

# Public Document Pack

## JOHN WARD

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on (subject to current Government Guidance) **Wednesday 5 January 2022 at 9.30 am**

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

## AGENDA

### 1 **Chairman's Announcements**

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

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

### 2 **Approval of Minutes** (Pages 1 - 18)

The minutes relate to the meeting of the Planning Committee on 8 December 2021.

### 3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 10(b).

### 4 **Declarations of Interests** (Pages 19 - 20)

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

- 5 **WE/20/01569/FUL - Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG** (Pages 21 - 59)  
Erection of 1 no. dwelling and associated landscaping.
- 6 **FB/21/02509/FUL - Black Boy Court Main Road Fishbourne PO18 8XX** (Pages 61 - 75)  
Creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping
- 7 **CC/21/03391/FUL - St James Industrial Estate Westhampnett Road Chichester West Sussex PO19 7JU** (Pages 77 - 94)  
Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m<sup>2</sup> (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings. Variation of Condition 1 of planning permission CC/20/01914/FUL - changes to Block 1 from one single large unit into 10 smaller units and associated works and to regularise the conditions of permission CC/21/01391/FUL to reflect conditions contained in permission CC/20/01914/FUL
- 8 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 95 - 109)  
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 9 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 111 - 118)  
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 10 **Consideration of any late items as follows:**  
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:
- a) Items added to the agenda papers and made available for public inspection
  - b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting
- 11 **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. Subject to Covid-19 Risk Assessments members of the public are advised of the following:
  - a) Where public meetings are held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages.
  - b) It is recommended that all those attending take a lateral flow test prior to the meeting.
  - c) All those attending the meeting will be required to wear face coverings and maintain social distancing when in the building/meeting room.
  - d) Members of the public must not attend any face to face meeting if they or a member of their household have Covid-19 symptoms and/or are required to self isolate.
6. How applications are referenced:
  - a) First 2 Digits = Parish
  - b) Next 2 Digits = Year
  - c) Next 5 Digits = Application Number
  - d) Final Letters = Application Type

**Application Type**

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

**Committee report changes appear in bold text.  
 Application Status**

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

**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

**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



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 8 December 2021 at 9.30 am

**Members Present:** Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

**Members not present:** Mr R Briscoe

**In attendance by invitation:**

**Officers present:** Miss J Bell (Development Manager (Majors and Business)), Mr J Bushell (Principal Planning Officer), Miss N Golding (Principal Solicitor), Mr M Mew (Principal Planning Officer), Mr D Price (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

## 145 **Chairman's Announcements**

The Chairman welcomed everyone present to the meeting and read out the emergency evacuation procedure.

Apologies were received from Roy Briscoe.

## 146 **Approval of Minutes**

The minutes of the meeting held on 3 November 2021 were agreed as a true and accurate record.

## 147 **Urgent Items**

There were no urgent items.

## 148 **Declarations of Interests**

Mr Barrett declared a personal interest in;

- Agenda Item 6 - BI/20/02066/OUT – as the Chichester District Council external appointment to Chichester Harbour Conservancy
- Agenda Item 9 – BO/20/03326/FUL – as the Chichester District Council external appointment to Chichester Harbour Conservancy

Rev. John-Henry Bowden

- Agenda Item 10 - CC/21/00841/FUL – as the Chichester District Council external appointment to the Goodwood Aerodrome Committee

Mrs Johnson declared a personal interest in;

- Agenda Item 6 - BI/20/02066/OUT – as a member of West Sussex County Council and a member of Selsey Town Council
- Agenda Item 9 – BO/20/03326/FUL – as a member of West Sussex County Council
- Agenda item 11 – KD/20/00457/COU – as a member of West Sussex County Council

Mr Oakley declared a personal interest in;

- Agenda Item 6 - BI/20/02066/OUT – as a member of West Sussex County Council
- Agenda Item 9 – BO/20/03326/FUL – as a member of West Sussex County Council
- Agenda item 11 – KD/20/00457/COU – as a member of West Sussex County Council

Mrs Purnell declared a personal interest in;

- Agenda Item 6 - BI/20/02066/OUT – as a member of Selsey Town Council

Mrs Sharp declared a personal interest in;

- Agenda Item 6 - BI/20/02066/OUT – as a member of West Sussex County Council
- Agenda Item 9 – BO/20/03326/FUL – as a member of West Sussex County Council
- Agenda item 11 – KD/20/00457/COU – as a member of West Sussex County Council

## 149 **Housing Land Supply Update Report**

Mr Ayling and Miss Stevens presented the report to the Committee. Miss Stevens introduced the report, she explained that the previous land supply position concluded, that as of April 2020 the Council had a 4.3 year housing supply. In response the Council brought forward an Interim Position Statement that was approved by the Planning Committee in June 2020.

Mis Stevens explained that West Sussex County Council undertake the monitoring of housing development for Chichester District Council (and other West Sussex authorities). The data provided by WSCC has been used as the basis for the latest land supply position.

Miss Stevens informed the Committee that Lambert Smith Hamilton had been appointed to undertake a Critical Friend Review of the 5YHLS report, and to review the evidence in respect of the windfall allowance; as well as the lead-on and build-

out rates of residential development sites. She drew their attention to Appendix 1 of the report which set out the full review.

Based on the most recent data, Miss Stevens informed the Committee that the Council, as of 1 April 2021, is able to demonstrate at least 5.3 years of housing land supply.

Mr Ayling took the Committee through section 6 of the report. He explained that the findings to be tested at appeal and Members will be kept informed of the outcome of the examinations and how they impact upon the five-year housing land supply.

Mr Ayling drew Member's attention to paragraph 6.4 of the report, he highlighted that although there is a current five-year housing land supply (5YHLS) it is important that to maintain this position going forward with planning applications considered if the benefits indicate it should be permitted. The five-year housing land supply statement has immediate effect and will apply to current appeals, it means the tilted balance no longer applies.

Mr Ayling informed the Committee that there was a typo in the recommendation which should read as follows '*...set out in para 6.4 of the report*'.

The Committee received representations from;  
Cllr Tony Colling – Loxwood Parish Council

In response to comments made in the public representation; Mr Ayling acknowledged that the Loxwood Neighbourhood Plan had being stalled by the water neutrality issue affecting the area. However, he reminded the Committee the same issue also applied to all planning applications and other Neighbourhood Plans within the area. He clarified that the Development Plan is the basis for all planning applications and referred to paragraph 6.3 of the report. In addition, Mr Whitty advised that whilst the Committee do not have to apply the tilted balance in their consideration, they should remain mindful to the future and maintaining a five-year housing land supply.

On behalf of the Committee Mrs Purnell thanked all officers for their work on the Five-Year Housing Land Supply Statement.

With regards to the A27 and the number of new homes that can be supported in the future; Mr Ayling explained that the 5YHLS is assessed through the Standard Method. A different figure to the 5YHLS will be put forward as part of the Local Plan, however, this figure would not be applicable until the Local Plan has been fully adopted.

On the issue of the windfall allowance included within the statement; Mr Ayling informed the Committee that part of the work LSH had undertaken in the Critical Friend Review, was to assess the methodology the Council had used in calculating the statement and how that information was presented. From this work they advised that there were a number of elements the Council should consider amending, including;

- Windfall allowance; Mr Ayling explained that these are unplanned sites that come forward, the Council has always included an allowance for small windfall sites (10 dwellings or less), however, following the work undertaken by LSH they have concluded that there is sufficient evidence for allow a larger allowance to be included. As a result, the windfall element included within the statement is larger than in previous statements.
- Rate of delivery and lead in times; Mr Ayling explained that there was no significant difference in the figures calculated, however the work undertaken by LSH meant that they were better evidenced.

In addition, Mr Ayling informed the Committee, that planning decisions taken over the previous year had also been considered, including the Tangmere development which had been approved by the Committee at a meeting on 21 March 2021.

On the matter of lead in times, Mr Ayling clarified that this means the time from when an application receives full permission (either a full application or an Outline and then Reserved Matters) and the permission is then issued along with the signed S106 agreement.

With regards to delivery rates on sites; Mr Ayling clarified that delivery rates are considered as a whole, therefore larger sites such as Whitehouse Farm where there a number of developers, will have a higher delivery rate, when compared to smaller sites.

On the matter of how much weight can be attached to Loxwood Neighbourhood Plan; Mr Whitty informed the Committee that it was currently at 'Reg 14' which means officers are unable to apply any significant weight to the policies currently contained within the Neighbourhood Plan. He reassured members that officers do not see the Interim Position Statement (IPS) as a 'green light' to development, it is a useful a tool for assessing the benefits which might be brought forward by development.

On the issue of whether the 5YHLS has any implications to the Duty to Cooperate; Mr Ayling informed the Committee that officers had sought legal opinion regarding this and received very clear advice that the Duty to Cooperate and the 5YHLS are very separate matters until the time when the figure for the Local Plan is agreed.

In a vote the Committee agreed to the report recommendation to **note the housing land supply update and the approach to housing applications as set out in para. 6.4 of the report.**

Recommendation; **That the Committee notes the housing land supply update and the approach to housing applications as set out in para. 6.4 of the report.**

150 **BI/20/02066/OUT - Koolbergen, Kelly's Nurseries And Bellfield Nurseries Bell Lane Birdham, Chichester West Sussex PO20 7HY**



Mr Bushell presented the report to the Committee. He drew their attention to the Agenda Update Sheet which included additional comments from; Birdham Parish Council, Selsey Town Council, and a further third-party comment; as well as a further reason for refusal.

Mr Bushell explained that the application had been deferred at the Planning Committee on 8 September 2021 for the five reasons recorded within the minutes of the meeting and set out within the report (page 64). With regards to the attendance of a representative from WSCC Highways Mr Bushell explained that unfortunately the WSCC representative had to offer apologies.

Mr Bushell outlined the current policy context and explained that the Council has now moved to a Plan-led approach when considering applications. He explained that since the last Committee Meeting the Council had published its new Five-Year Housing Land Supply (5YHLS) Statement and could demonstrate a 5.3-year supply. As a result, the officer recommendation has changed from permit (at the September Committee) to refuse, full reasons for the change in the recommendation was detailed in full within the report. In summary, because the Council can demonstrate a 5YHLS the application of the Tilted Balance in favour of development is no longer required and the planning balance is tilted towards a plan-led approach. Mr Bushell informed the Committee that this approach had been adopted by the Planning Inspector when they had dismissed a previous appeal on same site in 2018.

Mr Bushell highlighted the site location to the Committee and explained that the site adjoined the Birdham settlement boundary and was 150m north of the Somerley conservation site. He informed the Committee that the entire site was located within Floodzone 1.

Mr Bushell outlined the three land parcels located within the development site, as well as the proposed access arrangements. He informed the Committee that the proposal was for a mix of 73 houses, flats, and some bungalows, which gives a net density of around 27 dwellings per hectare, along with an employment building and retail unit. There will be a foul water pumping station, which will have a holding tank facility for up to 48 hours.

Mr Bushell confirmed that since September Committee the applicant has included the 3m maintenance buffer required for drainage ditches on the north, west and south boundaries. However, as detailed in the Agenda Update Sheet, it has not been clarified whether the buffer does achieve the required level space for maintenance purposes. The Drainage Engineer has been consulted and due to the lack of clarity on this issue does mean that it is not possible to confirm whether the overall quantum of development can be accommodated on the site and as such is included as a further reason for refusal of the application.

Mr Bushell informed the Committee that foul water from the site would drain to the Sidlesham Waste Water Treatment works, via the Pigs Lane pumping station. Since September the report has been updated to provide further information on foul drainage, Mr Bushell drew the Committee's attention to paragraph 8.20 of the report and introduced Mrs Mayall from Southern Water who was in attendance to help answer any questions regarding foul water.

In summary Mr Bushell concluded that due to the Council now having a 5.3 year housing land supply, 11d of the NPPF no longer applied. The loss of Bellfield was considered contrary to the Birdham Neighbourhood Plan Policy 23. In revaluating the application officers have no reason to reach a different decision to the Appeal Inspector and therefore recommendation is to refuse.

The Committee received representations from;  
Cllr Timothy Firmston – Birdham Parish Council  
Cllr Pieter Montyn – West Sussex County Council Member  
Dr Carolyn Cobbold – Objector (statement read by Mrs Fiona Baker)  
Dr Jill Sutcliffe – Objector (statement read by Mrs Fiona Baker)  
Mr Paul Knappett – Applicant

Officers along with Mr Kevin Bown and Mr David Bowie from National Highways, and Mrs Charlotte Mayall from Southern Water responded to Members comments and questions as follows;

On the issue of infiltration into the sewage network; Mrs Mayall acknowledged the comments made. She confirmed that the infiltration was a recognised issue within the catchment and referred to the response provided as part of the Environmental Information request within the Committee report, which confirmed that an electroscan survey is due to be carried out on the network in January (subject to groundwater conditions). The investigation work in January will look at 6.5km of pipework in Birdham and a further 5km of pipe with the Itchenor catchment area.

Mrs Mayall informed the Committee of the sources of infiltration and, explained how it was affected seasonally by high groundwater within the winter months, as well as surface water after rainfall.

Mrs Mayall informed the Committee how planning applications are assessed at Southern Water and explained that applications are assessed by a team of Hydraulic Modellers who indicate in the response to the planning application whether there is available capacity within the network for the proposed development. With regards to this application, Mrs Mayall told the Committee that there was not currently capacity within the network.

Mrs Mayall explained that the Hydraulic Modelling does not consider infiltration when assessing applications, this is because the matters are separate issues that are not caused by development.

On the matter of surface water; Mrs Mayall agreed that this was a major issue, not just in Birdham but within many of Southern Water's catchment area. She explained that it had been calculated that is surface water could be removed from the foul network then there would be a reduction of around 40% in pollution incidents, for example through CSO spills. Sustainable drainage is the most effective way forward to help mitigate the issue of surface water entering the network.

On the matter of capacity on the A27 and a developing a mitigating scheme; Mr Bown informed Committee that several schemes had been designed and costed,

with developer contributions being collected, these had been brought forward through the Adopted Local Plan. He confirmed that from the work undertaken on the emerging Local Plan, National Highways were content to seek developer contributions towards the originally planned schemes.

With regards to the Roads Investment Strategy (RIS) Pipeline Study; Mr Bown confirmed that National Highways, CDC and WSCC were engaged in the study and providing feedback as to what should be looked at and what needs should be considered. Mr Bown cautioned that there is a balance between the expectations set in the emerging Local Plan and what is brought forward through RIS. However, he assured the Committee that as with both RIS 1 and RIS 2 if a more suitable scheme is brought forward through RIS 3 then developer contributions could be used towards that scheme.

Mr Bown informed the Committee that National Highways, at this time, are content to continue following the current SPD, which applies to all sites over 10.

With regards to when mitigation measures may be required, Mr Bown, explained that from the evidence gathered to date the junctions at Bognor and Fishbourne will require improvements by 2026.

On the issue of highway safety on the A27; Mr Bowie acknowledged that development will increase congestion on the network, however, this does not mean that there will be an adverse impact in terms of safety. He explained monitor the impact to safety on the network by reviewing historical evidence being reviewed and undertaking annual checks. Mr Bowie referred to the Stockbridge Roundabout (which this development would impact), he informed the Committee that as a roundabout it had a very good safety record, particularly when compared to the Stockbridge or Fishbourne roundabouts. Presently, there are approximately two personal injury accidents a year occurring at Stockbridge roundabout, and it is unlikely that the proposed development will impact the junction enough to change the safety risk.

On the matter of how much assurance can be given to drainage works being completed; Mr Whitty advised the Committee that they had received information from Southern Water, who as the statutory provider had confirmed that they were aware of the issue and were undertaking works to try and resolve the matter.

On the issue of Clappers Lane and how it differed from this application; Mr Whitty explained the main difference was that Southern Water at the time had not developed a project plan to deal with the issue of infiltration and were unable to advise when they would be in a position to address the problem, therefore there was a much greater level of uncertainty (which was supported by Southern Water) and as a consequence it was included as a reason for refusal in the Clappers Lane application.

On the matter of the surface water drainage ditches; Mr Bushell advised the Committee that given there is an ongoing issue with high ground water levels in the area, any permission granted would need to safeguard access to the ditches to

ensure they could be suitably maintained. From the information received officers felt there was not enough detail to provide the necessary assurance.

With regards to the width of the buffer; Mr Bushell explained that the 3m measurement was taken from the rear of the fence (from the proposed dwellings) to the top edge of the ditch. The width is essential as it must be able to accommodate the type of vehicle required to maintain the ditches. In addition, the provision of the 3m buffer will have an impact upon the quantum of development and the proposed number of dwellings would need to be reduced to accommodate the buffer.

With regards to landscaping, Mr Bushell explained that the site was already well screened, particularly on the south and west boundaries and would provide satisfactory screening to the site (as acknowledged by the Planning Inspector at the Appeal).

On the matter of how much of the perimeter landscaping was in the applicants control; Mr Bushell reminded the Committee that landscaping was Reserved Matter and did not form part of the consideration for this application.

On the matter of local highways, Mr Bushell drew the Committee's attention to paragraph 6.11 (page 74 of the report) which set out the additional comments received from WSCC Highways following the September Committee Meeting.

On the issue of the investigation work being undertaken by Southern Water; Mrs Mayall clarified that the electroscanning was the starting point and would provide a picture of what is going on underground. From that a plan will be developed, Mrs Mayall stressed that Southern Water were committed to addressing the issues within the area, however, she was unable to say how long any remedial work would take.

With regards to developer contributions collected by National Highways, Mr Bown informed the Committee that the Council's SPD does allow for developer contributions to be taken on all developments over 10. He explained that if this application were to be permitted it would generate a contribution of around £230,000.

With regards to the impact on capacity, Mr Bown explained that designs are developed with a theoretical impact on capacity, considering the requirements of the Local Plan, as well as headroom to accommodate potential windfall sites.

On the issue of accident investigation, Mr Bowie informed the Committee that National Highways are required to investigate all accidents that occur on their network. These are reviewed and fed into a prioritisation programme.

On the matter of a response to the education concerns; Mr Bushell drew the Committee's attention to paragraph 6.14 (page 75) which confirmed that there was capacity to accommodate any required school places if the development were permitted.

On the issue of biodiversity loss being included as a reason for refusal; Mr Bushell advised that this would not be possible as the Environment Bill only received Royal Assent on 9 November, the required legislation for Biodiversity Net Gain is not expected to be an issue that the Council need to consider until winter 2023.

With regards to other issues being considered by National Highways; Mr Bown assured the Committee that National Highways do take inconsideration factors such as congestion alongside safety. Current evidence demonstrates that congestion along the A27 does not require any immediate action, however, should the situation change measures such as Grampion conditions can be applied.

Following the debate Mr Barrett proposed the following reasons for inclusion within the Committee refusal;

- 1) The Committee is concerned that it does not have enough information at this time to understand the available capacity in the waste water network.
- 2) The Committee are concerned that with this application the known employment is being reduced for a potential employment. As a point of note, Mr Whitty advised the Committee against this proposal due to lack of evidence.

On the advice of Ms Golding, the proposals were voted on separately.

The Committee moved to vote on the second of Mr Barrett's proposals, this did not receive a seconder and was dismissed.

The Committee moved to vote on the first of Mr Barrett's proposals, Mr Oakley seconded this proposal. Following a vote the committee agreed to include the additional reason for refusal;

- 1) The Committee is concerned that it does not have enough information at this time to understand the available capacity in the waste water network.

In a vote the Committee agreed to the report recommendation to **refuse**.

Recommendation; **refuse** for the reasons listed in the report plus the additional reasons listed below and agreed by the Committee.

*\*Members took a ten minute break*

*\*Mr McAra left the meeting at 12pm.*

151 **LX/21/02054/FUL - Land South West Of Guildford Road Loxwood West Sussex**

Mr Bushell presented the report to the Committee. He drew their attention to the Agenda Update sheet which included a correction to paragraph 8.9.

Mr Bushell explained that the application was to vary the wording of Condition 6 of planning application LX/20/01481/FUL, the principle of development for 50 dwellings was already established. The variation related to the disposal of foul water from the development site.

Mr Bushell highlighted the site location and approved layout.

He explained that the reason for the variation request is in relation to the first part of Condition 6. The applicant considers that it is unreasonable for the Council to impose a condition that prevents any commencement on site, when the foul drainage issue only becomes a material consideration upon completion of the first dwelling, also the requirement for the off site drainage improvements is dependant on the statutory provider (Southern Water) and not within the control of the developer.

Mr Bushell informed the Committee that officers have reviewed the Condition and are concerned that it may be unlawful or 'ultra vires', as it depends on a development being carried out to the satisfaction of a third party when the decision is the Planning Authority's. Officers have consulted with Southern Water and it is proposed that the condition is varied as set out in the report.

Mr Bushell explained that the variation allows is for general construction work, unrelated to the drainage works, to commence on site; the trigger point for provision of the offsite foul drainage system to service moves from pre commencement to preoccupation. If the Statutory Provider has not completed the required works by detailed interim measures will be required for submission, Mr Bushell confirmed that Southern Water has no objection to the variation.

The Committee received representations from;  
Cllr Tony Colling – Loxwood Parish Council  
Mrs Katie Martin – Agent

Officers responded to Members comments and questions as follows;

With regards to how long interim measures might be in place; Mr Bushell explained the purpose of the condition is to ensure, that following first occupation, interim measures are in place whilst Southern Water undertake their necessary offsite works. In addition, Mrs Mayall informed the Committee that the interim measure included within the condition as a backstop to enable development to go ahead. If housing is delivered before the agreed 24-month period the developer will take responsibility for managing interim measures. Mrs Mayall informed the Committee of the Loxwood growth scheme, funding for the scheme has been secured to identify the preferred solution for growth within the catchment and engineers were currently working a design. Mrs Mayall was unable to provide a timetable for works.

On the issue of the layby; Mr Bushell confirmed that there was a layby already onsite, if the layby were to require any further work for it to accommodate a tanker then officers would need to consider if this were a material matter or not.

On the issue of whether the current condition is illegal; Mr Whitty confirmed that the Condition was not illegal.

In a vote the Committee agreed the report recommendation to **permit**.

Recommendation; **permit** subject to the conditions and informatives set out in the report.

152 **LX/21/02477/ADV - Land South West Of Guildford Road Loxwood West Sussex**

Mr Mew presented the report to the Committee. He drew their attention to the Update Sheet which set out an addendum to the report, clarifying that the applicant should read Stonewater.

Mr Mew highlighted the location of where the proposed sign would be located.

He informed the Committee that in response to the Parish Council's objection the wording on the sign has been amended to say '50 houses including Affordable Homes ...'

The Committee received the following representations;  
Cllr Tony Colling – Loxwood Parish Council  
Mrs Katie Martin – Agent

Officers responded to members comments and questions as follows;

On the matter of whether planning permission was required for further housing to be provided as affordable than set out in the S106; Mr Whitty explained that all housing falls within the same use class (C3). Through the S106, the planning permission can only ensure that the minimum requirements of the local plan are secured. Should further permitted housing be provided as affordable, this was not a matter that the permission would, or should, have control.

In a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit** subject to the following conditions and informatives.

*\*Members took an 30 minute lunch break*

153 **BO/20/03326/FUL - Five Elms Stumps Lane Bosham PO18 8QJ**

Mr Mew presented the report to the Committee. He drew their attention to the Agenda Update Sheet which included; an addendum to the plan on page 125, an addendum to the report at paragraphs 2.1 and 2.2 and an amendment to Condition 11.

Mr Mew outlined the site location and explained that the application site was located within the settlement boundary of Bosham and within the Chichester Harbour Area of Outstanding Natural Beauty (AONB).

He explained that there was an extant permission for a replacement dwelling and garage already on the site (BO/18/00806/FUL). This application seeks planning permission to demolish the existing property and replace it with a two storey house and integrated garage.

Mr Mew outlined the proposed elevations and highlighted to the Committee that it was important to note that this application would be 5cm taller than the extant scheme.

The Committee received representations from;

Mr Jeremy Button – Objector

Mr Mark Hayman – Applicant

Cllr Adrian Moss – Ward Member

Cllr Penny Plant – Ward Member (statement read out by Cllr Adrian Moss)

Officers responded to members comments and questions as follows;

With regards to concerns raised regarding potential surface water run off into the neighbouring pumping station; Mr Mew explained that there were a number of measures included within the application to mitigate run off and reduce the risk of flooding to the property including a green roof. He informed the Committee that the Drainage Engineer had reviewed the application and found the mitigation measures to be acceptable. Condition 4 of the report is included to ensure appropriate drainage measures are in place.

With regards to the difference in height that the structure needs to be raised in comparison to the extant permission; Mr Mew explained that the existing permission had a finished floor level of 4.4m AOD, this application has a finished floor level of 4.5m AOD, so there would be a 10cm difference. In addition, Mr Whitty explained that the mass of the building would be greater than the extant permission, however it is a contemporary design.

On the matter of the roof terrace and potential overlooking; Mr Mew confirmed that this issue was secured through Condition 12 of the report.

With regards to light spillage into neighbouring properties; Mr Mew informed the Committee that Condition 24 of the report addressed this issue and stated that no external illumination shall be provided other than what has been approved. He explained that this was to protect both wildlife and the character of the area.

On the matter of retrofitting the property as oppose to redeveloping; Mr Mew explained that due to the location of the property and the flood risk at the site it was more appropriate to redevelop. He drew the Committee's attention to paragraph 8.30 (p.142) of the report which detailed the Sustainable Design and Construction approach being applied at the site.



On the matter of window heights and the overlooking onto neighbouring properties: Mr Mew informed the Committee that this was secured through a condition withdrawing permitted development rights. The nearest property is 10.8m away and it is not felt that there would be an unacceptable relationship with neighbouring properties.

In a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit** subject to the conditions and informatives set out in the report.

*\*Members took a ten minute break.*

154 **CC/21/00841/FUL - Telecommunications Site 1498802, Whitehouse Farm, Old Broyle Farm, Chichester, West Broyle PO19 3PH**

Mr Mew presented the report to the Committee. He explained that the site was an existing telecommunications site located within the Whitehouse Farm development site. The impact from the site is mitigated by an existing mature tree line and whilst it is currently sited in a rural location, Mr Mew reminded members that there was an extant permission on the surrounding farm land as part of the Whitehouse Farm development.

He acknowledged that there had been concerns from the City Council in their response regarding the height of the mast and confirmed that there would be minimal increase in the height. However, he did explain that there would be an increase in the massing of the bulk of the antenna which would have a diameter of 2.65m. He confirmed that there was room within the enclosure to accommodate the new mast.

The Committee received representations from;

Mr Michael Doyle – Agent (statement read by Mrs Fiona Baker)

On the matter of possible health implications resulting from the mast; Mr Whitty acknowledged members concerns, however, he explained that health effects from such development are not a material planning consideration. Applicants for such a development are required to submit an assurance document, which Mr Whitty confirmed the applicant had done and did meet the required guidelines.

With regards to provision being made for this type within the GDPO; Ms Stevens confirmed that new provisions had been made, however, the fallback position was that there was a telecommunications mast already on site.

Following a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit**; subject to the conditions and informatives set out in the report.

*\*Members took a five minute break*  
*\*Mrs Fowler left the meeting at 1.15pm*  
*\*Mr Oakley left the meeting at 2pm*

155 **KD/20/00457/COU - Herons Farm Village Road Kirdford RH14 0ND**

Mr Price introduced the report to the Committee. He outlined the site location and explained that property was accessed by a single-track lane which was shared by the Foresters Pub and six other dwellings. He explained that the application sought permission for a change of use for the applicant to develop a Wellness Centre in the Sussex Barn on a part-time basis, as well as permission for Bed and Breakfast accommodation to be provided in association with that use. He confirmed that there would be no physical changes to either building.

Mr Price drew the Committee's attention to the Agenda update sheet which included an addendum to the plan on page 163; an addendum to the report at paragraph 8.13; further Officer Comment in respect of paragraph 8.13 and an addendum to the recommendation on page 175; which should read as '**Delegate to Officers**' and an amendment to Condition 6.

Representations were received from;

Cllr Tony Piedade – Kirdford Parish Council  
Mr Anthony Brooks – Objector (statement read by Mrs Fiona Baker)  
Mrs Meanock – Supporter  
Cllr Adrian Moss – speaking on behalf of Ward Member Gareth Evans  
Ms Lucy Connor - applicant

Officers responded to Members comments and questions;

On the issue of permitting the application on a temporary basis; Mr Price confirmed that this was a feasible option but advised that if the Committee were minded to accept the application on a temporary basis then they should defer the application and bring it back to Committee. In addition, Mr Whitty advised that if the Committee were minded impose a temporary condition this must be reasonable as the authority may face costs if an unreasonable impact is caused to the applicant.

On the issue of the property being used as an Airbnb property; Mr Whitty confirmed that so long as the property was being occupied as a single dwelling it can be advertised for Airbnb.

On the matter of water neutrality, Mr Whitty confirmed that the correct approach had been taken by officers when considering the application. He explained that it was not felt the application has any material impact as the potential water use at the property and associated buildings is already established and could be significant.

With regards to how water usage is monitored; Mr Whitty explained that Natural England prepare the methodology that predicts water demand, however, it cannot be fixed to individual usage.

On the matter of electric car charging points; Mr Price confirmed that there were electric vehicle charging points on site, he was unaware of any further ecological enhancements.

Following a vote the Committee dismissed the report recommendation to Permit.

Mr Barrett proposed that the application be deferred, so that officers can negotiate a temporary application with the applicant, and to seek greater clarity on the access lane and water usage at the site. The proposal was seconded by Mr Potter.

In a vote the Committee agreed to **defer**; the application for the reasons set out by Mr Barrett in his proposal.

Recommendation; **defer**; to allow officers to negotiate a temporary application with the applicant, and to seek greater clarity on the access lane and water usage at the site.

*\*Mrs Sharp left the meeting at 3.20pm*

156 **WI/21/02059/DOM - Mulberry Cottage Shipton Green Lane West Itchenor PO20 7BZ**

Ms Stevens presented the report to the Committee. She drew the Committee's attention to the Agenda Update which included additional information from the client, as well as a further officer comment.

Ms Stevens outlined the site location and highlighted where the proposed development was sited. She explained that the site was located outside a settlement boundary in but was within the AONB area of Chichester Harbour. As a point of for the Committee Ms Stevens clarified that whilst reference had been made to the development being in a 'dark sky' area, unlike the South Downs National Park, this was not a designated dark sky area.

Ms Stevens highlighted the proposed elevations of the development and informed the Committee that timberboarding would be used in the construction of the development.

Ms Stevens informed the Committee that there had been a previous appeal on the site, however this was very old, having taken place in 2004. She explained that apart from the appeal being considered when Planning Policy was different, the appeal was for a separate residential dwelling, whereas this application is for an ancillary building to the main dwelling.

She informed the Committee that officers considered the relationship with neighbouring to be acceptable, with a minimum distance of 10m between the proposed development and neighbouring property.

The Committee received representations from;

Cllr Alastair Spencer – West Itchenor Parish Council  
Mr Roger Jackson – Objector  
Mr Brett Moor – Agent  
Cllr Elizabeth Hamilton – CDC Ward Member

Officers' responded to Members questions and comments as follows;

On the matter of further comments from the Harbour Conservancy regarding their holding objection; Ms Stevens explained that they had not been reconsulted following the negotiations with the applicant to reduce the depth of the development.

With regards to vehicular access to the garage; Ms Stevens confirmed that the access would be created over what was currently lawn. She agreed that a condition could be included within the permission which required that the new access be constructed from a permeable material to mitigate any adverse impact from surface water.

With regards to the retention of the beech hedge referenced within the Harbour Conservancy representation; Ms Stevens confirmed that a condition could be included to secure the retention of the beech hedge.

On the matter of the location of the property; Ms Stevens confirmed that the development location was as shown in the presentation and would be set back from the main dwelling.

With regards to any potential disruption to natural light at neighbouring properties; Ms Stevens informed the Committee that officers had considered the issue and believed that the development would not cause an unacceptable relationship with the neighbouring properties.

With regards to the height of the proposed development and the impact on the street scene; Ms Stevens clarified that the maximum height of the building would be 5.9m (2.4m at eaves), it is not felt that the development will have a significant impact on the local area. In addition she explained that even if the trees behind the development were not there the development would still be unlikely to cause a material impact to the street scene.

Ms Stevens explained the streetscene shows the height of the proposal to be 5.9m however officers cannot guarantee that the streetscene is a surveyed plan, and reliance should be placed on the elevations and block plan rather than the streetscene.

On the matter of the property being used for 'Airbnb'; Ms Stevens confirmed that this was not a material consideration.

Mr Whitty advised given officers cannot verify that the streetscene is a surveyed streetscene that members base decision on the elevations and photos they have seen.

In a vote the Committee agreed to the report recommendation to **permit**, with the inclusion of the additional conditions to retain the beech hedge and construct the new driveway from a permeable surface.

Recommendation; **permit** subject to the conditions and informatives set out in the report plus the additional conditions agreed.

*\*Mr Oakley rejoined the meeting at 3.22pm.*

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

Ms Golding drew the Committee's attention to the Agenda Update Sheet, which provided a High Court update on the site of Land at Bethwines Farm and South of Ivy Lodge.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

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

There were no late items.

160 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 4.06 pm

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CHAIRMAN

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Date:

## **Chichester District Council**

### **Planning Committee**

**Wednesday 5 January 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)
- 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:

- Mrs D F Johnson – West Sussex County Council Member for the Selsey Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs S M Sharp – West Sussex County Council Member for the Chichester South 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 G A F Barrett – Manhood Peninsula Partnership
- Rev. J-H Bowden – Goodwood Aerodrome Consultative Committee
- Mr H Potter – South Downs National Park Authority

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

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

NONE

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

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

NONE

### **Personal Interests – Other Membership of Public Bodies**

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

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

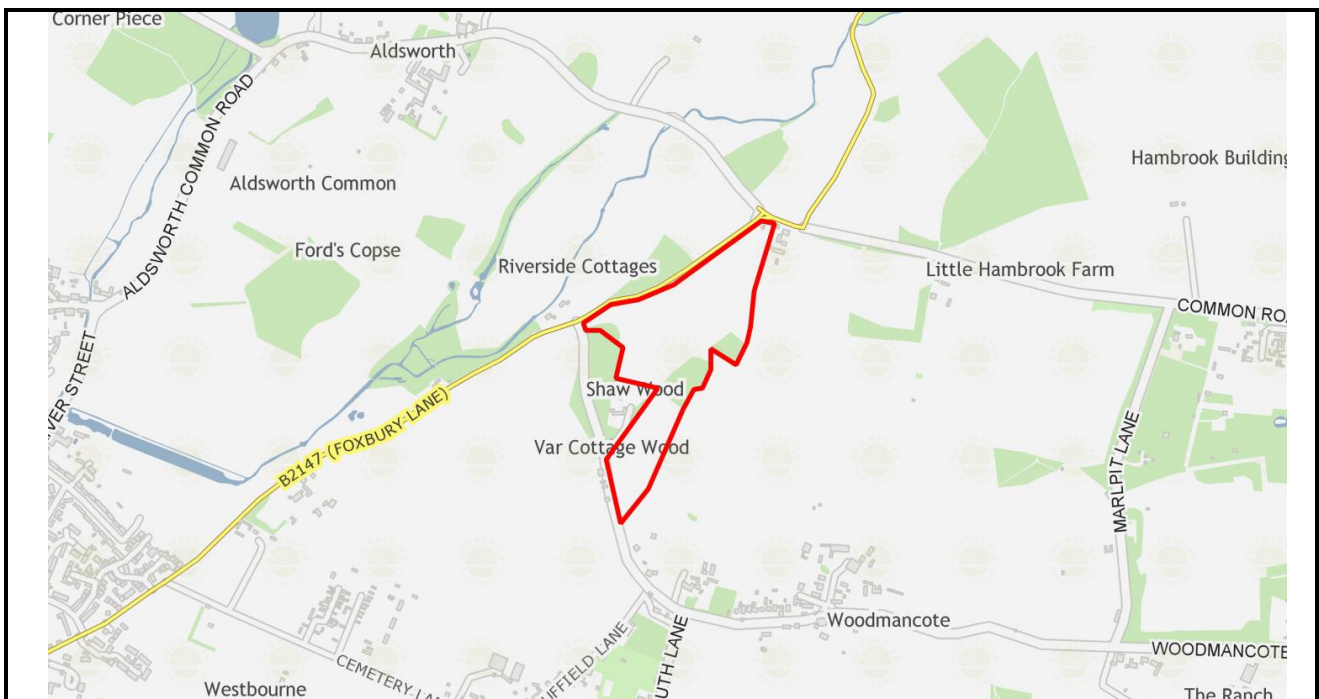


Parish: Westbourne	Ward: Westbourne
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**WE/20/01569/FUL**

<b>Proposal</b>	Erection of 1 no. dwelling and associated landscaping.		
<b>Site</b>	Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG		
<b>Map Ref</b>	(E) 477329 (N) 108253		
<b>Applicant</b>	Mr and Mrs Gilraine	<b>Agent</b>	Mr Rob Hughes

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT, SUBJECT TO NO OBJECTION FROM NATURAL ENGLAND**



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

### 1.1 Parish Objection – Officer recommends Permit

**The application was deferred at the Planning Committee meeting on 09.06.21 to allow for a site visit by the Planning Committee to be completed.**

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### **Update for 05.01.22 Planning Committee:**

**The application was deferred at the Planning Committee meeting on 11.08.21 for further information to be provided on both the site access (and related highway concerns) and how the design will further enhance design within the wider area.**

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## **2.0 The Site and Surroundings**

- 2.1 The application site forms an irregular shape and measures approximately 9.7ha and is located within the Rural Area as defined by policy 2 of the Chichester Local Plan (CLP).
- 2.2 The application site is bounded by Foxbury Lane (B2147) to the north, ancient woodland to the west and south, with Common Road to the north. Dell Cottages is located to the south of the site, and Little Hambrook Farm to the north east. Woodland is located to the east of the proposed dwelling and a public right of way runs along part of the eastern edge of the site, linking Common Road with Woodmancote Lane. The site is located within the area covered by the Chichester Local Plan, and is adjacent to the boundary with the South Downs National Park, which runs along Foxbury Lane and Common Road.

## **3.0 The Proposal**

- 3.1 The application seeks planning permission for a detached dwelling, put forward as being of exceptional quality of design under paragraph 79(e) of the National Planning Policy Framework (NPPF), and associated landscape enhancements.
- 3.2 The proposed dwelling is shown to be located broadly centrally within the site, between two areas of woodland. The dwelling would comprise nine bedrooms, set over two floors with a central parking and turning area within a northern courtyard and a garden area within the southern element of the enclosure. The contemporary design approach picks up on flint being a defining characteristic of the area and the building typology is informed by loose courtyard farmsteads and large modern agricultural sheds. The proposed dwelling and garden area are inward facing, forming an enclosure, designed with a softer, rounder white surface for the interior and a hard, angular dark surface externally, and resembling the characteristics of flint
- 3.3 The proposed dwelling is shown with the external finish of the enclosure to be dark snapped flint, powder coated extruded aluminium panels, Ethylene Propylene Diene Monomer (EDPM) rubber membrane roof, zinc coated standing seam steel window reveals which are inset from the main walls and aluminium framed triple glazing. The finishes of the external surfaces within the enclosure are shown to be white render, cobbled flint and field flint walls.

- 3.4 The proposed dwelling would be served by an existing access onto Woodmancote Lane, at the south western corner of the site.

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**Update for 05.01.22 Planning Committee:**

**Revisions have been made to the proposals which show the removal of the existing access gate onto Woodmancote Lane, the provision of a new gate set 17m back from the carriageway, an area to be kept clear of vegetation within the visibility splay, and the widening of the access track within the site to allow for vehicles to pass before reaching the gate.**

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**4.0 History**

18/00082/FUL	WDN	1 no. dwelling and landscape enhancements and associated works.
19/01326/PRESS	ADVGIV	1 no. new dwelling and landscape enhancements and associated works (under planning performance Agreement).

**5.0 Constraints**

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

**6.0 Representations and Consultations**

**6.1 Parish Council**

Westbourne Parish Council objects to the planning application, having reviewed the application documents and giving particular attention to the Design and Access Statement, the Design Review Panel Statement and the Energy and Innovation Report. The site is located in an open countryside setting and would be contrary to the long-established policies of resisting such development in the Chichester District Local Plan, in particular Policy 45. It is also contrary the Westbourne Village Design Statement and to Policy QA1 of the Westbourne Neighbourhood Plan which seeks to prevent development outside the established settlement boundary.

The development is not in keeping with the local area and would be an unacceptable intrusion into the attractive pattern of fields and woodland that surround the village of Westbourne and help to define its local distinctiveness. As such it would be contrary to the Westbourne Neighbourhood Plan policies LD1 and LD2 and could encourage further similar intrusions that would be difficult to resist and would erode the qualities that the Neighbourhood Plan seeks to protect.

The proposal does not satisfy the stringent tests of the National Planning Policy Framework (NPPF) paragraph 79 which allows for exceptions into the normal policy of restricting development in open countryside outside settlement boundaries. It is unrelated to the village of Westbourne, the design is neither truly outstanding nor innovative, it does not enhance its surroundings and it is not sensitive to the defining characteristics of the local area as described in the Westbourne Neighbourhood Plan.

The only basis upon which the scheme could be considered favourably is if it were to comply with paragraph 79 of the NPPF which can be used to justify new isolated dwellings in the countryside if one or more of a list of criteria apply. Of the five criteria only one is relevant in this case and that is (e). This requires the scheme to be truly outstanding or innovative and reflecting the highest standards of architecture and that it would help raise the standards of design more generally in rural areas.

The extent to which any scheme is truly outstanding or innovative is a matter of judgement and opinion and even the views of experts in design will differ.

It is accepted that the design has been well considered and developed but that does not necessarily make it truly outstanding or innovative - the bar is set very high to achieve either of these criteria. The section of the Design and Access Statement dealing with how this scheme satisfies criteria (e) states that the proposal is both truly outstanding and innovative even though it only needs to be one or the other to meet the test.

The submission includes the views of the design panel to substantiate that it meets both criteria but there is nothing specific to demonstrate why it is truly outstanding and nothing specific to demonstrate that it is innovative. The Design and Access Statement identifies the energy system as being innovative but on reading the submitted energy and innovation report the system relies on:

- Fabric first principles
- Passive solar gain
- Photo voltaic power generation
- Wood burning stove
- Seasonal energy storage
- Tesla power wall

All of these principles and technologies are not new. The claim for innovation is that they are integrated into the energy solution of a single dwelling which it is claimed has not been done before.

As for the final element of the paragraph 79 requirement that it will help raise the standards of rural design this is a questionable issue. It is a largely private scheme that will not be visible from the outside site and its design solution is very specific to its surroundings.

Therefore, the Parish Council does not agree that it satisfies the test set by paragraph 79(e) of the NPPF.

#### Other considerations

The Parish Council is concerned about the impact of the proposed development on surface water drainage issues on Woodmancote Lane. This particular area has a high water table in the winter months and the road is often flooded after any period of rainfall. The applicant has outlined proposals to mitigate the risk of flooding but the Parish Council does not consider these to be adequate.

The access to the site is located at the junction of Foxbury Lane and Woodmancote Lane and is immediately adjacent to a section of Foxbury Lane (to the north east) that is narrow with embankments on each side, has limited forward visibility and no verges. As such the use of this access point would create serious danger to other road users.

Additionally, the Parish Council is concerned about the potential for an access point for the development being created at an existing agricultural gate that gives access to the site from the junction of Foxbury Lane and Common Road. If the District Council is minded to grant permission for the development proposed, it is requested that a condition be imposed requiring the access gate to be permanently closed and not used for any purposes associated with the proposed development.

Furthermore, the Parish Council considers the location of the proposed development is unsustainable given its distance from the existing settlement of Westbourne.

The Parish Council seeks to represent the views of the local community and it notes that to date there are 11 letters of objection from residents of Woodmancote who would be most affected were planning permission to be granted. Of the 14 letters of support, none live in Woodmancote and five do not even live in the Parish of Westbourne.

#### 6.2 WSCC Highways (summarised)

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##### **Update for 05.01.22 Planning Committee:**

##### **Comments received 03.12.21**

**I have reviewed the revised plans and do not raise any highway safety concerns, as per previous comments.**

**The relocation of the gate to 17m within the site and the widening of this part of the access track will allow two vehicles to pass and wait without obstructing the public highway. Given the proposed single dwelling, I would not anticipate that the chance of vehicle conflict at the access point would be high, and this proposed arrangement mitigates any small chance of conflict.**

**The proposed access width at the carriageway edge, and the proposed bound material for the first 5m of the access are considered sufficient. As previously noted, the applicant should be aware that the access would be subject to a licence**

from the WSCC Area Engineer, and must be constructed to a specification agreed with them.

I am happy with the proposed visibility splays as set out with the Transport Statement, but would update the previously advised condition to:

***Visibility (details required)***

**No part of the development shall be first occupied until visibility splays of 2.4 x 70m to the south and 2.4 x 13m to the north have been provided at the proposed site vehicular access onto Woodmancote Lane in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.9 metre above adjoining carriageway level or as otherwise agreed.**

**Reason: In the interests of road safety.**

**Please note that I have requested details to be provided within this condition, as the splay drawing 'Figure 4' in the Transport Statement appears to have mixed up the annotated splay measurements – I am satisfied in principle, but this would require correcting on the plan in order to be acceptable. I am satisfied that if the applicant demonstrates the above correctly annotated splays prior to determination that this condition could be altered to a 'details approved' condition – I am happy to do a quick supplementary response prior to committee if required.**

**I am satisfied that other than the above matters (visibility and access arrangements), my previous comments and advised conditions/informative are still considered valid.**

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This application is for the erection of a 9-bedroom (plus two-study) dwelling on land south of Foxbury Lane. The site is located off of Woodmancote Lane, an un-classified road subject to a speed limit of 60mph.

The site will be access via the existing field gate to the north west of the site on Woodmancote Lane. The submitted access proposal documents indicate that the existing access will be widened to 5m in width, allowing two vehicles to pass in the access at slow speed. The access will be formalised to WSCC standards - the applicant should be aware that this would be subject to a licence from the area engineer. The access will be gated at 5m back from the carriageway edge, to enable a vehicle to wait clear of the highway whilst the gate is operated. The access will be constructed of a hardbound material for at least 5m back into the site to prevent overspill of loose material into the highway. The gate will be 3.5m in width which is sufficient width for one vehicle to pass through.

Visibility splays of 2.4m x 45 have been demonstrated to the south and 2.4m x 18m to the north. As stated in the LHA's response to WE/18/0082/FUL, whilst the visibility splays in the leading direction have been drawn to the far edge of Foxbury Lane instead of the *nearside edge* of the carriageway, the LHA appreciate that approximately 13m is achievable to the junction. This would equate to a Stopping Sight Distance speed of 12mph. The LHA would consider that vehicles turning into Woodmancote Lane would be travelling at low speed. The LHA note from local mapping and the pre-application site visit

that the verge to the north is banked and therefore to maintain those splays in perpetuity it may require cutting into.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents at the junction of Woodmancote Lane and Foxbury Lane or within the vicinity of the site access. There is no evidence to suggest that the existing access and junction are operating unsafely.

The internal access road will be a 3.7m wide chalk track with 900m grass verge in the middle and will provide two passing places for vehicles travelling in opposing directions to pass each other.

The applicant has demonstrated swept path tracking for emergency vehicles entering the site from Foxbury Lane. Ideally this tracking would demonstrate an appliance entering from both directions and exiting in both directions. However, it appears that the access is of sufficient width geometry and width to enable access and egress for a fire appliance from all directions. A dedicated turning head is provided to the front of the interior entrance gates, enabling fire appliances access within 45m of the furthest point of the dwelling and space to turn and operate.

Refuse collection will take place to the south of the site, utilising the existing refuse access arrangements as those for The Dell Cottages. The applicant should be aware that would exceed the maximum recommended carry distances for residents, although this would be an amenity issue to be considered by the LPA.

The plans indicate that six parking spaces would be provided for the proposed dwelling, the LHA does not have a parking standard for a 9-bedroom dwelling. However, given that four bedrooms are proposed as guest rooms/suites, it is anticipated that at least one space per guest room would be required, although acknowledged this is unlikely to be required on a daily basis. Three guest parking spaces are proposed and three garage parking spaces are proposed for the residents. This is considered likely to be sufficient for the proposal. There appears to be sufficient space on site wider site for overspill parking to be accommodated if required, although the LPA would be advised to consider the visual and amenity impact of overspill parking outside of the site's interior gates. A turning circle will also be provided on site, enabling vehicles to exit onto the public highway in a forward gear.

Four cycle storage spaces are proposed within the garage to encourage sustainable transport methods and provide an alternative to the private car. 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 conditions and informative should be applied.

### 6.3 WSCC Fire and Rescue Service (summarised)

Conditions required to secure a hydrant or stored water supply to be installed prior to first occupation.

### 6.5 Forestry Commission (summarised)

No objection - Standing advice provided.

### 6.4 South Downs National Park Authority

Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination. The statutory purposes and duty of the National Park are:

- **Purpose 1:** To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- **Purpose 2:** To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- **Duty:** To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

The National Park's comments on the development are as follows:

This consultation response relates to planning application WE/20/01569/FUL for a new dwelling in the rural area, which has been put forward on the basis that it is an exceptional quality in that it is truly innovative or outstanding and would significantly enhance its immediate setting in line with Paragraph 79 of the National Planning Policy Framework. The SDNPA does not wish to offer an opinion on whether the dwelling itself is in compliance with Paragraph 79 of the NPPF but, given the setting of the site immediately adjacent to the South Downs National Park, we would suggest that tests of exceptional quality should extend to the landscaping proposed for such a scheme.

The SDNPA has commented on previous proposals for this site (WE/18/00082/FUL – subsequently withdrawn) - and, in line with the reasoning set out above, those comments focused on the Landscape Masterplan. The below comments build on that previous response.

Whilst the proposals do include naturalistic planting, the following comments draw out the evidence that would be needed to ensure that the detail of the scheme's mitigation measures are characteristic of the landscape in which it sits, in order to attempt ensure



that the scheme does not generate a negative impact upon the setting of the SDNP and in order to test any compliance with Paragraph 79 of the NPPF.

The site falls within a continuation of the Ems Valley Landscape Character Area (LCA) within the South Downs Integrated Landscape Character Assessment. This is an asymmetrical valley with a shallow west facing slope and a steeper east-facing slope. Wooded hangers are characteristic on the steeper slopes, but overall the LCA is a pastoral landscape with hedge-lined fields so significant tree planting would not be characteristic. Similarly, woodlands follow the contours in a linear form. Some smaller woodlands do exist as small copses - such as those in/around the site which have developed on old chalk pits, but the proposed woodland planting is designed primarily as a screen. We previously suggested that linking up the two areas of ancient woodland (Var Cottage Wood and Foxbury Dell) would be positive - but not to the extent proposed in 2018. The current scheme reduces the extent of woodland, although it does not follow contours as per our previous suggestion. We would not have an objection to the small copse proposed in the north-eastern corner of the site (at the junction of Foxbury Lane with Common Road). In areas to be planted all species should be locally characteristic (i.e. species list gleaned from existing woodlands), native and of local provenance.

Historic mapping shows that the site was formerly divided into three fields, with Historic Landscape Characterisation indicating this is a result of enclosure from the 1800s onwards. We are pleased to see the inclusion of a new shaw hedgerow (as previously recommended by the SDNPA) to re-introduce the former field pattern to the north of the site. It is also pleasing to see hedgerow planting along more of the footpath from Little Hambrook Farm which will maintain an agricultural feel for users of this footpath.

As previously encouraged by the SDNPA, the application proposes the placing of overhead electricity lines that run through the site underground. We would therefore welcome this, although would advise the District Council to seek confirmation whether there is a conflict where an element of this underground cable runs through the proposed woodland planting as this may require a clearway to be maintained.

Maintaining the rural character of the adjacent roads will also be important, and so we would encourage a sensitive understated driveway entrance (not pillars, ornamental gates, etc.), with minimal engineering.

Conservation grazing would be a positive benefit to the fields restored through the application (currently some of these appear to be used for equestrian grazing). High quality, well-managed grassland is a dwindling resource and habitat.

Our Landscape Officer made a number of detailed suggestions prior to the current application being submitted in order to steer the applicants towards achieving an exemplary landscape scheme, and it is pleasing to note that each of these suggestions have been taken on board - to a greater or lesser extent – in the submitted Landscape Management Plan. Given that this landscape management forms such a key element of the proposals, we would wish to see this ensured via condition or other means as appropriate if permission were to be granted.

An important consideration is the impact of the proposed development on surrounding protected habitats within, and adjacent to, the National Park. The potential impact of the development on protected habitats and their species, both during the construction phase, and also post-construction, needs to be determined in order to ensure the wildlife and natural beauty of the National Park is conserved and enhanced. Your ecological advisor should be consulted and should be able to advise you further on this.

The SDNPA has been successful in achieving Dark Skies Reserve status for the South Downs National Park - only the second such Reserve in England. For further information, please see <https://www.southdowns.gov.uk/enjoy/dark-night-skies/>. In order to protect the dark night skies within the National Park, development within its setting should also be sensitive and positively respond to this constraint. If minded to approve the application, the SDNPA recommend that full details of any external lighting (both during and after the construction period) are secured by an appropriate planning condition with the intention of limiting light pollution. External lighting should also be minimised in order to reduce the impact on local wildlife - including bat commuting areas, the dark skies and night landscape character.

## 6.5 CDC Conservation and Design

*Additional comments (received 11/11/2020)*

I am of the view their responses have addressed my initial queries. I think with regards to the roof EDPM it could be done successfully and is likely to look better than any other flat roofing material in terms of tying in with the tone of the cladding and flint. I think the roof is likely to have limited visibility apart from perhaps in distant views at a higher level. However in those views I think the only better approach would be to go for a green roof but this would likely require the height of the building to be increased to accommodate the increased roof depth and could be visually out of keeping with the design of the building overall in terms of being flint inspired.

*Original Comments (received 28/08/2020)*

The proposed design is clearly bespoke and is considered to be of very high architectural quality that has developed through a thorough understanding of the development site and its setting providing a design rooted in its context.

The selected location for the proposed house is considered successful; it positions the mass of the building within the clearing of the mature woodland providing a dense backdrop. It is considered that the concept of the design as a sculptural object inspired by flint has clearly been carried through from the concept stage in both the development of the form and material selection. The use of various types of flint wall within the building and garden provides a clear reference to its locality both to existing structures and flint found within local fields. The use of flint in a contemporary manner is welcomed providing a visual connection to its setting whilst avoiding a pastiche design. The other proposed materials including render, dark corrugated metal cladding, and standing seam metal around the windows are considered appropriate. It is clear these materials reference the continued narrative of the flint inspired design with the render representing the often smooth outer layer and the two metal claddings the sharper fractured appearance and varied tones found inside snapped flint.

There does not appear to be a roof plan provided with the application and therefore sufficient information to understand the positioning, extent and potential visibility of the solar panels. I have some concerns about the proposed use of EDPM roofing as to whether this would achieve the continued high quality appearance of the rest of the material palette in locations that it is visible. It is acknowledged that viewing elevation drawings can make aspects of the design appear as though they would be visible but in reality due to building depth etc they would not. However it is considered that it is important to request clarity on this and vital that a roof plan is provided and assessed.

The arrangement of the building around courtyards is considered to be beneficial in two ways. Firstly the visual containment of vehicles and the residential amenity space should help to prevent the spill of domestic paraphernalia into the wider site and rural setting. The plan form also relates to historic farmsteads which are often in courtyard arrangements with the more open exposed elements of the building being concealed and protected by the outer walls. Within the design of the dwelling this enables the larger expanses of glazing and the lighter toned field flint and render to be more greatly concealed. This will result in the darker material façades being visible in the backdrop of the mature woodland providing less visual contrast throughout the year.

The fabric first approach to securing a sustainable house is considered entirely appropriate as this should reduce the demands of the house on resources well into the future. This should also reduce the required input from other means particularly for heating the dwelling. The systems proposed over and above the fabric first approach are considered to be above and beyond those currently expected of a standard new build house. Whilst the individual components may not be innovative to this specific house it is understood that the combination of the system is. The technologies proposed within the design are clearly not currently mainstream and it is therefore considered likely there is a learning opportunity that could result. If shared this learning could help to progress sustainable design contributing to improved understanding and energy efficiency standards. In this way it is considered the dwelling could help to raise the standards of design not just in rural areas but within knowledge that can be used to inform other rural and urban developments. It is not clear how the post occupancy learning benefits of the dwelling can be secured through the application. However it is considered that an approach should be set out and conditioned to ensure the learning can inform further sustainable designs more widely.

Outside of the building the proposals to reinstate lost historic field patterns and conceal the existing overhead power lines will have clear benefits in terms of the setting. There are a number of unfortunate features within the site currently which the proposal seeks to address and are considered to bring with them enhancements to the visual amenity of the site.

The proposed dwelling is large and not of a vernacular design however it is considered unlikely that a proposal that replicated vernacular design would have been capable of being truly outstanding or innovative. Despite not aesthetically conforming to a vernacular design it is considered that the design is reflective of its setting and has evolved into the current proposal as a result of understanding its context. This is reflected in the proposed material palette, the siting of the dwelling within the land parcel, the use of flint as design inspiration and the relative simplicity of more public facing elements reflecting the facades

of an agricultural building. The design is considered to be of high quality architecture, to reflect characteristics of the locality and enhance its immediate setting.

The material samples provided with this application are limited currently. It is considered that clarity should be sought regarding whether the corrugated metal cladding profile is still proposed to match that submitted during the pre- application submission. It is considered that on site sample panels of the various flint wall types should be conditioned and approved prior to the flint work commencing to ensure these achieve the visual quality expected of a high quality piece of architecture. It is also not currently clear what the proposals are for the flint gated opening to the parking courtyard if clarity on this is not yet possible it is considered that details should be provided for assessment by condition. There is limited information provided regarding external surfaces both for the access route and within the courtyard spaces it is considered additional information should be provided or secured by condition.

## 6.6 CDC Environmental Strategy Officer

### Bats

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

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

We require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground. We also require that a bat box is installed on a tree within the grounds of the property.

### Reptiles

Following submission of the Mitigation Statement (May 2017), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

### Badgers

Following submission of the Mitigation Statement (May 2017), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site.

### Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If

works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

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

#### Recreational Disturbance

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

#### Nutrient Neutrality

Due to the impacts of nutrients on Chichester and Langstone Harbour SPA and guidance from Natural England relating to the requirement for nutrient neutrality, a nitrogen assessment for the site will be required as part of this planning application. Current maps of Chichester show that this site will discharge to Thornham which goes into Chichester and Langston Harbour SPA. The assessment will need to calculate the nitrogen budget for the new development that would result in a net increase in population served by the wastewater system.

This assessment will need to demonstrate that either the new development will avoid harm to Chichester and Langstone SPA or provide the level of mitigation required to ensure that there is no adverse effect.

#### Policy 40

We are satisfied that the requirements within the Local Plan Policy 40: Sustainable Construction and Design, for sustainability statement are met within the Energy and Innovation document. A condition should be used to ensure this takes place.

### 6.7 CDC Environmental Health

Thanks for the opportunity to review and comment on this application. This is clearly a high end development of one large house and surrounding land. I have no concerns about the impact of traffic related, or other environmental noise, on this development given both the location and the high spec design. There is mains foul drainage just beyond the south of the site but the applicant is opting for onsite waste water treatment with an associated attenuation pond, to reduce additional impact on the local sewerage system. The Environment Agency should be given the opportunity to comment on the suitability of this scheme for foul drainage with due consideration to the Special Protection Zone.

### 6.8 CDC Drainage Engineer

#### 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 and/or the use of SuDS features (such as an attenuation/infiltration swale). Either of these

approaches would be acceptable in principle, as they follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

The potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures. Any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction.

We suggest that, at the earliest stage, the developer gives due consideration to the appropriate location and design of surface water drainage features to achieve necessary capacity, water quality (via the SuDS management/treatment train), as well as ease of on-going maintenance. Surface water drainage features should also be designed in a manner that positively affects the amenity of the site.

We would like to remind the developer that, open features, such as swales, basins and ponds, when designed correctly, can satisfy all the above aspirations in addition to; being easier to maintain, having longer lifespans and offering ecological advantages over subterranean features such as plastic crate systems. Therefore the swale proposals would be preferable to standard soak-away structures.

If the SuDS features are designed in an appropriate and safe manner, there should be no need for unsightly fencing and areas of restricted access. Additionally, consideration should be given to the nature of SuDS features that are chosen to be incorporated into the design, for example will the SuDS features be useable open spaces (such as detention basins etc.) in all but the most extreme weather events, or will they be year round water features such as ponds.

Given the nature of the development, to bring it in line with current guidance, the drainage design should be able to demonstrate that the infiltration/SuDS features can accommodate the water from a 1 in 100 year critical storm event, plus an additional 40% climate change allowance.

Should the application be approved we recommend the following conditions be applied to ensure the site is adequately drained:

Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

## 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.

## Surface Water Drainage Proposal Checklist

The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage:

<http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the councils expectations and requirements for Surface Water Drainage Proposals. If the applicant wishes to avoid pre-commencement conditions relating to surface water drainage, we ask that they submit detailed surface water drainage proposals in line with the requirements of this checklist. Alternatively if pre-commencement surface water conditions are applied to their application this document should then be used for any subsequent Discharge of Conditions Applications.

### 6.9 Environment Agency

No comments received

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## Update for 05.01.22 Planning Committee:

### **Natural England comments received 17.08.2021 (summarised)**

#### **Further information required to determine impacts on designated sites:**

- **Evidence to demonstrate the efficiency of the proposed Package Treatment Plant (PTP)**
- **Evidence of the strategy for long term monitoring and management of the PTP**
- **Revision of your authorities Habitats Regulations Assessment (HRA) Appropriate Assessment, to include consideration of the above further information**

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### 6.10 Third party objection comments

Fourteen third party representations of objection have been received concerning the following matters:

- a) Size, scale and design
- b) Out of character with the area
- c) Highway safety
- d) Would not meet the tests of NPPF paragraph 79(e)
- e) Isolated location
- f) Unsustainable location
- g) Increased risk of surface water flooding
- j) Would be visible from adjacent footpath
- h) Would not enhance the setting
- i) Impact on ecology

- j) Impact on ancient woodland and trees
  - k) Potential for damage to existing pipelines
  - l) Would be visible from the South Downs National Park
  - m) Impact on air quality
  - n) Impact on tranquillity
  - o) Contrary to neighbourhood plan
  - p) Risk of ground movement
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**Update for 05.01.22 Planning Committee:**

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

- a) **Impact on ecology**
  - b) **Impact on ancient woodland and trees**
- 

6.11 Third party support comments

Fifteen third party representations of support have been received citing the following reasons:

- a) Building modern innovative buildings helps mass design housing move forward
- b) interesting, bold and innovative
- c) Ecological benefits and environmentally aware
- d) Would not be detrimental to the local built or natural environment
- e) Would enhance and diversify local flora and fauna.
- f) Would be an enhancement to the area
- g) The benefits of a bespoke renewable energy system

**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 Westbourne Neighbourhood Plan is not made at this time; however it has passed examination and therefore carries limited weight.

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

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 5: Parish Housing Sites 2012- 2029



Policy 6: Neighbourhood Development Plans  
Policy 8: Transport and Accessibility  
Policy 9: Development and Infrastructure Provision  
Policy 33: New Residential Development  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
Policy 42: Flood Risk and Water Management  
Policy 45: Development in the Countryside  
Policy 47: Heritage and Design  
Policy 48: Natural Environment  
Policy 49: Biodiversity  
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours  
Special Protection Areas

#### Westbourne Neighbourhood Plan

7.3 Following receipt of the Examiner's report into the Westbourne Neighbourhood Plan, the Council's Decision Statement was agreed by Cabinet on 4 May 2021 and has been published. The Neighbourhood Plan is now able to move forward to the next stage, which is referendum. To gain full weight the Neighbourhood Plan will need to pass the referendum stage and then be made by Cabinet and Full Council, and as such the Westbourne Neighbourhood Plan carries limited weight at this stage.

7.4 The policies of the Westbourne Neighbourhood Plan relevant to this application are:

Policy OA1: Sustainable Development  
Policy LD1: Local distinctiveness  
Policy BD2: Natural Environment Policy

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#### **Update for 05.01.22 Planning Committee:**

#### **Westbourne Neighbourhood Plan**

**Following Cabinet on 7 September 2021, at the Council meeting on 21 September 2021, Chichester District Council resolved to 'Make' the Westbourne Neighbourhood Plan 2017-2029. This means that the Westbourne Neighbourhood Plan has been brought into legal force, and carries full weight as part of the statutory Development Plan for Westbourne.**

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

7.5 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 Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in **July 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.

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

**Part 1 - Strategic Policies**

S1 Presumption in Favour of Sustainable Development  
S2 Settlement Hierarchy  
S3 Development Hierarchy  
S4 Meeting Housing Needs  
S5 Parish Housing Requirements  
S6 Affordable Housing  
S12 Infrastructure Provision  
S20 Design  
S23 Transport and Accessibility  
S24 Countryside  
S26 Natural Environment  
S27 Flood Risk Management  
S31 Wastewater Management and Water Quality

**Part 2 - Development Management Policies**

DM2 Housing Mix  
DM8 Transport, Accessibility and Parking  
DM16 Sustainable Design and Construction  
DM18 Flood Risk and Water Management  
DM22 Development in the Countryside  
DM28 Natural Environment  
DM29 Biodiversity  
DM30 Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas  
DM31 Trees, Hedgerows and Woodlands

National Policy and Guidance

7.7 Government planning policy now comprises the revised National Planning Policy Framework (~~NPPF 2019~~ **NPPF 2021**), which took effect from ~~19 February 2019~~ 20 July 2021 and related policy guidance in the NPPG.

**A revised version of the National Planning Policy Framework was published on 20 July 2021 (NPPF 2021).**

7.8 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.*

7.9 The following sections of the revised NPPF are relevant to this application: 2, 5, 8, 9, 11, 12, 14 15, 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

#### Other Local Policy and Guidance

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

- Interim Position Statement for Housing Development
- Surface Water and Foul Drainage SPD
- Planning Obligations and Affordable Housing SPD
- CDC Waste Storage and Collection Guidance
- Chichester Landscape Capacity Study

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

- Support communities to meet their own housing needs
- 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 and the policy position
- ii. Design, layout and impact on the character of the area
- iii. Residential amenity
- iv. Highway impact
- v. Impact on trees
- vi. Ecological considerations
- vii. Sustainable design and construction
- viii. Surface water drainage and foul disposal
- ix. Nutrient neutrality

i. Principle of development and the policy position

**Following the Planning Committee meeting on 9 June 21 the National Planning Policy Framework has been revised, by an updated version published on 20 July 2021 (NPPF 2021).**

The NPPF 2021 is consistent with the previous NPPF in that still contains a section setting out exceptions for when an isolated home in the countryside would be acceptable. This is now in paragraph 80 of the NPPF.

Paragraph 80 (e) of the NPPF 2021 is identical to paragraph 79 (e) of the previous NPPF with the exception that the previous requirement for a dwelling to be “*truly outstanding or innovative*” has been amended to omit “*or innovative*”.

Any reference in this report to paragraph 79 (e) of the NPPF should now be considered against the relevant paragraph of the NPPF 2021, which is paragraph 80 (e). Paragraph 80 (e) states:

*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*(e) the design is of exceptional quality, in that it:*

*- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

*- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

The 2021 NPPF maintains at paragraph 133 that Local Planning Authorities should have regard to the outcome of design advice and review panels and therefore this is a material consideration. This was previously referred to in paragraph 129 of the NPPF.

For the reasons set out in this officer report the changes to the NPPF are such that they do not alter the previous conclusion regarding the principle of development and therefore the proposal is considered to satisfy the criteria of paragraph 80 (e) of the 2021 NPPF.

- 8.2 The site is located outside of any defined settlement boundary, within the countryside, where typically new housing would be considered to be contrary to policies 2 and 45 of the Chichester Local Plan where it would constitute additional residential development in the countryside or Rest of Plan Area and would not meet an “essential, small scale and local need” (policy 45). The emerging Westbourne Neighbourhood Plan carries limited weight at this stage. Policy OA1 (Sustainable Development) sets out that development proposals outside of settlement boundaries will not normally be considered appropriate or sustainable unless they comply with several criteria, which residential development in this location would not satisfy.
- 8.3 Notwithstanding the development plan policy position above, the National Planning Policy Framework (NPPF) sets out exceptions in paragraph ~~79~~ **80** for when an isolated home in the countryside would be acceptable. The application has been put forward as an exception under paragraph ~~79(e)~~ **80 (e)** of the NPPF which states:

*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*(e) the design is of exceptional quality, in that it:*

*- is truly outstanding ~~or innovative~~, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

*- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

8.4 For the reasons fully detailed set out in the following section, officers consider that the proposal meets the requirements of paragraph ~~79 (e)~~ **80 (e)**, being a design of exceptional quality, and therefore the principle of the proposal in this location would be acceptable.

ii. Design, layout and impact on the character of the area

8.5 The current application follows on from a previously withdrawn scheme. The applicants have sought pre-application advice and have positively responded to design advice from the Local Planning Authority. The scheme presented at pre-application stage was accompanied by responses from The Design Review Panel, an independent design review panel, supporting the scheme. Paragraph ~~429~~ **133** of the NPPF confirms that Local Planning Authorities should have regard to the outcome of design advice and review panels and therefore this is a material consideration. The Council's Conservation and Design Team have been heavily involved at pre-application stage and have provided detailed comments on the application proposals. The proposal is considered to be in line with the exceptions of paragraph ~~79 (e)~~ **80 (e)** of the NPPF and the criteria for meeting this exemption are examined in detail below.

*Truly outstanding ~~or innovative~~, reflecting the highest standards in architecture*

8.6 The proposed design is clearly bespoke and is considered to be of very high architectural quality that has developed through a thorough understanding of the development site and its setting and local materials, providing a design rooted in its context.

8.7 Paragraph ~~79 (e)~~ **80 (e)** requires proposals to be truly outstanding ~~or innovative~~, and as the proposal is considered to meet the test of being truly outstanding, there is no requirement for it to be innovative to meet the policy requirements. Notwithstanding this, the systems proposed to secure a sustainable dwelling over and above the fabric first approach are considered to be above and beyond those currently expected of a standard new build house. Whilst the individual components may not be innovative to this specific house it is considered that the combination of the system is.

*Help to raise standards of design more generally in rural areas*

8.8 The technologies proposed within the design are clearly not currently mainstream and it is therefore considered likely there is a learning opportunity that could result. If shared this learning could help to progress sustainable design contributing to improved understanding and energy efficiency standards. In this way it is considered the dwelling could help to raise the standards of design not just in rural areas but within knowledge that can be used to inform other rural and urban developments. Post-occupancy learning benefits of the

dwelling can be secured through condition to ensure the learning can inform further sustainable designs more widely. In addition, the proposed ecological enhancement and landscaping works far exceed the ordinarily for a new dwelling, and it is considered that in this respect the proposal would help to raise standards of design.

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#### **Update for 05.01.22 Planning Committee:**

The application was deferred at the Planning Committee meeting on 11.08.21 for further information to be provided on how the design would further enhance design within the wider area.

The conclusions in paragraph 8.8 above remain relevant, and in addition the applicants have submitted additional information to detail how the proposal would raise standards of design and these are detailed below. Officers consider that these would meet the tests of paragraph 80(e) of the NPPF.

Learning outcomes that would have the potential to influence and enhance design within the wider area in the future have been detailed by the applicants as follows:

#### **a) Post Occupancy Evaluation**

Hawkes Architecture would be undertake R&D monitoring of projects in collaboration with the University of Nottingham & Build Tech Solutions. Action: Measuring temperature & humidity levels across the year to assess how the building is performing.

#### **b) Nitrate Monitoring**

Due to the concerns of eutrophication in the Solent a packaged water treatment plant and reed bed would reduce nitrate discharge from the site. Monitoring of this would be hugely beneficial to Natural England as they look for solutions to allow development in the region without increasing nitrate discharge into the Solent. Action: Testing of nitrate levels are part of an on-going management programme of the Package Treatment Plant and reedbed.

#### **c) Energy Efficiency**

On completion of all Hawkes Architecture projects an as built SAP calculation is carried out. This has shown the houses built by Hawkes consistently achieve scores of over 100, above the standard. Action: Carry out as built SAP calculation on completion of the dwelling.

#### **d) Inter-seasonal Heat Storage**

Hawkes Architecture have been utilising inter-seasonal heat storage within a number of build projects. (See document 'Evolution of Inter seasonal Heat Storage Technologies') Foxbury Lane would be the latest to utilise this technology which although not new still requires testing in real life situations to enable wider use.

**Action: Probes within the earth energy bank to monitor the seasonal & longer-term temperatures of the earth.**

**e) Meadow Creation & Ancient Woodland Management**

**The proposals for the site also include restoration of the ancient woodland and enhancements to the landscape through the removal of equine activity & meadow integration. Action: Involving local wildlife trust to inform and observe the evolution of the landscape enhancements.**

**Details of how this knowledge from the learning outcomes would be disseminated has been provided by the applicants as follows:**

**a) Grand Designs Live**

**Richard Hawkes will be running a seminar at Grand designs live with a selected panel to discuss and share what has been learnt through their para 80 (formally 79) to a wide audience of self-builders.**

**b) Open House**

**Members of the local community, planning department etc. would be invited to site during construction and on completion.**

**c) Joined up thinking in practice**

**After more than 10 years of being in practice Hawkes Architecture created a document to provide insight into some of the innovations that have been implemented and developed.**

**d) University Engagement**

**Supplying data gathered from the monitoring of the project to students & researchers.**

**e) Social Media**

**Active and engaged audience on LinkedIn, Facebook, Instagram & Youtube follow projects under development, on site & performance on completion.**

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*Would significantly enhance its immediate setting*

- 8.9 Outside of the building the proposals to reinstate lost historic field patterns and conceal the existing overhead power lines will have clear benefits in terms of the setting, and therefore it is considered that this requirement would be met.

*Be sensitive to the defining characteristics of the local area*

- 8.10 It is considered that the concept of the design as a sculptural object inspired by flint has clearly been carried through from the concept stage in both the development of the form and material selection. The use of various types of flint wall within the building and garden provides a clear reference to its locality both to existing structures and flint found within local fields. The use of flint in a contemporary manner is welcomed providing a visual connection to its setting whilst avoiding a pastiche design. The other proposed materials including render, dark corrugated metal cladding, and standing seam metal around the windows are considered appropriate. It is clear these materials reference the continued narrative of the flint inspired design with the render representing the often smooth outer layer and the two metal claddings the sharper fractured appearance and varied tones found inside snapped flint.
- 8.11 The proposed dwelling is large and not of a vernacular design however it is considered unlikely that a proposal that replicated vernacular design would have been capable of being truly outstanding or innovative. Despite not aesthetically conforming to a vernacular design it is considered that the design is reflective of its setting and has evolved into the current proposal as a result of understanding its context. This is reflected in the proposed material palette, the siting of the dwelling within the land parcel, the use of flint as design inspiration and the relative simplicity of more public facing elements reflecting the facades of an agricultural building. The design is considered to be of high quality architecture, to reflect characteristics of the locality and enhance its immediate setting.
- 8.12 Given the above officers consider that the proposal satisfies the criteria of paragraph ~~79~~ **(e) 80 (e)** of the NPPF.
- 8.13 In terms of the landscape impact and character of the area, the proposed dwelling is shown to be located broadly centrally within the site, between two areas of woodland. As has been demonstrated by the supporting Landscape and Visual Impact Assessment the dwelling has been positioned and orientated to minimise views from outside of the site and to be mindful of sensitive viewpoints given the proximity to the South Downs National Park and the Racton Monument.
- 8.14 The position of the dwelling would mean that it would not be prominent, and when seen from wider views, and from the public right of way adjacent to the site, it would be read in the context of the woodland setting. Furthermore, the significant landscape enhancements proposed, including reinforced hedging, new woodland and the new woodland shaw (a natural strip of woodland), in combination with removing overhead powerlines would enhance the appearance of the site.
- 8.15 The access and access track would be the most prominent aspect of the proposal and the submission advises that the scheme would include a long chalky track from the existing access point. Details of gates and hard surfaces would be secured by condition, and permitted development rights removed for any further gates or means of enclosure, to ensure an agricultural character is maintained in the interests of protecting the character and appearance of the surrounding area.

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**Update for 05.01.22 Planning Committee:**



**The revisions to the access arrangements in the revised proposal would not alter the previous conclusions identified in paragraph 8.15 above. Although the access track within the site would be wider within the site, this would be within an existing clearing and details of the hard surfaces and gates would be secured by the recommended conditions to ensure that they would be sensitive to the rural location of the site.**

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8.16 Overall the design, materials, detailing and appearance of the development would result in an exceptional scheme that would be appropriate to its rural context and surroundings, and would not adversely impact on the character of the area, such that the proposal would comply with paragraph 79 **80** of the NPPF and local plan policies 48 and 49 which seek to protect and enhance local landscape and the biodiversity value of a site.

iii. Residential Amenity

8.17 Given the isolated location of the site and the position of the dwelling within the site, there would be no adverse impact on amenities enjoyed by occupiers of neighbouring properties in terms of overlooking, or the development overshadowing or appearing overbearing.

iv. Highway Impact

8.18 The proposed dwelling would be served by an existing field gate at the north west of the site onto Woodmancote Lane. The proposals show the access to be widened to 5m, allowing two vehicles to pass. The access slopes up from the highway, and further information has been provided during the course of the application to demonstrate that access can be achieved for the proposed dwelling following the topography of the field, without the need for land level alterations.

8.19 The Local Highway Authority raised no highway safety concerns with the previously withdrawn application at this site, and also visited the site as part of the pre-application assessment. Visibility splays of 2.4m x 45 have been demonstrated to the south and 2.4m x 18m to the north. The LHA appreciate that approximately 13m is achievable to the junction and that this would equate to a Stopping Sight Distance speed of 12mph. The LHA considers that vehicles turning into Woodmancote Lane would be travelling at low speed. The LHA have commented that there is no evidence to suggest that the existing access and junction are operating unsafely.

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**Update for 05.01.22 Planning Committee:**

**The application was deferred at the Planning Committee meeting on 11.08.21 for further information to be provided the site access (and related highway concerns).**

**Revised information has been submitted to demonstrate visibility to the junction of Foxbury Lane and Woodmancote Lane, removing the existing gate and providing a passing point near the entrance of the site.**

**The LHA has been consulted on the revisions and they do not raise any highway safety concerns. The LHA has advised that the relocation of the gate to 17m within the site and the widening of this part of the access track would allow two vehicles to pass and wait without obstructing the public highway. The LHA has also advised that although they would not anticipate the chance of vehicle conflict at the access point would be high, this proposed arrangement would mitigate any small chance of conflict. They are satisfied with the principle of the of the visibility splays.**

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- 8.20 Three guest parking spaces are proposed and three garage parking spaces are proposed for the residents. This is considered likely to be sufficient for the proposal.
- 8.21 The submission shows that waste collection would be from an existing access point at the site onto an access serving Dell Cottages. CDC Waste Collection Services have confirmed that they would have no problems emptying additional bins from the location specified, and this arrangement is considered to be acceptable.
- 8.22 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 409 111), and that there are no transport grounds to resist the proposal. Therefore access, parking and turning arrangements proposed are considered to be acceptable, subject to securing them through conditions.

**Paragraph 109 of the previous NPPF is now replaced by paragraph 111 of the 2021 NPPF however there are no changes in this to alter this conclusion.**

v. Impact on trees

- 8.23 This application is supported by a Tree Survey Report and Constraints Plan and a follow up Arboricultural Impact Assessment. No trees are proposed to be removed to facilitate the construction of the dwelling.
- 8.24 Government guidance on protecting ancient woodland from development states 'for ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage.' The location of the proposed dwelling is outside of that buffer zone, having a distance of approximately 35m from the ancient woodland at the closest point. Protective fencing is shown and can be secured by condition.
- 8.25 The position of the existing access point means that it is within 15m of ancient woodland and some works would be required within this area to provide the surfacing. Details of this can be secured through an Arboricultural Method Statement. Paragraph 475 180 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 8.26 The proposal would not result in the loss or deterioration of Ancient Woodland and as part of the proposed works mitigation measures to protect the Ancient Woodland can be secured. As such the proposal is considered acceptable with regard to impact on trees subject to conditions.

**Paragraph 175 of the previous NPPF is now replaced by paragraph 180 of the 2021 NPPF however there are no changes in this to alter this conclusion.**

vi. Ecological considerations

8.27 The application is accompanied by a Mitigation Statement detailing protection measures for bats, reptiles, nesting birds and badgers, as well as enhancements. The Landscape Management Plan details significant enhancements to the wider site, which can be summarised as follows:

- boundary hedgerows reinstated and gaps reinforced to provide wildlife corridors
- new woodland/ new woodland shaw to link existing woodlands
- replacement of horse paddocks with spring and summer flowering and field margin grassland
- wetland grassland
- provision of four bat boxes, five bird boxes and ten timber piles.

The Council's Environment Officer has raised no objections to the proposals and commented providing suggested conditions. Subject to the recommended conditions the proposal would result in a net gain in biodiversity

8.28 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area. The proposal would result in an increase in population living on the site, which could result in recreational pressure on the SPA and disturbance to protected bird populations. A financial contribution towards the Bird Aware Solent Scheme is required in order to mitigate recreational disturbance as a result of the proposal. This contribution would be a tariff of £940 for a dwelling of 5 bedrooms or more. A completed S106 agreement is required to secure this contribution. Subject to the completion of the S106 Agreement, this proposal complies with Policies 49 and 50 of the CLP and the requirements of the Habitats Directive.

8.29 For the reasons set out above the proposal would be considered acceptable in terms of on-site ecological considerations and the recreational disturbance.

vii. Sustainable Design and Construction

8.30 The supporting Energy and Innovation document details that the proposal clearly satisfies the requirements of Policy 40 of the CLP. The statement demonstrates that the development would meet this through a combination of a fabric first approach, with a proposed minimum of 300mm wall and roof insulation will trap heat within the building, with a high airtightness level, high performance triple glazed windows will be installed, a Mechanical Ventilation Heat Recovery (MVHR) system will be incorporated in the design which will recover over 90% of the heat from the 'stale' air. The proposal has been designed to harness solar gains and incorporates 60 solar photovoltaic thermal panels (PV-T) on the roof. The PV-T panels would harness the solar energy and store it as both heat and electricity. The Earth Energy Bank harnesses and stores enough solar energy in the Summer months to provide all thermal energy requirements in the Winter. The TESLA powerwall is a scalable battery system with an internal inverter built in. The inverter manages the direct current (DC) input from the PV-T and manages its storage in DC

batteries. The unit then converts this DC stored energy into alternating current (AC) to power domestic power loads from electric consumables. Once the batteries are fully charged the powerwall is able to divert excess energy to charging the electric vehicle and the heat store which will manage the heat until it is needed.

8.31 Conditions are recommended to secure the details provided. It is considered that secured in this way the development meets the requirements of Local Plan policy 40 and the proposed measures are endorsed by the Council's Environmental Strategy Officer.

viii. Surface Water Drainage and Foul Disposal

8.32 With regard to flood risk, the site is in Flood Zone 1 and at the lowest risk of flooding. The Council's Drainage Engineer has confirmed the team has no additional knowledge, or records of the site being at significant flood risk, therefore subject to satisfactory drainage no objection is raised to the proposed use, scale or location based on flood risk.

8.33 The application proposes that any hard surfaced areas including the access track will have permeable surfaces with a porous sub-base to a minimum depth of 210 to 240 mm. This includes a porous natural aggregate access track to the dwelling.

8.34 The application details that surface water run-off will be managed to limit the run-off to the equivalent or less than the current green field run-off rate. The submitted Flood Risk Assessment advises that this could either be through a swale 170 metres in length, which would be 0.3 metres deep and 0.5 metres wide at the base, with side slopes of 1 in 5, or through a shallow soakaway which has been designed using a conservative infiltration rate. The soakaway would need to be 10 meters x 12 metres by 0.8 metres deep using storage crates with a 95% storage capacity. This will provide approximately 91 cubic metres of storage but an on-site infiltration test will be required to confirm this solution is viable.

8.35 The Council's Drainage Engineer has confirmed that either of these approaches would be acceptable in principle, as they follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. They have also advised that the drainage design should be able to demonstrate that the infiltration/SuDS features can accommodate the water from a 1 in 100 year critical storm event, plus an additional 40% climate change allowance.

8.36 Subject to the surface water drainage scheme being secured by condition in line with the Council's Drainage Engineer's comments, the proposal is considered acceptable in this regard and would not increase flood risk.

8.37 Foul Water is to be will be treated with an on-site proprietary water treatment plant with secondary filtration achieved by means of natural filtration within wet grassland and seasonally wet marginal planting associated with the attenuation pond. The Environment Agency was consulted on the proposals and they have not commented to raise any concerns.

ix. Nutrient neutrality

8.38 The proposal comprises new development with overnight accommodation, within the Chichester Harbour catchment area and therefore the treated effluent from the

development will eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites. This is therefore directly connected to the increase in wastewater from the development.

- 8.39 In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the LPA via an Appropriate Assessment to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England must then be consulted on any such Appropriate Assessment.
- 8.40 The applicant has followed the methodology provided by Natural England 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' based on the use of an onsite Package Treatment Plant, and established the nitrate calculations for this proposed development. This calculation has informed an Appropriate Assessment. Natural England's methodology sets out how to achieve nutrient neutrality and thereby address the existing uncertainty surrounding the impact of new development on designated sites. Specifically Natural England's advice sets out the methodology on how to calculate the nutrient budget generated from the development.
- 8.41 Based on the full calculations there is a deficit in total nitrogen from the development, in that the change in land use would generate less nitrogen load than the current land use, and as such no mitigation would be required.
- 8.42 In order to ensure that the development does not increase nitrogen load, the change in use of land must be secured so that the areas of meadow, (as opposed to 'grazing meadow') form the mitigation land, does not revert over time to grazing. This is to be secured by way of a section 106 agreement.
- 8.43 Subject to no objection from Natural England regarding an Appropriate Assessment the proposal is considered acceptable in this regard.

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**Update for 05.01.22 Planning Committee:**

**Natural England has requested further information on efficiency of the proposed Package Treatment Plant and evidence for the long term monitoring and management of the Package Treatment Plant, to inform an update to the Appropriate Assessment.**

**The applicants have been in discussion with Natural England and have provided certification to the Local Planning Authority that the proposed Package Treatment Plant would exceed Natural England's requirement to have the ability to remove 70% of the nitrates and that there would be an annual maintenance plan. Further information has also been submitted to demonstrate that connection to mains drainage would be impractical given the distance from the proposed dwelling to**

mains drainage. The Appropriate Assessment has been updated and comments from Natural England are awaited.

Subject to no objection from Natural England the proposal is considered acceptable in this regard.

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Update for 05.01.22 Planning Committee:

### Other Matters

Westbourne Neighbourhood Plan has now been made. The conclusions within the Agenda Update Sheet regarding the compliance with Westbourne Neighbourhood Plan for the planning committee of 11.08.2021 remain relevant.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The principle of the development proposed is clearly established by paragraph 80(e) of the National Planning Policy Framework 2021 (NPPF). The NPPF is a material consideration in planning decisions.

Whilst the Westbourne Neighbourhood Plan does not have a specific policy or wording on the exception of paragraph 80(e) of the NPPF, this does not mean that the proposal is contrary to the neighbourhood plan.

In terms of the principle of the proposal, Policy OA1: Sustainable Development of the Neighbourhood Plan sets out that: “Outside the Settlement Boundary, development proposals will not normally be considered either appropriate or sustainable unless;

- (i) they comply with all other policy requirements of the development plan; or
- (ii) it is sustainable development where the benefits demonstrably outweigh the harm, and is of a form or type that could not reasonably be located within the Settlement Boundary;
- or (iii) they are rural exception sites to meet local need.”

In this case, whilst the development proposals would not normally be acceptable outside of the settlement boundary, for the reasons detailed in the report the proposal is considered an exception under paragraph 80(e) of the NPPF, which is a material consideration, demonstrating that the proposal is an exception to the normal circumstances. In addition the proposal is considered to meet criterion (ii) and (iii), of Neighbourhood Plan policy OA1 for the reasons detailed in the report.

The detailed supporting information submitted during the course of the application sets out how the design approach is reflective of its setting, is high quality architecture and it clearly avoids being a uniform design. There are significant landscape and biodiversity enhancements proposed and the addition of a dwelling in this location would not result in an adverse impact on parking within Westbourne. As such the proposal would comply with neighbourhood plan policies LD1: Local Distinctiveness and BD2: Natural Environment Policy.

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## Conclusion

8.44 Based on the above it is considered that the proposal meets the requirements to be considered as an exception under the circumstances identified by paragraph ~~79(e)~~ **80 (e)** of the National Planning Policy Framework, and as such the principle of the development is considered acceptable. There is no conflict with the NPPF, the proposal complies with development plan policies, and there are no material considerations that would justify refusing the application. Therefore the application is recommended for approval.

## Human Rights

8.45 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**

**DEFER FOR SECTION 106 THEN PERMIT SUBJECT TO NO OBJECTION FROM NATURAL ENGLAND and subject to the following conditions and informatives:**

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

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

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) Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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

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

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including litter and prohibiting burning.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

5) No development shall commence unless and until details of the proposed means of foul water sewerage disposal have been submitted to and been approved in writing by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details. No occupation of any dwelling shall take place until the approved works have been completed for that dwelling.

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

6) No development shall commence until details showing the approximate location of one fire hydrant (in accordance with West Sussex Fire and Rescue Guidance Notes) have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services.

Prior to the first occupation of any dwelling, details showing the precise location, installation and ongoing maintenance of the fire hydrant to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation



with West Sussex County Council's Fire and Rescue Services. The fire hydrant shall thereafter be maintained as in accordance with the approved details.

In the interests of amenity and in accordance with The Fire and Rescue Services Act 2004.

7) No development hereby permitted shall take place until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of the Arboricultural Impact Assessment reference SY16-111-09-02. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No materials shall be stored in the root protection area of trees to be retained. 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.

8) No works to the driveway/access shall commence on site unless and until an Arboricultural Method Statement including a program for its implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be implemented fully in accordance with the approved details.

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

9) 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 hard landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been undertaken in accordance with the approved details.

Reason: In the interests of amenity.

10) 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. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site and be in accordance with the submitted Landscape Management Plan. 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.

11) The dwelling hereby permitted shall not be first occupied until the ecological enhancements have been provided in accordance with the details and timetable within the submitted Landscape Management Plan reference SY16-111-LMP (20)-06 01 JUNE 2020.

Reason: In the interest of conserving and enhancing biodiversity and to accord with the terms of the application.

12) Notwithstanding any details submitted no development shall commence to construct the dwelling until a full schedule of all external materials and finishes for all buildings and structures, with samples where required by the Local Planning Authority, have been submitted to and approved in writing by the Local Planning Authority.

This must include sample panels of the flint wall types, and the flint gated opening to the courtyard to ensure these achieve the visual quality expected of a high quality piece of architecture.

The development shall be carried out in accordance with the approved schedule of materials and finishes and samples, unless otherwise agreed in writing by the Local Planning Authority.

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

13) The dwelling 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 dwelling and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029

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

Reason: To ensure the development benefits from appropriate infrastructure

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

Reason: In the interest of ecology.

16) The dwelling hereby permitted shall not be first brought into use until the measures detailed in the submitted Energy and Innovation section within document 203\_DO\_PN\_3001 APRIL 2020 have been implemented. These measures shall be maintained and kept operational in perpetuity.

Reason: To ensure the development delivers 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.

17) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the recommendations section of the Mitigation Statement (dated 19th May 2017)

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

18) The proposed hard surface/s hereby permitted shall either be made of porous materials and thereafter shall be maintained as approved in perpetuity.

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

19) The covered and secure cycle parking spaces hereby permitted shall be provided fully in accordance with the plans and details as submitted with this application and made available for use prior to first occupation of the dwelling. Thereafter the cycle parking shall be retained for that purpose by occupiers of the associated residential development in perpetuity.

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

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

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

21) No part of the development shall be first occupied until the **access and** car parking has been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

22) 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.

23) No part of the development shall be first occupied until visibility splays of 2.4 x 45m to the south and 2.4 x 18m to the north have been provided at the proposed site vehicular access onto Woodmancote Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.9 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

24) The dwelling hereby permitted shall not be first brought into use until a scheme detailing the monitoring and recording of post-occupancy learning benefits of the dwelling, including a timetable, has been submitted to and agreed in writing by the Local Planning Authority. These measures shall be maintained in accordance with the agreed scheme.

Reason: To ensure the development accords with the terms of the application.

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

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

26) Notwithstanding any indication on the submitted Addendum: Highways Access Proposals, no gate shall be installed serving the access onto Woodmancote Lane until full details of the appearance, location and materials of the gate have been submitted to and agreed in writing by the Local Planning Authority. Development shall proceed in accordance with the agreed details.

Reason: In the interests of highway safety and the character of the area.

27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying

that Order) hereby approved, no extensions or alterations shall be constructed or made without a grant of planning permission.

Reason: To accord with the terms of the application as an exception under paragraph 79(e) of the National Planning Policy Framework

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

Reason: To accord with the terms of the application as an exception under paragraph 79(e) of the National Planning Policy Framework

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Location Plan	001		23.06.2020	Approved
PLAN - First Floor Plan	203_PN_P1_3 130		23.06.2020	Approved
PLAN - Ground Floor Plan	203_DR- PL_2001		23.06.2020	Approved
PLAN - External East and West Elevations	203_DR_PL_2 000		23.06.2020	Approved
PLAN -	203_DR_PL_2 200		23.06.2020	Approved
PLAN - South Elevations	203_DR_PL_2 203		23.06.2020	Approved
PLAN - North Elevations	203_DR_PL_2 204		23.06.2020	Approved
PLAN -	203_SiteAccess s_210427		30.04.2021	Approved
PLAN -	Nitrate Mitigation _1_1250_A3_ 210222		01.03.2021	Approved
PLAN -	20_Roof Plan_201012		28.10.2020	Approved

## INFORMATIVES

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

### 2) S106

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

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](mailto: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).

4) The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

For further information on this application please contact Martin Mew on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QCDUEXERKQJ00>

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Parish: Fishbourne	Ward: Harbour Villages
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**FB/21/02509/FUL**

<b>Proposal</b>	Creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping.		
<b>Site</b>	Black Boy Court, Main Road, Fishbourne PO18 8XX		
<b>Map Ref</b>	(E) 483155 (N) 104749		
<b>Applicant</b>	Greetland Ltd	<b>Agent</b>	Miss Chelsey Carter

**RECOMMENDATION TO PERMIT**



	<p><b>NOT TO SCALE</b></p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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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 site is located to the south side of Main Road, within the Parish of Fishbourne, outside of a defined settlement boundary and within the designated countryside. The site is located within the Fishbourne Conservation Area and the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The application site is part of a private residential development, comprising of a number of dwellinghouses with a rear courtyard parking area.
- 2.2 The specific area to which this application relates currently forms a hard surfaced curtilage area to the front of a two storey block of flats, albeit it appears this area was previously laid to lawn. The site is separated from the public highway by timber post and rail fencing and ornamental hedging. The site sits adjacent to the original building known as Black Boy House (the former Blackboy Inn), which is grade II listed, but does not form part of the listing.

## **3.0 The Proposal**

- 3.1 The application seeks planning permission to provide a parking area to the front of Black Boy Court with a new associated dropped kerb access from Main Road. The parking area would be large enough to accommodate 4 cars and would be surfaced with a hard permeable material. A single electric vehicle charging point would also be provided.
- 3.2 The proposal also includes the construction of a 0.5m high flint and brick wall to the front of the site as well as landscaping to the front and rear of the parking area, which would provide screening from the highway.

#### 4.0 History

87/00022/FB	PER	Extension to provide 10 no. bedroom suites.
87/00024/FB	PER	Extension to provide 10 no. bedroom suites (LBC).
95/00122/LBC	PER	a) Convert and extend existing Inn to form 2 dwellings together with the demolition of assorted adjoining modern buildings. b) Convert existing reception building to form 1 dwelling. c) Convert existing hotel complex to form 4 dwellings.
95/00621/FUL	PER	Conversion of existing buildings to form 7 no. dwellings.
05/03636/FUL	PER	Extension and alterations to 4 no. existing flats to provide 8 no. 2 bed flats and 2 no. carports to provide 8 no. parking spaces.
21/00472/FUL	WDN	Construction of a 2 bay carport and the creation of car parking area for 4 no. cars to the north of the site.

#### 5.0 Constraints

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

## **6.0 Representations and Consultations**

### **5.1 Parish Council**

OBJECTION: The Council is concerned that the parking area designated for four cars is very cramped. It will be impractical to park safely in such a confined space, particularly if a car is larger than average. There is concern over the safety of the access on to the A259, especially if the constricted space means that a car may need to reverse out onto the main road.

### **5.2 WSCC Highways**

The applicant proposes a new vehicular access on Main Road, to serve the proposed parking area. From inspection of the plans and local mapping, visibility appears sufficient at the proposed point of access onto the maintained highway. The access will be subject to a vehicle crossover (VCO) licence obtained through the local area office and constructed to a specification agreed with the local area engineer.

The LHA notes that there appears to be a utility pole close to the proposed VCO on publicly maintained highway fronting the application site. If the utility pole is situated within 1.5m of the VCO, the crossover works will require the relocation of the utility pole. These relocation works would need to be undertaken at the expense of the applicant. It is the responsibility of the applicant to liaise with the necessary parties to organise the moving of the utility pole.

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

From inspection of the plans, the parking bays appear to be suitably sized. There also appears to be sufficient space for on-site turning, allowing vehicles to exit the site in a forward gear.

### **5.3 Natural England**

Natural England has no comments to make on this application

### **5.4 Portsmouth Water**

We have no adverse comments to make on this application as it is low risk to groundwater quality.

## 5.5 Chichester Harbour Conservancy

Chichester Harbour AONB Unit Recommendation - No objection

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. The site is located within an urban settlement built-up location within the AONB.

Suggested considerations:

- schedule of materials to be as indicated on submitted application forms / agreed by LPA.
- Any and all external lighting shall be fitted with a suitable and effective cowl to focus the light beam and illumination downwards and prevent light spillage above the horizontal and into the night sky so as to comply with the Dark Skies approach and to limit disturbance to wildlife

## .5.6 CDC Design and Conservation Officer (summarised)

*Further Comments (17.12.21)*

Now that the setting of the listed building has been defined, the neighbouring Black Boy Court application for the above will need to screen the Listed Building, The Black Boy Inn, with planting on the side boundary between the buildings sufficient to give a clear delineation between them. This should also include for screening any of the vehicle's parking in the proposed front car park of Black Boy Court and should form a barrier for vehicle headlight spill as well.

This will also be applicable to the frontage as well for the reasons of protecting the Conservation Area.

We would also require a condition that a good quality permeable brick paviour (Marshalls or similar approved complete with block paving drainage channels) are used for the car parking area instead of gravel or a stone chip base due to concerns over spreading of the material onto the road and deterioration of the surface over time.

*Additional comments (9.12.21)*

Due to changes in ownership and separation of the Black Boy Inn and the Black Boy Court over the last few years that we do not consider the wall or garden of Black Boy Court to be curtilage listed with Black Boy Inn any longer.

According to your research Black Boy Inn (Grade II Listed) owned and built Black Boy Court as it had been an extension used as a hotel and linked at ground floor level. It is clear that the original listed Building, Black Boy Inn has now been split into three dwellings and the former hotel that was attached is now several private apartments with a freehold ownership that is different to the three dwellings. The hotel, when it was part of the Black Boy Inn and associated with it would have been classed as curtilage listed but it is now separated in physical form and ownership and therefore we would not class it as curtilage listed now.

The front wall that has been removed was not in our opinion an historic wall as the historical mapping shows it in a slightly different position and the materials would more likely have been flint based and possibly taller.

*Original Comments (25.11.21)*

The works are not acceptable in listed building terms. There was an application to remove the original front wall boundary with the Main Road which was not approved in April of 2021.

There is no evidence that the wall was only 900mm high and therefore the reasons for removing it still have to be proven. The Planning application was not approved previously, and it had been requested by the Planning Officer and the Conservation and Design Officer that any new application for the car park and the removal of the wall was to be as a single purpose of operation. This has not happened and no allowance or opportunity for the Council's Officers was given to inspect and measure the wall. The application fails to preserve and enhance the Fishbourne Conservation Area and is in conflict with Policy 47 of the Chichester Local Area Plan which includes Fishbourne.

The setting of the Listed Building (The Black Boy Inn) which is Grade II listed could be compromised by the small car park at the front of Blackboy Court as it would add further interference to the setting even if screened.

Our recommendation therefore is a Refusal for this application on Listed Building Terms.

5.7 CDC Coastal and Drainage Engineer

We have no objection to the principal of additional parking in this location. However, to ensure no negative impact on local flood risk the new surfacing should be of permeable construction. Subject to the use of a porous sub-base such as MOT Type 3, the proposed surfacing "bound resin" should be permeable, and therefore acceptable.

## 5.8 Third Party Objections

Three representations have been received in objection to the proposed development. These representations raise concerns in relation to the following issues:

- a) The proposal would create highway safety issues,
- b) The additional parking is not needed,
- c) The proposed parking area would be detrimental to the character of the Conservation Area

## 5.9 Third Party Support

Two representations have been received in support of the application concerning the following issues:

- a) There is a lack of parking at Blackboy court
- b) The proposed additional parking would take parked vehicles off of the highway.

## 6.0 **Planning Policy**

### 6.1 The Development Plan

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, including the Fishbourne Neighbourhood Plan 2014 - 2029.

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

### 6.2 Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 39: Transport, Accessibility and Parking

Policy 42: Flood Risk and Water Management

Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Policy 47: Heritage and Design

### 6.3 Chichester Local Plan Review Preferred Approach 2016 - 2035

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 July 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

### 6.4 Fishbourne Neighbourhood Plan 2014 - 2029

Policy D1: Good design  
Policy H1: Heritage Protection

### 6.5 National Policy and Guidance

Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021). 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:

- a) *approving development proposals that accord with an up-to-date development plan without delay; or*
- b) *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.*

Consideration should also be given to the following paragraph and sections: Sections, 4 (Decision-making), 9 (Promoting sustainable transport), 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.



## 6.6 Other local Policy and Guidance

Consideration has also been given to:

- Fishbourne Conservation Area Character Appraisal

6.7 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:

- 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 development
- ii. Design and impact upon the AONB and Heritage Assets
- iii. Impact upon the amenity of nearby properties
- iii. Parking and Highway impact
- iii. Drainage

### Assessment

i. Principle of development

8.2 Policy 1 of the Chichester Local Plan includes a presumption in favour of sustainable development within settlement boundaries. Therefore, as the application site falls within the Fishbourne Settlement Boundary Area, the principle of the proposed development is acceptable, subject to compliance with the development plan and other material considerations. The impact of the proposed development on the character and appearance, and special qualities of the AONB, the Fishbourne Conservation Area and the adjacent listed building are considered in detail below.

ii. Design and Impact upon the AONB

8.3 Policy 43 of the Chichester Local Plan establishes that development proposals will be supported where it can be demonstrated that they will reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB. Chichester Harbour Conservancy has not raised an objection to the proposal, and it is considered that due to the nature of the proposal and its location within a built up area that no harm would be caused to the scenic beauty or special qualities of the AONB. The proposal therefore accords with the development plan in this respect.

iii. Impact upon heritage assets

- 8.4 S. 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires the local planning authority (LPA) to have special regard to the desirability of preserving the setting of a listed building, whilst S.72 of the Act requires proposals to conserve or enhance the character of a designated conservation area. In addition, the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. These requirements are reflected in both policy 47 of the Local Plan and policy H1 of the Neighbourhood Plan.
- 8.5 As noted within the Parish Council's comments, the application site lies adjacent to the former Black Boy Inn (now known as Black Boy House), which is a grade II listed building (now divided into 4 residential dwellings). The application property does not form part of the listed property, however it is recognised that it forms part of its immediate setting. Concerns have been raised that the removal of a former flint wall at the front of the site and the re-laying of the front curtilage area with hard surfacing to provide an access and driveway would be detrimental to setting of Black Boy House.
- 8.6 It is of relevance in this instance that planning permission was not required to remove the wall at the front of Black Boy Court as the works were permitted development under Part 11, Class C of the Town and Country Planning (General Permitted Development) Order 2015, as amended. This is because the 'Conservation Areas Direction (2015)' for the application of section 74 of the Planning (Listed Buildings and Conservation Areas) Act (1990) makes provisions for the removal of walls within Conservation Areas that are less than 1m in height without the need of prior consent. During the course of the application the remaining pier of the boundary wall has been assessed as measuring 0.9m, and therefore it has been established that the boundary wall was less than 1m in height and its retention was not within the control of the Local Planning Authority. Furthermore, the Council's Design and Conservation Officer has confirmed that as the site has been long separated from the former Black Boy Inn, it cannot be viewed as being curtilage listed. As such, the LPA is not in a position of being able to secure the re-instatement of the former wall, which in any event was not a historic wall.

- 8.7 As noted above, whilst the site's proximity to the neighbouring listing is acknowledged, the application property (Black Boy Court) is of limited architectural quality and does not share the detailed characteristics or historic qualities of the adjacent listed building. As such, it is considered that the site offers little in the way of contribution to the setting of the heritage asset, and that the opening up of the front curtilage area to provide an access and small area of parking with additional landscaping would lead to less than substantial harm of its immediate surroundings. This, coupled with the fact that the proposal would provide a public benefit through the provision of a parking facility that would take vehicles off the highway and supply designated electric vehicle (EV) charging points to improve the sustainability credentials of the property and encourage the use of sustainable modes of transport, ensures that the positives of the scheme would outweigh the loss of any previous landscaping. It should be noted that due to the spread-out nature of the existing parking area that serves Black Boy Court, the applicant has confirmed that it would be easier and more affordable to provide EV charging points within the proposed parking area than the existing area to the rear of the site.
- 8.8 Research of the history of the site has also established that the former flint wall, hedging and landscaping to the front of the wider Black Boy Court development was not original. At the time of the Black Boy Inn being listed in 1981, the front curtilage area was surfaced with paving slabs and open to the highway. As such, no historic fabric, layouts, or original features would be lost or affected by the proposals.
- 8.9 In terms of the effects of the proposal on the wider street-scene and Fishbourne Conservation Area; there are a number of properties within close proximity along Main Road that are served by parking areas that are open to the highway. As such, a small parking forecourt to provide parking for 4 vehicles would not appear out of place or out of character for the area within this part of the conservation area. Notwithstanding this, efforts have been made to reduce the impact and visibility of the proposal from the surrounding public realm through the incorporation of a landscaping scheme that includes planting at the front of the site (already in situ) and to the rear of the parking area in front of the building's windows as well as to its side borders. The proposed landscaping features would help to soften the site's frontage and would provide visual screening and separation from the highway. The reinstatement of a low-level flint boundary wall on one side of the access would also pay respect to the site's former frontage.
- 8.10 The applicant has commented that the parking area is required as the existing 8 flats within Black Boy Court are currently only served by 8 parking spaces, and as most flats are dependent upon more than one car, occupiers are required to park their vehicles on the highway. The proposed parking facility would therefore facilitate the removal of parked vehicles from the highway, which would be beneficial to the general appearance of the Conservation Area.

8.11 Notwithstanding the above comments, it is considered that the success of the proposed scheme would depend on the use of surface materials for the hardstanding that would be sympathetic to the neighbouring listed building and surrounding conservation area and the provision of landscaping. In accordance with the advice received from the Council's Conservation and Design Officer it is considered that the use of subtle coloured traditional pavers would be suitable, however the final material detailing could be secured via the recommended condition.

8.12 In conclusion, the loss of the former boundary walling or the manner in which it was removed prior to the submission of the current application is not material to the consideration of the proposal. On balance it is considered that; given there was hardstanding to the front of the site historically and landscaping would be provided to soften the appearance of not only the proposed parking area but also the appearance of the building on the site, which does not contribute positively to the character of the area, the less than substantial harm identified would be appropriately mitigated such that the development would not have an adverse impact upon the setting or status of the adjacent listed building, or to the character and appearance of the Fishbourne Conservation Area. The proposal would therefore accord with policy 47 of the Chichester Local Plan, policies D1 and H1 of the Fishbourne Neighbourhood Plan and Parts 12 and 16 of the NPPF.

iii. Impact upon the amenity of neighbouring properties

8.13 The National Planning Policy Framework in paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users.

8.14 The proposal would be relatively small scale in nature however the proposed parking area would be located in front of three windows that serve the two ground floor flats of Black Boy Court. In order to protect the privacy of the rooms that are served by these windows, the applicant has agreed to provide planting to the front of the building in the space between the hardstanding and front elevation of the building. This natural barrier coupled with the separation distance between the parking area and the windows would ensure that the scheme would not encourage any immediate or harmful views into the properties.

8.15 It is therefore considered that the proposal would not create a situation that would result in harm to the privacy or residential amenity of the occupiers of residential properties and as such is judged to be in accordance with the NPPF.

iv. Parking and Highway safety

8.16 The proposal would result in the introduction of a new dropped kerb crossover from Main Road and the formation of a vehicle parking area that would be large enough to accommodate 4 cars. One parking space would be provided with an electric vehicle charging point.

8.17 The Local Highway Authority has assessed the proposal and has confirmed that the visibility splays would be sufficient at the point of access onto the main highway and that the parking area would provide suitably sized bays and sufficient space for on-site turning to allow vehicles to enter and exit in forward gear. It has also been confirmed that Sussex Police collision data shows no incidents within the vicinity of the site over the past 5 years.

8.18 It is therefore concluded that the proposal would provide acceptably laid out parking and access provisions and that it would not have a detrimental impact on highway safety within the area. The application is therefore deemed to be in accordance with Policy 39 of the CLP.

v. Drainage

8.19 The resurfacing of the front curtilage area of the property would result in an area of a former lawn area being replaced with hard surfacing. Accordingly, the Council's Drainage Engineer has been consulted and no objection has been raised. It is however important that the new surfacing should be of permeable construction to ensure the risk of flooding is not increased. As such, a condition that requires the proposal to be a permeable surface with an MOT Type 3 porous sub-base is recommended. Subject to the recommended condition it is considered that the proposal would be acceptable in this respect.

Conclusion

8.20 The proposal is considered to be in accordance with local and national development plans in respect of its impacts upon heritage assets, residential amenity, highway safety and flood risk, and is therefore acceptable. The recommendation is therefore to permit the application subject to conditions.

Human Rights

8.21 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) Prior to the creation of the new vehicular access, the proposed construction, materials and finishes of the hard standing hereby permitted shall be submitted to and agreed in writing with the local planning authority. At the time of submission, a sample of the proposed surfacing materials shall be made available to inspect on site. The development shall not be carried out other than in accordance with the approved details, and thereafter it shall be maintained as approved in perpetuity.

Reason: In the interests of drainage and visual amenity

4) The development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition, all existing hedgerows on the land shall be indicated including details of any to be retained. The works shall be carried out in accordance with the approved details and the approved scheme shall be carried out in the first planting season after practical completion of the hardstanding hereby approved unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on the existing hedging.

5) The use of the parking and turning area hereby approved shall not commence until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the approved planning drawings.

Reason: In the interests of road safety.

6) The use of the access point shall not commence until the vehicle parking and turning spaces, and electric vehicle charging point have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To ensure that adequate on-site car parking and turning space is provided for the development.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended no external lighting shall be provided on the site, other than in accordance with a scheme that shall first be submitted to and approved in writing by the local planning authority. The scheme shall include details of the proposed luminance, siting and design of the lights, including measures to prevent light spillage. The lighting shall not be provided other than in accordance with the approved scheme and therefore the lighting shall be maintained as approved in perpetuity.

Reason: To protect the character of the surrounding area.

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN -	DPA - 04	A	27.09.2021	Approved
PLAN -	DPA - 01	A	29.09.2021	Approved
PLAN - EXISTING SITE PLAN AND ELEVATION	DPA - 02		17.08.2021	Approved
PLAN - PROPOSED SITE PLAN AND ELEVATION	DPA - 03		17.08.2021	Approved
PLAN - PROPOSED VISABILITY SPLAY AND DROPPED KERB SECTION	DPA - 05		17.08.2021	Approved

## INFORMATIVES

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

For further information on this application please contact Luke Simpson on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QXZ6BDERM1G00>

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Parish: Chichester	Ward: Chichester East
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## CC/21/03391/FUL

<b>Proposal</b>	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m2 (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings. Variation of Condition 1 of planning permission CC/20/01914/FUL - changes to Block 1 from one single large unit into 10 smaller units and associated works and to regularise the conditions of permission CC/21/01391/FUL to reflect conditions contained in permission CC/20/01914/FUL.		
<b>Site</b>	St James Industrial Estate Westhampnett Road Chichester West Sussex PO7 7JU		
<b>Map Ref</b>	(E) 487293 (N) 105340		
<b>Applicant</b>	Chichester District Council	<b>Agent</b>	

### RECOMMENDATION TO PERMIT



	<b>NOT TO SCALE</b>	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
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## **1.0 Reason for Committee Referral**

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

## **2.0 Site and Surrounds**

- 2.1 St James Industrial Estate extends to approximately 1.2ha and is located south-east of Westhampnett Road (A285) and approximately 123m from the roundabout with St James Road to the south-west; within the defined Settlement Boundary of Chichester. The site was previously developed in the early 1980s around the old 1950s Chichester District Council (CDC) depot, to provide accommodation for small start-up businesses. The industrial estate previously comprised 40no. small industrial units (within B1, B2 and B8 Use Classes) with a total floor space of some 3,753m<sup>2</sup>. At the time of the site visit, demolition and clearance of the site had occurred.
- 2.2 The site is accessed by the sole entrance/exit point on Westhampnett Road. A mixture of residential and commercial (including large supermarkets) development lies further to the east. Behind the residential development fronting Westhampnett Road and to the eastern boundary of the site, there is Outline Permission (08/00554/OUT and 15/02075/EXT) for 80 new dwellings on the site of the old Portfield Football Ground. Approximately 15 metres to the east lie Nos. 21, 22 and 22a Westhampnett Road, which are designated grade II listed buildings.
- 2.3 The site is predominantly located within Flood Zone 1; with only the very northern edge of the site boundary, partially falling within Flood Zone 2 (all the buildings are located within Flood Zone 1). The River Lavant runs in an east-west direction to the northern side of Westhampnett Road and here the land moved into Flood Zones 2 and 3.

## **3.0 Proposal**

- 3.1 Permission is sought under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 1 of planning permission CC/20/01914/FUL, to change Block 1 from one single large unit into 10 smaller units and associated works; and to regularise the conditions of permission CC/21/01391/FUL to reflect conditions contained in permission CC/20/01914/FUL.

## **4.0 History**

20/01914/FUL	PER	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m <sup>2</sup> (47877ft) of lettable industrial space all under B1(b), B1(c) and B8 use classes with 5 no. replacement buildings.
21/01391/FUL	PER	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m <sup>2</sup> (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as

use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings - Variation of Condition 1 of planning permission CC/20/01914/FUL- changes to Block 1 from one single large unit into 10 smaller units and associated works.

21/01701/DOC	PER	Discharge of Condition 3 of planning permission CC/20/01914/FUL - Construction and Environmental Management Plan (CEMP).
21/02090/DOC	SPLIT	Discharge of conditions 11, 12, 15 & 18 to permission 20/01914/FUL.
21/02262/DOC	PER	Discharge of condition 3, 11, 13 and 17 from planning permission CC/21/01391/FUL.
21/02538/DOC	SPLIT	Discharge of conditions 5 (Surface Water Drainage) and 7 (Ground Levels) from Planning Permission CC/21/01391/FUL
21/02840/DOC	PER	Discharge of Conditions 6 (piling/foundation design) and 8 (scheme to deal with contamination) of planning permission CC/21/01391/FUL.
21/02876/DOC	PER	Discharge of condition 14 of permission 21/01391/FUL.
21/03340/DOC	PER	Discharge of condition 5 and 12 form planning permission CC/21/01391/FUL.
21/03469/DOC	PER	Discharge of Conditions 9 (Phase 2 Intrusive Investigation Report) and 10 (Remediation Scheme) of planning permission CC/21/01391/FUL.

## 5.0 Constraints

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

## **6.0 Representations and Consultations**

### **6.1 Chichester City Council**

No comment received.

### **6.2 WSCC Highways**

Given the LHA did not raise an objection previously to the proposals there would be no concerns with this application.

### **6.3 WSCC Lead Local Flood Authority**

No comment.

### **6.4 CDC Archaeological Officer**

There are no known archaeological implications.

### **6.5 CDC Drainage Engineer**

The CDC Drainage Engineer has reviewed the application and is satisfied there is not going to be a significant impact on surface water drainage / flood risk, and therefore has no objection to the proposed application.

### **6.6 Third Party Representations**

5 letters of objection have been received concerning:

- It appears that if this regularisation is permitted then 24-hour working could be approved which is contrary to the reason for condition 35 – i.e. to safeguard amenity.
- The hours of use for the previous industrial estate were carefully controlled.
- Whilst condition 19 on 20/01914/FUL (Noise Mitigation and Management Scheme) gives good control of many factors it is not a replacement for restrictions on hours of use.

## **7.0 Planning Policy**

### **The Development Plan**

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

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

### **Chichester Local Plan: Key Policies 2014-2029**

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 8: Transport and Accessibility  
Policy 10: Chichester City Development Principles  
Policy 11: Chichester City Employment Sites  
Policy 12: Water Management in the Apuldram Wastewater Treatment Catchment  
Policy 26: Existing Employment Sites  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
Policy 42: Flood Risk and Water Management  
Policy 49: Biodiversity

### National Policy and Guidance

7.3 Government planning policy now comprises the revised National Planning Policy Framework (July 2021), which took effect from 20th July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decisions-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

7.5 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 Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in July 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 in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

7.6 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 Strategy  
S8 Meeting Employment Land Needs  
S12 Infrastructure Provision  
S13 Chichester City Development Principles  
S14 Chichester City Transport Strategy  
S20 Design  
S21 Health and Wellbeing  
S22 Historic Environment  
S23 Transport and Accessibility  
S27 Flood Risk Management  
S28 Pollution  
S29 Green Infrastructure  
S31 Wastewater Management and Water Quality  
S32 Design Strategies for Strategic and Major Development Sites

**Part 2 - Development Management Policies**

DM8 Transport, Accessibility and Parking  
DM9 Existing Employment Sites  
DM10 New Employment Sites  
DM16 Sustainable Design and Construction  
DM18 Flood Risk and Water Management  
DM23 Lighting  
DM24 Air Quality  
DM25 Noise  
DM26 Contaminated Land  
DM27 Historic Environment  
DM29 Biodiversity  
DM31 Trees, Hedgerows and Woodlands  
DM32 Green Infrastructure

Other Local Policy and Guidance

7.7 The following Supplementary Planning Documents are material to the determination of this planning application are:

- Surface Water and Foul Drainage SPD (September 2016)
- CDC Waste Storage and Collection Guidance (January 2017)
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- The CDC Design Protocol (December 2013)
- CDC PGN3: Design Guidance for Alterations to Dwellings and Extensions (September 2009)

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:

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the workplace and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and 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

## **8.0 Planning Comments**

### Planning Assessment

- 8.1 The principle of development to redevelop the industrial estate has been established by the granting of applications CC/20/01914/FUL (the original permission for the redevelopment of the industrial estate) and CC/21/01391/FUL (which was a variation of CC/20/01914/FUL to change Block 1 from a single large unit into 10 smaller units and associated works). Although the redevelopment has already been established, the current application is in effect a fresh application for planning permission.
- 8.2 The current application is seeking to regularise the conditions attached to planning permission CC/21/01391/FUL so they reflect the conditions which were attached to the original planning permission CC/20/01914/FUL. In particular a number of the conditions required under the 2020 permission were not carried forward into the 2021 permission, including the amended conditions detailed on the Committee Update Sheet and conditions requested by Members. These have been included in the recommended conditions for this application.
- 8.3 As this application needs to be considered as a new standalone application for planning permission, the application is also seeking to vary condition 1 of planning permission CC/20/01914/FUL to change Block 1 from a single large unit into 10 smaller units and associated works. This is exactly the same variation which was granted planning permission under CC/21/01391/FUL.
- 8.4 With regards to planning policy changes, the NPPF was updated in July 2021. Although this is a material change in circumstance none of the updates to the NPPF are substantive when considering this application, compared to the planning policy position when applications CC/20/01914/FUL and CC/21/01391/FUL were considered.
- 8.5 Officers consider that the planning assessment made under CC/20/01914/FUL and CC/21/01391/FUL remains valid with regard to this application and would not be affected by the variation of these conditions. The original conclusions on these applications remain germane and therefore the application is recommended for approval.

## CIL

- 8.6 There are no amendments to floor space, as such there will be no implications to the previous CIL calculation under CC/21/01391/FUL.

## Conditions

- 8.7 All relevant conditions from CC/20/01914/FUL have been carried forward in the recommendation below.

## Human Rights

- 8.8 The Human Rights of all affected parties have been taken into account and the recommendation to permit is considered justified and proportionate.

## Conclusion

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

## **RECOMMENDATION**

**PERMIT** subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun by no later than 14th July 2024.

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

- 2) The development hereby permitted shall be carried out in accordance with the approved plans:

Submitted with this application:

P0867-RHP-CS-XX-PL-A-1020/Rev.P11 (Proposed Site Plan)  
P0867-RHP-CS-ZZ-PL-A-2052/Rev.P4 (Block 1 - Proposed Roof Plan)  
P0867-RHP-CS-ZZ-PL-A-2050/Rev.P4 (Block 1 - Proposed Ground Floor Plan)  
P0867-RHP-B1-ZZ-EL-A-2111/Rev.P7 (Block 1 - Proposed South and West Elevations)  
P0867-RHP-B1-ZZ-EL-A-2110/Rev.P7 (Block 1 - Proposed North and East Elevations)

Submitted with application CC/21/01391/FUL:

P0867-RHP-CS-ZZ-PL-A-1000/Rev.P3 (Site Location Plan)  
P0867-RHP-CS-XX-PL-A-1005/Rev.P2 (Existing Site Plan)  
P0867-RHP-CS-XX-PL-A-1010/Rev.P11 (Proposed Site Plan)  
P0867-RHP-01-XX-A-1002/Rev.04 (Proposed Block Plan)  
P0867-RHP-B1-ZZ-EL-A-2063/Rev.P5 (Proposed Site Elevations - West)  
P0867-RHP-B1-ZZ-EL-A-2062/Rev.P4 (Proposed Site Elevations - East)  
P0867-RHP-B1-ZZ-EL-A-2061/Rev.P4 (Proposed Site Elevations - South)  
P0867-RHP-B1-ZZ-EL-A-2060/Rev.P4 (Proposed Site Elevations - North)



P0867-RHP-CS-ZZ-PL-A-2065/Rev.P2 (Block 5 - Proposed Plans and Elevations)  
P0867-RHP-CS-ZZ-PL-A-2064/Rev.P2 (Block 4 - Proposed Plans and Elevations)  
P0867-RHP-CS-ZZ-PL-A-2063/Rev.P2 (Block 3 - Proposed Plans and Elevations)  
P0867-RHP-CS-ZZ-PL-A-2062/Rev.P2 (Block 2 - Proposed Plans and Elevations)  
LLD1925-ECO-FIG-001/Rev.00 (Site Habitat Plan)  
2178-TF-XX-00-DR-L-3001/Rev.P05 (Planting Plan)  
2178-TF-XX-00-DR-L-1001/Rev.P04 (Landscape Proposals and Structural Planting)  
2020-6156-006/Rev.D (Car Parking Swept Path Analysis)

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

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

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

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

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

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

**5) No unit at the development hereby permitted shall be first occupied**, unless and until a Noise Mitigation and Management Scheme setting out details of measures to limit the impact of the activities associated with the unit/service yard on the locality, together with a programme of implementation; has been submitted to and approved in writing by the Local Planning Authority. The Noise Mitigation and Management Scheme shall detail practicable noise control measures to mitigate noise impacts emanating from the units/service yard at neighbouring receptors. Appropriate noise control measures shall include, but not necessarily be limited to: the operational and

delivery hours for each unit; not letting vehicles idle; no overnight running of refrigerated/air conditioned commercial vehicles (and/or their fridge/air-conditioning units); on-site noises such as the use of radios; noise from unloading vehicles; keeping doors closed where appropriate; providing suitable smooth surfaces or matting for any cages/trolleys; training of staff; specifying the type of vehicles accessing the unit/service yard; only the use of broadband reversing alarms including fork lift trucks, details of site vehicle manoeuvres to demonstrate minimum need to reverse etc. Once approved the Noise Mitigation and Management Scheme shall be carried out in full and shall be adhered to at all times including any ongoing requirements and for all subsequent operators of the site, unless any specific variation is first agreed in writing by the Local Planning Authority following submission of details in that behalf.

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To encourage and promote sustainable transport.

**11) No part of the development hereby permitted shall be first brought into use** until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21) The construction of the development hereby permitted shall be carried out in full accordance with the Construction and Environmental Management Plan (CEMP) and the addendum (30.06.2021), produced by Mildren Construction.

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

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

Reason: To ensure that trees, shrubs, hedgerows and other natural features to be retained are adequately protected from damage to health and stability.

23) The construction of the development hereby permitted shall be carried out in full accordance with the Drainage Design Strategy Rev.C, produced by Thorpe Engineering Consultants Ltd (19.11.2021) and plans: D-0100/Rev.C2 (Drainage Layout); D-0200/Rev.C1 (Drainage Details); D-0201 (Drainage Details); D-202/Rev.C1 (Soakaway Details); D-203/Rev.C1 (Soakaway Details); D-1200/Rev.C2 (Drainage Exceedance Areas); and, D-203.1/Rev.C1 (Soakaway Details).

Reason: To ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

24) The construction of the development hereby permitted shall be carried out in full accordance with the Structural Design Calculations - Volume 1, produced by Thorpe Engineering Consultants Ltd (August 2021), the Environmental Monitoring Assessment Report: Noise and Vibration Monitoring, produced by SOCOTEC UK (December 2020) and, the Ground Improvement Works Letter (dated November 2021). In line with the upper airborne noise value for construction works, detailed in BS5228, a limit not to be exceeded at any sensitive neighbouring receptor of 75dB LAeq,10 hours (08.00 - 18:00) (free-field). Vibration threshold values should be set at 3mm/s Peak Particle Velocity (PPV) for 'amber' (stop and review works and methodology; reduce work periods before recommencement) and 5mm/s (PPV) for 'red' (upper threshold, not to be exceeded. Works to stop and agree with Environmental Health before commencing). These values are to be measured at sensitive receptors, over continuous 10 second timeframes.

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

25) The construction of the development hereby permitted shall be carried out in full accordance with the plans (EX01 - Topographic Survey; 00-TEC-V1-XX-DR-S-1001/Rev.P4 - Site Plan; P0867-RHP-B1-ZZ-EL-A-2163/Rev.P6 - Proposed Side Elevation West; P0867-RHP-B1-ZZ-EL-A-2162/Rev.P5 - Proposed Side Elevation East; P0867-RHP-B1-ZZ-EL-A-2161/Rev.P5 - Proposed Side Elevation South; P0867-RHP-B1-ZZ-EL-A-2160/Rev.P5 - Proposed Side Elevation North).

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

26) The construction of the development hereby permitted shall be carried out in full accordance with the Combined Geotechnical and Ground Contamination Risk Assessment Report Rev.2, produced by Ashdown Site Investigation Ltd (April 2020) and the Statement on Proposed Remediation, produced by Thorpe Engineering Ltd (November 2021).

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land and ground gasses / vapours.

27) The management and maintenance of the Sustainable Urban Drainage System (SUDS) hereby permitted shall be carried out in full accordance with the SUDS Maintenance Strategy, produced by Thorpe Engineering Consultants Ltd (November 2021).

Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: C687 Chapter 22.

28) The construction of the development hereby permitted shall be carried out in full accordance with the Air Quality Assessment Report Rev.B, produced by SRE (April 2021).

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

29) The construction of the development hereby permitted shall be carried out in full accordance with the 'Trisomet: External roof and panel system' and the 'Colorcoat Prisma' by Tata Steel (dated 28.09.2021), together with the material sample photographs (dated 01.11.2021).

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

30) The construction of the development hereby permitted shall be carried out in full accordance with the Sustainability Statement Rev.2.0, produced by Scott White and Hookins (April 2021).

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

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

Reason: In the interests of residential amenity.

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

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

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

Reason: To safeguard the amenities of the neighbouring properties.

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

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

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

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



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

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

## INFORMATIVES

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

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

3) When submitting lighting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 (suburban) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01/20" issued by the Institute of Lighting Professionals. <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusivelight-2020/>

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

These make it an offence to:

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

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

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are

advised to contact Natural England for more information on 0845 601 4523. Trees which have any holes, cracks, ivy or deadwood are more likely to have roosting bats.

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

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

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

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

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

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

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

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

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R30QG8ERI3500>

**Chichester District Council  
Planning Committee**

**Wednesday 05 January 2022**

**Report of the Director Of Planning and Environment Services**

**Schedule of Planning Appeals, Court and Policy Matters**

**between 17-11-2021 - 14-12-2021**

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
<a href="#"><u>21/01963/PA3Q</u></a>	
<b>Sidlesham Parish</b> <b>Case Officer: Maria Tomlinson</b> <b>Written Representation</b>	11 Cow Lane Sidlesham Chichester West Sussex PO20 7LN  Prior approval of proposed change of use of an existing agricultural building former piggery building to 1 no. dwelling.

## 2. DECISIONS MADE

Reference/Procedure	Proposal
<a href="#">19/02999/FUL</a>	
<b>Selsey Parish</b> <b>Case Officer: Martin Mew</b> <b>Written Representation</b>	Hillfield House4 Clayton RoadSelseyChichesterWest SussexPO20 9DB Demolition of existing dwelling and the erection of 4 no. dwellings, 4 no. garage spaces and associated external works.
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>...The surrounding area includes properties of varying sizes and designs, the majority of which have clearly defined frontages to the street, and sit within smaller plots. This pattern of development gives the area a pleasant suburban feel. Within this context, the appeal scheme would introduce two large new dwellings within the rear part of the site. However, the existence of the dwellings on plots 3 and 4 within the public realm would be evident, particularly by reason of the position and width of the proposed vehicular access. The proposed arrangement would result in a form of backland development which would appear unduly prominent in the street scene and detract from the prevailing pattern of frontage development. Consequently, the proposal would fail to integrate effectively with its surroundings and erode the contribution which the appeal site currently makes to the character and appearance of the locality. Whilst the principle of additional residential development on the site is acceptable, the layout of the proposal would be harmful to the character and appearance of the surrounding area. Accordingly, it would fail to accord with Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 (LP). The proposed dwelling on plot 3 would be built near the boundary shared with no 37 Bonnar Road. The overall height of the wall and pitched roof, combined with the depth of the dwelling, would dominate views from this neighbouring property and garden. The proposed built form would create a harmful sense of enclosure, and appear as an obtrusive and oppressive feature, which would have a detrimental effect on the living conditions of the occupiers of no 37. For the foregoing reasons, the appeal scheme would adversely affect the living conditions of the neighbouring occupiers of no 37, with particular regard to outlook. It would therefore conflict with LP Policy 33, which requires development proposals to respect and where possible enhance the character of the surrounding area of site, notably in terms of neighbouring amenity...</p>	

### 3. IN PROGRESS

Reference/Procedure	Proposal
<a href="#"><u>20/00379/CONCOU</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b> <b>08-Feb-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b>	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex  Appeal against BI/47
<a href="#"><u>17/00361/CONMHC</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b> <b>08-Feb-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b>	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.
<a href="#"><u>17/00362/CONMHC</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b> <b>08-Feb-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b>	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.
<a href="#"><u>17/00356/CONMHC</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b> <b>08-Feb-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b>	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.
<a href="#"><u>* 19/02579/FUL</u></a>	
<b>Chichester Parish</b> <b>Case Officer: Martin Mew</b>	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex

<b>Informal Hearings</b> <b>10-May-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b>	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.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/02009/FUL</u></a>	
<b>Chichester Parish</b> <b>Case Officer: Martin Mew</b> <b>Informal Hearings</b> <b>10-May-2021</b> <b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b>	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex  Change use of land to travellers caravan site consisting of 3 no. pitches each containing 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom; play area and associated works (Resubmission of CC/19/02579/FUL).
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00380/CONTRV</u></a>	
<b>Chichester Parish</b> <b>Case Officer: Sue Payne</b> <b>Informal Hearings</b> <b>10-May-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b>	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex  Appeal against creation of hardstandings and siting of mobile homes without planning permission.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>* 20/00412/OUT</u></a>	
<b>Chidham &amp; Hambrook Parish</b> <b>Case Officer: Andrew Robbins</b> <b>Informal Hearings</b> <b>23-Nov-2021</b> <b>Chichester Harbour Hotel</b>	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.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/03378/OUT</u></a>	
<b>Chidham &amp; Hambrook Parish</b> <b>Case Officer: Andrew Robbins</b> <b>Informal Hearings</b> <b>15-Feb-2022</b> <b>Chichester Harbour Hotel</b>	Land At Flat Farm Hambrook West Sussex PO18 8FT  Outline Planning Permission With Some Matters Reserved (Access) - Erection of 30 dwellings comprising 21 market and 9 affordable homes, access and associated works including the provision of swales.

Reference/Procedure	Proposal
<a href="#"><u>19/02493/OUT</u></a>	
<b>Earnley Parish</b> <b>Case Officer: Andrew Robbins</b> <b>Informal Hearings</b> <b>29-Mar-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b>	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
Reference/Procedure	Proposal
<a href="#"><u>21/01278/DOM</u></a>	
<b>East Wittering And Bracklesham Parish</b> <b>Case Officer: Luke Simpson</b> <b>Fast Track Appeal</b>	Tamarisk West Bracklesham Drive Bracklesham PO20 8PH  Extension of double garage with accommodation over and removal of restricted use.
Reference/Procedure	Proposal
<a href="#"><u>20/02723/FUL</u></a>	
<b>Fishbourne Parish</b> <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Land East Of The Trees Main Road Fishbourne Chichester West Sussex PO18 8AU  1 no. dwelling, new access and associated works.
Reference/Procedure	Proposal
<a href="#"><u>21/00785/DOM</u></a>	
<b>Fishbourne Parish</b> <b>Case Officer: Alicia Snook</b> <b>Fast Track Appeal</b>	Estoril Main Road Fishbourne PO18 8AN  New vehicle access and garage.
Reference/Procedure	Proposal
<a href="#"><u>* 19/00445/FUL</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Martin Mew</b>	Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex

<b>Written Representation</b>	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.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>19/02939/FUL</u></a>	
<b>Funtington Parish Case Officer: Calum Thomas Written Representation</b>	Old Allotment SiteNewells LaneWest AshlingWest Sussex  Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00234/FUL</u></a>	
<b>Funtington Parish Case Officer: Calum Thomas Informal Hearings</b>	Land West Of Newells LaneWest AshlingPO18 8DD  Change of use of land for the stationing of 4 no. static caravans and 4 no. touring caravans for a Gypsy Traveller site, including parking, hard standing and associated infrastructure.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00534/FUL</u></a>	
<b>Funtington Parish Case Officer: Calum Thomas Informal Hearings</b>	Land South Of The StablesScant Road EastHambrookFuntingtonWest Sussex  Change of use of land to use as a residential caravan site for 2 no. gypsy families and construction of 2 no. ancillary amenity buildings, including the laying of hardstanding, erection of boundary wall.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00950/FUL</u></a>	
<b>Funtington Parish Case Officer: Calum Thomas Written Representation</b>	Field West Of Beachlands NurseryNewells LaneWest AshlingWest Sussex  Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00956/FUL</u></a>	



<b>Funtington Parish Case Officer: William Price Informal Hearings</b>	Field West Of Beachlands NurseryNewells LaneWest AshlingWest Sussex Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/03306/FUL</u></a>	
<b>Funtington Parish Case Officer: Calum Thomas Informal Hearings</b>	Land To The West Of Newells FarmNewells LaneWest AshlingWest Sussex The stationing of caravans for residential purposes together with the formation of hardstanding and utility/dayrooms ancillary to that use for 3 no. pitches.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00288/CONENG</u></a>	
<b>Funtington Parish Case Officer: Tara Lang Informal Hearings</b>	Land West Of Newells LaneWest AshlingChichesterWest SussexPO18 8DD Appeal against Enforcement Notice FU/77
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>21/00152/CONTRV</u></a>	
<b>Funtington Parish Case Officer: Shona Archer Informal Hearings</b>	Land West Of Newells FarmNewells LaneWest AshlingWest Sussex Appeal against Enforcement Notice FU/87
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00109/CONTRV</u></a>	
<b>Funtington Parish Case Officer: Shona Archer Informal Hearings</b>	Field West Of Beachlands NurseryNewells LaneWest AshlingWest Sussex Appeal against Enforcement Notice FU/80
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00288/CONENG</u></a>	
<b>Funtington Parish Case Officer: Shona Archer Informal Hearings</b>	Land West Of Newells LaneWest AshlingChichesterWest SussexPO18 8DD Appeal against Enforcement Notice FU/89

<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>18/00323/CONHI</u></a>	
<b>Funtington Parish Case Officer: Sue Payne Written Representation</b>	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ  Appeal against HH/22
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00400/CONCOU</u></a>	
<b>Hunston Parish Case Officer: Sue Payne Written Representation</b>	Land East Of Farmfield Nurseries Selsey Road Hunston West Sussex  Appeal against Enforcement Notices HN28 & 30
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00400/CONCOU</u></a>	
<b>Hunston Parish Case Officer: Sue Payne Written Representation</b>	Land East Of Farmfield Nurseries Selsey Road Hunston West Sussex  Appeal against HN/28
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/02675/OUTEIA</u></a>	
<b>Lavant Parish Case Officer: Andrew Robbins Public Inquiry 08-Feb-2022 Chichester District Council East Pallant House PO19 1TY</b>	Field South Of Raughmere Drive Lavant West Sussex  Outline Application with all matters reserved (except for access) for the development of 140 dwellings, public open space, landscaping, parking and associated works.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>19/01400/FUL</u></a>	
<b>Loxwood Parish Case Officer: William Price Written Representation</b>	Moore's Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS  Erection of a detached dwelling following demolition of free-standing garage.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>21/00300/FUL</u></a>	

<b>Loxwood Parish</b> <b>Case Officer: Fjola Stevens</b> <b>Written Representation</b>	Land At Loxwood Hall West Guildford Road Loxwood Billingshurst West Sussex RH14 0QP Erection of a detached dwelling.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00182/CONCOU</u></a>	
<b>Plaistow And Ifold Parish</b> <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Appeal against PS/70
<b>Reference/Procedure</b>	<b>Proposal</b>
<b>* <a href="#"><u>19/03112/FUL</u></a></b>	
<b>Sidlesham Parish</b> <b>Case Officer: Calum Thomas</b> <b>Informal Hearings</b>	Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW  Change of use of land to rear of dwelling for siting of residential caravans for 7 no. pitch Gypsy Traveller site with associated development (hard standing fencing and 3 no. utility buildings).
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/01470/FUL</u></a>	
<b>Sidlesham Parish</b> <b>Case Officer: William Price</b> <b>Informal Hearings</b>	3 Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW  Change of use of land to mixed use for siting of residential caravans for 3 no. pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings) on land forming part of 3 Melita Nursery -part retrospective.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/02735/ELD</u></a>	
<b>Sidlesham Parish</b> <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Melita Nursery Chalk Lane Sidlesham PO20 7LW  Application for a certificate of existing lawful development for construction and use of a building as a single dwelling-house falling with use class C3.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00301/CONMHC</u></a>	

<b>Sidlesham Parish Case Officer: Sue Payne Written Representation</b>	M &Y Fruit Limited 82A Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG Appeal against Enforcement Notice SI/77.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>21/00038/CONMHC</u></a>	
<b>Sidlesham Parish Case Officer: Sue Payne Written Representation</b>	Land To The East Of Ivy Grange Keynor Lane Sidlesham West Sussex Appeal against Enforcement Notice SI/78.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00032/FUL</u></a>	
<b>Southbourne Parish Case Officer: Joanna Bell Written Representation</b>	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.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/02077/FUL</u></a>	
<b>Southbourne Parish Case Officer: Maria Tomlinson Written Representation</b>	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>21/00089/FUL</u></a>	
<b>Southbourne Parish Case Officer: Maria Tomlinson Written Representation</b>	Thornham Products Thornham Lane Southbourne PO10 8DD Retention of existing single mobile home on the land and to continued use for applicant's place of residence, following expiry of temporary period granted under condition 2 of SB/15/01837/FUL.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>* 20/02491/OUT</u></a>	
<b>West Wittering Parish Case Officer: Jane Thatcher</b>	Land To The West Of Church Road Church Road West Wittering West Sussex

<b>Public Inquiry</b> <b>01-Mar-2022</b>	Outline planning application for residential development of 70 dwellings (some matters reserved except for access).
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>21/01347/DOM</u></a>	
<b>West Wittering Parish</b> <b>Case Officer: Alicia Snook</b> <b>Fast Track Appeal</b>	Sea Holly16 Marine Drive WestWest WitteringChichesterWest SussexPO20 8HH  Proposal of single storey rear extension, roof alterations to include second floor accommodation. General material changes to all elevations. Construction of bike store and summer house/annexe.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>19/01985/FUL</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Calum Thomas</b> <b>Informal Hearings</b> <b>07-Sep-2021</b> <b>Virtual Event</b>	The PaddocksCommon RoadHambrookWestbourneChichesterWest 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.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>19/03206/FUL</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Jane Thatcher</b> <b>Written Representation</b>	Unit 2, Ten Acres Cemetery LaneWoodmancoteWestbournePO10 8RZ  Change of use of site for B8 storage of privately owned and commercial vehicles, with ancillary offices and stores. (retrospective).
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>* 20/00047/FUL</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Hopedene Common RoadHambrookWestbournePO18 8UP  Change use of land to a single private gypsy pitch with associated hardstanding and day room.
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/00785/FUL</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Calum Thomas</b>	Meadow View Stables Monks HillWestbournePO10 8SX

<b>Informal Hearings</b>	Change of use of land for use as extension to Gypsy caravan site for the stationing of 6 additional caravans, including 3 pitches, each pitch consisting of 1 no. mobile home, 1 no. touring caravan and a utility building together with laying of hardstanding
<b>Reference/Procedure</b>	
<a href="#"><u>19/00217/CONCOU</u></a>	
<b>Westbourne Parish Case Officer: Steven Pattie</b>	4 The PaddocksCommon RoadHambrookWestbourneChichesterWest SussexPO18 8UP
<b>Informal Hearings 07-Sep-2021 Virtual Event</b>	Appeal against Enforcement Notice WE-49
<b>Reference/Procedure</b>	
<a href="#"><u>21/00169/CONDWE</u></a>	
<b>Westbourne Parish Case Officer: Tara Lang</b>	Land South West Of Racton ViewMarlpit LaneHambrookWestbourneWest Sussex
<b>Public Inquiry</b>	Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/52
<b>Reference/Procedure</b>	
<a href="#"><u>19/00107/CONMHC</u></a>	
<b>Westbourne Parish Case Officer: Steven Pattie</b>	Jubilee WoodBridle Lane WoodmancoteHambrookWest Sussex
<b>Written Representation</b>	Appeal against Enforcement Notices WE/50 WE/51
<b>Reference/Procedure</b>	
<a href="#"><u>21/00169/CONDWE</u></a>	
<b>Westbourne Parish Case Officer: Tara Lang</b>	Land South West Of Racton ViewMarlpit LaneHambrookWestbourneWest Sussex
<b>Public Inquiry</b>	Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/54
<b>Reference/Procedure</b>	
<a href="#"><u>21/00169/CONDWE</u></a>	
<b>Westbourne Parish Case Officer: Tara Lang</b>	Land South West Of Racton ViewMarlpit LaneHambrookWestbourneWest Sussex
<b>Public Inquiry</b>	Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/53

<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>19/00107/CONMHC</u></a>	
<b>Westbourne Parish Case Officer: Steven Pattie Written Representation</b>	Jubilee WoodBridle Lane WoodmancoteHambrookWest Sussex Appeal against Enforcement Notices WE/50 WE/51
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>13/00163/CONWST</u></a>	
<b>Westbourne Parish Case Officer: Shona Archer Public Inquiry 14-Sep-2021 Chichester Harbour Hotel</b>	The Old Army CampCemetery LaneWoodmancoteWestbourneWest Sussex Appeal against WE/40, WE/41 and WE/42
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>13/00163/CONWST</u></a>	
<b>Westbourne Parish Case Officer: Shona Archer Public Inquiry 14-Sep-2021 Chichester Harbour Hotel</b>	The Old Army CampCemetery LaneWoodmancoteWestbourneWest Sussex Appeal against WE/40, WE/41 and WE/42
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>13/00163/CONWST</u></a>	
<b>Westbourne Parish Case Officer: Shona Archer Public Inquiry 14-Sep-2021 Chichester Harbour Hotel</b>	The Old Army CampCemetery LaneWoodmancoteWestbourneWest Sussex Appeal against WE/40, WE/41 and WE/42
<b>Reference/Procedure</b>	<b>Proposal</b>
<a href="#"><u>20/02824/OUT</u></a>	
<b>Westhampnett Parish Case Officer: Andrew Robbins Public Inquiry 03-Aug-2021 Virtual Event</b>	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**

**5. CALLED-IN APPLICATIONS**

<b>Reference</b>	<b>Proposal</b>	<b>Stage</b>

**6. COURT AND OTHER MATTERS**

<b>Injunctions</b>		
<b>Site</b>	<b>Breach</b>	<b>Stage</b>

<b>Court Hearings</b>		
<b>Site</b>	<b>Matter</b>	<b>Stage</b>

<b>Prosecutions</b>		
<b>Site</b>	<b>Breach</b>	<b>Stage</b>

**7. POLICY MATTERS**

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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 17.12.21 and 14.12.21

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

<p><u>SDNP/20/01635/LDP</u> West Lavington Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p><b>Informal Hearing</b></p>	<p>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.</p>
<b>Appeal Decision:</b>	

<p><u>SDNP/21/00587/HOUS</u> Northchapel Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Householder Appeal</b></p>	<p>7 Luffs Meadow Northchapel Petworth West Sussex GU28 9HN - Retention of home office (retrospective).</p>
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**Appeal Decision:**

<p><u>SDNP/21/04110/LDE</u> Lynchmere Parish Council Parish</p> <p>Case Officer: Louise Kent</p> <p><b>Written Representation</b></p>	<p>1 Stone Pit Cottages Marley Combe Road Camelsdale Linchmere GU27 3SP - Existing lawful development - rear garden cabin.</p>
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**Appeal Decision:**

<p><u>SDNP/20/04533/HOUS</u> Fittleworth Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Householder Appeal</b></p>	<p>Dunrovin Limbourne Lane Fittleworth RH20 1HR - Erection of a two storey rear extension and front porch with associated roof works and installation of tile hanging at the first floor level.</p>
<b>Appeal Decision:</b>	
<p><u>SDNP/20/03967/HOUS</u> West Lavington Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Hill View Cocking Causeway Cocking GU29 9QG - Replace an existing outbuilding within the curtilage of Hill View with a detached annexe.</p>
<b>Appeal Decision:</b>	

<p><u>SDNP/20/02935/CND</u> Harting Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p><b>Informal Hearing</b></p>	<p>Three Cornered Piece East Harting Hollow Road East Harting West Sussex GU31 5JJ - Change of use to a mixed use of the land comprising the keeping and grazing of horses and a gypsy and traveller site for one family. (Variation of conditions 1, 2, 3 and 4 of planning permission SDNP/16/06318/FUL- To make the permission permanent,non personal to increase the number of mobile homes by one to change the layout.)</p>
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**Appeal Decision:**

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<p><u>SDNP/20/05361/FUL</u> Duncton Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Laudacre Cottage Beechwood Lane Duncton GU28 0NA - Replacement dwelling, garage and associated works (amendments to design approved under SDNP/16/01733/FUL).</p>
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**Appeal Decision:**

<p style="height: 100px;"></p>	
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<p><u>SDNP/21/00350/HOUS</u> Petworth Town Council Parish</p> <p>Case Officer: Jenna Shore</p> <p><b>Householder Appeal</b></p>	<p>Leith House Angel Street Petworth GU28 0BG - Proposed domestic ancillary outbuilding.</p>
<p><b>Appeal Decision:</b></p>	
<p><u>SDNP/21/00278/HOUS</u> Petworth Town Council Parish</p> <p>Case Officer: Jenna Shore</p> <p><b>Householder Appeal</b></p>	<p>Leith House Angel Street Petworth GU28 0BG - Demolition of an existing double garage and alterations and extensions to existing dwelling.</p>
<p><b>Appeal Decision:</b></p>	

<p><u>SDNP/20/04081/FUL</u> Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>The Grove Inn Grove Lane Petworth GU28 0HY - Change of use to 1 no. dwelling and replacement garaging and associated alterations.</p>
<p><b>Appeal Decision:</b></p>	
<p><u>SDNP/20/04726/HOUS</u> Lodsworth Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Householder Appeal</b></p>	<p>St Peters Well Vicarage Lane Lodsworth GU28 9DF - New timber-framed four-bay garage, brick retaining wall and relocation of existing oil tank.</p>
<p><b>Appeal Decision:</b></p>	



<p><u>SDNP/18/00609/BRECO</u> Rogate Parish Council Parish</p> <p>Case Officer: Steven Pattie</p> <p><b>Written Representation</b></p>	<p>Land South of Harting Combe House Sandy Lane Rake Rogate West Sussex - Appeal against Enforcement Notice RG/37</p>
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**Appeal Decision:**

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<p><u>SDNP/19/00386/COU</u> Fittleworth Parish Council Parish</p> <p>Case Officer: Sue Payne</p> <p><b>Written Representation</b></p>	<p>Douglaslake Farm Little Bognor Road Fittleworth Pulborough West Sussex RH20 1JS - Appeal against FT/11</p>
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**Appeal Decision:**

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#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

#### 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

#### 6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

#### 7. POLICY MATTERS