended section. Amendments to planning permission SDNP/16/03556/FUL and listed building consent SDNP/16/03567/LIS. Linked to SDNP/19/05939/LIS
SDNP/19/05939/LIS Lurgashall Parish Council Parish Case Officer: Jenna Shore **Written Representation**	Aldworth Farm Jobsons Lane Lurgashall GU27 3BY - Two storey rear extension to northern wing. Minor internal alterations and replacement fenestration to south west extended section and north east extended section. Amendments to planning permission SDNP/16/03556/FUL and listed building consent SDNP/16/03567/LIS. Linked to SDNP/19/05938/HOUS

4. VARIATIONS TO SECTION 106 AGREEMENTS

None

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	**Breach**	**Stage**

Court Hearings		
Site	**Matter**	**Stage**

Prosecutions		
Site	**Breach**	**Stage**

7. POLICY MATTERS

None