

# Public Document Pack

## JOHN WARD

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A meeting of **Planning Committee** will be held in the Committee Rooms, East Pallant House on **Wednesday 2 March 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 - 9)

The minutes relate to the meeting of the Planning Committee on 2 February 2022.

### 3 **Urgent Items**

The Chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 12 (b).

### 4 **Declarations of Interests** (Pages 11 - 12)

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

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

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

### **PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 9 INCLUSIVE**

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

- 5 **CC/21/00460/REM - Land West Of Centurion Way And West Of Old Broyle Road, Chichester, West Sussex, PO19 3PH** (Pages 13 - 53)  
All outstanding Reserved Matters for the erection of buildings within the West of Chichester Local Centre to include a retail building with 8 no. affordable dwellings, 4no. employment (office) buildings, a health care facility building, a community centre (including integral children's day nursery) and public open space to include a Locally Equipped Area of Play and Multi-Use Games Area; associated parking, landscaping and associated work in relation to the above; all pursuant to permission CC/14/04301/OUT.
- 6 **CC/21/03166/ADV - The Novium Museum & TIC, 1 Tower Street, Chichester, PO19 1QH** (Pages 55 - 61)  
Installation of 3 no. non-illuminated banners.
- 7 **CH20/01854/OUT - Chas Wood Nurseries, Main Road, Bosham, PO18 8PN** (Pages 63 - 120)  
Outline permission for 26 no. dwellings with access, public open space, community orchard and other associated works (with all matters reserved except for access).
- 8 **BI/20/00185/FUL - Birdham Service Station, Main Road, Birdham, PO20 7HU** (Pages 121 - 139)  
Demolish existing shop, bin store, car wash, vac machine and A/W unit. Erect new shop with shopfront bollards and bin store. Additional car parking with 1 no. EVC bay and new A/W unit.
- 9 **SDNP/21/03746/HOUS - 48 Lavant Down Road, Mid Lavant, Chichester, PO18 0DJ** (Pages 141 - 150)  
Rear two storey extension and alterations.
- 10 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 151 - 170)  
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 11 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 171 - 180)  
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 12 **Consideration of any late items as follows:**  
The Planning Committee will consider any late items announced by the 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
- 13 **Exclusion of the Press and Public**  
There are no restricted items for consideration.

### NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in

section 100I of and Schedule 12A to the Local Government Act 1972.

2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be 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:
  - Where public meetings are being 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.
  - Where a member of the public has registered a question they will be invited to attend the meeting and will be allocated a seat in the public gallery.
  - It is recommended that all those attending take a lateral flow test prior to the meeting.
  - All those attending the meeting are advised to wear face coverings and maintain social distancing when moving around the building and/or meeting room.
  - You should not attend any face to face meeting if you have symptoms of Covid-19 or if you have been instructed by NHS Test and Trace 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

**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

**PLD** Proposed Lawful Development  
**PNO** Prior Notification (Agr, Dem, Tel)  
**REG3** District Application – Reg 3  
**REG4** District Application – Reg 4  
**REM** Approval of Reserved Matters  
**REN** Renewal (of Temporary Permission)  
**TCA** Tree in Conservation Area  
**TEL** Telecommunication Application (After PNO)  
**TPA** Works to tree subject of a TPO  
**CONACC** Accesses  
**CONADV** Adverts  
**CONAGR** Agricultural  
**CONBC** Breach of Conditions  
**CONCD** Coastal  
**CONCMA** County matters  
**CONCOM** Commercial/Industrial/Business  
**CONDWE** Unauthorised dwellings  
**CONENG** Engineering operations  
**CONHDG** Hedgerows  
**CONHH** Householders  
**CONLB** Listed Buildings  
**CONMHC** Mobile homes / caravans  
**CONREC** Recreation / sports  
**CONSH** Stables / horses  
**CONT** Trees  
**CONTEM** Temporary uses – markets/shooting/motorbikes  
**CONTRV** Travellers  
**CONWST** Wasteland

**HOLD** Application Clock Stopped  
**INV** Application Invalid on Receipt  
**LEG** Defer – Legal Agreement  
**LIC** Licence Issued  
**NFA** No Further Action  
**NODEC** No Decision  
**NONDET** Never to be determined  
**NOOBJ** No Objection  
**NOTICE** Notice Issued  
**NOTPRO** Not to Prepare a Tree Preservation Order  
**OBJ** Objection  
**PCNENF** PCN Served, Enforcement Pending  
**PCO** Pending Consideration  
**PD** Permitted Development  
**PDE** Pending Decision  
**PER** Application Permitted  
**PLNREC** DC Application Submitted  
**PPNR** Planning Permission Required S64  
**PPNREQ** Planning Permission Not Required  
**REC** Application Received  
**REF** Application Refused  
**REVOKE** Permission Revoked  
**S32** Section 32 Notice  
**SPLIT** Split Decision  
**STPSRV** Stop Notice Served  
**STPWTH** Stop Notice Withdrawn  
**VAL** Valid Application Received  
**WDN** Application Withdrawn  
**YESTPO** Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 2 February 2022 at 9.30 am

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

**Members not present:** Mr G Barrett, Mrs D Johnson and Mr P Wilding

**In attendance by invitation:**

**Officers present:** Mrs S Archer (Enforcement Manager), Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Ms J Prichard (Senior Planning Officer), Mrs F Stevens (Divisional Manger for Planning), Ms J Thatcher (Senior Planning Officer, Majors and Business), Mr C Thomas (Senior Planning Officer) and Mr T Day (Environmental Coordinator) and Mrs F Baker (Democratic Services Officer)

## 172 **Chairman's Announcements**

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

Apologies were received from Cllr Donna Johnson, Cllr Graeme Barrett and Cllr Peter Wilding

## 173 **Approval of Minutes**

The minutes of the meeting held on 5 January 2022 were agreed as a true and accurate record.

## 174 **Urgent Items**

There were no urgent items.

## 175 **Declarations of Interests**

Mr Oakley declared a personal interest in;

- Agenda Item 7 – CH/21/01797/FUL – as a member of West Sussex County Council

Mrs Sharp declared a personal interest in;

- Agenda Item 5 – CC/21/03119/ADV – as a member of West Sussex County Council and Chichester City Council
- Agenda Item 7 – CH/21/01797/FUL – as a member of West Sussex County Council

## 176 **Water Neutrality Report**

Ms Stevens presented the report to the Committee. She explained the report on Water Neutrality set out a background on what it was, why it was an issue within the Chichester Local Plan area and when it was required. The report also contained links to the Natural England (NE) Position Statement (published on 14 September 202), the NE FAQ Document and the Sussex North Water Supply Zone Map.

Ms Stevens clarified that the NE Position Statement became a Material Consideration from its date of publication on 14 September 2021, and applied to both applications received since that date, as well as those that were under consideration at that time.

The Committee received a representation from;

Mr Wayne Beglan – Kirdford Parish Council

Officers responded to Members' comment and questions as follows;

With regards to applications that had been decided on but had not yet received permission; Ms Stevens explained that if there had been a resolution to permit an application, but it had not yet been determined then the Position Statement would apply, and permission would not be issued and negotiations regarding water neutrality would be entered. In addition, Ms Stevens confirmed that the Townfield site under consideration would be required to demonstrate water neutrality.

In respect of the Cala site determined in October 2021; Ms Bell informed the Committee that the application was part of another application which had been determined in October 2019; prior to water neutrality being a material consideration. She explained the Section 73 application which had been granted (post 14 September 2021) was an amendment to the original application, officers had considered its impact on water neutrality and considered there would be no further impact on the water usage than already established through the extant permission.

On the matter of deferring the report; Ms Stevens advised the Committee there would be no benefit to deferring the report. It was important that the council provide certainty and clarity regarding its position on Water Neutrality for developers and applicants. She cautioned that if it fails to do this then there may be implications regarding the future of housing land supply. She confirmed that both officers and

Cllr Taylor (the portfolio holder) had been in contact with Kirdford Parish Council and would continue to liaise with them outside the meeting.

With regards to the two-stage screening process, detailed in 4.3 of the report; Mr Day outlined the screening process to the Committee. He explained that at the first stage consideration was given to something known as the 'likely significant effect', as part of the Habitats Regulation Assessment. This assessed whether the proposal would lead to an increase in water consumption and where there was an existing use on site, whether the new application would create any further increase or decrease in the level of water consumption. He stressed that at this stage no mitigating factors can be considered. If after the first stage screening an application was considered to have an increased impact on the water consumption, then it would be progressed to the second stage of the assessment and appropriate mitigation (either onsite or off setting elsewhere) would be considered.

In reference to 4.1 of the report (p.14); Mr Day clarified that definition provided by Natural England in their Position Statement referred to water neutrality with in the 'supply' area being the same after development, therefore offsetting could be achieved anywhere within the same water resource zone and is not restricted to a development site.

Regarding 4.3 of the report (p.14); Mr Day informed the Committee that there was no official definition of 'likely significant effect' within the regulations. He explained that it was for the Planning Authority as a competent authority to decide what a 'significant effect' would likely, considering factors such as Natural England advice and relevant case law.

With regards to Non-Material Amendment applications; Ms Stevens explained that consideration would be given to assess whether there would be any change in the demand for water at the point that it was screened.

With regards to how long the issue of Water Neutrality is likely to be in place; Ms Stevens explained that at present it was unknown, however, work was currently underway to address the situation. An update would be provided when further information was available.

Mr Day informed the Committee that the figure of 110 litres per person per day is secured through the Position Statement from Natural England which requires a water statement budget to be prepared. He explained that he would also expect to see a Part G calculation (which is something required through building regulations) setting out the details of the fittings. He acknowledged that it is impossible to control human behaviour, however, it is possible to manage the fixtures and fittings in a building through Building Regulations.

With regards to comments made by Kirdford Parish Council regarding Judicial Review; Ms Stevens advised the Committee they were being asked to note a Position Statement, they were not being asked to decide a policy. If a Judicial Review should come forward it would be addressed at that time.

Ms Stevens confirmed that the Natural England Position Statement was available on the Council website.

Following a vote, the Committee agreed to make the report recommendation.

**Resolved;**

**That the Planning Committee;**

- 1) Note the contents of the Water Neutrality report**
- 2) Approve the date of publication of the Natural England position statement on 14 September 2021 as the date at which water neutrality is a material consideration, and consequently that its requirements are not applied retrospectively in respect of the determination of relevant planning applications, including applications for the revocation, modification or discontinuance or a permission on water neutrality grounds granted prior to that date.**

**177 CC/21/03119/ADV - 89-91 East Street Chichester PO19 1HA**

Ms Prichard presented the report to the Committee and drew their attention to the Agenda Update sheet which included an update to Section 4.0 of the report.

Ms Prichard highlighted the site location and explained that it was located within the Chichester Conservation Area and showed pictures of the current unit.

Ms Prichard showed the Committee a picture of the proposed lighting and location of the illuminated menu board. She drew attention to the external side elevation and highlighted how the external lighting would be hidden under the proposed awnings. She confirmed that the external lighting would only be used during hours of darkness.

The Committee received the following representation;

Ms Charlotte Baker – Applicant

The Committee asked no questions.

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.

**178 CC/22/00020/NMA - St James Industrial Estate, Westhampnett Road, Chichester, West Sussex, PO19 7JU**

Ms Thatcher presented the report to the Committee. She drew attention to the Agenda Update sheet which set out; an amendment to the proposal; an additional comment from WSCC Highways and eight additional objections.



Ms Thatcher detailed the location site and confirmed that it was within the Chichester settlement boundary. In January 2022 Planning permission had been granted to redevelop the site, and Ms Thatcher informed the Committee that following a recent site visit she could confirm demolition and ground works had commenced.

Ms Thatcher explained that the application sought Non-Material Amendments (NMA) to the planning permission granted in January 2022. She provided a summary of the proposed amendments;

- The removal of brick plinths from blocks 1, 2, 3, 4 & 5, to be replaced with vertical cladding which would continue to the ground.
- The removal of the entrance canopies from all blocks.
- The removal of the brick piers from the western side of the North boundary wall.

Ms Thatcher confirmed it was officer opinion that all the proposed amendments were minor and could be considered as Non-Material

The Committee received the following representations;

Mrs Abigail Blumzon – Objector (statement read by Lynne Friel)  
Mr Alan Mee - Objector

Officers responded to Members' comments and questions as follows;

With regards to the design merits and the sustainability merits of the proposals; Ms Thatcher informed the Committee as the application was a Non-Material Amendment application, planning merits (or any other merits such as design and sustainability) cannot be considered. She advised the Committee that they were being asked to consider whether the proposals could be considered as non-material and drew their attention to section 7 of the report which set out the relevant Planning Policy.

On the issue of the northern boundary wall; Ms Thatcher explained that the works to the northern boundary wall had already been approved as part of the earlier planning application. She reminded the Committee that with regard to the western part of the northern boundary wall the proposal was only for the removal of the brick piers, which was considered a non-material amendment.

Ms Thatcher confirmed that should the Planning Committee decide the proposed amendments were not non-material then the Council would have to come back to Committee with a further Section 73 application

With regards to any potential lighting provided in the pedestrian canopies; Ms Thatcher informed the Committee that any lighting provision would have been included as part of the lighting condition which had not yet been discharged. However, she did not think there had been any lighting proposed with the canopies.

In response to the Committee's concerns that the proposed amendments to the northern wall were greater than what could be classified as a non-material amendment; Ms Stevens acknowledged the importance of considering each of the individual amendments proposed in turn, however, she advised the Committee that the application they were being asked to consider was whether there would be any material change to the permitted scheme. The permitted scheme was an industrial site of over 4000 sqm and Ms Stevens confirmed that in officer opinion the proposed amendments would cause no material change.

With regards to the change in cladding direction from horizontal to vertical cladding; Ms Thatcher explained that the previous applications were subject to conditions which required details of samples of materials to be submitted, the change in the direction of cladding had been dealt with under the discharge of said conditions.

On the matter of proposed planting by the northern boundary wall; Ms Thatcher explained that this would be considered as part of the landscaping condition which had yet to be discharged. She confirmed that all trees on site, apart from a diseased Cherry tree, would remain.

Ms Stevens acknowledged the concerns raised by the Committee and advised that the report recommendation could be changed to 'Delegate to Officers' to allow for further negotiations to take place regarding landscaping.

Following the discussion Cllr Oakley proposed the decision be 'Delegated to Officers' for consultation with ward members, noting that Members could red card the application if required.

The proposal was seconded by Cllr Briscoe.

In a vote the Committee agreed to support Cllr Oakley's recommendation to **'Delegate to Officers'**.

Recommendation; **Delegate to Officers**, for the reasons set out above.

179 **CH/21/01797/FUL - Green Acre Main Road Chidham PO18 8TP**

Mr Thomas presented the report to the Committee. He drew their attention to the Agenda Update which included an additional representation from the Parish Council and an additional third-party objection.

Mr Thomas highlighted the application site and informed the Committee that the site was located within the Parish of Chidham and Hambrook and the Chichester Harbour AONB.

Mr Thomas highlighted the length on the gardens that fronted the main road and explained that they were approximately 30m in length. He showed the Committee the proposed elevations and designs of the two dwellings. The existing estate fencing would be extended along the eastern, and a new hedge would be planted.

The application had been submitted with a nitrate neutrality report and had identified a surplus of 0.8kg of nitrate per year to be mitigated for nitrate neutrality to be achieved. Mr Thomas highlighted the proposed area of land (a total of 0.03ha) to be used for the nitrate mitigation and confirmed that the land did fall within the Chichester Harbour catchment area.

The Committee received the following representations;

Ms Kerry Simmons – Agent

Officers responded to Members' comments and questions as follows;

On the matter of the proposed nitrate mitigation; Ms Stevens explained that advice was provided by Natural England who had reviewed the proposed mitigation and confirmed that it was suitable, and the assessments undertaken were acceptable. She explained should there be any issue with the mitigation the S106 would ensure suitable mitigation is agreed before permission is granted.

On the matter of the Strategic Wildlife Corridors; Ms Bell drew the Committee's attention to pages 37 and 38 of the report which set out the comments from the Environmental Strategy team. She confirmed that consideration had been given to the impact on the wildlife corridor, with particular consideration being given to the impact on bats and lighting and conditions had been included to ensure ecological enhancements.

With regards to whether the site could be considered a windfall site; Ms Bell explained that officers considered the application to be a new application and not attached to the previous Green Acre development. The land was previously developed land which meant it could be redeveloped in principle. Overall, there would be a net increase of one dwelling.

Ms Bell explained to the Committee why the application was supported by the Neighbourhood Plan Policy.

With regards to the difference between the first-floor heights of the existing dwelling and the proposed dwelling; Mr Thomas confirmed that the proposed heights were broadly in line with the existing heights. In addition, Ms Stevens outlined the proposed window layout and the developments relationship with neighbouring properties.

On the matter of how much land should be set aside to achieve nitrate neutrality; Ms Stevens explained that nitrate mitigation could be achieved in several ways, taking land out of agriculture was just one way.

On the matter of how CDC safeguards the land used for nitrate mitigation; Ms Golding explained that the S106 agreement would be signed by all interested parties, including the owner of the land being used for the nitrate mitigation.

With regards to the sustainability of the development; Ms Bell drew the Committee's attention to condition 5 of the report (p.50) and explained no development would

commence above slab level until the sustainability statement had been signed off by the Council.

In a vote the Committee agreed to the report recommendation to **defer for Section 106 then permit**.

Recommendation; **defer for Section 106 then permit**, subject to the conditions and informatives set out in the report.

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

The Chairman drew the Committee's attention to the Agenda Update sheet.

With regards to the proportion of appeals relating to gypsy and traveller applications and matters; Ms Stevens was unaware of the proportion and would review this outside the Committee.

On the matter of the Land within the Westhampnett/North East Chichester Strategic Development Location; Ms Stevens would liaise with Ms Bell and confirm outside the meeting whether the appeal was heard after the Council had announced the current 5YHLS statement

With regards to how the Council would be represented at the Public inquiry for the field south of Raughmere Drive; Ms Stevens explained that a Barrister, along with the case officer and other specialists will be representing the Council.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

182 **Schedule of Contraventions**

Mrs Archer presented the Schedule of Contraventions to the Committee. She highlighted the number of 'on hand' cases had dropped since the last meeting from 435 to 407. Included within that number are 125 cases that are awaiting input outside the Council's control.

She informed the Committee of two updates. The Council had withdrawn from prosecution on the case at Medmerry View, Drove Lane as compliance had been reached and; a further stop notice had been issued to land at Newells Lane.

Officers responded to Members' questions and comments as follows;

With regards to an update on the Cutmill Depot, Newels Lane; Mrs Archer would liaise with officers outside the meeting and feedback.

On the matter of compliance dates Mrs Archer explained that whilst these were written down, they were often not adhered to and further interaction from the enforcement team was required.

With regards to land at Hunston; Mrs Archer confirmed that the authority had written to the Inspectorate to make them aware of the issue. She explained that a stop notice was not issued at the time, but she would seek an opinion from the litigation lawyer.

The Committee agreed to note the item.

*\*Cllr McAra left the meeting at 12.58pm*

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

There were no late items.

**184 Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.03 pm

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CHAIRMAN

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Date:

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## **Chichester District Council**

### **Planning Committee**

**Wednesday 2 March 2022**

#### **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 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)

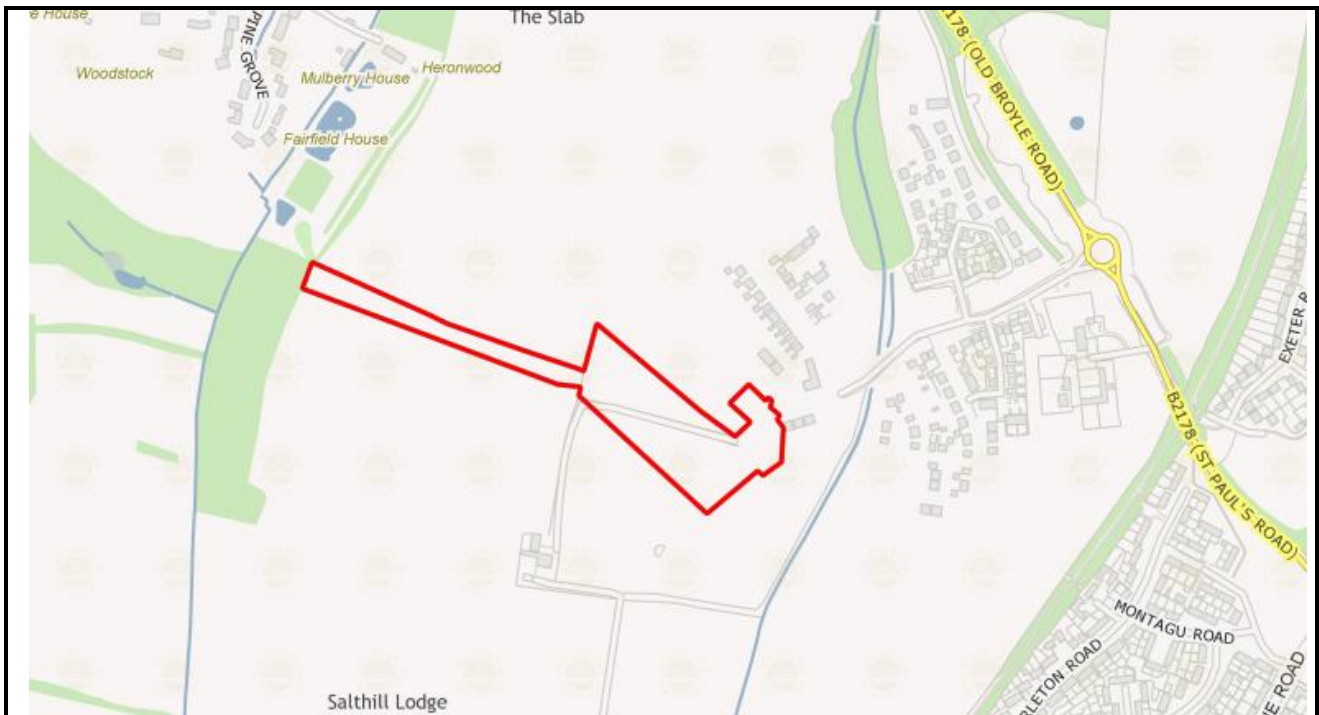


Parish: Chichester	Ward: Chichester West
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**CC/21/00460/REM**

<b>Proposal</b>	All outstanding Reserved Matters for the erection of buildings within the West of Chichester Local Centre to include a retail building with 8no. affordable dwellings, 4no. employment (office) buildings, a health care facility building, a community centre (including integral children's day nursery) and public open space to include a Locally Equipped Area of Play and Multi-Use Games Area; associated parking, landscaping and associated work in relation to the above; all pursuant to permission CC/14/04301/OUT		
<b>Site</b>	Land West Of Centurion Way And West Of Old Broyle Road Chichester West Sussex PO19 3PH		
<b>Map Ref</b>	(E) 485000 (N) 106000		
<b>Applicant</b>	Miller Homes Ltd And Vistry Group Ltd	<b>Agent</b>	Mr Nicholas Billington

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

## **2.0 The Site and Surroundings**

- 2.1 The application site forms part of the West of Chichester Strategic Development Location (SDL) which is allocated by Local Plan Policy 15 for a residential-led mixed use development including up to 1600 homes. Outline planning permission for 'Phase 1' of the SDL was granted in 2018 for its first 750 homes, a mixed-use Local Centre together with sports pitches, allotments and various formal and informal open space provision (14/04301/OUT refers). The outline planning permission also included detailed approval for some elements of Phase 1's primary highway infrastructure. This infrastructure is already largely in situ and the initial phases of the development are now under construction, with a number of residential occupations having already taken place.
- 2.2 The application site can be split into two distinct components.
- 2.3 The principal component of the site comprises a 2.4Ha, broadly L-shaped parcel of formerly arable land located on the western side of the developed part of Phase 1. This comprises the south-eastern and south-western sides of the above-mentioned Local Centre (4.5Ha in total) which is identified by the outline planning permission and its accompanying parameter plans for a mix of uses including a primary school, an open space incorporating an equipped play area, a public square together with employment, retail, residential, community and health-related uses.
- 2.4 This application involves the part of the Local Centre identified specifically for its employment, retail, open space/play, residential, community and health-related uses. Members will recall that the remaining part of the Local Centre - identified for its public square and primary school - received reserved matters approval at the October 2021 Planning Committee (21/00461/REM refers).
- 2.5 Housing parcels adjoin this element of the site's eastern, southern and south-western sides, whilst to the north lies the site of the above-mentioned primary school and public square. To the north-west is arable land identified by the approved SDL Masterplan for residential and open space uses within the second phase of the SDL's development.
- 2.6 The SDL's principal 'spine' road passes through the Local Centre and effectively divides this part of the application site. Whilst the land on the northern side of the spine road is broadly flat, on its southern side the land drops away to meet the SDL's Central Green Corridor.
- 2.7 The second component of the site comprises a 300m long x 20m wide strip of currently arable land which will provide a landscaped link from the western edge of the Local Centre to the Western Green Link which forms a principal part of the SDL'S open space network.
- 2.8 The Committee will be aware that detailed approval has already been granted in respect of all nine of Phase 1's solely residential parcels along with the SDL's sports facilities, allotment provision and strategic green and drainage infrastructure. Consequently,

following the recent approval of the Local Centre's primary school and public square elements, this reserved matters application concerns the final parcel of Phase 1 land.

### **3.0 The Proposal**

#### **Background**

- 3.1 The application seeks approval for the remaining reserved matters of Appearance, Layout, Landscaping and Scale in respect of the Local Centre's employment, retail, community, healthcare and play provision.
- 3.2 Before describing the proposals in detail it is necessary to first clarify that a number of criteria and requirements relating to the constituent uses within the Local Centre are established by the outline planning permission - primarily by the outline permission's parameter plans and the obligations contained within its accompanying Section 106 legal agreement.
- 3.3 In terms of the parameter plans these establish, amongst other things, the broad location of the Centre's constituent uses, the hierarchy of the adjacent highway infrastructure and the maximum storey height of buildings.
- 3.4 The S106 agreement is consistent with the parameter plans in terms of identifying broad locations for the various Local Centre elements, but it also contains a number of other more detailed provisions in respect of the uses that are proposed as part of this reserved matters application. These can be summarised as follows:
- (i) Employment provision
    - the provision of 2513m<sup>2</sup> of office floorspace along with an appropriate number of parking spaces on a site of 0.82Ha
    - the submission of an 'Employment Provision Scheme' alongside the Reserved Matters application setting out various details including the size, layout and specification of the employment floorspace together with a marketing strategy which is to be carried out in accordance with an agreed timetable.
    - in the event of no demand for the floorspace being demonstrated, the developer has the option to **either** provide it to a shell and core finish (i.e. ready to be fitted-out) prior to occupation of the 350th dwelling **or** to offer the serviced Employment Land to the Council at nil cost in order for the Council to deliver the employment provision (either directly or via a third party).
  - (ii) Retail provision
    - the submission of a 'Retail Provision Scheme' alongside the Reserved Matters application setting out various details including the size, layout and specification of the retail floorspace together with a marketing strategy to be carried out in accordance with an agreed timetable
    - to provide the retail unit/s to a shell and core finish prior to occupation of the 325th dwelling
  - (iii) Community provision
    - a building of at least 650m<sup>2</sup> on a site of not less than 0.24Ha
    - a car park of not less than 40 spaces for dual use with the adjacent Healthcare Facility

- completion of the building by occupation of the 500th dwelling, with a requirement to provide a temporary facility prior to occupation of the 325th dwelling
- the submission of a 'Community Building Scheme' alongside the Reserved Matters application setting out various details including the size, layout and specification of the community building and car park, the proposed uses of the building, a maintenance and management plan and details of arrangements for its subsequent ownership/management by an appropriate community-based organisation
- building to comply with the outline specification appended to the S106 agreement which comprises various criteria including: its physical specification; approximate floorspace requirements in respect of constituent elements of the building; the submission of a business plan which demonstrates that the building is broadly self-financing and facilitates community development activity; a requirement to consider the relevant Sport England guidance relating to community buildings
- the above-mentioned outline specification also includes indicative floorspace figures for the additional floorspace anticipated to be required to meet the needs arising from Phase 2 of the SDL development

(iv) Healthcare provision

- the safeguarding of a minimum of 0.35Ha of drained and serviced Healthcare Land to accommodate a Healthcare Facility, with the land to be safeguarded until the occupation of the 500th dwelling
- Healthcare Facility definition encompasses a broad range of potential uses including a GP or dental surgery, a community or mental health facility or a pharmacy
- Healthcare Land to be offered at market value to a Health Commissioning Body (an appropriate NHS or Local Authority body) upon commencement of the Local Centre phase
- where an offer of the Land is refused or not accepted before occupation of the 500th dwelling, the obligation to transfer the land to a Health Commissioning Body will lapse

(v) Play provision

- 0.41 Ha of equipped and non-equipped play space
- the submission of a 'Play Area Scheme' alongside the Reserved Matters application setting out various details including the specification of the play equipment and the arrangement for the Area's ownership, management and maintenance
- Play Area to include a Local Equipped Area for Play (LEAP) and a multi-use games area (MUGA)

### The Detailed Proposals

(i) Employment provision

3.5 The employment provision comprises four buildings - 2 x 3 storeys and 2 x 2.5 storeys - totalling 2780m<sup>2</sup> of office floorspace. All of the buildings face onto the southern side of the spine road, with the central two buildings also presenting a return elevation to the perpendicular tertiary order street which leads directly down to the foot/cycleway crossing of the Central Green Corridor. The buildings would be served by a total of 90 parking spaces. Access to the rear carpark serving the eastern two buildings would be provided from the above-mentioned tertiary street, whereas the two western buildings' shared car park would be accessed directly from the spine road. The latter parking area would also include temporary arrangements for the turning of buses, required until the 'loop' of the

spine road in completed as part of the Phase 2 proposals. Cycle parking would be provided via a mix of external stands and lockable, brick-built cycle stores.

- 3.6 In terms of design, all four buildings follow a contemporary approach with a broadly consistent treatment in terms of materials, feature detailing and the character of fenestration.
- 3.7 The two central buildings would extend to three full storeys, with flat roofs set behind parapet walls. Elevations would be broken up into a number of vertical bays separated by 'shadow gap' joints, with each bay formed in subtly different brick tones. The corner elements of both buildings would be 'expressed' slightly, projecting above and beyond adjoining bays in order to both provide emphasis to the spine road-tertiary road junction and to frame views towards the cathedral spire.
- 3.8 In terms of both scale and elevational treatment the eastern and western-most buildings are designed to provide an appropriate transition from the adjacent residential buildings which also face onto the spine road (within Parcels P5.G and P3.D). The approach to materials is consistent with those to be used for the central buildings, however, in order to affect the above-mentioned transition, massing is reduced through the use of pitched roofs, with a combination of dormers and rooflights lighting the second floor accommodation
- 3.9 The employment buildings have been designed to accommodate a flexible specification of services, with raised access floors and suspended ceilings. Floor to ceiling heights have been set in line with the relevant industry recommendations. Each building would have a circulation core and grouped toilet and kitchen provision, giving flexibility for subdivision into smaller office units. In order to create an appropriate level of interest and activity on the spine road frontage, all of the buildings would incorporate a main entrance directly off its footway. However, other entrance points are also proposed in order to maximise flexibility and facilitate multiple occupancy.

(ii) Retail/residential provision

- 3.10 The retail element of the proposals would form the ground floor of a 3 storey, mixed retail-residential building adjoining the eastern side of the public square. The retail unit would extend to 370m<sup>2</sup>, including 274m<sup>2</sup> of shop floor. A total of 8 no. 2 bedroom affordable residential flats (rented tenure) would be formed at first and second floor levels.
- 3.11 Car parking for the retail element would total 18 spaces for staff and customers (including 2 disabled spaces) with half of the spaces formed within a block-paved area located between the building and the eastern side of the public square, and the other half within a second parking area located adjacent to the opposite side of the building. The latter parking area would also incorporate 14 spaces to serve the flats, along with provision for servicing the retail unit via a loading bay. Each parking area would benefit from a separate vehicular accesses from the spine road.
- 3.12 The public entrance to the retail unit would be from its southern side via a small plaza area containing cycle parking along with landscaping including raised planters and a row of street trees that line the adjoining section of the spine road.

3.13 In terms of design, detailing and materials the retail-residential building would reflect the approach to the employment buildings discussed above. Each of its long elevations would be subject to clear public views, both from the public square itself and also from the wider approaches to the Local Centre. Consequently, a range of features such as projecting central bays, recessed windows and in-set residential balconies have been utilised in order to provide an appropriate level of visual interest. Similar features wrap around the building's southern elevation where it would face onto the spine road.

(iii) Community provision

3.14 This element of the proposal has undergone significant amendment during the course of the application. These changes have primarily arisen as a result of the developers identifying a potential operator for the facility, the YMCA; it was originally proposed that the facility would be run by the development's management company.

3.15 The YMCA's business model involves the 'traditional' components of community buildings - such as halls and meeting rooms - being run alongside a children's nursery, with some shared facilities such as cafes and entrance/reception areas. The revised proposals therefore involve an increase in the size of the originally proposed building in order for it to incorporate a nursery for up to approximately 100 children (3 months to school age), along with a dedicated nursery garden of almost 600m<sup>2</sup>. Of the overall 1250m<sup>2</sup> of floorspace, the nursery would occupy around 450m<sup>2</sup> with the remaining part of the building (around 800m<sup>2</sup>) incorporating a range of accommodation designed to meet the outline community building specification set out in the S106 agreement [see para 3.4(iii) above]. These elements include a main hall of 280m<sup>2</sup> along with a café, kitchen, meeting and staff rooms, toilets a 'changing place' facility and various storage provision. Certain additional elements, such as a 'health room' which would be available for prioritised use by a variety of health practitioners, have also been included in order to meet various community aspirations that have emerged during the course of the application.

3.16 The majority of the building's accommodation would be formed at ground floor level, with around 150m<sup>2</sup> of lift-accessible floorspace at first floor. The design of the building involves the extensive use of brick, with elevations broken up to a degree by glazing and inset brick panels formed in contrasting tones. Slender framed aluminium fenestration is used throughout, with a recessed line of windows and brick panels wrapping around upper part of the hall element, and full height glazed elements to the two storey element where it faces onto the road. A single storey flat (metal) roofed element wraps around the side and rear of the building comprising respectively the 'atrium' entrance/café area and the nursery accommodation. The building's hall element would be topped by a flat roof set behind a parapet wall, whereas the adjoining two storey element would be formed beneath a mono-pitched metal-clad roof, providing some contrast between the building's two most assertive elements.

3.17 The building would benefit from two canopied 'public' entrances located at either end of the above-mentioned café/reception area. One entrance would be located close to a pedestrian crossing of the adjacent second-order street which leads to the primary school and public square. The second entrance would lead out to the rear car park which would be shared with the adjacent healthcare facility. The car park would comprise a total of 52 spaces, including 6 parent and child spaces, 8 disabled spaces and 8 spaces equipped for electric vehicle charging. Access to the carpark would be via a simple priority junction with the above-mentioned street.

- 3.18 Cycle parking and partly covered external seating areas would be located close to both entrances. A sub-station, bin store and delivery bay would also be incorporated into the area to the rear of the building.
- 3.19 The layout of the site facilitates numerous approaches to the building from the surrounding parts of the SDL. The layout also includes a pedestrian-prioritised route to the rear of the building which, for residents to the south-west of the Local Centre, would provide a direct and convenient route from the spine road to/from the play area, MUGA and Western Green Link.
- 3.20 Adjoining the building's south-eastern elevation is a rectangular area of grass defined by peripheral shrub planting. This area is effectively reserved for the future extension of the building that will be required in order to serve the community needs generated by Phase 2 of the SDL.
- 3.21 As noted at paragraph 4(iii) above the S106 agreement requires the provision of a temporary community building prior to occupation of the 325th dwelling, with full provision by the 500th occupation. The developers have, however, confirmed that they wish to provide the permanent building by the 325th occupation, thereby negating the need for any interim provision.

(iv) Healthcare provision

- 3.22 As set out at paragraph 3.4(iv) above the developers' obligations in terms of the healthcare provision primarily involve the safeguarding of land and do not extend to providing or even designing a building or buildings. However, in order to aid in the assessment of the proposals, plans have been submitted to demonstrate one potential means of how the outline permission's S106 agreement and parameter plans might be complied with. The drawings illustrate a three storey, L-shaped building of approximately 1200m<sup>2</sup> formed at the junction of the spine road and second-order street, with the approach to design mirroring that of the employment buildings located on the opposite side of the spine road.

(v) Play provision

- 3.23 The Local Centre's play provision (approx. 0.4Ha) would be located immediately to the north of the community building and, ultimately, would extend westward into the adjoining land to form a larger area serving the combined needs of Phases 1 and 2.
- 3.24 The area can be accessed from a variety of directions including from the adjacent second order street, from the housing parcel to the south and from the community building's car park (via the spine road - see 3.19 above). Furthermore, a path leads from the western boundary of the area to/from the Western Green Link via the landscaped corridor referred to at paragraph 2.6 above.
- 3.25 As required by the S106 agreement [see para 3.4(iv) above], the area accommodates two principal play components - a LEAP and a MUGA - alongside areas of grass and planting. Both elements have undergone amendment during the course of the application following the input of the Council's Sport and Leisure officers. The MUGA would essentially comprise a marked-out hard surface with hoops and goals at either end, and for the most

part would be enclosed by 3m high fencing to help minimise the spillage of balls into adjoining areas. The LEAP would contain a variety of equipment to cater for a range of age-groups. Various provision is made throughout the area in terms of waste receptacles, seating, shelters and cycle parking.

(vi) Highway and access provision

3.26 As referred to above, the application site includes a section of the SDL's spine road which runs through the Local Centre. The submitted plans show a staggered junction in the centre of the site, with a second-order street leading north to service the school and community and health buildings, and a tertiary order street leading south giving access to the car park serving two of the employment buildings and also leading to residential parcels P3.D and P5.G

3.27 Members will recall that the street leading to the school and community/health buildings also formed part of the application site for the school proposals considered at the October 2021 Planning Committee, and that the approved plans indicated various traffic calming measures aimed at providing a safe environment in the vicinity of the school. Members will also recall that the developers intend to offer this road to the Local Highway Authority for adoption and that, this being the case, the detailed technical design of the road will be subject to the S38 adoption process which follows the grant of permission. The current proposals involve a minor change to the previously approved road layout, with the amended configuration of the health and community buildings resulting in the access to their shared carpark being moved slightly closer to the junction with the spine road.

#### 4.0 History

14/04301/OUT	PER106	Outline planning application with all matters reserved (except for access) for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on-site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works.
18/01587/REM	PER	Approval of reserved matters in respect of Appearance, Landscaping, Layout and Scale following outline planning permission CC/14/04301/OUT - Consent sought for Primary Road, Primary Surface Drainage and Primary Utilities Routing. SANGs land incorporating Western Green Link, Central Green Link and Country Park.



19/01134/REM	PER	All outstanding Reserved Matters for the erection of 73 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel 2A, pursuant to permission 14/04301/OUT.
19/01531/REM	PER	All outstanding Reserved Matters for the erection of 91 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 2B, pursuant to permission 14/04301/OUT.
19/02424/REM	WDN	All outstanding Reserved Matters for the erection of 91 dwellings with associated parking, landscaping, informal open space and associated work on Phase 2, Parcel B, pursuant to permission 14/04301/OUT. (scheme 2)
19/02584/REM	PER	Application for all outstanding reserved matters (layout, appearance, scale and landscaping) following outline planning permission CC/14/04301/OUT, for sports facility consisting of 1x adult rugby pitch, 1x adult football pitch, 1x adult cricket pitch and sports pavilion building with associated drainage, landscaping, parking and other works (Phase 1).
19/02626/REM	PER	All outstanding Reserved Matters for the erection of 29 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel P.3D, pursuant to permission 14/04301/OUT.
19/02819/REM	PER	All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 3C, pursuant to permission 14/04301/OUT.
19/03122/REM	PER	All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Phase 3, Parcel C, pursuant to permission 14/04301/OUT (scheme 2).
20/00462/FUL	WDN	Construction of an electrical substation and associated parking to serve the west of Chichester strategic development site.

20/00600/NMA	PER	Non-material amendment to planning permission CC/14/04301/OUT - Proposed additional planning condition to enable the submission and agreement of details of any temporary sales and marketing facilities required on site in relation to the sales and marketing of new homes.
19/03146/REM	PER	All outstanding Reserved Matters for the erection of 154 residential dwellings with associated parking, landscaping, informal open space and associated works on Phase 3, Parcel E, pursuant to permission 14/04301/OUT.
20/00600/NMA	PER	Non-material amendment to planning permission CC/14/04301/OUT - Proposed additional planning condition to enable the submission and agreement of details of any temporary sales and marketing facilities required on site in relation to the sales and marketing of new homes.
20/01046/REM	PER	All outstanding Reserved Matters for the erection of 50 dwellings with associated parking, landscaping, informal open space and associated works on Phase 5, Parcel F pursuant to permission 14/04301/OUT.
20/02473/REM	PER	All outstanding Reserved Matters for the erection of 55 dwellings with associated parking, landscaping, informal open space and associated work on Phase 5, Parcel G, pursuant to permission 14/04301/OUT.
20/03108/REM	PER	All outstanding Reserved Matters for the erection of 65 residential dwellings with associated parking, landscaping, informal open space and associated works on Phase 6.H, pursuant to permission 14/04301/OUT.
20/03167/REM	PER	All outstanding Reserved Matters for creation of allotment gardens with associated parking, landscaping, informal open space and works pursuant to permission 14/04301/OUT.
20/03166/REM	PER	All outstanding Reserved Matters for the erection of 84 residential dwellings with associated parking, landscaping, informal open space and associated work on Phase 6I, pursuant to permission 14/04301/OUT.

21/00956/REM	WDN	All outstanding Reserved Matters for the erection of 84 residential dwellings with associated parking, landscaping, informal open space and associated work on Phase 6I, pursuant to permission 14/04301/OUT (scheme B).
21/00461/REM	PER	All outstanding Reserved Matters for the erection of a one-form entry primary school and associated ancillary buildings, parking, landscaping and access arrangements together with formation of adjacent public square with all works pursuant to outline planning permission CC/14/04301/OUT.

## 5.0 Constraints

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

## 6.0 Representations and Consultations

Comments are summarised unless stated otherwise.

### 6.1 Chichester City Council - in full

#### Amended plans

No comments received

#### Comments of 30 April 2021 - original plans

Strong objection. Although functional, the buildings proposed create an unattractive and unwelcoming character to the community centre. The boxy, overly urban appearance, uniform heights and harsh skyline, aspire to create an unnecessarily intensively urban character, and fail to do so successfully because the density of the buildings here do not allow for it. This is a suburban centre, and should be designed accordingly. The buildings should feature more variation in heights, rooflines, and building articulation, in order to create a more appropriate suburban character with an attractive appearance for local residents to enjoy. Concern is also raised at the lack of high quality central public amenity space and sustainability measures. The City Council would be happy to meet with the developers to discuss the design principles.

## 6.2 Lavant Parish Council

None received

## 6.3 Fishbourne Parish Council

None received

## 6.4 Sussex Police

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

## 6.5 WSCC Local Highway Authority - in full

### Comments of 31 January 2022

The applicant has undertaken various changes to the proposed plans and has now completed all the changes required by the Highway Authority. In the latest updated plans the applicant has made the following changes:

- Amended the retail vehicle access to a vehicle crossover type junction; which is deemed appropriate for its likely use and gives a greater degree of priority for pedestrian and cycle movements along the spine road.
- Better located the cycle parking for the MUGA so that it is located closer to the destination and benefits from greater levels of natural surveillance.
- Removed a cycle gate on a footpath leading to the open space to ensure the proposals accord with guidance in LTN1/20.
- Amended the employment vehicular access onto the spine road so a consistent approach to the design of side roads is taken along the spine road and so that pedestrian and cycle movements are given greater priority.
- Submitted a Stage 1 Road Safety Audit for the proposed highway works on the secondary street leading to the school.

In light of these amendments and further information all of the outstanding matters raised by the Highway Authority have been addressed and WSCC as Highway Authority has no objections to this application. Should the Local Planning Authority be minded to approve the application the Highway Authority would suggest suitably worded conditions on the following matters are included on any permission granted:

- Provision of car, cycle, motorcycle, disabled parking and the footways and roads serving each parcel is provided prior to first occupation of that building.
- Details of the specific nature of EV charging are provided prior to the occupation of the buildings that the EV parking is serving
- Car Park Management Plan for the operation and management of community car parks prior to the car park being operational
- Details of the parking restrictions and management of parking on the secondary access road that provides a means of access between employment blocks 2 and 3
- That the provision of the bus turning facility shall be provided and should the Southern Access Road be implemented that the temporary access into the car park to employment block 2 is closed and reinstated to footway as per the approved plans.

- The condition included on the planning permission for the primary school in relation to details of how the parking restrictions on the secondary road outside of the school would be enforced should the road not be adopted should be included on this permission as well.

### Comments of 10 January 2022

Further information and a revised scheme has been submitted by the applicant seeking to address these earlier comments. The revised scheme proposes a revised community centre which now includes a 100 place nursery and a smaller healthcare facility. These comments provide WSCC's views as Highway Authority on this further information.

#### Revised Scheme including a nursery

The revised scheme includes a new children's nursery which is in addition to the previously proposed uses (community centre, healthcare facility, employment buildings and retail). The nursery is proposed as being 420m<sup>2</sup> in gross floor area and offers care for up to 100 children aged between 3 months and school age during the week between the hours of 07:00 and 18:00. Given the nursery is an additional facility over and above what was previously granted consent for as part of the outline planning permission the applicant has produced a Transport Statement (TS) to fully assess the transport implications of this facility.

The TS assess the likely trip generation associated with the nursery, the capacity implications of any potential increase in traffic, the road safety implications of the proposals and the means of sustainable access to and from the site. The TS concludes that the addition of a nursery within the local centre shall not lead to any significant additional transport impact above that envisaged as part of the outline planning consent, that the nursery is well located within the local centre accessible via a variety of means and that there are sufficient levels of parking to serve the use. WSCC as Highway Authority have no objections to the addition of the 100 place nursery within the local centre.

#### Car Parking

The applicant previously proposed the following level of car parking:

- Play Area 0.41 hectares - 0 car parking
- Community Centre 765m<sup>2</sup> - dual use of 40 space car park with healthcare facility
- Healthcare facility - 1986m<sup>2</sup> - dual use of 40 space car park with Community Centre
- Employment 2,780m<sup>2</sup> - 91 car parking spaces
- Retail 370m<sup>2</sup> - 18 car parking spaces (2 of which are accessible spaces)
- Residential 8 x 2bed flats - 14 car parking spaces

Under the revised scheme the applicant is proposing the following car parking provision:

- Play Area - 0 car parking
- Community Centre - dual use of 52 space car park with healthcare (of which 8 are disabled spaces, 1 disabled EV charging space, 7 EV charging spaces, 6 Adult & Child spaces).
- Healthcare facility - dual use of 52 space car park with healthcare (of which 8 are disabled spaces, 1 disabled EV charging space, 7 EV charging spaces, 6 Adult & Child spaces).

- Employment - 87 car parking spaces (of which 9 are disabled spaces and 4 EV charging spaces).
- Retail - 18 car parking spaces (2 of which are accessible spaces)
- Residential 8 x 2bed flats - 14 car parking spaces

A total of 171 car parking spaces are proposed for the different uses within the local centre. The main changes in the revised scheme are that the combined community/healthcare centre car park has been increased and the car parking for the employment uses has been reduced slightly by 4 spaces. Given the sites sustainable location within the site and that the majority of land uses within the local centre are primarily intended to be a local convenience where people are able to walk and cycle to them the overall level of car parking is considered acceptable and where relevant in accordance with the requirements of the outline planning consent.

The applicant has stated that car parking shall be managed by the operator and that parking will be subject to regular review by the community building managers and other occupiers of the local centre, including the school, to identify any problems and agree suitable remedies should issues arise. Parking within private areas will be subject to private enforcement with the highway authority able to enforce restrictions on adopted highways. WSCC as Highway Authority would look for a suitably worded condition that requires the submission of a car park management plan that clearly sets out how the car parks shall be managed.

### Cycle Parking

Previously the applicant provided the following level of cycle parking:

- Retail 3 uncovered Sheffield stands 6 spaces
- Community Centre 3 uncovered Sheffield stands 6 spaces
- MUGA & Play Area 3 uncovered Sheffield stands 6 spaces
- Healthcare facility 3 uncovered Sheffield stands 6 spaces
- Employment building 9 uncovered Sheffield stands 18 spaces and two covered stores.

The Highway Authority in their original comments raised various issues with the overall level of provision, the location of cycle parking and the lack of provision of shower and changing facilities in employment buildings. The applicant has sought to address these comments and has made the following changes:

- The total number of cycle parking spaces has been increased from 42 to 72 spaces within the local centre, which is welcomed by the Highway Authority.
- The applicant has now provided shower and changing facilities for all employment blocks, which is now in accordance with the WSCC Cycle Design Guide.
- The applicant has confirmed that there shall be a total of 24 Sheffield Stands in the local centre and a further 2 secured shelters for each of the employment areas provided a further 6 Sheffield Stands.

This additional infrastructure is welcomed however the cycle parking for the MUGA is still considered to be poorly located, in the middle of what appears to be a lawned area, and it would be better located adjacent to the MUGA where it would be closer to the use it is serving and benefit from greater levels of natural surveillance. Additionally, no details of covered cycle parking for the healthcare facility have been provided. Therefore, the

Highway Authority would look for a suitably worded condition requiring further details of the cycle parking provision to be provided.

### Electric Vehicle Charging

Condition 23 of the outline planning consent requires the provision of 3 EV charging points providing access to 6 bays. The applicant previously provided 6 bays (4 in the employment car parks and 2 in the community centre car park. Whilst this level of provision was in full accordance with the outline planning consent the Highway Authority felt it was disappointing that the applicant had provided the minimum provision, especially given the potential for increased electric vehicle car use in the future.

Following these original comments, the applicant has now revised the scheme and now intends to provide 12 EV charging points. 4 of these are located in the employment car parking and 8 (1 of which is also a disabled space) are located within the community centre car park. This increased level of EV charging provision is welcomed by the Highway Authority. No specific details of the specification of the EV charging points is provided and therefore the Highway Authority would look to condition further details.

### Disabled Car Parking

The applicant is proposing the recommended minimum of disabled car parking at 5% of the overall level of parking and therefore the level and design of disabled car parking is deemed acceptable.

### Secondary Road providing access to school and community centre

In the latest revision of the plans the applicant has amended the design of the secondary road from that approved as part of the Primary School RM application (21/00461/REM). The latest plans include the similar traffic calming measures and the same parking restrictions as previously agreed but the access into the community centre is no longer part of the raised table on the secondary street. Given the scheme has been amended and the previous scheme was safety audited, as it is the possibility that either scheme could obtain planning consent and be implemented, the revised scheme needs to be run past the Road Safety Auditors to see whether they have any additional comments that require addressing. If the auditors do raise any new concerns about the changes to the scheme a RSA Decision Log response shall have to be completed in accordance with GG119.

It is also not apparent as to why the raised table does not continue and form part of the community centre access. This would assist with slowing vehicle entry and exit speeds into the community centre car park and provide enhanced priority for pedestrians crossing the road. The applicant should therefore provide clarification.

### Other comments of highway design

In addition to the aforementioned comments the Highway Authority would also like to raise the following comments on highway design on the rest of the parcel:

- Vehicle accesses on Spine Road - there appear to be two additional access points onto the spine road that were not proposed as part of the earlier RM application for

the spine road. These provide access to the retail unit parking and the most southerly employment building. The design of these access points are shown on the Proposed Crossing Locations plan as standard bell mouth junctions; which would not be consistent with other junctions along the spine road. The Highway Authority would look for a consistent approach to the treatment of these access points in line with all the other accesses onto the spine road and would suggest that the retail access could be a standard vehicle crossover access and the access to the employment car park be provided with a raised treatment as per other side roads on the spine road. Specific details could be secured via an appropriately worded condition or the plans amended prior to determination.

- Temporary bus turning route - the applicant is proposing that a temporary bus turning area is provided through the southernmost employment site until the Southern Access Road is implemented. Previously the Highway Authority asked for details of parking restrictions so that no parked cars would prevent access for buses. The applicant has now indicated that double yellow line restrictions shall be provided. A requirement of any permission granted must ensure that this temporary arrangement is closed and footway provided if and when the Southern Access Road is completed.
- Cycle Gate within open space adjacent to the MUGA - the applicant proposes a cycle gate on the footpath within the open space. The Government's Local Transport Note 1/20 states that these types of measures should not be used and therefore the Highway Authority would look for a suitably worded condition which could state notwithstanding the approved drawings the provision of the cycle gate should not be implemented.

## Conclusion

WSSC as Highway Authority has no objections to the proposals, however prior to determination the applicant should clarify whether the revised layout of the secondary road outside the school and healthcare facility poses any new road safety concerns with the auditors.

Subject to this, should the Local Planning Authority be minded to approve the application the Highway Authority would suggest suitably worded conditions on the following matters:

- Provision of car, cycle, motorcycle, disabled parking and the footways and roads serving each parcel is provided prior to occupation of that building.
- Details of the specific nature of EV charging
- Car Park Management Plan for the operation and management of community car parks
- Details of cycle parking which includes details of a revised location for the cycle parking in the open space and internal and secure cycle parking to serve the healthcare building
- Details of the nature of the vehicular access from the spine road into the retail car parking and the access between employment blocks 1 and 2, as these are additional to those access points already approved. An amendment to the submitted plans could remove the need for this condition.
- A condition detailing that notwithstanding the approved plans the cycle gate should not be implemented; again this condition would not be required if the cycle gate was removed from the submitted plans.



- Details of the parking restrictions and management of parking on the secondary access road that provides a means of access between employment blocks 2 and 3
- That the provision of the bus turning facility shall be provided and should the Southern Access Road be implemented that the temporary access into the car park to employment block 2 is closed and reinstated to footway as per the approved plans.
- The condition included on the planning permission for the primary school in relation to details of how the parking restrictions on the secondary road outside of the school would be enforced should the road not be adopted

### Comments of 29 April 2021

It should be noted that these comments relate to the proposals within the red line boundary only and all comments made in relation to the proposed school shall be made as part of planning application CC/21/00461/REM.

### Car Parking

As part of this reserved matters application the applicant is proposing the following quantum of development and associated car parking:

- Play Area 0.41 hectares - 0 car parking
- Community Centre 765m<sup>2</sup> - dual use of 40 space car park with healthcare facility
- Healthcare facility - 1986m<sup>2</sup> - dual use of 40 space car park with Community Centre
- Employment 2,780m<sup>2</sup> - 91 car parking spaces
- Retail 370m<sup>2</sup> - 18 car parking spaces (2 of which are accessible spaces)
- Residential 8 x 2bed flats - 14 car parking spaces

The community centre car park levels are in accordance with the requirements of the section 106 agreement associated with the outline planning consent and is therefore considered acceptable.

The car parking proposed for the residential units is in accordance with the WSCC Parking Standards guidance and they are providing 14 spaces for 8 flats (1.75 spaces per flat). The proposed parking level for the retail unit is slightly below the standard of 1 space per 14m<sup>2</sup> within the WSCC standards. Based upon a floor area of 370m<sup>2</sup> this would equate to a car parking provision of 26 spaces when 18 are proposed. However, given the sites sustainable location and that they are primarily intended to be a local convenience where people are able to walk and cycle to them the overall level of car parking is considered acceptable for the retail space. There is other available parking in the immediate area both on-street and in the 40 space car park for the community building.

For the commercial/employment development the applicant is proposing 91 car parking spaces for 2780m<sup>2</sup> of gross floor area proposed. The WSCC parking standards suggests a provision of 1 space per 30m<sup>2</sup> which for this development equates to 93 car parking spaces. As with the retail given the sites location within the development and that most sustainable transport links converge at this point the level of car parking slightly below the standards is considered acceptable.

From the submission it is not apparent how the car parking shall be managed and enforced. The applicant should therefore provide clarification on this matter and whether they intend to introduce any specific controls or time limits to any of the car parks to

ensure they are available for use by the intended users. Also, clarification should be provided as to whether parents collecting or dropping off children to the school will be able to use the community/health centre car park? The applicant suggests that they will be able to but that through the travel plan this shall be discouraged.

### Cycle Parking

The applicant states that they are providing cycle parking in line with the WSCC standards. From the submission it appears the applicant is proposing the following level of cycle parking:

- Retail 3 uncovered Sheffield stands 6 spaces
- Community Centre 3 uncovered Sheffield stands 6 spaces
- MUGA & Play Area 3 uncovered Sheffield stands 6 spaces
- Healthcare facility 3 uncovered Sheffield stands 6 spaces
- Employment building 9 uncovered Sheffield stands 18 spaces and two covered stores.

The Highway Authority have the following comments in relation to cycle parking:

- MUGA/Play Area - the cycle parking for the MUGA and Play Area should be located closer to the destinations they are serving and by doing so would benefit from greater levels of natural surveillance from people using the facilities.
- Healthcare facility - the healthcare facility does not appear to have any internal cycle parking facilities. The facility only appears to have 3 uncovered Sheffield stands. The Highway Authority would look for this use to have both short (uncovered Sheffield Stands) and long stay (secure and weatherproof) cycle parking.
- Residential - it is not apparent from the plans the nature of the cycle parking for the residential units. It appears that there are 6 spaces. The Highway Authority preference is for these to be Sheffield stands which are the most convenient for users; rather than vertical hanging racks which require bikes to be lifted into position.
- Employment - shower and changing facilities are only provided in block 3 of the 4 employment blocks. The WSCC Cycle Design Guide states, "At workplaces consideration should be given to appropriate shower and changing facilities and secure locker storage." The applicant should therefore provide additional shower and changing facilities in other employment blocks. It is also not apparent as to the level of cycle parking proposed in the covered stores. WSCC guidance suggests a minimum of 1 space per 150m<sup>2</sup> for staff at offices. For this development this equates to 19 spaces but the Highway Authority would encourage the applicant to provide more than this.
- Community Hall - the WSCC standard for a Community Hall is 1 space per 100m<sup>2</sup> for staff and 100m<sup>2</sup> for customers. For this development this standard would equate to a cycle parking provision of 16 spaces (8 staff and 8 customers). The applicant should therefore look to provide additional cycle parking to serve this building.

### Electric Vehicle Charging

Condition 23 of the outline planning consent requires the provision of 3 EV charging points providing access to 6 bays. The applicant has provided 6 bays, 4 in two separate areas of the employment car parking and 2 bays in the community centre car park. Whilst this is in accordance with the outline consent and deemed acceptable it is disappointing that the applicant has not provided more than the minimum provision. No specific details of the

specification of the EV charging points is provided and therefore the Highway Authority would look to condition further details.

### Disabled Car Parking

The applicant is proposing 2 disabled spaces for the retail unit which equates to more than the recommended minimum 5% provision and is there deemed acceptable. From the submission the level of provision of disabled car parking in the 40 space community building car park or the employment parking is unclear. It appears that there are 9 spaces for the employment uses and 9 for the combined healthcare/community centre car park. This level of provision meets the recommended 5% provision for disabled car parking and a higher level of provision (23% of all car parking) is provided for the combined healthcare/community centre car park. Given this facility could potentially attract higher levels of disabled drivers this higher level of provision is welcomed. The applicant should however clarify the proposed level of disabled car parking provision.

### Other comments of highway design

In addition to the aforementioned comments the Highway Authority would also like to raise the following comments on highway design on the rest of the parcel:

- Vehicle accesses on Spine Road - there appear to be two additional access points onto the spine road that were not proposed as part of the earlier RM application for the spine road. These provide access to the retail unit parking and the most southerly employment building. The design of this access points is not apparent from the submission. The Highway Authority would look for a consistent approach to the treatment of these access points in line with all the other accesses onto the spine road and would suggest that the retail access could be a standard vehicle crossover access and the access to the employment car park be provided with a raised treatment as per other side roads on the spine road.
- Design of vehicle access points on secondary roads eg access into northern most employment building - the new access points should be designed in a way to be reflective of the level of traffic using the access but also provide a greater degree of priority for pedestrians as per other accesses within the development. The access into the northern most employment building could be a raised entry treatment as per the side roads off the spine road.
- Pedestrian Crossing locations - it is considered that additional pedestrian crossing facilities are required on the secondary road that provides access to the school and community facility. Additionally, crossing point 7 on the Pedestrian Crossing Locations plan (drawing number 197240-006) the crossing should be better accommodated on the desire line and consideration given as to whether a standard bell mouth is the best design approach for this access.
- Raised table on spine road - this treatment is welcomed and is considered to slow vehicle movements along the spine road as they pass the local centre.
- Temporary bus turning route - the applicant is proposing that a temporary bus turning area is provided through the southern most employment site until the Southern Access Road is implemented (obviously subject to planning approval). The applicant has submitted tracking of a 11.98m length single deck bus. The tracking shows that a vehicle can make these movements from the spine road into secondary roads however this is on the basis that no vehicles are parked on the carriageway. Therefore, the Highway Authority would look for the applicant to provide details of

double yellow line parking restrictions to ensure that no parked vehicles prevent buses from making these movements. A requirement of any permission granted must ensure that this temporary arrangement is closed and footway provided once the Southern Access Road is completed. The applicant should also consider whether there would be benefits to making the access onto the secondary road just for bus access only; which may reduce potential conflict of vehicles leaving the site as buses try to enter.

## Conclusion

The applicant should seek to address all of the points within these comments and amend the design and once revised designs have been submitted WSCC be re-consulted upon these updated plans.

### 6.6 Sussex NHS Commissioners (CCG)

The CCG welcomed the strategic site option of Southern Gateway (SG) in replacement of White House Farm (WHF). The city centre location is a much better choice for residents and allows for community services and primary care to co-locate. We thank the Council for sharing the SG opportunity and supporting our GP practice in taking this forward. The Southern Gateway option is currently being progressed to Business Case.

At present, the GP practices do not have services that are possible to be run from an additional site such as WHF. It may be possible to encourage a practice to the site, but this would almost certainly require it to be provided with very significant inducements such as offering a premises with a peppercorn rent. Whilst this might be unlikely to happen, keeping the WHF site open whilst Southern Gateway is progressed is nevertheless very helpful, strategically.

### 6.7 CDC Drainage Engineer

The proposals submitted outline the broad principles for the surface water drainage scheme for this parcel/ phase, these principles are to infiltrate where possible and connect into the wider drainage scheme where infiltration is not achievable. The proposal is to drain the Community Centre to a crate soakaway, utilize permeable paving across the parcel/phase and drain the other buildings to the central drainage network. They have included overflows from the permeable paving to the central network, which in principle we have no objection to due to alteration to levels (made ground). We will consider this in more detail when discharging the detailed drainage design condition.

They have found varying infiltration rates and groundwater levels (some very favourable rates), and in response we expect to see all of the buildings drain to soakaway wherever practical.

Full details of the surface water drainage proposals for this phase/parcel should be submitted under a discharge of conditions application in order to discharge conditions 13 to 16 of the original outline permission. No drainage details are agreed as part of this reserved matters application.

We require no additional conditions.

## 6.8 CDC Design and Conservation

In terms of the overall approach to design and layout, the contemporary palette and building heights for the local centre echo a pattern of development in more organically grown settlements. Taller, more recent buildings occupy town centres and often have a quite different visual character to even the most immediately surrounding streets and suburbs. The designs introduce a nod to hidden parapet historic town centre properties and are a clear demarcation from the more suburban and domestic feel of the rest of the development. This approach avoids the use of pastiche design features. The contemporary palette also crucially avoids the need for wide scale use of pitched roofs which would necessitate taller buildings, and given the already-established quantum and maximum building heights would be unworkable in any event.

The current elevational treatments are re-worked from those at pre-application stage and have attempted to add more visual interest by using varying rhythms of projection and recess. This is done with bays and deeply set balconies across the residential, healthcare and retail buildings. At roof level subtle differences in parapet heights and projection have introduced some variety without appearing overly contrived. The street scene that would be created along the spine road looking towards the local centre formed of the Health Facility and Employment buildings is coherent and has a well-established building line. The issues around too much horizontal emphasis along parapets has been addressed.

In terms of the community building, the main challenges have concerned adding an improved level of high quality architectural detail that can match the quality of the much-improved school building without mimicking its specific form and appearance. The community and school buildings form two critical node buildings for the wider street scene of the square. Initial designs for the community building failed to relate its substantial size and mass very effectively with the street scene. However, the applicant has made significant progress adding in architectural details that soften the effect of necessarily large elevations; these include a canopy, glazed façade, recessed details at ground floor level, contemporary fenestration details at first floor level and a subtly mono pitched roof. All of these interventions have given the building more detailed and visually congruent facades that avoid the monolithic effects of large unadorned brick elevations.

The latest round of revisions proposes a building that relates well to its surroundings, successfully articulating its size and mass with readily understood architectural details and forms. It has avoided the pitfalls of pastiche detailing and stuck to the contemporary palette that has been successful throughout the urban centre development. I have reviewed the suggested materials and details conditions and subject to those details being acceptable. I have no further objection to the scheme.

## 6.9 CDC Environmental Strategy Officer - comments in respect of revised plans only

We are pleased to see the commitment by the scheme to implement further carbon saving measures to better the 2013 Building Regulations standards. Total carbon savings for the site now sum 56.97%, which comprises 21.77% from fabric measures and 36.19% from low carbon and renewable energy. This far exceeds the originally proposed 35.47%.

This will be achieved by installing air-source heat pumps to each of the buildings, and solar PV panels to each of the local centre buildings. These carbon saving methods are the most appropriate and feasible for improving long term sustainability of the site, whilst being easy to maintain. Further to this, improved soft landscaping resulting in a net gain of trees is a welcome ecological benefit to the local centre.

Policy 40 requires developments to achieve the highest levels of energy efficiency. We are now satisfied that all extra measures that could feasibly and viably be added to the local centre to improve the energy performance have been included and the requirements set out in Policy 40 have been met. Should any changes to these proposals occur whilst finalising the sustainability measures, the scheme will need to demonstrate that these changes do not result in total carbon savings of less than 56.97%.

#### 6.10 CDC Community Engagement Manager - comments in respect of revised plans only

The design and business plan for the proposed community building is in accordance with the broad specification agreed with the original S106, and the submission provides us with further information that suggests how the building will be run, helpful in determining if the proposal is fit for purpose,

The proposed end user is identified as YMCA Fairthorne Group who are an experienced provider of similar facilities in Hampshire. While they have no connection to the Chichester District their experience is of some relevance and results in a proposal for community facilities which are combined in a larger footprint including children's nursery provision. Many community facilities will host similar provision in some shape or form and therefore the distinction of space ensures the maximum use of community space for other uses, but the combined operations of the building are more likely to ensure its long term financial sustainability.

The applicant has at length been encouraged to ensure that the design proposal is informed by local consultation, and YMCA's business plan does demonstrate that such conversations have been undertaken, to identify potential users from neighbouring areas of the City as well as avoiding duplication with other community facilities in the City. The range of uses outlined within the business plan could reasonably cover any other desired uses that might arise from the growing community within the development, and inform the proposed size and layout of the community room, café and ancillary spaces. The layout of the building also anticipates the further extension of the building if a second phase is demanded by future development, both allowing for extension without significant impact on the building in use (at that time) and also anticipating likely uses of that space.

The s106 required further consideration of the need for dedicated performance space, and the consultation identified significant interest in such uses of the space, but not the evidence for a dedicated auditorium. The suggestion is that such uses would form the basis of the specification for the phase 2 Hall if progressed (its larger capacity being more suited to seated audiences), and accordingly is not proposed within the potential uses for Phase 1.

YMCA Fairthorne Group suggest that involvement of the local community in matters relating to the community provision will be ensured through a local structure that involves residents and stakeholders. A staff member is specifically identified to manage the space, drawing support from local volunteers to be recruited from within the development site.

Room hire rates and opening hours are not specified, but are suggested to be commensurate with similar facilities locally, and operating on an "always open" model not limited to the operations of the children's nursery.

Subject to the detailed points shared with the case officer and applicant, I support the proposal for community building provision included within this larger building.

#### 6.11 CDC Culture Manager

We have been working closely with the developers on their proposals for the community centre, play area and multi sports games area (MUGA). Following our initial comments and suggestions, they have responded with a number of revised plans which have addressed all of our initial concerns. Therefore, I feel that the proposed provision now meets the sport and play needs of the future local community.

#### 6.12 CDC Economic Development Officer

The Economic Development Service supports the employment provision at this strategic development site.

This first phase includes a small proportion of the overall employment provision at the development and the first phase of employment provision will provide economic cohesion for the site as a whole and the wider District.

##### Employment Provision (EMP 1 – 4)

We initially had concerns over the kitchen provision not being central. We strongly believed that placing the kitchen area centrally would give greater flexibility for subdivision. This concern has been addressed in the new layout plans and we have confidence that this will make this scheme more attractive to potential occupiers.

##### Retail

We previously noted that no space is given to staff facilities: toilets and a breakroom for example. The revised plans now include a toilet. The developer is in talks with an occupier who does not feel a breakroom is necessary with a retail unit this size. Also, the space is designed to be flexible so that if a future occupier wishes to add staff facilities, these can be easily provided for in the current layout.

##### Summary

The Economic Development Service supports the revisions made.

#### 6.13 CDC Housing Enabling Officer

Throughout the planning applications and consultations for this development it has always been appreciated that, being a large strategic site, different phases will vary a little from the Strategic Housing Market Assessment (SHMA) mix as they come in as reserved matters applications. The SHMA will be met overall, and such variations avoid enclaves and mono-tenures, giving a range of densities and different characters within the development. This is now the final packet of housing on the 750 unit scheme and provides

8 two-bedroomed flats above shops which complete the affordable quota. These are acceptable as rented (not shared ownership) units and the sizes comply with the DCLG technical standards.

My tally of the total mix indicates that the scheme is in compliance with the s106 and that it agrees with the schedule provided by the developers.

#### 6.14 4 Third Party Other

2 Third Party representations have been received concerning:

- a) the application is welcomed
- b) tweaking of the design is encouraged
- c) Chichester Baptist Church would be interested in using the community facility
- d) Would management of the community building buy a management company meet community aspirations?  
community building kitchen should have a hatchway into hall
- e) community building should incorporate a café
- f) medical facility should be brought forward on the site as other options in the city are unlikely to come to fruition
- g) involvement of YMCA and inclusion of nursery within community facility is to be welcomed

#### 6.15 3 Third Party objection

2 Third Party objections have been received concerning:

- a) too many accesses taken from the spine road
- b) more priority should be given to cyclists and pedestrians
- c) application should be withdrawn to allow complete re-design
- d) insufficient carpark for health facility and other uses
- e) pharmacy is not shown
- f) insufficient space for health facility to expand
- g) comments should be sought from CCG
- h) YMCA's business plan does not have enough emphasis on provision for older people

#### 6.16 Applicant's/Agent's Supporting Information

Vistry Homes and Miller Homes are pleased to be able to bring forward the proposals for the new local centre, which will form a key part of the new West of Chichester Community. The local centre will form the heart of the development, providing for all of the day to day needs of the new local community.

The local centre includes a brand-new high-quality Community Facility being brought forward in collaboration with the YMCA, an experienced operator of community facilities in the area. The YMCA have long standing experience running facilities and providing for communities and this is imbedded in their vision 'to be a leader in transforming communities so that all children, young people and families can truly belong, contribute and thrive.' The community building includes a hall suitable for indoor sport and events, alongside smaller activity rooms and a kitchen and café, as well as a room which could be used by a medical practitioner. It is also designed to allow its easy expansion to accommodate phase 2. Complimenting the community uses, the facility will also host a



new pre-school which will support families within the development and beyond, whilst also helping to cross subsidise the community facilities. Alongside the new community facility will be a playground and a Multi-Use Games Area designed to provide opportunities for active outdoor play for a variety of age groups. The space also hosts a variety of planting to compliment the built form and add landscape interest whilst providing ecological benefits. The Local centre, in accordance with the outline permission, also hosts a new retail space designed to accommodate a convenience store, new office space and provides land for a potential future healthcare facility. Above the retail store are also provided eight residential units, making the most efficient use of space in this sustainable location whilst providing increased natural surveillance of public areas. These uses compliment the primary school and focal square already consented under application 21/00461/REM.

Working with officers at CDC ahead of and during the consideration of the application, Vistry and Miller have incorporated a number of improvements to the proposals, including a redesigned community facility which better relates to the wider local centre. The final proposals are led by a detailed Design Strategy developed in collaboration with officers that complies with the parameters of the outline permission, including in relation to storey heights and the position of land uses. Working with Officers, Miller and Vistry have also implemented significant sustainability improvements through the use of enhanced fabric first measures, use of Air-Source Heat Pumps for heating and hot water, and enhanced provision of solar PV panels to every building, which together deliver an almost 60% betterment over the emission standards required by current Building Regulations. Working with officers at WSCC Highways, we have also implemented a suite of measures that will encourage walking and cycling to the local centre and discourage use of the private car - this includes raised tables to reduce speed, enhanced crossing points to prioritise pedestrians and measures to discourage ad-hoc roadside parking. Cycle parking is also provided throughout the local centre and the EV provision proposed exceeds the requirements of the outline permission. Measures in the Travel Plans for the site will also further incentivise walking and cycling, as will the local centre's central location, within easy walking and cycling distance of every new home.

The local centre as a whole is a key component of the overall West of Chichester development and an important element of creating a sustainable community. Its central location means it is within easy walking and cycling distance of every home and its position means it maximises opportunities for social interaction and community linkages. Vistry Homes and Miller Homes are proud to bring the local centre forward and consider the proposals will provide a high-quality group of assets for the benefit of the whole West of Chichester Community.

## **7.0 Planning Policy**

### The Development Plan

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

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Development Strategy and Settlement Hierarchy  
Policy 7: Masterplanning Strategic Development  
Policy 8: Transport and Accessibility  
Policy 9: Development and Infrastructure Provision  
Policy 15: West of Chichester Strategic Development Location  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
Policy 42: Flood Risk and Water Management  
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)  
Policy 48: Natural Environment  
Policy 49: Biodiversity  
Policy 52: Green Infrastructure  
Policy 54: Open Space, Sport and Recreation

National Policy and Guidance

7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 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:

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

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

Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

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

## **8.0 Planning Comments**

8.1 As can be noted from the preceding sections of this report, this is a complex application involving a number of separate components. The format of the assessment - as listed immediately below - therefore initially reviews the merits of those individual components before addressing common issues such as sustainability and certain highway considerations:

- i. Employment provision
- ii. Retail/Residential provision
- iii. Community provision
- iv. Healthcare provision
- v. Play provision
- vi. Landscaping
- vii. Highway issues
- viii. Environmental Sustainability
- ix. Significant conditions
- x. Summary and conclusion

### i. Employment provision

8.2 In terms of its location, site coverage, floor area and storey height the proposed employment provision described at paragraphs 3.5-3.9 above accords with the requirements of the S106 agreement and outline permission parameters as summarised at paragraph 3.4.

8.3 In terms of design, the Design Officer has confirmed his view that in terms of massing, roof form, detailed elevational treatment and materials, the approach to the employment buildings (as outlined at paras 3.7 and 3.8 above) is appropriate. More generally, the contemporary approach to these and the adjacent Local Centre buildings helps to give this key part of the SDL a distinctive character that contrasts successfully with the more domestic and suburban architecture of the surrounding residential parcels. Through their reduced massing and different roof form, the eastern and westernmost employment buildings provide a suitable means of transition between these areas of differing character.

8.4 It is understood that occupiers for the employment buildings have not yet been identified; as noted above, agreement on the marketing of the employment provision is a requirement of the S106 agreement. Consequently, officers have worked with the

developers to ensure that the format of the buildings ensures maximum flexibility in terms of potentially accommodating multiple occupiers (see paragraph 3.9 above). Following amendments to the proposals the Economic Development Officer has confirmed that there are no objections to this element of the proposals.

- 8.5 As can be noted from the LHA's responses above, previous concerns regarding cycle parking and the inclusion of showers have now been addressed. Further, following the receipt of revised plans the LHA has confirmed no objections in terms of access arrangements to the buildings' car parking areas which, in terms of capacity, should prove sufficient to meet parking demand.

#### ii. Retail/residential provision

- 8.6 In terms of its location and storey height the proposed retail/residential building (described in detail at paragraphs 3.10-3.13 above) accords with the requirements of the S106 agreement and outline permission parameters.
- 8.7 The building faces onto the eastern side of the public square and the mix of retail and residential uses should, along with the adjacent commercial, community and education uses, help ensure that there is a good level of activity and surveillance within this part of the Local Centre throughout the day.
- 8.8 The approach to the building's design is broadly consistent with the employment buildings in terms of massing, roof form, materials and elevational treatment, with sufficient interest being added to the building's most prominent elevations. The in-set balconies to the residential flats - to be enclosed by metal-fretwork privacy screens - add further visual interest as well as providing an attractive amenity space for occupiers.
- 8.9 The Housing Officer has raised no objections in terms of housing mix and tenure, with these affordable dwellings completing Phase 1's overall requirements in terms of affordable provision. The mixed retail-residential format is relatively common and there are no in-principle concerns on the grounds of compatibility.
- 8.10 The LHA has confirmed that the proposed level of parking for the building is acceptable, as are its access and servicing arrangements. Details of the marketing of the premises will in due course need to be agreed under the terms of the S106 Retail Provision Scheme (see para 3.4(ii) above), however, the developers have confirmed that it is their hope to attract a national convenience retailer to the site, and the retail unit has been laid out with such an occupier in mind.

#### iii. Community provision

- 8.11 As noted above, the community building element of the Local Centre proposals has been subject to significant amendment during the course of the application, primarily as a result of the developers identifying the YMCA as its potential operator. The YMCA runs a number of similar facilities in nearby districts and, since becoming involved in the project, its representatives have discussed their vision for the facility with a number of CDC officers and members, along with various community representatives and organisations. Following these discussions, a business plan has been prepared by the YMCA, the production of which is a requirement of the S106 Community Building Scheme referred to at paragraph 3.4(iii) above.

- 8.12 The accommodation within the building - as described above at para 3.15 to 3.16 - meets the requirements of the S106 agreement in terms of floorspace quantum. It also broadly meets the agreement's outline specification for the building, including some welcome additions such as the provision of a 'community health room' with waiting room and a 'changing place' which would provide a dedicated equipped changing and toilet facility for people with a wide range of disabilities.
- 8.13 A key component of the building is its 280m<sup>2</sup> hall which would provide a flexible space suitable for, for example, exercise classes, badminton and functions seating up to around 200 people. Various changes to the configuration of the buildings have been made following the input of the Council's Communities and Leisure Sections' officers including the provision of a servery to the hall along with enhanced storage provision.
- 8.14 As referred to earlier in the report, a key component of the YMCA's business plan is the inclusion of a 96-child day nursery which would provide a significant element of cross-subsidy to the building's 'traditional' community elements. This represents a change to the nature of community provision envisaged at the outline stage, however, as noted by the CDC Community Engagement Manager, this is an increasingly common business model for such facilities.
- 8.15 There is no objection to the inclusion of an integral nursery as a facility that includes childcare provision should serve to enhance the overall sustainability of the SDL. Whilst it is noted that the planning permission for the adjacent primary school includes a requirement to provide enough space for a small nursery (should the yet-to-be-appointed operator of the school wish to operate one), there is no in-principle planning reason to prevent two such facilities being in existence in close proximity to each other.
- 8.16 The submitted plans show the nursery and community elements separately accessed off a common atrium area which would contain a café that the YMCA has confirmed would be 'always open' to all members of the public. As well as providing useful income, this element of the facility should help ensure that the building will be a hub for the community where all visitors to the Local Centre will have an opportunity to dwell and interact.
- 8.17 Agreement on the detail of the management arrangements of the facility will be dealt with separately in due course as part of the process of approving the S106 Community Building Scheme. However, in advance of that the developers and YMCA have confirmed a number of matters such as the minimum hours the facility would be available to the community, the benchmarking of room-hire rates with other facilities in the city and the fact that community stakeholders would have an input into the facility's management via a Community Advisory Group.
- 8.18 In terms of the siting of the building and the layout of this part of the SDL, the community building is appropriately located within the heart of the Local Centre, and well-positioned relative to complementary community elements such as the adjacent play area, central square and school. Access to the facility on foot or cycle would be possible from a variety of directions and sufficient cycle parking is provided. For staff and visitors using motorised transport a 52-space car park - to be shared with the adjacent health facility - is provided. This includes a number of accessible spaces and servicing provision along with 8 spaces equipped for EV charging.

8.19 The LHA has confirmed no objection to either the level of provision within the car park or the arrangements for providing access to it from the adjacent second-order street. However, in order to ensure that this part of the Centre operates as safely and efficiently as possible condition 6 below reserves details of 'parking management scheme' for the car park. This will provide a mechanism which ensures that, as the various Local Centre uses come forward, the operation of the car park is periodically monitored and reviewed. The developers have confirmed that the management of the primary school would be invited to take part in the review process, which may prove necessary in the event of the car park being used by some parents for pick-up/drop-off (there is no dedicated facility for the school). In tandem with the production and review of the Travel Plans which must be produced for all Local Centre uses, this should help ensure that sufficient control over the use of the car park is maintained and that sustainable travel choices by users of all of the Centre's buildings are encouraged as far as is reasonably possible.

8.20 In terms of elevational treatment, the building represents a challenge in terms of balancing the functional requirements of the facility - for example a large, full-height hall - against the need for it to respond appropriately to its prominent location within the Local Centre. Following detailed discussions and a number of amendments, the revised treatment of the building is considered acceptable. As noted at paragraph 3.16 above, the use of different roof forms to the building's two most assertive elements helps to provide an appropriate degree of articulation, with areas of recessed brickwork and glazing providing a mixture of horizontal and vertical emphasis where it is necessary to add interest and break up elevations. The rear part of the building is, perhaps unsurprisingly, more utilitarian in character, however, medium-distance views from the spine road (to the south) and closer views from the play area (to the north) will be filtered and softened by enhanced planting along its car park's boundaries.

8.21 As noted at paragraph 3.20 above, provision is made on the southern side of the building for a future extension to the facility to serve the community needs of Phase 2. Draft plans showing a future full height 'large' hall element with scope for linking through to the Phase 1 building's adjoining entrance/cafe element have been submitted for illustrative purposes. Although the design of any extension will need to be the subject of further consideration if and when Phase 2 comes forward, the location and size of the area of 'reserved' land is considered acceptable, and there is no evidence to suggest that a satisfactory design solution cannot be achieved.

8.22 In summary on this issue the proposed community building is considered acceptable in terms of its design, layout and the range of its constituent uses. Likewise, the arrangements in terms of access, servicing and parking are appropriate. The involvement of an organisation with a proven track record of running such facilities is to be welcomed and, subject to the final approval S106 agreement's Community Building Scheme, the building should provide a valuable asset for the newly expanded community of this part of the District.

#### iv. Healthcare provision

8.23 As set out in paragraph 3.22 above, the developers are required by the S106 agreement to set aside land for a Health Facility, rather than to physically provide it. However, in order to demonstrate one means of how the outline planning permission's parameters might be met, they have in this application chosen to include details of a three-storey building of approximately 1200m<sup>2</sup> on the western side of the spine road-secondary street

junction. The location and massing of the building accords with the outline planning permissions parameters, and its elevational treatment and materials are appropriate, being consistent with the approach to the employment buildings located on the opposite side of the spine road. At 1200m<sup>2</sup>, the size of the building accords with the broad floorspace parameters for a GP surgery suggested by the CCG at the time of the outline application.

8.24 The size and location of the part of the site containing the health facility and its (shared) car park meet the requirements of the S106 agreement. Through its consultation response and various discussions during the course of the application the CCG has confirmed its view that, for various reasons, a GP surgery is now very unlikely to come forward at the site within the timescales of the S106 agreement. However, as noted at 3.4(iv) above, the Healthcare Land may be used for a variety of health-related uses and, under the terms of the S106, it must be offered to a range of potential health providers upon the commencement of the Local Centre phase of the development. If in due course it can be demonstrated that there is no demand for the land from any such provider then, at that point, the future of use of this part of the site may need to be re-visited.

#### v. Play provision

8.25 In terms of size, location and the need to provide an equipped play area and MUGA, the proposed play provision meets the requirements of the outline permission's S106 agreement. As noted above, the play area would be easily accessible from a variety of directions and would in due course form part of a larger area that serves the combined needs of both Phases 1 and 2 of the SDL.

8.26 During the course of the application the detail of this provision has been enhanced in order that, amongst other things, a broader range of age groups are catered for by the equipment within the play area, and that the MUGA is accompanied by appropriate provision in terms of fencing, benches and a youth shelter. Following these amendments, the Council's Culture Manager has raised no objections to the proposed play provision, which will be managed and maintained by the SDL's Management Company.

#### vi. Landscaping

8.27 The approach to planting is consistent with that taken elsewhere in Phase 1 with the use of street trees of appropriate species where practicable, along with the use of native hedge and shrub planting to enhance the ecological value of the site and to soften and break-up areas of parking. During the course of the application the number of street-trees has increased significantly and, as mentioned above, planting has also been enhanced within the open space to the north of the community building in order to soften views of its rear part.

8.28 With regard to the landscaped corridor linking to the Western Green Link (see paragraph 2.6 above), a low-key approach has been taken which primarily involves the creation of a meandering hoggin footpath set within grassland margins. Around 30 new oak, chestnut, lime and beech trees are proposed along the path's route to strengthen the existing mature tree belt on the new path's northern side. In order to retain the expansive southerly views that are currently available from this area, no planting is proposed on the path's southern side. The proposals in respect of this area are considered acceptable, however, it is acknowledged that it may be necessary to revisit the treatment of its

southern boundary when proposals for the Phase 2 development to be located on its southern side come forward in due course.

#### vii. Highway issues

- 8.29 A number of matters relating to highway safety, car and cycle parking and encouraging sustainable transport choices are discussed above in relation to individual aspects of the proposals.
- 8.30 With regard to the second order street leading north-west from the spine road, following a number of revisions and the submission of an updated Road Safety Audit the LHA has raised no objections to the minor change to the position of the access to the community/health buildings' car park as recently approved as part of the reserved matters application for the primary school. As explained at paragraph 3.28 above, it is intended that this street will be adopted by the Local Highway Authority and, accordingly, matters relating to its detailed technical design - including traffic calming measures, signage and road markings - will be dealt with separately to this application under the Section 38 adoption process.
- 8.31 As referred to above, a section of the SDL's spine road runs through the application site. The submitted plans indicate a raised table traffic-calming feature encompassing the Centre's staggered, central junction along with other measures such as pedestrian crossing points and the provision of bus stops on either side of the spine road close to the retail building.
- 8.32 The spine road is currently subject to the S38 adoption process and the technical detail of the design of its junctions and traffic calming features is being dealt with separately under that procedure. Similarly, the position of crossings and bus stops, whilst shown indicatively on the plans, are controlled under the terms of the planning conditions attached to the first Reserved Matters approval (ref. 18/01587/REM) which established the alignment and general configuration of the spine road.
- 8.33 The LHA now raises no objections to the revised format of the junctions leading to the retail and employment buildings' car parks from the spine road, with these now giving sufficient priority to pedestrians and cyclists crossing those junctions. Again, the technical details of the design of these junctions will be dealt with under the S38 process.
- 8.34 The tertiary-order street that leads south-east from the central junction will not be adopted and, accordingly, condition 8 below reserves details of measures to restrict parking on the section of this road leading up to the junction. Such control is necessary in order to ensure the effective operation of the temporary provision for the turning of buses described at paragraph 3.5, which the LHA considers to be acceptable.

#### viii. Environmental Sustainability

- 8.35 Final details of the package of sustainability measures to address the various criteria contained in Local Policy 40 (Sustainable Design and Construction), will be secured under the requirements of condition 28 of the outline permission. However, during the course of the application officers have worked with the applicants to secure significantly enhanced commitments in terms of the sustainability credentials of the proposals.



8.36 These can be summarised as follows:

- fabric-first and low energy consumption measures leading to an 21% decrease in CO2 production relative to the requirements of the Building Regulations
- the installation of solar PV panels and Air Source Heat Pumps to each of the buildings within the Local Centre, with the proposed renewable energy systems contributing a further 36% saving in CO2 production
- the use of various water efficiency measures for all buildings within the Local Centre, with a specific aim of a maximum of 105 litres per person per day in respect of the residential units
- the use of sustainable surface water disposal methods as far as is practicable (subject to final approval under the terms of the outline planning permission's conditions)
- the implementation of various biodiversity enhancements through a combination of planting alongside other measures to be secured under the outline permission's conditions.
- cycle storage for staff and visitors along with the production of Travel Plans for individual uses in order to encourage sustainable travel choices

8.37 In conclusion on this issue it is considered that the submitted Energy Statement, which has been reviewed by the Council's Environmental Strategy Unit, demonstrates a good standard of sustainable design and construction in compliance with Policy 40 of the Chichester Local Plan. A commitment to an overall reduction of 57% (increased from 35%) in CO2 production against the requirements of the current Building Regulations is significant and is to be welcomed. As noted above, final details of the package of sustainability measures and its implementation will be secured under the requirements of the outline planning permission's conditions.

#### ix. Significant conditions

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

8.39 Having established that a range of matters are controlled by the outline permission's conditions, the complex nature of this reserved matters application nevertheless results in the need to attach various additional conditions to this approval. A number of these conditions have been discussed in the preceding assessment, however, the most significant of these can be summarised as follows:

- compliance with the submitted landscaping and tree protection measures
- provision of car/cycle/motorcycle parking and waste provision before first use of any building
- the provision of satisfactory evidence of the applicant's intention to offer the second-order street to the LPA for adoption

- details of parking control measures on the tertiary-order street
- control and review of the operation of the community building/health facility car park
- the submission of noise control schemes for the community and retail buildings
- the need for the approval various architectural details
- the stipulation of opening hours for the community and retail buildings

#### x. Summary and conclusion

- 8.40 West of Chichester is one of the Council's key strategic sites for delivering new development during the Local Plan period. The proposals for the Local Centre comprise the final reserved matters application pursuant to the outline planning permission for Phase 1 of the SDL and, based on the preceding assessment, it has been demonstrated that they comply with the relevant development plan policies, the parameters of the outline consent and the obligations contained in its accompanying Section 106 Legal Agreement.
- 8.41 In terms of the detail of the application, following a lengthy process of constructive collaboration between a range of stakeholders the proposals comprise a range of employment, retail, residential and community uses that, alongside the previously permitted primary school and public square, should provide the SDL with a vibrant and diverse hub.
- 8.42 The proposals demonstrate a good standard of design, with a balance struck between providing a level of diversity between individual buildings whilst at the same time maintaining a coherent 'design language'. Whilst the layout ensures that all of the Centre's uses would be readily accessible by non-motorised forms of transport, an appropriate level of parking, and control over that parking, will be achieved within a safe, low speed environment. Meaningful sustainability measures will be incorporated into all of the centre's buildings along with a range of ecological enhancements and generous planting distributed throughout the site.
- 8.43 As noted in the preceding sections of this report, various detailed aspects connected with the proposals will be the subject to further consideration separately to this application, for example, in respect of the adoption of certain highway infrastructure by the LHA, and also in connection with the process of approving the S106 agreement's Community Building, Employment, Retail and Play Area Schemes (see para 3.4 above). However, the proposals have been drawn up with the requirements of these processes fully in mind, and no obvious barriers to satisfying those requirements have been identified at this stage.
- 8.44 On this basis it is recommended that, subject to the planning conditions set out below, reserved matters approval is granted.

#### Human Rights

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

## **RECOMMENDATION**

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

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

**153454-STL-ZZ-ZZ-DR-A-XX-09002** PL07; 09003 PL09; 09010  
**153454-STL-03-00-DR-A-XX-01310** PL02  
**153454-STL-03-01-DR-A-XX-01311** PL02  
**153454-STL-03-02-DR-A-XX-01312** PL04  
**153454-STL-03-ZZ-DR-A-XX-02310** PL02; 02311 PL03;  
**153454-STL-03-ZZ-DR-A-02312** PL03; 02313 PL02; 03311 PL02  
**153454-STL-03-ZZ-DR-A-XX-03310** PL02;  
**153454-STL-05-00-DR-A-XX-01501** PL04;  
**153454-STL-05-01-DR-A-XX-01502** PL02;  
**153454-STL-05-02-DR-A-XX-01503** PL02;  
**153454-STL-05-03-DR-A-XX-01504** PL02;  
**153454-STL-05-ZZ-DR-A-XX-02501** PL1; 02502 PL01; 02503 PL01; 02504 PL01;  
03501 PL01; 03502 PL01;  
**153454-STL-06-00-DR-A-XX-01601** PL03;  
**153454-STL-06-01-DR-A-XX-01602** PL02  
**153454-STL-06-02-DR-A-XX-01603** PL02;  
**153454-STL-06-03-DR-A-XX-01604** PL02;  
**153454-STL-06-ZZ-DR-A-XX-02601** PL01; 02602 PL01; 02603 PL01; 02604 PL01;  
03601 PL01; 03602 PL01  
**153454-STL-07-00-DR-A-XX-01701** PL03;  
**153454-STL-07-01-DR-A-XX-01702** PL02;  
**153454-STL-07-02-DR-A-XX-01703** PL02;  
**153454-STL-07-03-DR-A-XX-01704** PL02;  
**153454-STL-07-ZZ-DR-A-XX-02701** PL01; 02702 PL01; 02703 PL01; 02704 PL01;  
03701 PL01; 03702 PL01  
**153454-STL-08-00-DR-A-XX-01801** PL03;  
**153454-STL-08-01-DR-A-XX-01802** PL01;  
**153454-STL-08-02-DR-A-XX-01803** PL01;  
**153454-STL-08-03-DR-A-XX-01804** PL02;  
**153454-STL-08-ZZ-DR-A-XX-02801** PL01; 02802 PL01; 02803 PL01; 02804 PL01;  
03801 PL01; 03802 PL01;  
**153454-STL-02-00-DR-A-XX-01204** PL03;  
**153454-STL-02-01-DR-A-XX-01205** PL02;  
**153454-STL-02-02-DR-A-XX-01206** PL02;  
**153454-STL-02-03-DR-A-XX-01207** PL03;  
**153454-STL-02-ZZ-DR-A-XX-02205** PL02; 02206 PL02; 02207 PL02; 02208 PL02;  
03203 PL02; 03204 PL02  
**153454-STL-04-00-DR-A-XX-01401** PL02;  
**153454-STL-04-01-DR-A-XX-01402** PL01;  
**153454-STL-04-02-DR-A-XX-01403** PL01;  
**153454-STL-04-03-DR-A-XX-01404** PL02;  
**153454-STL-04-ZZ-DR-A-XX-02401** PL01; 02402 PL01; 02403 PL01; 02404 PL01;  
03401 PL01; 03402 PL01;  
**197241** - 002 Rev B; 004 Rev C; 006 Rev C; 007 Rev A  
**CON22768** - 03; 10 Rev L

**MILL22768** - 11 Rev H (sheets 1-6); 12 Rev K (sheets 1-6); 21 Rev C; 22 Rev B; 23 Rev D

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

2) **No development shall commence** until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the submitted Tree Protection Plan ref: CON22768-03. Thereafter the protective fencing shall be retained for the duration of the works and the development shall be carried out in strict accordance with the recommendations and methodology of the submitted Local Centre Arboricultural Impact Assessment and Method Statement Ref: CON22768aia-ams(Local Centre) dated 3 February 2021 and in accordance with BS5837:2012. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

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

3) **No development in connection with the following architectural details and features shall take place** unless and until detailed technical drawings of the same at an appropriate scale have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details:

- Eaves and parapet wall details
- Glazing and window profiles and reveals
- Vertical shadow gap joints
- Rainwater goods
- Balcony screens and railings
- Areas of recessed and textured brick

Reason: To control the detail of the development in the interests of ensuring a development of visual quality

4) **No above-ground development in respect of the community and healthcare buildings hereby permitted** shall commence unless and until:

(i) evidence has been provided to the Local Planning Authority's satisfaction to demonstrate confirmation of the applicants' stated intention to enter into an agreement under Section 38 of the Highways Act 1980 with the West Sussex County Council Local Highway Authority in respect of the construction of the road and associated junctions, footways, traffic calming features, road lining and signage shown indicatively on the submitted drawings within the area demarcated on the Adoptable Highway Plan ref: 197241-008 A; or

(ii) in the event of an agreement under Section 38 not being entered into, full technical details of the above-mentioned highway infrastructure along with measures for its maintenance and the mechanism for the ongoing review of its effectiveness (including the means of undertaking enforcement in respect of any unauthorised parking) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the agreed measures, maintenance arrangements and review mechanism shall be implemented in their entirety before first occupation of the school and thereafter maintained or carried out (as appropriate) for the lifetime of the development.

Reason: To accord with the applicants' stated intention to offer the above-mentioned road for adoption by the LHA and, in the scenario of adoption not taking place, to ensure that it is constructed, marked and signed to a suitable standard and thereafter maintained and monitored appropriately, in the interests of highway safety.

**5) No development in respect of the healthcare facility shall take place** unless and until detailed floor plans have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the permitted plans.

Reason: To control the detail of the development in the interests of proper planning.

**6) The community and healthcare buildings hereby permitted shall not be brought into use** unless and until a scheme that sets out measures relating to the control and periodic review of the operation of their accompanying car park has first been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the scheme shall include provision for consultation with both the development's management company and the operators of other Local Centre uses as part of the review process and shall be implemented prior to the first use of either building.

Reason: To ensure that car parking within the Local Centre operates effectively and in the interests of highway safety.

**7) No building hereby permitted shall be brought into use** unless and until provision for the turning of buses has been made in accordance with application drawing 197241-007 entitled Temporary Bus Turning Route. As soon as is reasonably practical following completion of the primary highway infrastructure serving both Phases 1 and 2 of the West of Chichester Strategic Development Location the temporary access onto the street between employment buildings 2 and 3 shall be stopped-up and the adjoining footway and boundary treatment reinstated in accordance with the approved plans.

Reason: To ensure that there is no impediment to the site being adequately served by public transport and to secure the removal of the temporary turning arrangements when they are no longer required.

**8) No building within the Local Centre (as defined by the S106 Legal Agreement dated 11 April 2018) shall be brought into use** unless and until details of measures to control and, where necessary, prevent on-street parking on the street located between employment buildings 2 and 3 have been submitted to and approved in

writing by the Local Planning Authority. Thereafter the agreed measures shall be implemented in their entirety before first operation of any bus service and thereafter maintained for the lifetime of the development.

Reason: To ensure that on-street parking is adequately controlled in the vicinity of the street's junction with the spine road and that buses are able to utilise the turning provision required under the terms of condition 7, in the interests of highway safety.

9) **No building hereby permitted shall be brought into use** unless and until provision for the storage of waste associated with it has been made in accordance with the approved plans. Such provision shall thereafter be retained in perpetuity for the stated purpose

Reason: To ensure appropriate provision is made for the storage of waste.

10) **Prior to first use of the retail premises hereby permitted** details of a scheme to manage operational noise associated with it shall be submitted to and agreed in writing by the Local Planning Authority. The premises shall thereafter not be operated other than in accordance with the agreed scheme.

Reasons: To safeguard the amenities of neighbouring properties

11) **Prior to first use of the community centre premises hereby permitted** details of a scheme to manage operational noise associated with it shall be submitted to and agreed in writing by the Local Planning Authority. The premises shall thereafter not be operated other than in accordance with the agreed scheme

Reasons: To safeguard the amenities of nearby residents.

12) **Prior to the first use of the buildings hereby permitted** provision for the motorcycle, bicycle and car parking (including EV charging) associated with them shall be made in made in accordance with the approved plans. Such provision shall thereafter be retained at all times for its designated use. For the avoidance of doubt (i) the dual use car park serving the community and health buildings shall be provided in its entirety before first use of either building; and (ii) the secure cycle parking serving the employment buildings shall be available for use by all users of those buildings.

Reason: To ensure the provision of adequate car and cycle parking for the development

13) **Prior to first use of any junction hereby permitted** the visibility splays associated with it shall be provided in accordance with application drawing 197241-004 C. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres measured above the adjoining carriageway level or as otherwise agreed.

Reason: In the interests of highway safety

14) **No building hereby permitted shall be brought into use** unless and until the solar panels and Air Source Heat Pumps associated with it have been installed in accordance with details to be approved pursuant to condition 28 of application reference 14/04301/OUT and are ready for use.

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

15) **Prior to occupation of the 375th dwelling comprised in outline planning permission 14/04301/OUT** the proposed footpath and bench located within the landscaped corridor linking the public open space to the Western Green Link shall be provided in accordance with the approved plans.

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

16) All soft landscape works shall be carried out in accordance with the approved details and plans and specifications as listed below and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Unless an alternative implementation programme is submitted to and agreed by the Local Planning Authority under the terms of this condition **these works shall be carried out no later than the first planting season following the commencement of development**. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority:

- Soft Landscape Proposals drawings 11 sheets 1 to 6 (all revision H)
- Submitted Soft Landscape specification ref: MILL22768 spec

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

17) 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 in any other statutory instrument amending, revoking and re-enacting the Order, the retail floorspace hereby permitted shall be used for purposes within Use Class E(a) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure that adequate retailing provision is retained in order to serve the needs of the development in accordance with the provisions of the governing outline planning permission and the requirements of Local Plan Policy 15.

18) 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 in any other statutory instrument amending, revoking and re-enacting the Order, the employment floorspace hereby permitted shall be

used for purposes within Use Class E(g)(i) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure that adequate and appropriate employment provision is retained in order to meet the needs of the locality in accordance with the provisions of the governing outline planning permission and the requirements of Local Plan Policy 15.

19) 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 in any other statutory instrument amending, revoking and re-enacting the Order, the healthcare facility hereby permitted shall be used for purposes within Use Class E(e) or as a pharmacy only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure that adequate and appropriate healthcare provision is retained in order to meet the needs of the locality in accordance with the provisions of the governing outline planning permission and the requirements of Local Plan Policy 15.

20) The community centre hereby permitted shall not be used other than as a mixed use comprising a day nursery and a community facility in accordance with the submitted plans and details.

Reason: To clarify the sui-generis nature of the use and to ensure that adequate and appropriate community provision is retained in accordance with the provisions of the governing outline planning permission and the requirements of Local Plan Policy 15.

21) The retail premises hereby permitted shall not be open to the public except between the hours of 07.00 and 23.00.

Reason: To safeguard the amenities of nearby residents.

22) The community centre premises hereby permitted shall not be open to the public except between the hours of:

- 07:00 to 24.00 Monday to Saturday; and
- 08.00 and 22.00 on Sunday

Reason: To safeguard the amenities of nearby residents



## 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 in the National Planning Policy Framework.
- 2) This permission shall be read in conjunction with the planning conditions imposed on the outline consent 14/04301/OUT, and the associated Legal Agreement, dated 11th April 2018, made under Section 106 of the Town and Country Planning Act 1990.
- 3) You are reminded that, notwithstanding the information contained in the submitted plans in connection with various detailed matters such as external materials, ecological mitigation and enhancements and sustainability measures, where the approval of the same or similar details is also a requirement of the conditions of the outline planning permission, those conditions and the details approved pursuant to them shall take precedence.
- 4) With regard to conditions 10 and 11 the noise management schemes should include, amongst other things, details of measures and practices to mitigate the impact of those uses on nearby residents with particular regard to the early morning and late evening periods.
- 5) You are reminded that full details of the EV charging provision must be provided prior to commencement of the Local Centre phase as required by condition 23 of outline permission reference 14/04301/OUT.

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QOMJLBERM5900>

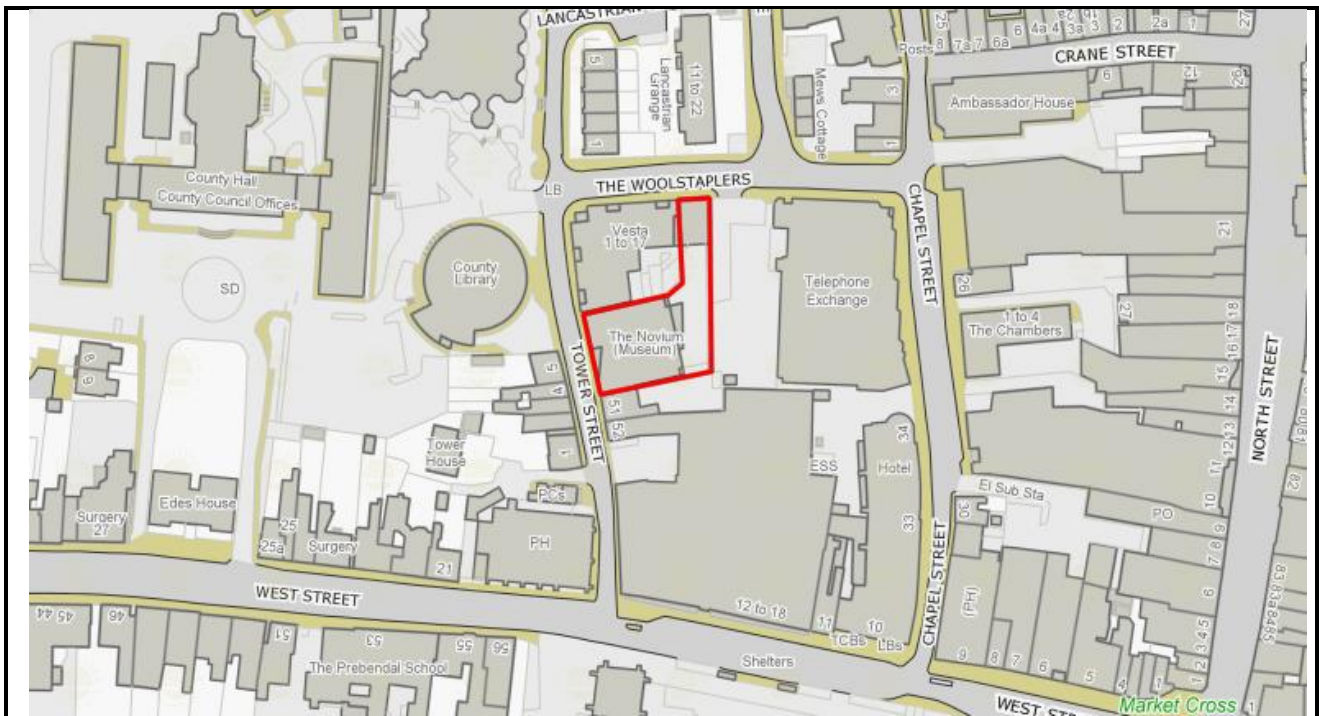
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Parish: Chichester	Ward: Chichester Central
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**CC/21/03166/ADV**

<b>Proposal</b>	Installation of 3 no. non-illuminated banners.		
<b>Site</b>	The Novium Museum & Tic 1 Tower Street Chichester PO19 1QH		
<b>Map Ref</b>	(E) 485915 (N) 104918		
<b>Applicant</b>	Chichester District Council	<b>Agent</b>	Keith Williams Architects

**RECOMMENDATION TO PERMIT**



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**1.0 Reason for Committee Referral**

1.1 Chichester District Council is the applicant.

## **2.0 The Site and Surroundings**

- 2.1 The application site is a large contemporary building, constructed in 2012, located to the east of Tower Street within Chichester City Centre. The building incorporates a cubic turret at the northern end and is concrete rendered with a glazed entrance frontage to the ground floor western elevation. The building houses the remains of Roman baths within the basement. Existing signage is located to the south elevation of the turret, as well as above the entrance frontage, and consists of steel lettering.
- 2.2 The application site is within the Chichester Conservation Area, and is adjacent to 51 and 52 Tower Street, which are Grade II listed buildings located to the south. Opposite the museum to the west of Tower Street are the West Sussex Country Library, The Cottage and 2-4 Tower Street, which are also Grade II listed.

## **3.0 The Proposal**

- 3.1 The application seeks advertisement consent for the installation of 3 no. non-illuminated banners to the Novium Museum Tower Street facade at first floor level. The proposal has been amended during the course of the application to reduce the number of banner signs from 4 to 3.
- 3.2 Overall, the installations would measure: 3.80m (h) x 0.75m (w) x 0.10m (d), with a maximum projection of 0.75m from the face of the building. The banner would measure 3.58m (h) x 0.60m (w). The maximum height of individual lettering and symbols would be 0.20m.
- 3.3 The materials would include an aluminium fitting frame with stainless steel fixings with PVC-free polyester Blockout 450gsm Banner, printed on both sides.

## **4.0 History**

08/03201/REG3	PER	Erection of new 3 storey Chichester District Museum plus exposed Roman archaeology at basement level. Main servicing access to east of building in location of existing access point.
14/03097/ADV	PER	Fascia sign 2 no. in stainless steel, stating 'The Novium Museum' on both the south elevation and west elevation (over the entrance along Tower Street).
19/02062/PREOT	ADVGIV	Advertising banner on side of the building and biomass hopper to rear of the building and possible terrace canopy.

## 5.0 Constraints

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

## 6.0 Representations and Consultations

### 6.1 Parish Council

None received.

### 6.2 CCAAC

The Committee has no objection to this application.

### 6.3 CDC Conservation and Design Officer

#### *Original plans*

The Chichester Conservation Area is generally characterised by modestly scaled ground floor level adverts of a more traditional appearance such as fascia and projecting signs. High level adverts of the type proposed here can often be incongruous in such a setting. Traditional pub signs at first floor level and banners on public buildings can be notable and exceptions, however. The context of Tower Street is quite constrained and highly historic, with the museum being within the setting of several listed buildings. Four banners would contribute to a sense of visual clutter which could be mitigated by the reduction of their number to two. This should not markedly reduce the effectiveness of the overall scheme.

There is a balance to be struck in the application between a small amount of harm to the conservation area and a level of public benefit in allowing prominent and higher-level adverts on a public that provides a clear and valuable public service. I think a reduction in the number of banners will strike that balance quite well.

### 6.4 Third party comments

No third party representations have been received

## 7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the 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 principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 10: Chichester City Development Principles

Policy 47: Heritage

Chichester Local Plan Review Preferred Approach 2016 - 2035

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

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 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:

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

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

- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.5 Consideration should also be given to the following sections:

Sections 2, 4, 7, 12, 16.

Paragraph 136 is considered to be particularly relevant. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

7.6 The following statutory instrument is also relevant:

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

#### Other Local Policy and Guidance

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

- Chichester District Council Shopfront and Advertisement Design Guidance Note (revised June 2010)
- Chichester Conservation Area Character Appraisal

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

- Support local businesses to grow and become engaged with local communities
- Coordinate and promote services that help those living with low level mental health conditions

## **8.0 Planning Comments**

8.1 Paragraph 136 (p.40) of the NPPF states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (The Regulations) establish that a local planning authority shall exercise its powers in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. Therefore, the main considerations are:

- i. Amenity and the impact upon the character of the area and heritage assets, and
- ii. Public safety.

### Assessment

i. Amenity and the impact upon the character of the area and heritage assets

8.2 According to the regulations, factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural, or similar interest, which are applicable in this application.

8.3 The Novium Museum is itself a key heritage and tourism site within the city. The Chichester Local Plan recognises the necessity to balance the provision of visitor facilities against the need to safeguard the character of an area by preserving the quality of cultural heritage and the historic environment. The Chichester Conservation Character Appraisal notes the museum's location of Tower Street to be more open than adjacent West Street, due to the replacement of historic buildings with modern buildings of mixed usage, scale and architecture. While the museum's immediate vicinity is surrounded to the south and west by historic buildings and is constrained as a result, the appraisal notes that that the Tower Street streetscape provides opportunities for 'very good long views, especially from the City Walls'. The preservation of these views through the avoidance of unnecessary street clutter within the historic context is, therefore, an important consideration.

- 8.4 Chichester District Council's Shopfront and Advertisement Design Guidance Note recognises that within the historic city, projecting signs are not normally allowed, but along narrower subsidiary streets where fascia signs are not easy to view, projecting signs can be considered on their individual merits and judged against the character of the building and surrounding townscape.
- 8.5 The proposed Novium advertisements are considered to be high-quality, and their contemporary design and materials would be complementary to those of the host building. Due to their proposed elevated position the signs would enhance existing signage, enabling improved visibility within the narrow southern end of Tower Street. They would also provide more effective promotion of the Museum which is a cultural asset and tourist attraction within the city centre, particularly from the direction of West Street.
- 8.6 It was considered that the originally proposed 4 no. banners would result in unnecessary clutter to the street scene, thereby harmfully impacting the character of the area, including the adjacent Grade II-listed properties. Successful negotiations have resulted in a reduction in the number of banners to be displayed, reducing the number from 4 to 3, and ensuring their siting away from the southern boundary with 51 and 52 Tower Street. It is assessed that this reduction and re-positioning enables the required balance, between preserving the character of the area with its heritage assets and supporting the provision of a high-quality visitor attraction, to be achieved.

ii. Public Safety

- 8.7 The CDC Shopfront and Advertisement guidance states that a sign projecting over the Public Highway will need to propose a minimum vertical clearance of 2.6 metres to the underside of the sign, and a minimum horizontal clearance between the sign and the carriageway of 0.45 metres. The proposed advertisements satisfy these criteria as the vertical clearance of the projecting banners would be 3.75 metres, and the horizontal clearance between the sign to the carriageway would be 1.05 metres. It is, therefore, assessed that the proposed advertisements would not impact public safety as they would be sited sufficiently beyond the boundary of the highway and would not obstruct highway visibility or distract motorists.

Conditions

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

Conclusion

- 8.10 Based on the above assessment of amenity and public safety, the proposed advertisements are considered to be acceptable. The revised proposal complies with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended, and the application is therefore recommended for approval.



## Human Rights

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

## **RECOMMENDATION**

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

1) The works associated with the display of the advertisement(s) hereby permitted shall not be carried out other than in accordance with the plans listed below under the heading "Decided Plans".

Reason: For clarity and in the interest of proper planning.

## **Decided Plans**

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

Details	Reference	Version	Date Received	Status
PLAN - LOCATION PLAN	291_A_0400	P	10.11.2021	Approved
PLAN - SECTION	291_A_0403	P	10.11.2021	Approved
PLAN - BANNER FIXING DETAILS	291_A_0405	P	10.11.2021	Approved
PLANS - Plans PLAN -	291_A_0401	P01	08.02.2022	Approved
PLANS - Plans PLAN -	291_A_0402	P01	08.02.2022	Approved
PLANS - Plans PLAN -	291_A_0404	P01	08.02.2022	Approved
PLANS - Plans PLAN -	291_A_0406	P01	08.02.2022	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 Louise Brace on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R1OYJBERH0800>

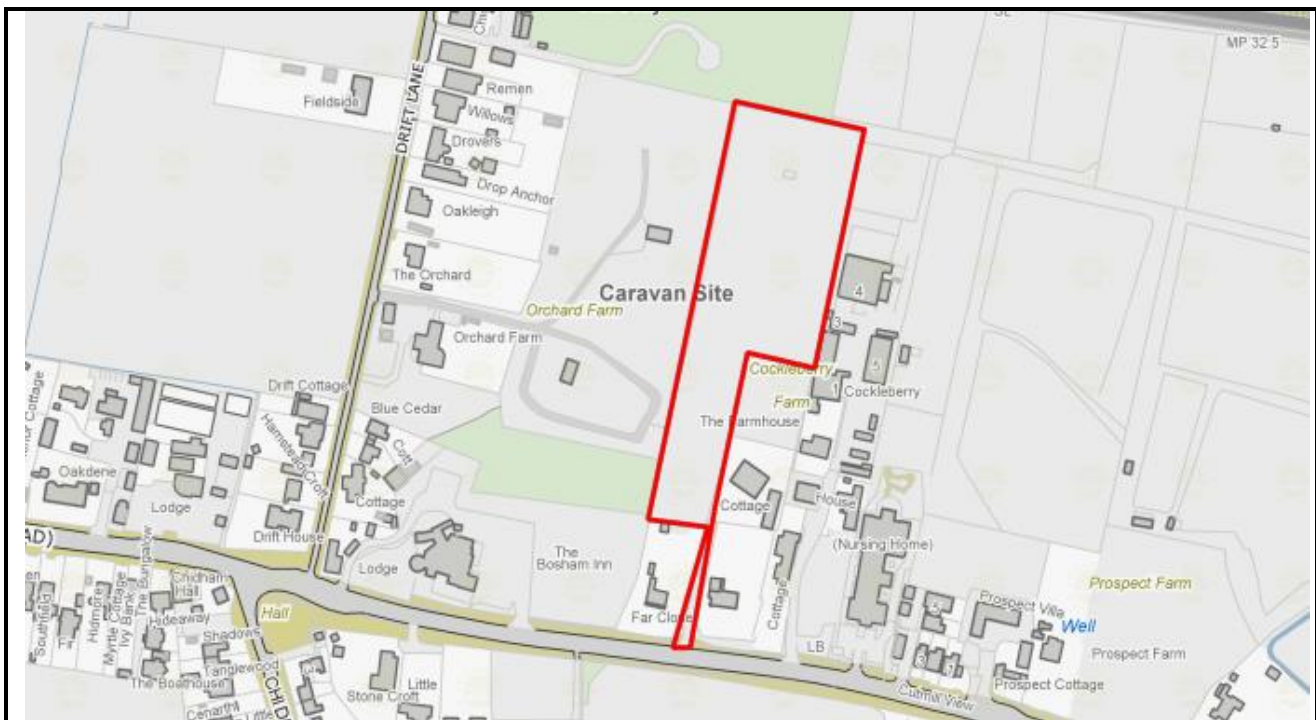
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Parish: Chidham & Hambrook	Ward: Harbour Villages
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**CH/20/01854/OUT**

<b>Proposal</b>	Outline permission for 26 no. dwellings with access, public open space, community orchard and other associated works (with all matters reserved except for access).		
<b>Site</b>	Chas Wood Nurseries, Main Road, Bosham, PO18 8PN		
<b>Map Ref</b>	(E) 479493 (N) 105445		
<b>Applicant</b>	Grand Holdings	<b>Agent</b>	Other WYG - Southampton

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT**



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**1.0 Reason for Committee Referral**

- 1.1 Red Card: Cllr Adrian Moss - Important information / opinion to raise in debate (application was submitted as 19 dwellings and has since been altered to 26 dwellings. Application needs resubmitting and full consultation undertaken)
- 1.2 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The 1.31ha irregular shaped site, is located on the north side of Main Road (A259) and comprises a former plant nursery (previously known as Chas Wood Nurseries). The site lies within the Rest of the Plan Area (i.e. outside any defined Settlement Boundary), within the Parish of Chidham and Hambrook. The application site lies approximately 0.7km to the east of the Settlement Boundary of Nutbourne and approximately 1.4km west of the Settlement Boundary of Broadbridge. Nutbourne and Broadbridge are described as 'Service Villages' in the Chichester Local Plan (CLP), with a reasonable range of everyday facilities and reasonable road and public transport links, including on-road cycle lane east-west along Main Road.
- 2.2 The site is set (approximately 65m) back from Main Road by existing residential development, with access to the site gained via a shared accessway. Far Close and Oaklands are situated on the west and east sides of the access respectively, and Avenue Cottage is located directly at the end of the access road. All of which comprise detached dwellings set within generous plots.
- 2.3 The site lies (approximately 80m) to the north of the northern boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB), which runs along the southern side of Main Road. The site is well contained, relatively flat and lies within Flood Zone 1.
- 2.4 The site itself includes several derelict structures; however, most of the site has been cleared. There are a number of trees and bushes within the site, the majority of which are situated on the boundaries.
- 2.5 To the east of the site are a mix of buildings and uses. These include Cockleberry Farm which has a number of commercial uses and is the subject of a separate planning application (ref.21/02361/FUL). Beyond Cockleberry Farm are existing care homes, a car showroom and vehicle repair garage and further individual dwellings. To the west of the application site is the grade II listed Bosham Inn Public House and its car park, an existing caravan storage site and a touring caravan site, to which a separate planning application relates (ref.21/02303/OUT). Directly opposite the site to the south are agricultural fields and the Chichester Harbour AONB. To the north is an existing field, beyond which lies the east-west main railway line.
- 2.6 The site lies within an area where new development may impact upon multiple sensitive ecological sites including the Chichester Harbour SSSI, Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar, Solent Maritime Special Area of Conservation (SAC), and the Singleton and Cocking Tunnels SAC. The south-west corner of the site also falls within a proposed Strategic Wildlife Corridor.

## **3.0 The Proposal**

- 3.1 This Outline application seeks approval for the principle of development for 26 dwellings, 31% (8) of which would be affordable, with only access to the site considered at this Outline stage. The remaining matters pertaining to appearance, scale, landscaping and layout are reserved for future consideration. Notwithstanding those matters reserved, the

Outline application has been considered in a high level of detail following consultee responses and comments from third parties, with an illustrative layout showing details of the proposed building types, parking, landscaping, ecological mitigation and area of public open space.

3.2 The primary access to the site would be taken from the A259 (Main Road), to the south of the site. The simple priority T-junction would measure 5.5m wide (for the first 4.5m and then narrowing to 4.8m wide) with a 6m radii at the bellmouth of the new junction and will achieve suitable visibility splays commensurate with the 40mph speed limit in force at this location; and, with the speed limit of 60mph to the east and 50mph to the west. A 1.5m wide footway would be created to the western side of the new access, with pedestrian movement across the access facilitated by an uncontrolled crossing in the form of dropped kerbs and tactile paving. Dropped kerbs and tactile paving would also be provided at the existing gateways serving Far Close and Oaklands.

3.3 The application seeks approval for the principle of a housing development on the 1.31ha site with an overall mix comprising:

Size	Market Housing Mix	Affordable/ Social Rented Mix	First Homes	Shared Ownership	Total
1-bed	2	2	0	0	4
2-bed	6	2	2	0	10
3-bed	7	1	0	0	8
4-bed	3	1	0	0	4
Total	18	6	2	0	26

3.4 The proposal indicates the provision of 18 (69%) open market dwellings and 8 (31%) affordable dwellings, in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD. Based on the site area the overall density of housing equates to approximately 20dph.

3.5 Layout, scale, appearance and landscaping are all reserved matters, but the applicant has provided an illustrative layout, showing how the development of 26 homes might be delivered. Key features to note in plan, which are required to be secured through the S106 Agreement and will be carried forward into any reserved matters submission are: the inclusion of a community orchard within the proposed Strategic Wildlife Corridor to the south-west corner of the site and the provision of Public Open Space (POS) to the north-east of the site. Drainage ditch buffers with maintenance access are also shown on the illustrative layout and are recommended to be secured by condition.

3.6. Amended plans have been received during the course of the application, which resulted in the quantum of development increasing by 7no. dwellings (i.e. was previously 19 dwellings and now 26). Other amendments include alterations to the layout, such as the provision of a community orchard. Considering the amendments, a full 21-day re-consultation was carried out for the application. Further clarification was also sought regarding land ownership matters. The applicant confirms all land is within the applicant's ownership and has re-submitted plans to ensure the 'red-line' is correct.

3.7 As noted above, there are other applications in close proximity to the site which are considered relevant. These are as follows:

21/02303/OUT: Caravan and Camping Site, Orchard Farm, Drift Lane, Bosham - Outline Application (with all matter reserved except Access) for the demolition of caravan repair building, cessation of use of land for caravan storage and removal of hardstandings and erection of 6 no. 3 bed chalet bungalows and 3 no. 2 bed bungalows. Pending consideration.

21/02361/FUL: Cockleberry Farm, Main Road, Bosham - Demolition of existing warehouse buildings, B8 container storage, residential caravans/park homes and stables and the erection of 9 no. dwellings and associated works including landscaping and access alterations. Pending consideration.

#### 4.0 **History**

17/03626/OUT	REF	Construction of 10 no. dwellings. Appeal dismissed in February 2019 (PINS ref: APP/L3815/W/18/3208546).
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#### 5.0 **Constraints**

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

#### 6.0 **Representations and Consultations**

##### 6.1 **Chidham and Hambrook Parish Council**

*Further comment received 11.05.2021*

We have looked in detail at the proposed new layout and increase in houses and our initial submission still stands with these additional comments:

1. We consider the addition of seven dwellings to be overdevelopment of the site resulting in insufficient public open space or amenity.

2. The access road has been widened and fences erected on either side. There seems to be some dispute over the possible encroachment on to the two neighbouring properties. Both houses are currently empty, one being the subject of Probate and the other with the owners abroad. The Executor of 'Far Close' has claimed that there has been encroachment on the southern and eastern boundaries which puts the footway in question. This needs to be investigated before any permission is granted. The ability to provide a footway would be crucial for any development.

3. The CDC Coastal & Drainage Report advises that a 3-metre buffer would be required on the southern and western boundaries to ensure maintenance could be carried out to the watercourse. This would result in the gardens of those properties being unacceptably small.

4. The revised ecology report from Kingfisher, dated March 2021, is for 19 houses not 26. It confirms what we know to be the case with this site - that vegetation has been significantly cleared thereby destroying potential habitat for protected species. This has happened between June 2020 and March 2021. The site was also cleared of scrub and vegetation prior to the last planning application for ten homes in 2017, leaving bare earth and destroyed habitats. It is essential that surveys are carried out between March and August to survey bird breeding on the site. There is also no mention of the stream on the western boundary.

5. There is now a proposal for an orchard in place of a tennis court. Orchards require significant maintenance but there are no details as to how this will be achieved or who will manage it.

6. There is no nitrate neutrality strategy. The calculations submitted are based on 19 houses, not 26.

*Further comment received 15.12.2020*

In October 2020 Chichester District Council formally adopted its Interim Position Statement on Housing, against which planning applications will be judged.

We believe that this application is contrary to many of its criteria which guide development.

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

The site is at least 700m from the settlement boundary and is not contiguous with any part of it. It is not integrated within the settlement. The nearby built environment is of a few houses sporadically located going east towards Bosham. Development here would have implications for the settlement boundary.

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

Hambrook and Nutbourne may be classified as a service village but it has a poor range of facilities. The site is within walking distance of the Primary School, pub, 700 bus service (which is the only one) and the train station with an hourly train. However, the nearest convenience store is just over a mile away and there are no medical facilities. There are few employment opportunities with the village. It would therefore be necessary for anyone wanting to access necessary services to do so by car.

5. Proposals should demonstrate that development would not have an adverse impact on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views and intervisibility between the South Downs National Park and the Chichester Harbour AONB.

Although the site is not in the AONB of Chichester Harbour it is a very short distance away and separated only by Main Road.

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

The site is immediately adjacent to the proposed wildlife corridor essential for maintaining the movements and habitats of our all-important wildlife. There is no doubt that a development of this size and the human activity from 19 households will have a damaging impact. The Supporting Statement asserts that the remaining vegetation has little ecological value. We would like to see the evidence for this especially as the site was virtually cleared of all trees and vegetation prior to the last application.

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

The opportunities for pedestrian links are compromised by there being no access to the site unless shared with vehicles.

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

This has not been demonstrated. There is no strategy as to how nitrate neutrality could be achieved either directly or indirectly.

*Original comment received 21.09.2020*

This is an opportunistic application submitted prematurely. A previous application was refused in 2018 and the numbers have effectively doubled and the circumstances around the development site haven't changed. This is a significant number of houses and in our opinion is over development.

- The site is well outside the settlement boundary and extends it to the East.
- The main access from Main Road is a single lane track and comes out onto Main Road where the transition from 40mph to 60mph is 100 m to the east. Traffic often does not slow down when coming west. The width of the access is 5.1 m and there would not be adequate width for a footway in or out of the development. This would be hazardous for pedestrians if vehicles were turning into the development.
- The mix of housing is not appropriate. The parish housing stock is heavily skewed towards larger 4+bed housing and there is a need for smaller units. The 5 bed in particular is not housing that is required for local people. There are no 1 bed units.



- There is no detail on the market and affordable housing mix or the tenure.
- There is no evidence that a tennis court is needed in the Parish. This would be high maintenance and if it were adopted by the Parish would be a high financial burden. Alternatively, if it were managed by a company it is doubtful that the residents of 19 houses would be willing to foot the bill for a public amenity of this nature.
- There are no details on nitrate mitigation or how this would be managed.
- There would be Impact on the AONB and the wildlife corridor which is in close proximity.
- Street lighting is at odds with the Parish Council's commitment to low level lighting in areas adjacent to the AONB through the Dark Skies policy.

## 6.2 Natural England

*Further comment received 03.11.2021*

Summary of Natural England's advice.

No objection - subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

- Have an adverse effect on the integrity of Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, and Solent Maritime Special Area of Conservation (SAC).
- Damage or destroy the interest features for which Chichester and Langstone Harbours Site of Special Scientific Interest Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Financial contributions to the Bird Aware Scheme.
- The conversion of the 1.25ha of arable farmland at Chilgrove Farm, Chilgrove, Chichester (Grid Reference: SU 832 135) to woodland, with trees planted at a density of 100 trees per hectare.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

*Further comment received 10.06.2021*

Summary of Natural England's advice.

Further information required to determine impacts on designated sites

As submitted, the application could have detrimental impacts on Chichester Harbour Site of Special Scientific Interest (SSSI) and potential significant effects on Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, as well as Solent Maritime Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. provide a Habitats Regulations Assessment (HRA).
- How the increase in nutrients from the proposed development will be mitigated and how these measures will achieve nutrient neutrality in perpetuity.
- How any likely significant effects arising from an increase in recreational disturbance will be avoided and/or mitigated.

Without this information, Natural England may need to object to the proposal.

*Original comment received 13.09.2020*

Summary of Natural England's advice.

Further information required to determine impacts on designated sites.

Habitats Regulations Assessment - waste water and recreational disturbance impacts on Solent European sites

As the proposal will result in a net increase in dwellings, could have potential significant effects on the Solent Maritime Special Area of Conservation (SAC) and Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site through increased nutrients and recreational disturbance. Natural England requires further information on the mitigation measures to avoid an adverse effect on the integrity of the sites.

The following information is required:

- Mitigation measures designed to avoid an impact from the 28.33kgTN/year (Nutrient Neutrality Report, July 2020), in combination with other nutrient inputs, on the receiving waters predicted as a result of the proposal.

Any proposed nutrient mitigation measures and measures to avoid recreational disturbance impacts may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Without this information, Natural England may need to object to the proposal.

### 6.3 Environment Agency

*Further response received 28.09.2021*

On the basis that the proposed development will connect to the mains foul drainage system, we remove our objection to the proposal as submitted.

*Original response received 31.08.2021*

We have reviewed the application and request further clarification on the points below before submitting our formal response to the proposal.

- Please could we see evidence that a formal application for connection to public foul sewer has been made by the applicant and that Southern Water are able to accept the proposed flows.
- Please confirm SUDS developments will be maintained to minimise flows into public foul sewers and to prevent any pollution or nutrient enrichment entering the Harbour.
- Please confirm mitigation measures will be put in place during site development to prevent sediment pollution entering the local watercourse and potentially impacting on the harbour.

#### 6.4 National Highways

*Further comment received 18.10.2021*

National Highways previously responded to this planning application on 1/12/2020 and 30/4/2021. In both responses we offered no objection provided that the applicant makes a relevant contribution to the A27 mitigations required in the Chichester Local Plan.

This proposal will add to the cumulative impact of the Local Plan allocations on the A27 especially at the Fishbourne roundabout and so should make a contribution towards junction improvements. We consider that the additional impact can be mitigated with relatively straight forward modifications to the Local Plan schemes. Accordingly, this development should make a contribution of £46,878 (26 x £1,803) (index linked) in line with Chichester District Council's SPD Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass.

*Further comment received 30.04.2021*

Highways England offers no objection to the proposals on highways traffic impact grounds provided that the applicant makes a relevant contribution to the A27 Local Plan mitigations in line with Chichester District Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'. As the development would fall within the 'Southbourne development zone' allocation, it would be required to make a contribution of £46,878 (26 x £1,803).

*Original comment received 01/12/2020*

Highways England offers no objection to the proposals on highways traffic impact grounds provided that the applicant makes a relevant contribution to the A27 Local Plan mitigations in line with Chichester District Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'. As the development would fall within the 'Southbourne development zone' allocation, it would be required to make a contribution of £34,257 (19 x £1,803).

#### 6.5 Network Rail

No objection.

## 6.6 Southern Water

*Further comment received 12.05.2021*

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial properties to connect with the current capacity in the network, pending network reinforcement to provide capacity for the remaining properties. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required. Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24 month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required).
- Detailed design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied: *'Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development'*.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

We request that should this application receive planning approval, the following condition is attached to the consent: *'Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water'*.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers

*Original comment received 07.09.2020*

The exact position of the public sewer must be determined on site by the applicant.

Please note:

- The 150 mm diameter gravity foul sewers requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication 'A Guide to Tree Planting near water Mains and Sewers' and the Sewerage Sector Guidance with regards

to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

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

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.

Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

We request that should this application receive planning approval, the following condition is attached to the consent: *'Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.'*

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

## 6.7 Sussex Police

No major concerns with the proposal; however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

## 6.8. WSCC Education and Skills Directorate

*Further comment received 27.01.2022*

A Holding Objection was made to the application on 23 December 2021 in order for the County Council as Local Education Authority (LEA) to complete an assessment of educational provision in the Bourne School Planning Area, which the above application comes under.

The County Council can enter a legal agreement and collect financial contributions for education provision including for the expansion of an existing school, or the provision of a new school. However, if there is not a school in the School Planning Area which can be expanded, or there is no land available for a new school, then education provision cannot be provided to mitigate children from proposed new development. Which means, there may be no local school that the pupils arising from the development can attend. For the LEA the availability of land or expansion potential is as necessary as a monetary contribution from a developer in order to ensure the impacts of the site can be mitigated. We cannot simply take a financial contribution to mitigate the impact of the development if no such possibility exists within the education planning area.

Following the publication of the Interim Position Statement on Housing by the District Council, which aimed to maintain a 5-year housing land supply, a number of windfall applications have been submitted, including in the Bourne School Planning Area. These unallocated sites coming forward for development will increase the need for school places in the area; these have not been planned for through the Local Plan or school place planning process. Therefore, the windfall sites coming forward, in combination with the delay of the Southbourne Neighbourhood Plan, (which identifies a new education facility and provided a solution to the lack of school places available when considering proposed allocations and could potentially have been expanded), has led to the need to complete another education assessment of the area to ensure mitigation could be achieved and if so whether that was through expansion of existing or a further new school, as a result of these windfall applications.

Since December, the County Council as LEA has been investigating whether any primary school in the School Planning Area could be expanded further in order to accommodate the additional children from this application site, and other development sites in the Bourne School Planning Area. This has entailed an assessment of existing school sites, meetings with stakeholders and internal discussions. These have necessarily needed to take place before we could have any confidence that we were able to house the pupils arising from the current development site proposals.

County Council as LEA can now inform Chichester District Council, as determining authority, that a potential way forward has been identified through the expansion of a school in the Bourne School Planning Area, in addition to expansions already planned as a result of allocated housing developments. While it is at an early stage and feasibility,

design and consultation will need to be undertaken, the County Council as LEA, will pursue this solution which can provide education mitigation for the proposed development.

As for other school expansions in Chichester District, the delivery of an expansion will be sought through the CIL process. The County Council will work with CDC through their Infrastructure Business Plan process in order for the mitigation proposal project to be identified, prioritised and funded.

In view of the work County Council as LEA has undertaken in the assessment of education capacity, which has led to a potential solution through the expansion of a primary school in the Bourne School Planning Area, and delivery of the project via CIL, **the holding objection is removed.**

There is now no education objection to the application.

*Original comment received 23.12.2021*

This site will be CIL liable. CIL will be sought by the County Council as local education authority from the charging authority to provide the necessary education mitigation for the proposed development. (For the avoidance of doubt, Education covers all children from 0-18 and up to 25 for SEND pupils) School places are limited in the locality so expansion of existing facilities or a new facility are expected to be required to accommodate the development. A new facility is proposed for allocation in the Reg16 Southbourne Neighbourhood Plan, which has yet to be examined however can be afforded moderate weight in decision making. In the meantime, if children cannot be accommodated at existing schools or expansions this or another new facility will be required to accommodate the needs of the development. The developer would be expected to demonstrate how they intend to mitigate against the impact on education.

#### 6.9 WSSCC Fire and Rescue Service

No objection, subject to condition to secure fire hydrant.

#### 6.10 WSSCC Highways

*Further comment received 03.06.2021*

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on outline proposals (access only) for 26 x dwellings.

The previous plans and assessment of the site raised no objection from the LHA but was on the basis of 19 x dwellings being provided.

The amended Transport Statement, on the basis of the trip rates identified, reveals that 26 x units could produce an additional 15 x trips in the AM and 14 x trips in the PM peak hours. This is an increase in 4 x trips in the AM and PM peak hours respectively, from the previously commented on trip generation for 19 x units. The LHA does not consider this a 'severe' increase and no road network capacity issues would be raised.

The access geometry and visibility has previously been assessed as suitable for the use and accessibility/sustainable transport has previously been reviewed and commented on.



The Stage 1 RSA has previously been reviewed and signed off by the LHA, please refer to previous comments and advised conditions.

Car and bicycle parking and internal layout details should be provided at reserved matters stage.

*Original comment received 09.09.2021*

Having examined in full the documents provided with the application, the highway authority has no objection to the proposed use.

Estimated traffic amounts, as stated in Table 5.1 of the transport statement. The authority does not consider that these are likely to have a significant impact on the operation of the A259 and surrounding roads.

The site is adjacent to bus stops with a frequent and extensive bus service. Facilities for pedestrians and cyclists are adequate and allow access to nearby everyday facilities.

Since the application is for access only, we assume that internal layout and parking will be dealt with at the reserved matters stage. There do not appear to be any issues with either that we wish to raise at this point.

The site will be entered by a highway access designed and constructed in line with the Design Manual for Roads & Bridges. Adequate visibility is available. A road safety audit was carried out and does not raise any issues which cannot be overcome at the detailed design stage. However, an issue was raised with regard to the deposition of debris on the road from the site as currently configured, and we have suggested an appropriate planning condition to manage site drainage as a result.

Implementation of the highway access will require a Section 278 agreement. It is the developer's responsibility to apply for this.

An analysis of nearby road traffic collisions does not raise any concerns in relation to the road safety impacts of the proposal.

#### **Recommended conditions**

- Access
- CEMP
- Drainage

#### **6.11 WSCC Lead Local Flood Authority**

The Flood Risk Assessment/Drainage Impact Assessment for this application proposes that sustainable drainage techniques (soakaways, permeable paving and swales, with a possible discharge to the watercourse) would be used to control the surface water run-off from this development.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

#### 6.12 Chichester Harbour Conservancy

No objection - The planning unit / red-line site is outside the AONB protected national landscape.

Suggested conditional controls -

- approval of all Reserved Matters (appearance of buildings, landscaping of the site, layout of the development, scale of buildings).
- restricting the height of development to 2-storey (eaves line) throughout.
- securing the provision of landscaped space within the development to at least the area illustrated on the indicative layout.
- detail of lighting to the site (for street lighting in particular) shall be subject to planning control in accordance with the Chichester Harbour AONB Joint SPD Dark Skies Policy (notwithstanding the sites location just outside the AONB) as lighting would have an impact on the surrounding land, including within the AONB.
- securing ecological enhancement measures as recommended in the submitted ecological report.
- a legal agreement securing the relevant developer ecological mitigation payment and dwelling home-owner's pack explaining the significance of the Chichester Harbour SPA to mitigate and manage for the likely recreational disturbance that would result within the Chichester Harbour SPA.

#### 6.13 CDC Archaeology Officer

This is a part of the West Sussex coastal plain that has been demonstrated to have been relatively densely settled since late prehistory, and where the archaeological potential of a site is proportionate to its size. In the circumstances it would be prudent to carry out an investigation of the site prior to it being developed in order to identify any significant deposits that might be present and to implement appropriate measures for their preservation. A condition is recommended to secure a written scheme of archaeological investigation.

#### 6.14 CDC Drainage Engineer

*Further comment received 13.10.2021*

We are satisfied that the revised layout demonstrates that future maintenance of the ditch will not be unsatisfactorily impeded, and therefore we have no objection to the application being permitted.

*Further comment received 28.04.2021*

We made comments on the application on 16th November 2020, and these comments remain valid in their entirety.

The only additional item which we would like to flag is a potential conflict between the illustrated planting, and property boundaries on the western and southern boundaries of the site. There is a watercourse along both these boundaries and a minimum 3m clear buffer will need to be provided from the top of the bank to ensure future maintenance is not impeded by the development.

*Original comment received 16.11.2020*

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

**Surface Water Drainage:** We have reviewed the drainage impact assessment. The proposal is to drain to soakaways (subject to percolation testing) or an attenuated system which discharges to a watercourse. This approach is acceptable in principle.

The surface water drainage scheme design should follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Therefore, 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, or alternatively be presented as evidence as to why on-site infiltration has not been deemed viable for this development.

If following site investigations, it is concluded that on-site infiltration is viable, infiltration should then be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). 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 would also like to see dedicated discrete soak-away structures for each individual property.

If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s).

Given the nature of the development, 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.

There are watercourses on the western and eastern boundary which the applicant intends to clear. We appreciate that this application is for 'access', but for clarity their layout will need to ensure a 3m clear buffer is left from the top of each ditch bank To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional

impediment following the development completion. No layout should be approved until this is evidenced.

A condition is recommended to secure full details of the proposed surface water drainage scheme and an informative that ordinary watercourse consent for all alterations or discharges to ordinary watercourses will be required.

#### 6.15 CDC Environmental Protection Officer

*Further comment received 20.04.2021*

The revised layout plan has been reviewed. With respect to predicted additional vehicle movements generated by the development, an air quality assessment is not required; however, measures to mitigate impacts such as dust and noise should be put in place during construction works. The WSCC car parking standards should be applied with respect to cycle parking facilities and electric vehicle charging points in order to encourage the use of sustainable transport.

*Original comment received 17.11.2020*

Given the former land uses at the site (nursery/orchard) there is considered to be potential for land contamination to be present at the site. The proposed development is considered sensitive with respect to risks to human health therefore conditions should be applied.

If any structures at the site contain asbestos, an informative should be applied to ensure such material is handled and disposed of appropriately.

If any fuel or oil is to be stored at the site, a condition should be applied to prevent future pollution at the site.

Given the proximity to off-site residential properties, a construction management plan should be submitted which covers noise and dust control in particular. This should be agreed prior to commencement of the works and then enforced throughout the development works.

The railway line is located approx. 100 metres from the nearest dwelling on the proposed plans. Given this distance railway noise will likely be audible from the location of the dwellings in this development. However, it is unlikely that this would result in such a high level of noise that would indicate permission should be refused, nor any special sound insulation measures above and beyond Building Regulations standards for dwellings.

#### 6.16 CDC Environmental Strategy Unit

*Further comment received 23.09.2021*

Additional comments from Environmental Strategy Unit on Dormice Survey and Sustainability Statement. Previous comments on other ecological issues still apply.

## **Sustainability Statement**

Although many of the measures within the sustainability statement are acceptable, within the energy section gas boilers are still being proposed, we would like to see consideration of ASHP or GSHP as an alternative to gas boilers. The proposal for the inclusion of PV to provide 10% of the properties energy requirements will be acceptable.

## **Dormice Survey**

As requested, the updated dormice survey now includes the July survey results. These surveys concluded that no dormice or evidence of dormice were found on the site. However, a precautionary method with regards to dormice should still be conditioned, if planning permission is granted including:

- All suitable habitat such as the scrub and tall ruderal vegetation surrounding the site should be carefully searched for dormouse nests prior to clearance. The vegetation should be removed through a process of phased habitat manipulation, first being cut back to a minimum of 200mm and then to ground level. A careful fingertip search for nesting dormice on the ground will be required at every stage of the phased habitat manipulation.
- In the unlikely event that dormice or dormouse nests are found during the destructive searches, all works must be suspended, and a suitably qualified Ecologist contacted. In this case works may only continue once a European Protected Species Mitigation Licence has been obtained.
- The enhancements for dormice as detailed within the enhancement strategy should be conditioned and followed in its entirety.
- An ecological management plan will be required to ensure long-term sympathetic management of the suitable habitats for biodiversity within the proposed development and promote increased opportunities for biodiversity.

*Further comment received 14.09.2021*

## **Nutrient Neutrality**

The proposals suggested within the Nitrate Mitigation Proposal are all very good solutions. A suitable s106 agreement will be needed to secure the mitigation land to this development and ensure it does not revert to agricultural use during the in-perpetuity period.

## **Bat**

As stated within the Bat Transect, Passive Bat Detector Surveys and Arboreal PRF Inspection Report (June 2021), no evidence of bats using the potential roost features was observed during the PRF inspection. However, they are highly mobile, so it is possible that T1 could be used by bats for roosting because of the suitable features within the tree. The current proposal suggests that no trees on site will be affected by the proposed works. A condition should be used to ensure that, if any work is to be carried out on the trees at reserved matters stage, then further surveys will be required. Such surveys would need to be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and submitted for our approval with the planning application. If bats are found to be roosting within any trees mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

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 buildings onsite facing south/south westerly positioned 3-5m above ground.

## **Reptiles**

Following submission of Reptile Survey Report (June 2021), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

## **Breeding Birds**

During the survey, three inactive nests were observed along the site boundary; two on the western boundary and one along the northern boundary. Additionally, one active great-spotted woodpecker nest was observed which was located in the mature ash tree on the eastern boundary. Overall, the activity across the site was largely concentrated along the eastern boundary where a mature ash tree is present and along the western boundary close to the small woodland copse bordering the south-west corner of the site.

Following submission of Breeding Bird Survey Report (June 2021), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work). We would like a bird box to be installed.

## **Dormice**

The Dormouse Survey Report (June 2021) stated that the surveys were undertaken between April to July even though the surveys should be undertaken April to September, as recommended by Natural England. Additionally, even the report -table 1 (page 5 of the Dormouse Survey Report) states that April, June and July are the least optimal months for finding dormice. The July survey results are still to be submitted and confirmation of these results should be obtained in order to confirm the absence of dormice from the site

## **Invertebrates (including Stag Beetles)**

Following submission of Invertebrate Survey Report (July 2021), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. Additionally, due to the limited distribution and reliance of *A. florea* on white bryony it is imperative that white bryony is retained in the hedgerows where possible and incorporated into the planting schemes in the communal orchard and in the proposed area of grassland to the east of the site.

The enhancements as recommended in the Invertebrate Survey Report include the following and should be added to site. A condition should be used to ensure this takes place:

- 1 x loggery within the woodland to the south-west of the site 4.

- 1 x insect box within the woodland to the south-west of the site.
- 4 x bee bricks.

*Further comment received 06.07.2021*

### **Nutrient Neutrality**

Following submission of the Nutrient Neutrality Report (May 2021) it has been identified that there will be an increase in nitrogen load of 31.5 kg/TN/year from the proposed development. Due to this increase we require that mitigation takes place. Please can the applicant provide their proposed mitigation strategy to deal with this, including the location of the permanent land use change of agricultural land within the Chichester Harbour catchment area.

### **Bats**

The site has moderate potential for foraging and commuting bats and four trees on site including an ash, willow and two mature oak contain potential roosting features (PRFs) for bats. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended including an arboreal PRF inspection of the features together with three bat transect surveys and three static bat detector surveys onsite prior to determination. This survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and submitted for our approval with the planning application. If the arboreal PRF inspection located bats themselves or moderate/high potential in the trees on site, further surveys will be necessary and mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

### **Reptiles**

There is moderate potential for reptiles on the site within the ruderal vegetation along the site perimeter and within the spoil heaps in the southern area. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended onsite, including a Phase 2 Reptile Presence or Absence survey, prior to determination. A minimum of seven visits will be conducted during the survey and needs to be undertaken by a suitably qualified ecologist and submitted for our approval with the planning application.

### **Breeding Birds**

The site has high potential for breeding birds within the ruderal vegetation, overgrown hedgerows and interspersed trees and within the small adjacent woodland in the south-west corner. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended including a Phase 2 bird survey onsite prior to determination. Three surveys should be completed between March and August by a suitably experienced ecologist who will inspect each habitat for breeding birds and submitted for our approval with the planning application.

## **Dormice**

There is moderate potential for dormice within the site due to hedgerows surrounding the entire site and the woodland edge which makes up the south-west boundary. Therefore, as detailed within the Preliminary Ecological Appraisal (March 2021), further dormice surveys (a phase 2 survey) are required, and following guidance from Natural England, the NPPF and the Biodiversity and Geological Conservation Circular 06 we require that these surveys are undertaken prior to determination. These surveys will need to take place during the active period April to October by a suitably qualified ecologist. If dormice are found to be present onsite mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

## **Invertebrates (including Stag Beetles)**

There is high potential for invertebrates, including stag beetles to be present on site where dead wood is present within the hedgerows and spoil heaps on site. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended onsite, including a Phase 2 Invertebrate survey, prior to determination. The survey needs to be undertaken by a suitably qualified ecologist and submitted for our approval with the planning application.

*Further comment received 04.05.2021*

## **Bats**

The site has moderate potential for foraging and commuting bats and four trees on site including an ash, willow and two mature oak contain potential roosting features (PRFs) for bats. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended including an arboreal PRF inspection of the features together with three bat transect surveys and three static bat detector surveys onsite prior to determination. This survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and submitted for our approval with the planning application. If the arboreal PRF inspection located bats themselves or moderate/high potential in the trees on site, further surveys will be necessary and mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

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), even after construction to prevent the hedgerows from being incorporated into gardens, 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. Dark corridors should be incorporated into the design of the site, especially around the boundaries and the wildlife corridor to prevent bats foraging and commuting routes from being lit up and destroyed by artificial light. Conditions should be used to ensure this.



## **Breeding Birds**

The site has high potential for breeding birds within the ruderal vegetation, overgrown hedgerows and interspersed trees and within the small adjacent woodland in the south-west corner. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended including a Phase 2 bird survey onsite prior to determination. Three surveys should be completed between March and August by a suitably experienced ecologist who will inspect each habitat for breeding birds and submitted for our approval with the planning application.

## **Dormice**

There is moderate potential for dormice within the site due to hedgerows surrounding the entire site and the woodland edge which makes up the south-west boundary. Therefore, as detailed within the Preliminary Ecological Appraisal (March 2021), further dormice surveys (a phase 2 survey) are required, and following guidance from Natural England, the NPPF and the Biodiversity and Geological Conservation Circular 06 we require that these surveys are undertaken prior to determination. These surveys will need to take place during the active period April to October by a suitably qualified ecologist. If dormice are found to be present onsite mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

## **Hedgehogs**

As detailed within the Preliminary Ecological Appraisal (March 2021), precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats.

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

## **Reptiles**

There is moderate potential for reptiles on the site within the ruderal vegetation along the site perimeter and within the spoil heaps in the southern area. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended onsite, including a Phase 2 Reptile Presence or Absence survey, prior to determination. A minimum of seven visits will be conducted during the survey and needs to be undertaken by a suitably qualified ecologist and submitted for our approval with the planning application.

## **Great Crested Newts**

A precautionary approach should be taken with regards to Great Crested Newts, with all vegetation clearance being undertaken whilst supervised by a suitably licensed ecologist,

and a fingertip search of all suitable vegetation being lost. If Great Crested Newts are found during the process all works must stop and Natural England contacted.

### **Invertebrates (including Stag Beetles)**

There is high potential for invertebrates, including stag beetles to be present on site where dead wood is present within the hedgerows and spoil heaps on site. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended onsite, including a Phase 2 Invertebrate survey, prior to determination. The survey needs to be undertaken by a suitably qualified ecologist and submitted for our approval with the planning application.

### **Protected Flora**

There is potential for protected flora to be found on site, as observed on site visits in 2020, however, during the recent survey in March 2021, the site had been recently cut back so it was difficult to identify the species present. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended onsite, including three Phase 2 Botanical surveys are completed before works commence in April/May/June and prior to determination.

### **Hedgerows**

This application is within / adjacent to the proposed Strategic Wildlife Corridor in Bosham. The hedgerows should support bats and dormice and if the hedgerow is incorporated into the gardens there will be no control over keeping this vitally important north to south corridor. The homeowner could remove the hedgerow and we would have no control over lighting. In addition to this if the hedgerow supports dormice (they are recorded within 2km of the site) then they would/could be predated by pets, again we would have no control due to the layout of the proposed application. Therefore, a buffer strip (at least 5m) around the hedgerows should be incorporated into the sites design to prevent the removal of these vital corridors.

Additionally, the line of trees with bank or ditch, could possibly be an ancient hedgerow and therefore should be retained and enhanced where possible. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

### **Enhancements**

We require a number of enhancements are incorporated within the scheme and shown with the landscaping strategy. These include:

- Any trees removed should be replaced at a ratio of 2:1.
- Wildlife pond.
- Wildflower meadow planting used.
- 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.
- Log piles onsite.
- Gaps included at the bottom of the fences to allow movement of small mammals across the site.

- Two hedgehog nesting boxes included on the site.

*Further comment received 18.01.2021*

### **Wildlife Corridors**

Due to the sites location within an area identified as a potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper we require that the applicant demonstrates that the proposal will not adversely affect the potential or value of the wildlife corridor. We require that an ecological survey addresses this and any potential impacts on the corridor.

*Original comment received 02.11.2020*

### **Biodiversity**

Unfortunately, the Preliminary Ecological Appraisal (Dec 2017) which have been undertaken are almost out of date on the 14th November 2020 (three years since the previous walkover survey was undertaken), but also look at the impacts of a development with 10 units rather than the proposed 19 units within this application. Due to the potential for bats, dormice and nesting birds onsite, we require that this survey is updated to reflect the 19-unit application and the impact this would have on the site.

### **Recreational Disturbance**

For this application we are satisfied that the HRA issue of recreational disturbance can be resolved 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**

Following submission of the Nutrient Neutrality Report (July 2020) it has been identified that there will be an increase in nitrogen load of 28.33 kg/TN/year from the proposed development. Due to this increase we require that mitigation takes place. Please can the applicant provide their proposed mitigation strategy to deal with this.

### **Sustainable Design and Construction**

Due to the requirements within Local Plan Policy 40: Sustainable Construction and Design, we require that a sustainability statement is submitted for this proposal. The statement will need to demonstrate how the requirements of policy 40 will be met. This includes how the site will:

- Protect and enhance the environment.
- Achieve a maximum consumption of 110l of water per day per person.
- Complies with building for life standards or equivalent replacement.
- Sustainable design including the use of re-used or recycled materials.
- Minimise energy consumption through renewable resources.
- Adapt to climate change.
- Historic and built environment protected and enhanced.
- Improvements to biodiversity and green infrastructure.

- Maintain tranquillity and local character.
- Provision of electric vehicle charging points.

#### 6.17 CDC Housing Enabling Officer

*Further comment received 16.02.2022*

Recent changes to National Planning Policy have introduced a requirement for First Homes on sites subject to full or outline planning permission determination after 28 December 2021 (or 28 March 2022 where there has been significant pre-application engagement).

The First Homes provision is set out in a Written Ministerial Statement which became effective on 28 June 2021. This requires a minimum of 25% of all affordable homes secured through developer contributions to be First Homes. Local authorities should then prioritise securing their policy requirements for social rented properties once they have secured the First Homes requirement. Other tenure types should be secured in the relative proportions set out in local planning policy and supporting evidence.

First Homes must be sold on a freehold basis to first time buyers and key workers at a minimum discount of 30%. First Homes cannot be sold for more than £250,000 after the discount has been applied and can only ever be sold to a household which meets eligibility criteria. Government guidance provides further detail on First Homes and their implementation.

The new First Homes requirement can be incorporated within the existing Chichester Local Plan Area affordable housing tenure requirements which is 70% affordable/social rented and 30% affordable home ownership, currently mostly delivered as shared ownership. It is now appropriate for the affordable home ownership to be delivered as 25% First Homes and 5% Shared Ownership.

The Council has also introduced a local connection requirement which requires that First Homes sales are prioritised for households who have a live, work or family connection to Chichester District.

*Further comment received 21.04.2021*

Following my original consultation response dated 3 September 2020, the applicant has submitted a revised layout plan increasing the density from 19 dwellings to 26 dwellings. Policy 34 of the Chichester Local Plan requires 30% (7.8 units) to be delivered as affordable housing. 7 affordable units are required to be delivered on site and the 0.8 unit may be delivered as an additional affordable dwelling or a commuted sum calculated in accordance with the Council's Planning Obligations and Affordable Housing SPD. It is not clear from the submitted plan what the tenure split of market to affordable is, so I am unable to comment on whether this application meets these requirements.

The applicant has engaged with planning and housing delivery officers in the interim period between consultations on an acceptable housing mix. The mix above reflects those conversations, albeit one additional 1-bedroom unit has been proposed instead of a 3-bedroom unit. This change is welcomed and will provide smaller accommodation to meet the needs of younger newly forming households.

For the purposes of a section 106 agreement, the number and split of affordable housing needs to be ascertained. From the submitted layout plan, it is not clear what the proposed tenure split is proposed. As required by the Planning Obligations and Affordable Housing SPD, the 30% affordable housing contribution is required to be made up of 70% affordable/social rented and 30% shared ownership housing.

NB - Should the applicant choose to provide a commuted sum for the 0.8 unit instead of an additional affordable unit, a 2-bedroom affordable rented property can be swapped to open market.

### **Pepper potting and design**

Based on the current layout, it appears the 4 no. 1 bedroom dwellings are provided within a single block of flats. Based on previous delivery of affordable flats within the district, registered providers will not want to acquire affordable homes within mixed tenure blocks as this creates maintenance and management difficulties and ownership issues. As such, it is recommended that there is no shared communal / circulation space between the different tenures.

The dwellings should be delivered tenure blind in that the affordable dwellings should not be externally distinguishable from the market dwellings. In accordance with paragraph 4.23 of the Council's adopted Planning Obligations and Affordable Housing SPD, the affordable dwellings should not be clustered in groups of larger than 10. It is not yet clear on the affordable distribution. However, careful consideration needs to be given should the application proceed to reserved matters to ensure that no social exclusion occurs and the affordable are sufficiently integrated within the development.

To conclude, subject to the applicant's agreement to the required tenure split, the Housing Delivery Team raises no objections to this proposal.

*Original comment received 03.09.2020*

This application seeks to deliver 19 residential dwellings. Policy 34 of the Chichester Local Plan requires 30% (5.7 units) to be delivered as affordable housing. The applicant has indicated within the application form that they will deliver 5 'unknown sized' affordable dwellings, which would meet this requirement. The 0.7 unit may be provided as an additional affordable dwelling or an affordable housing commuted sum. This will be calculated in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD. Please note that the current rate of £350 is subject to change as part of the local plan review process.

It is not clear from the proposed mix what, the market and affordable housing mixes are and whether these comply with the Chichester Housing and Economic Development Needs Assessment (HEDNA) 2018 requirements. It is noted that Chidham and Hambrook's existing housing stock is weighted towards the larger 4+ bedroom units (46.7%), which are generally less affordable to first time buyers and older persons who may want to downsize. The proposal to provide a 5-bedroom dwelling would not be supported.

The applicant has recognised the need to provide 30% affordable housing but has not indicated a mix or tenure split of the units. As such, we are unable to assess if this complies with the HEDNA and Policy H2 of the Chidham and Hambrook Neighbourhood Plan.

The affordable dwellings should be delivered tenure blind and should not be externally distinguishable from the market dwellings. In line with paragraph 4.23 of the Planning Obligations and Affordable Housing SPD, the affordable units should not be clustered in groups of larger than 10. Careful consideration must be taken to avoid social exclusion and ensure that this development delivers a mixed, balanced and sustainable community. Registered providers should also be engaged at an early stage to ensure the delivery of the required tenure mix.

To conclude, the Housing Delivery Team is not able to support this application until it has been amended to meet the requirements.

#### 6.18 CDC Policy Team

*Further comment received 16.02.2022*

#### **Housing Land Supply**

Under current national planning policy, from 15 July 2020 the adopted Local Plan is now more than five years old and therefore housing supply is assessed against a figure informed by the Government's standard methodology for assessing housing need. In accordance with national planning policy, the Council regularly prepares an assessment of the supply of housing land. The revised assessment of housing land supply, as published on the Council's website demonstrates a housing supply figure of 5.3 years.

Prior to that the Council had brought forward an Interim Position Statement for Housing Development, setting out proactive measures the Council could take to ensure a good supply of housing, and to encourage appropriate housing schemes. The final Interim Position Statement for Housing was approved at Planning on 3 November 2020.

The identified housing need for the Chichester Plan area is significantly higher than the target set out in the adopted local plan, and there is also an ongoing need for affordable housing. Finally, maintaining a 5-year supply of housing for the plan area has a number of benefits, including providing greater certainty to communities. Therefore, when considering planning applications for housing, it is recommended that where appropriate, proposals are assessed against the criteria set out in the Interim Position Statement for Housing Development to consider if the benefits of the scheme indicate it should be permitted.

#### **Waste Water**

A Position Statement in relation to waste water in the catchment of Thornham Waste Water Treatment works was agreed with Southern Water and the Environment Agency in November 2021. This Statement is supported by regular monitoring of permissions in the catchment, until the capacity reaches zero at which point a requirement for no net increase in flow will come into effect. The Position Statement and accompanying headroom table are available on the Council website with the Surface Water and Foul

Drainage SPD. At the time of response, the headroom table shows that existing permissions up to 31<sup>st</sup> December 2021 date reduce the available headroom to 173.

*Further comment received 03.09.2021*

The previous policy response advised that: Consideration is currently being given to wastewater capacity and water quality issues to inform the Local Plan Review. This work has highlighted potential treatment capacity issues in the catchment within which this site is located. It is therefore recommended that specific advice on wastewater treatment is sought from Southern Water.

Since that advice we have published estimates of remaining headroom as part of the Local Plan evidence base.

This shows that as at 1st Jan 2021 Thornham WWTW had sufficient headroom for around 950 dwellings. However, 566 of that is already accounted for by estimated completions since January 2021 together with extant planning permissions in both Chichester District and Havant Borough. This effectively reduces the remaining headroom available for further applications to 384. Note that this does not take account of any permissions granted since 1st April 2021 which you should also consider, nor any other applications currently under consideration. Allocations in adopted or proposed Local Plans are not counted unless they have planning permission.

*Original comment received 27.10.2020 (summarised)*

The adopted Local Plan and made Neighbourhood Plan represent the Development Plan and the starting point for the consideration of any planning application. However, taking account of the current position with regard to housing land supply, careful consideration will need to be given to the position of policies in the adopted Local Plan, which will need to be considered in conjunction with national guidance and the revised housing land supply position. Consequently, in the current circumstances, this proposal would help to meet the identified increase in housing need for the Chichester plan area and Planning Policy therefore does not raise an objection to the proposal. However, account will also need to be taken of the criteria set out in the Interim Policy Statement.

## 6.19 Third Party Representations

51 Third Party letters of objection have been received concerning:

- Increased danger to motorists, cyclists and pedestrians from additional traffic.
- The speed along the road should be reduced to 30mph.
- Cumulative impact of proposal together with all the other previous development and pending planning applications.
- The proposed access is very narrow and could not support a separate pedestrian footway.
- Previous application for 10 dwellings was refused and dismissed at appeal.
- Overdevelopment of the site.
- Impact on air quality.
- Site has been cleared of trees and vegetation.
- No need for a tennis court / who would be responsible for management and maintenance.
- The site is far away from any settlement boundary.

- Proposal is out of keeping with rural location.
- Loss of agricultural land.
- Impact on the AONB and SDNP.
- Impact on SSSI and Wildlife Corridor.
- No nitrate mitigation.
- Should not build on greenfield sites.
- Loss of views.
- Plans show encroachment on land within boundary of Far Close.
- Community orchard would not be successful. Who would be responsible for its management?
- Climate change and flooding.
- Sewage network is at full capacity.
- Lack of amenities / infrastructure for first time buyers and families.
- Site is far away from Chichester and Havant.
- Increased pressure on health care, schools, waste/sewage management, fire/medical facilities.
- Shortage of public transport and shops means reliance on private car.
- Impact on flora and fauna.
- Impact on natural environment and tourism.
- No sufficient green space provided.
- Impact on Dark Sky Area.
- Increase in traffic and parking.
- Unsustainable development.
- Impact on residential amenity.

1 Third Party comment has been received from Chichester and District Cycle Forum and Sustrans concerning:

- The proposed S106 should include a contribution to the construction of a segregated cycle path.

## **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 Chidham and Hambrook Neighbourhood Plan was made on the 20th September 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

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

Policy 1 Presumption in Favour of Sustainable Development  
 Policy 2 Development Strategy and Settlement Hierarchy  
 Policy 4 Housing Provision  
 Policy 6 Neighbourhood Development Plans  
 Policy 8 Transport and Accessibility  
 Policy 9 Development and Infrastructure Provision



Policy 33 New Residential Development  
Policy 34 Affordable Housing  
Policy 39 Transport, Accessibility and Parking  
Policy 40 Sustainable Design and Construction  
Policy 42 Flood Risk and Water Management  
Policy 43 Chichester Harbour Area of Outstanding Natural Beauty (AONB)  
Policy 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  
Policy 52 Green Infrastructure  
Policy 54 Open Space, Sport and Recreation

#### Chidham and Hambrook Neighbourhood Plan 2015

Policy LP1 Requirement for homes  
Policy EM1 Management of sea and flood defences, streams and surface water drainage  
Policy EM2 Protection of Chichester Harbour, nature conservation designated areas and related areas of special environmental value  
Policy EM3 Protection and enhancement of landscape, habitat and biodiversity  
Policy CDP1 The use of S106 Agreements and CIL to support community development  
Policy H1 Local occupancy conditions of affordable housing  
Policy H2 Diversity of housing to meet the local need  
Policy DS1 Development (design standards)  
Policy DS3 Retention of areas of natural habitat/biodiversity

#### National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 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:
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed;*
    - or*
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*
- 7.4 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 5, 6, 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.
- 7.5 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning

permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

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

7.6 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) 2021. 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.

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

#### **Part 1 - Strategic Policies**

S1 Presumption in Favour of Sustainable Development

S2 Settlement Hierarchy

S3 Development Hierarchy

S4 Meeting Housing Needs

S5 Parish Housing Requirements

S6 Affordable Housing

S12 Infrastructure Provision

S20 Design

S21 Health and Wellbeing

S22 Historic Environment

S23 Transport and Accessibility

S24 Countryside

S26 Natural Environment

S27 Flood Risk Management

S28 Pollution

S29 Green Infrastructure

S30 Strategic Wildlife Corridors

S31 Wastewater Management and Water Quality  
S32 Design Strategies for Strategic and Major Development Sites  
AL10 Chidham and Hambrook Parish

## **Part 2 - Development Management Policies**

DM2 Housing Mix  
DM3 Housing Density  
DM8 Transport, Accessibility and Parking  
DM16 Sustainable Design and Construction  
DM18 Flood Risk and Water Management  
DM19 Chichester Harbour Area of Outstanding Natural Beauty (AONB)  
DM22 Development in the Countryside  
DM23 Lighting  
DM24 Air Quality  
DM25 Noise  
DM26 Contaminated Land  
DM27 Historic Environment  
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  
DM32 Green Infrastructure  
DM34 Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

### Interim Position Statement for Housing Development

- 7.8 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its housing supply has identified that as of 24th November 2021 there is a potential housing supply of 3,536 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,329 net dwellings. This results in a surplus of 208 net dwellings which is equivalent to 5.3 years of housing supply.
- 7.9 Notwithstanding the above, to pro-actively manage the situation prior to the adoption of the Local Plan Review, the Council has brought forward an Interim Position Statement for Housing Development (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3rd June 2020, the Planning Committee resolved to approve the draft IPS for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 10th July and the responses were processed. The IPS, with the proposed revisions, was reported back to the 4th November 2020 Planning Committee, where it was approved with immediate effect. New housing proposals considered under the IPS, such as this application, will therefore need to be assessed against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate new housing. It is not a document that is formally adopted and neither does it have the status of a supplementary planning document, but it is a material consideration. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context what

the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.

### Other Local Policy and Guidance

7.10 Consideration has also been given to:

- Planning Obligations and Affordable Housing SPD (December 2018)
- Surface Water and Foul Drainage SPD (September 2016)
- CDC Waste Storage and Collection Guidance (January 2017)
- Chichester Landscape Capacity Study (March 2019)
- Landscape Gap Assessment for Chichester Local Plan Review 2035 (May 2019).
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- Chichester Harbour Area of Outstanding Natural Beauty: Joint Supplementary Planning Document (May 2017)
- CHC Chichester Harbour AONB Management Plan (2014-2029)

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:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. The Principle of Development
- ii. Highways Safety and Access
- iii. Impact on Visual Amenity, Landscape Character and setting of Chichester Harbour AONB
- iv. Residential Amenity
- v. Surface Water Drainage and Foul Disposal
- vi. Ecology and Biodiversity
- vii. Sustainable Design and Construction
- viii. Other Matters

### i. The Principle of Development

8.2 The primacy of the development plan and the plan-led approach to decision-making is a central tenet of planning law and is enshrined in section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that applications: *'should be determined in accordance with the development plan unless material considerations indicate otherwise'*.

- 8.3 For certainty and clarity a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing.
- 8.4 When assessed against the policies of the adopted Development Plan, the current application is, in part, considered to be contrary to Policies 2 and 45 of the Local Plan in that it is proposing new housing outside the defined settlement boundary as set out in Map 2 in the Chidham and Hambrook Neighbourhood Plan, in the countryside or Rest of Plan Area and would not meet an 'essential, small scale and local need' (Policy 45); therefore, and following a s.38(6) development plan approach, this application is contrary to policy.
- 8.5 In the absence of a five-year housing land supply the Council produced an Interim Position Statement for Housing (IPS) which sets out criteria defining what the Council considers to be good quality development in the Chichester Local Plan Area. The IPS was approved on 4th November 2020. With regard to current housing supply position, the Council acknowledges that as of 24th November 2021, it can now demonstrate a five-year housing supply. However, to ensure that the supply is maintained and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, it remains a useful tool for assessing applications for new housing proposed outside of existing settlement boundaries.
- 8.6 The fundamental aim of the IPS is to ensure early delivery of housing sites through planning applications on sites which are not being brought forward through the local plan process. It is not to deliver strategic scale development and accompanying infrastructure which need to be properly master planned in order to ensure optimum planning outcomes and the timely delivery of infrastructure to support growth.
- 8.7 When considered against the 13 criteria in the IPS which define what the Council considers good quality development in the Local Plan area and accepting that this is an application only in outline, the current application scores well.
- 8.8 It is relevant to consider each of the IPS criteria in turn:

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

The application site lies approximately 0.7km to the east of the Settlement Boundary of Nutbourne and approximately 1.4km west of the Settlement Boundary of Broadbridge. In consideration of the previous appeal at the application site (PINS ref. APP/L3815/W/18/3208546) the Inspector opined:

*'...The protection of the countryside is a central consideration, but it does not mean that land outside settlement boundaries is insulated from any change. The Framework advocates that the countryside's intrinsic character and natural beauty should be recognised, but this does not necessarily mean protecting sites where those qualities are lacking...'*

With regard to the material consideration above, it is acknowledged that the site is enclosed on three sides by existing residential and commercial development, resulting in a well-contained plot. As such the development would not encroach further into the

countryside. The location of the site does not meet the requirements of criterion 1 of the IPS; however, as a result of the site being wholly enclosed by existing development it is considered that the proposal would not result in urbanisation of the countryside and therefore it is not possible to identify harm in respect of its location. It therefore complies with the objectives of criterion 1 to locate development in a sustainable location close to existing development.

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

Hambrook and Nutbourne are defined as Service Villages in the Local Plan (Policy 2). In this context the proposed scale of development is considered appropriate in terms of access to local amenities and the criterion is therefore satisfied.

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

The application site is not recognised as an important gap within the development plan, and given it is currently enclosed on three sides by existing development there is no actual or perceived coalescence likely to arise from permitting this development.

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

It is considered that the development meets this point, with an appropriate density achieved (20dph) whilst having regard to the character of the surrounding area.

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

In consideration of the previous appeal at the application site (PINS ref. APP/L3815/W/18/3208546) the Inspector opined:

*'The boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB) runs along the southern side of the A259. The appeal site lies to the North of the A259 and there are intervening land uses such that the site would not have a harmful impact on the AONB. Neither is there any suggestion that the site is subject to any other landscape designation...'*

With regard to the material consideration above, it is considered the proposal would comply with the above criterion, given the set-back position of the site and surrounded by development on three sides. As such the scheme would not interrupt any open views

between the South Downs National Park (SDNP) and the Chichester Harbour AONB. Furthermore, Chichester Harbour Conservancy raise no objection to the proposal.

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

The south-west corner of the falls within the edge of a proposed Strategic Wildlife Corridor. The submitted indicative Site Layout Plan details that no built development would occur within the wildlife corridor. Instead, the south-west corner would feature a community orchard with wildflowers for Spring / early Summer flowering. The community orchard is recommended to be secured through an obligation in the S106 Agreement. Natural England and the Council's Environmental Officer raise no objection to the proposal, and as such it is considered, subject to the mitigation proposed, the development would not affect the potential or value of the wildlife corridor.

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

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

**8) Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to: - Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use; - Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling; - Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and - Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.**

As shown in the later considerations of the scheme, the Council's Environmental Team has confirmed that the proposals within the submitted Sustainability Statement (June 2021) are acceptable in principle. However, if permission were to be granted, it should be conditioned that a detailed sustainability statement be submitted, detailing the specific measures that will be installed to meet the Council's sustainability requirements and SAP (Standard Assessment Procedure) calculations to demonstrate a minimum of 19% improvement on the building regulations through a fabric first approach and then that a further minimum 10% will be achieved through renewable energy measures. Such a

condition is recommended. Water saving measures and Electric Vehicle (EV) charging facilities (in line with WSCC guidance) would also be required and are recommended to be secured by way of condition.

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

Design and layout are matters which have been reserved for consideration as part of a future Reserved Matters application. The quantum of development has been increased since the original planning submission, from 19 units up to a 26-unit scheme, to ensure an efficient use of land with an overall density of 20dph. The indicative layout details a good use of green space throughout the site, including in the north-east corner and south-west corner of the site, which would help soften the layout. The revised Site Layout Plan, whilst in indicative form at this stage (with further detail to follow at Reserved Matters stage), is appropriate for a semi-rural location such as this, criterion 9 is therefore met as far as it can be at outline stage.

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

The site is adjacent to bus stops with a frequent and extensive bus service. Facilities for pedestrians and cyclists are adequate and allow access to nearby everyday facilities.

**11) Development is to be located in areas at lowest risk of flooding first and must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the LPA to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SuDS designs and ongoing maintenance) and evidence that development would not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. All flood risk assessments should be informed by the most recent climate change allowances published by the Environment Agency. Built development can lead to increased surface water run-off; therefore new development is encouraged to incorporate mitigation techniques in its design, such as permeable surfaces and surface water drainage schemes must be based on sustainable drainage principles.**

This criterion is satisfied (refer to Section v. Surface Water Drainage and Foul Disposal below). The site is located within EA Flood Zone 1, as an area with the lowest level of flood risk. The drainage system is to be designed through SuDS to satisfactorily manage the discharge of surface water from the development.



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

An area of land of 1.25ha, currently used for arable farmland will be required to mitigate this application and make the scheme nitrate neutral. The arable farmland to be off-set will be located at Chilgrove Farm, Chilgrove, Chichester (Grid Reference: SU 832 135) which falls within the fluvial catchment area of the Solent Maritime SAC. The S106 agreement will ensure that the land is taken out of agricultural use in perpetuity, by being planted to woodland, with trees planted at a density of 100 trees per hectare and therefore off-setting can be secured for the lifetime of the development. Natural England raise no objection subject to the woodland planting being secured as mitigation.

**13) Development proposals are required to demonstrate that they are deliverable from the time of the submission of the planning application through the submission of a deliverability statement justifying how development will ensure quicker delivery. The Council will seek to impose time restricted conditions on planning applications to ensure early delivery of housing.**

Although the application is made in Outline, the applicant has undertaken a full suite of site assessments which has informed the indicative layout. Whilst the layout is indicative, it has been demonstrated that the proposed development can be accommodated within the site, thus ensuring a smooth transition to a Reserved Matters application. The application site is relatively small in size and the land is within the sole ownership of the applicant. A phasing strategy has been submitted with the application to address the comments raised by Southern Water. The phasing strategy details that first occupation is forecast to be in November 2023, with Southern Water providing any required infrastructure by October 2023, and also highlights that an interim drainage strategy will be sought if the Southern Water reinforcement has not been carried out at the time of occupation. A reduced time limit (2 years) is recommended to be imposed for the submission of the Reserved Matters. This would ensure early delivery of the proposed housing. As such, it is considered criterion 13 of the IPS has been satisfied.

*Sub-Conclusion*

- 8.9 The proposed development insofar as it is submitted in outline is considered to score well when assessed against the relevant criteria in the IPS. The IPS provides an appropriate development management tool for assessing housing applications and in this context and for the reasons outlined above and in the subsequent assessment the 'principle' of housing development on this site is therefore considered acceptable.

ii. Highways Safety and Access

- 8.10 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the CLP asserts that development should be designed to minimise additional traffic generation. The assessment of access, highway safety and parking has been undertaken in consultation with WSCC Highways.

- 8.11 As noted elsewhere within this committee report, aside from the principle of development in this location, 'access' is the only matter for consideration at the time of this outline application with all other matters being reserved.
- 8.12 Currently access to the site is achieved directly from Main Road (A259), to the south of the site. The proposal seeks to utilise this existing access to serve the development, providing both pedestrian and vehicle access. The simple priority T-junction would measure 5.5m wide (for the first 4.5m and then narrowing to 4.8m wide), which is considered to be adequate to allow two vehicles to pass in opposing directions. The visibility splays are also acceptable and meet the requirements for a road with a speed limit of 40mph in this location (and with the speed limit of 60mph to the east and 50mph to the west), in accordance with the Manual for Streets. The proposals allow for all vehicles to enter and leave in a forward gear, including refuse vehicles.
- 8.13 The vehicle trips generated by the proposals would be acceptable in terms of highway safety and traffic levels and have not been found to result in a residential cumulative impact on the road network. In addition, National Highways (previously known as Highways England) raise no objection, provided a contribution of £46,878 is collected, to provide further mitigation of the A27 junctions in Chichester.
- 8.14 In terms of pedestrian access, a 1.5m wide footway would be created to the western side of the new access, with pedestrian movement across the access facilitated by an uncontrolled crossing in the form of dropped kerbs and tactile paving. Dropped kerbs and tactile paving would also be provided at the existing gateways serving Far Close and Oaklands. Matters relating to car and bicycle parking and the internal layout would be considered at reserved matters stage.
- 8.15 Therefore, in relation to highways safety and access, a number of conditions (relating to access, visibility and off-site highway works) as requested by WSCC highways are recommended.
- 8.16 In summary, it has been demonstrated to the satisfaction of the LHA and to Officers that the proposal would not generate traffic to the extent that the function of the local highway network would be impaired. Similarly, subject to the proposed junction into and out of the site, the proposed access would be both safe and suitable in highway terms. The LHA is satisfied that in terms of the relevant policy test in the NPPF (paragraph 111), the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

iii. Impact on Visual Amenity, Landscape Character and setting of Chichester Harbour AONB

- 8.17 The NPPF confirms that the purpose of planning is to help achieve sustainable development and that there should be a presumption in favour of sustainable development. Planning policy-making and decision-making should take into account the roles and character of different areas and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by:

- *'protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).'*
- *'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*
- *'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'*

8.18 In addition, Paragraph 176 of the NPPF states:

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development in their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*

8.19 Policies 33, 43, 45, 48, 49 and 52 of the CLP, support the above, ensuring development, respects and enhances the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and SDNP.

8.20 'Layout', 'Scale', 'Appearance' and 'Landscaping' are Reserved Matters on the application; however, the illustrative Layout Plan shows the houses set-back from Main Road, by way of the access track and proposed community orchard. The indicative landscape proposals detail that the existing boundary vegetation would be retained (except for drainage purposes) and strengthened, to filter views and to assist in visually integrating the development.

8.21 The submitted documentation and illustrative elevations provided at this outline stage indicate that the proposals would be of a two-storey scale throughout. It is considered that the provisional scale would align with the nearby residential development to the south and is considered to be appropriate for the site context and characteristics.

8.22 As such, no objections are therefore raised at this stage, with the matter requiring further assessment at the time of a future Reserved Matters application.

8.23 In landscape character terms, the application site, is screened and contained in the landscape due to the 'set-back' nature of the site, the existing boundary vegetation, and the existing development to the east, south and west. In consideration of the previous appeal at the application site (PINS ref. APP/L3815/W/18/3208546) the Inspector opined:

*'The boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB) runs along the southern side of the A259. The appeal site lies to the North of the A259 and there are intervening land uses such that the site would not have a harmful impact on the AONB. Neither is there any suggestion that the site is subject to any other landscape designation...'*

8.24 All new development will of course involve a change to the character and appearance of that land, but that change in or by itself is not sufficient on its own to warrant refusal. Furthermore, Chichester Harbour Conservancy has been consulted as part of this application and raise no objection to the proposal.

8.25 With regard to the material consideration above, it is considered the proposal would respect the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and would not interrupt any open views between the South Downs National Park (SDNP) and the Chichester Harbour AONB, in accordance with national and local policy.

#### iv. Residential Amenity

8.26 The NPPF states at Paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places); and Policy 33 of the CLP requires that new residential development provides a high-quality living environment for future occupants, in keeping with the character of the surrounding area and includes requirements to protect the amenities of neighbouring properties.

8.27 As mentioned above, the indicative landscape proposals detail that the existing boundary vegetation would be retained (where possible) and strengthened, to filter views and to assist in visually integrating the development. As demonstrated on the illustrative layout, it has been shown that a proposal for 26 houses can be delivered on the site whereby the necessary separation distances and retention of the natural screening between the proposal and the existing development would not result in an unacceptable level of overlooking, or an overbearing relationship, that would be harmful to the living conditions of the neighbouring dwellings or the future occupiers of the proposed dwellings.

#### v. Surface Water Drainage and Foul Disposal

##### **Surface Water Drainage**

8.28 The site is wholly within Flood Zone 1 (low risk) and the Council has no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage the Council's Drainage Engineer raises no objection to the proposed use, scale or location based on flood risk grounds.

8.29 WSCC in its capacity as the Lead Local Flood Authority (LLFA) and the CDC Drainage Engineer, have both been consulted on the above proposed development in respect of surface water drainage. The submitted 'Interim - Drainage Impact Assessment' (July 2020) proposes to drain to soakaways (subject to percolation testing) or an attenuated system which discharges to a watercourse. This approach is acceptable in principle.

8.30 Due to the form and length of the drainage ditches to the east and west site boundaries, it is proposed to provide 1.5m buffers from the top of the bank and 4no. separate maintenance access points, which will allow for a small mechanical digger to access the ditches, to undertake any necessary maintenance work to the ditches (as detailed on the indicative site layout plan). The Drainage Engineer is satisfied that the revised indicative layout demonstrates that future maintenance of the ditches will not be unsatisfactorily impeded, and therefore raises no objection to the proposal.

8.31 Both WSCC and the CDC Drainage Engineer recommend appropriate conditions to secure full details of the proposed surface water drainage scheme, to ensure the site is adequately drained. These conditions are recommended.

### **Foul Disposal**

8.32 A phasing strategy has been submitted with the application to address the comments raised by Southern Water. The phasing strategy details that first occupation is forecast to be in November 2023, with Southern Water providing any required infrastructure by October 2023, and also highlights that an interim drainage strategy will be sought if the Southern Water reinforcement has not been carried out at the time of occupation.

8.33 Southern Water as the statutory undertaker has not raised any objections to the proposal, stating that should the application receive planning approval, a condition should be attached to ensure that construction of the development should not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water.

8.34 With the imposition of appropriate conditions, it is considered that the foul drainage component of the application can be successfully addressed in terms of ensuring that details of the proposed means of foul sewerage disposal are submitted to and approved in writing by the Local Planning Authority.

### vi. Ecology and Biodiversity

#### **Protected Species**

8.35 Policy 49 of the CLP asserts that development should safeguard the biodiversity value of the site and demonstrable harm to habitats or species which are protected, or which are of importance to biodiversity is avoided or mitigated.

8.36 The application site is subject to no particular ecological designation. The applicant's Preliminary Ecological Appraisal (March 2021) details a number of measures to improve the biodiversity of the site. During the course of the application the applicant has also submitted the following: 'Dormouse Survey Report' (July 2021); 'Reptile Survey Report' (June 2021); 'Invertebrate Survey Report' (July 2021); 'Breeding Bird Survey Report' (June 2021); 'Botanical Survey Report' (June 2021); and 'Bat Transect, Passive Bat Detector Surveys and Arboreal Potential Roof Features Inspection Report (June 2021).

8.37 The Council's Environment Officer has assessed the proposals and made a number of recommendations (see 6.16 above) which are recommended to be secured by condition. These conditions include protection of the trees / hedgerow during construction, sensitive lighting and to secure biodiversity protection and enhancements. Subject to the recommended conditions, there is no ecological reason to resist the application.

#### **Wildlife Corridor**

8.38 The south-west corner of the falls within the edge of a proposed Strategic Wildlife Corridor. The submitted indicative Site Layout Plan details that no built development would occur within the wildlife corridor. Instead, the south-west corner would feature a

community orchard with wildflowers for Spring / early Summer flowering. This community orchard is secured by the S106 obligations. Natural England and the Council's Environmental Officer raise no objection to the proposal, and as such it is considered, subject to the mitigation proposed, the development would not affect the potential or value of the wildlife corridor.

### **Nitrates**

- 8.39 An area of land of 1.25ha, currently used for arable farmland will be required to mitigate this application and make the scheme nitrate neutral. The arable farmland to be off-set will be located at Chilgrove Farm, Chilgrove, Chichester (Grid Reference: SU 832 135) which falls within the fluvial catchment area of the Solent Maritime SAC. The S106 agreement will ensure that the land is taken out of agricultural use in perpetuity (80-120 years) and therefore off-setting can be secured for the lifetime of the development. Mitigation is required in the form of woodland planting, with trees planted at a density of 100 trees per hectare. A programme of monitoring will also be secured through the S106 Agreement. Natural England raise no objection subject to appropriate mitigation being secured.

### **Recreation Disturbance**

- 8.40 It has been identified that any development within 5.6km of Chichester and Langstone Harbour, which is residential in nature, will result in a significant effect on the SPA, due to increased recreational pressure causing disturbance to birds. A Bird Aware Strategy came into effect on 1 April 2018. This sets out how development schemes can provide mitigation to remove this effect and enable development to go forward in compliance with the Habitats Regulations. The mitigation can be provided in the form of a financial contribution towards a Solent wide mitigation strategy, which is recommended in the Heads of Terms for the S106 Agreement. On this basis, as sufficient mitigation has been provided for potential recreation disturbance, the development is not likely to have a significant effect on the Chichester and Langstone Harbour Special Protection Area and therefore accords with the aims and objectives of the NPPF, Policy 50 of the CLP and the Conservation of Habitats and Species Regulations 2017 (as amended).

### **vii. Sustainable Design and Construction**

- 8.41 The applicant has submitted a Sustainable Statement (June 2021) which proposes a combination of fabric first and Photovoltaics to reduce energy demand and deliver carbon savings through thermally efficient, well designed and suitably orientated buildings. A further explorative option of Air/Ground Source Heat Pumps is also provided (email from agent dated 05.10.2021). The exact savings will need to be quantified as part of a detailed assessment undertaken alongside any future reserved matters submission. The Council's Environment Officer has confirmed that the applicant's approach is acceptable but that more detail will be required at the reserved matters stage to demonstrate the level of CO2 savings. An appropriately worded planning condition requiring a detailed Sustainable Design and Construction statement to be submitted with the reserved matters application is recommended, to secure a CO2 emissions saving of at least 19% through improvements to the fabric of the buildings together with at least a further 10% improvement through renewable resources.

- 8.42 The submitted statement also confirms that active Electric Vehicle (EV) charging points will be provided in accordance with WSCC guidance, with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in the future.
- 8.43 Conditions are also attached to the recommendation to secure a maximum water consumption standard of 110 litres per person per day including external water use and in relation to electric vehicle charging infrastructure which will need to provide passive charging provision across the site and active charging provision as per the requirements of the County Council's Parking standards. It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40.

#### viii. Other Matters

##### **Archaeology**

- 8.44 The site is a part of the West Sussex coastal plain that has been demonstrated to have been relatively densely settled since late prehistory, and where the archaeological potential of a site is proportionate to its size. In the circumstances it would be prudent to carry out an investigation of the site prior to it being developed in order to identify any significant deposits that might be present and to implement appropriate measures for their preservation. A condition is recommended to secure a written scheme of archaeological investigation.

##### **Contaminated Land**

- 8.45 Full details of contaminated land investigations and any remediation measures are recommended to be provided for review. Conditions are recommended to ensure a Phase 1 Desk Study is submitted and if necessary, site investigation and remediation are carried out.

##### **Lighting**

- 8.46 A condition requiring details of any future lighting proposals for the site is also recommended to protect the semi-rural character of the environment and to avoid light spillage where lighting is required.

#### Significant Conditions

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

#### Infrastructure / Planning Obligations

- 8.48 This development is liable to pay the Council's CIL charge at £120 sqm which will address most of the infrastructure matters. If planning permission is granted, it will be subject to the completion of an Agreement under Section 106 of the relevant legislation. This section of the report is important in that it sets out the Heads of Terms that it is currently envisaged would need to be included in any such Agreement.

- 31% Affordable Housing (8 units) in accordance with the required HEDNA mix, with a rent/first homes tenure mix as follows:
  - 6 Affordable/Social rented mix comprising 2x1-bed, 2x2-bed, 1x3-bed, 1x4-bed.
  - 2 First Homes mix comprising 2x2-bed

First Homes to be delivered in compliance with the model template planning obligations set out in the National Planning Practice Guidance, which include freehold tenure at a minimum discount of 30% against market value; the first sale cannot be for more than £250,000 after the discount has been applied and the First Home to be sold to a household which meets the basic eligibility criteria.

Policy H1 of Chidham and Hambrook Neighbourhood Plan states that the needs and access of local people to a range of housing will be reinforced wherever appropriate through the inclusion of a local occupancy clause for any affordable housing. First Homes will also need to comply with the requirement of Chichester District Council (as set out in the Cabinet report 7 September 2021) for a local connection test, applicable for the first 3 months of sale and will apply on all future sales of the First Homes properties.

- An area of land of 1.25ha, currently used for arable farmland will be required to mitigate this application and make the scheme nitrate neutral. The arable farmland to be off-set will be located at Chilgrove Farm, Chilgrove, Chichester (Grid Reference: SU 832 135) which falls within the fluvial catchment area of the Solent Maritime SAC. The S106 agreement will ensure that the land is taken out of agricultural use in perpetuity and therefore off-setting can be secured for the lifetime of the development. Mitigation is required in the form of woodland planting, with trees planted at a density of 100 trees per hectare. A programme of monitoring is also required.
- A community orchard to the south-west corner of the site (within the Wildlife Corridor), provision, management and on-going maintenance of that community orchard.
- Public Open Space (POS) (262sqm total required) provision, management and on-going maintenance.
- Highways England contribution of £46,878 towards the agreed Local Plan highway mitigation/works on the A27 Chichester bypass.
- Financial contribution (based on the final approved housing mix) towards the Bird aware Solent mitigation scheme to mitigate the impact of recreational disturbance to wildlife in Chichester and Langstone Harbour SPA/Ramsar.
- Section 106 Monitoring Fee of £1,692.

## **Conclusion**

8.49 The Interim Policy Statement provides an appropriate development management tool for assessing housing applications to ensure that the Council's 5 year housing land supply position is maintained in the absence of an up to date local plan and it is a material consideration. The proposed development in this case is considered to score well when assessed against the relevant criteria in the IPS (as set out in the report above). In this context and for the reasons outlined above the 'principle' of housing development is



therefore considered acceptable. The development would deliver 8 units of affordable housing and would help to increase the Council's housing supply. The application is therefore recommended for approval, subject to the applicant entering into a S106 agreement to secure the required affordable housing, mitigation and other infrastructure.

8.50 Local concerns regarding drainage and sewage disposal and the current state of the off-site network are noted but improvements where necessary of that infrastructure is the specific statutory function of Southern Water under the Water Industry Act against whom the industry regulator OFWAT has the power to enforce against if the required statutory function is not being satisfactorily discharged. On the basis of the consultation response received from Southern Water no formal objection to the application is raised and it would be both unreasonable and untenable for officers to recommend a reason for refusing the application on this basis.

8.51 The application would deliver 26 dwellings, including affordable housing and would help to increase the Council's housing supply. The application is therefore recommended for permission subject to the use of planning conditions and the applicant entering into a S106 agreement to secure the required affordable housing, SPA mitigation and other infrastructures and mitigations as outlined in the sections above.

#### Human Rights

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

#### **RECOMMENDATION**

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

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

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

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

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

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

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

3) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1001(Location Plan) and 2006036-10 (Proposed Access Arrangement).

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

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

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

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

- (a) the phased programme of demolition and construction works,
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,

- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction.

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

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

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

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

Reason: The site is potentially of archaeological significance. It is considered necessary for this to be a pre-commencement condition as these details need to be

agreed prior to the construction of the development and thus go to the heart of the planning permission.

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

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

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

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

10) If the Phase 1 report submitted pursuant to Condition 10 above identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

11) If the Phase 2 report submitted pursuant to Condition 11 above identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

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

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

13) **No development shall commence above ground level**, until the developer has provided details of how the development will accord with the West Sussex County Council: Guidance on Parking at New Developments (September 2020 or any superseding document) in respect of the provision of Electric Vehicle (EV) charging facilities. These details shall be approved in writing by the Local Planning Authority and carried out as approved. Specifically the development shall provide passive provision through ducting to allow EV charging facilities to be brought into use at a later date for the whole site. Active EV charging facilities shall be provided in accordance with the table at Appendix B of the West Sussex County Council: Guidance on Parking at New Developments (September 2020 or any superseding document) and no dwelling which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.

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

14) A detailed Sustainable Design and Construction statement, demonstrating how CO2 emissions saving of at least 19% through improvements to the fabric of the buildings together with at least a further 10% improvement through renewable resources, are to be met for the approved use in accordance with the IPS, shall be submitted with **the first application for reserved matters** and any subsequent applications for reserved matters shall demonstrate how the proposal complies with the approved details. The statement shall also include the proposed location, form, appearance and technical specification of the PV panels and the air/ground source heat pumps (including acoustic performance). The development thereafter shall be carried out in accordance with the approved details.

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

15) If, as a result of detailed layouts and design, any work is proposed to be carried out on the trees, then further bat surveys will be required. The surveys would need to be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and shall be submitted for consideration with **the application for reserved matters which relates to the impacted trees**. If bats are found to be roosting within any trees, mitigation will be required, and a mitigation strategy should be produced and submitted with the relevant reserved matters application prior to determination. Thereafter the development shall be undertaken in accordance with the approved details. Any subsequent applications for reserved matters which relate to the impacted trees shall demonstrate how the proposal complies with the approved details

Reason: To protect the habitat of roosting bats.

16) Details of the ditch maintenance buffers (minimum 1.5m from the top of the banks) and maintenance access points shall be submitted for consideration with **the application for reserved matters which relates to layout**.

Reason: To ensure that future maintenance of the ditches will not be unsatisfactorily impeded by the development.

17) **No occupation of any dwelling** shall take place until the approved off-site improvement works necessary to provide foul drainage for the whole development have been completed or, in the event that the approved off-site improvement works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water and shall be implemented in full. The interim on-site measures shall be managed and maintained thereafter in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision for foul drainage and to prevent pollution of the environment.

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

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

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

Reason: To ensure the development benefits from appropriate infrastructure.

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

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

21) **Before first occupation of any dwelling** details of any proposed external lighting of the site shall be submitted to and be approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation. The lighting scheme shall take into consideration the presence of bats in the local area and shall minimise potential impacts to any bats using trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional lighting sources and shielding.

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

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

22) **Prior to first occupation of any dwelling hereby permitted**, details showing the precise location, installation and ongoing maintenance of fire hydrant(s) to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and be approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The approved fire hydrant(s) shall be installed before first occupation of any dwelling and thereafter be maintained as in accordance with the approved details.

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

23) **No part of the development shall be first occupied** until visibility splays have been provided in accordance with drawing number 2006036-10. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

24) **No part of the development hereby permitted** shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Proposed Access Arrangement' (drawing no.2006036-10).

Reason: In the interests of ensuring safe and adequate access to the development.

25) **No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been laid out and constructed (including drives/garages) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

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

26) **Prior to the occupation of the dwellings hereby permitted**, cycle storage provision for the development shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and such provision shall thereafter be retained for the stated purpose in perpetuity.

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

27) **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 Preliminary Ecological Appraisal (by Kingfisher Ecology Ltd, March 2021) and the comments of the CDC Environmental Strategy Unit; together with a timetable for implementation, have 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.
- Wildlife pond.



- Wildflower meadow planting used.
- White Bryony should be retained in the hedgerows where possible and incorporated into the planting schemes in the community orchard and in the proposed area of grassland to the east of the site.
- Filling any gaps in tree lines or hedgerows with native species.
- Bat (integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground) and bird boxes installed on the site.
- Grassland areas managed to benefit reptiles.
- Log piles provided on site (i.e. within community orchard).
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.
- Two hedgehog nesting boxes provided on the site.
- 4 bee bricks
- 1 Insect box within community orchard.

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.

28) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the evaluation and recommendations sections of the submitted: Preliminary Ecological Appraisal (March 2021); Dormouse Survey Report (June 2021); Reptile Survey Report (June 2021); Breeding Bird Survey Report (June 2001); Botanical Survey Report (June 2021) and, Invertebrate Survey Report (July 2021) all produced by Kingfisher Ecology Ltd.

Reason: To ensure that the protection of ecology and 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.

29) Any works to trees or vegetation clearance on site should only be undertaken outside the bird breeding season (1st March - 1st October). If works to trees or vegetation are required within this time an ecologist shall check the site before any works take place (within 24 hours of any work) and any works shall be in accordance with the ecologist's recommendations.

Reason: To protect the habitat of nesting birds.

30) A precautionary approach shall be taken with regards to Great Crested Newts, with all vegetation clearance only being undertaken whilst supervised by a suitably licensed ecologist, and a fingertip search undertaken of all suitable vegetation being lost. If Great Crested Newts are found during the process of vegetation clearance all works must stop and Natural England contacted.

Reason: To ensure that the protection of ecology and 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.

- 31) A precautionary approach shall be taken with regard to dormice, including:
- All suitable habitat such as the scrub and tall ruderal vegetation surrounding the site should be carefully searched for dormouse nests prior to clearance. The vegetation should be removed through a process of phased habitat manipulation, first being cut back to a minimum of 200mm and then to ground level. A careful fingertip search for nesting dormice on the ground will be required at every stage of the phased habitat manipulation.
  - In the unlikely event that dormice or dormouse nests are found during the destructive searches, all works must be suspended, and a suitably qualified Ecologist contacted. In this case works may only continue once a European Protected Species Mitigation Licence has been obtained.
  - The enhancements for dormice as detailed within the enhancement strategy should be conditioned and followed in its entirety.
  - An ecological management plan will be required to ensure long-term sympathetic management of the suitable habitats for biodiversity within the proposed development and promote increased opportunities for biodiversity.

Reason: To ensure that the protection of ecology and 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.

32) The maximum height of any dwelling permitted by this development shall not exceed 2.5 storeys.

Reason: In the interests of amenity.

33) 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 0730 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

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

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

## 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 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 Council's expectations and requirements for Surface Water Drainage Proposals. If pre-commencement surface water conditions are applied to the application this document should be used for any subsequent Discharge of Conditions Applications.

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

5) 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).

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

7) 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. Further information is available online at <http://www.hse.gov.uk/asbestos/detail.htm>.

8) As part of the Building Regulations 2004, adequate access for fire fighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly on very large developments (BS5588 Part B 5). For further information please contact the Fire and Rescue Service.

9) The applicant is reminded that the prior written consent of the Lead Local Flood Authority (WSSCC) or its agent (CDC) will be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values. For further information please email [landdrainage@chichester.gov.uk](mailto:landdrainage@chichester.gov.uk).

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=QDXFW5ERLVK00>


Parish: Birdham	Ward: The Witterings
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**BI/20/00185/FUL**

<b>Proposal</b>	Demolish existing shop, bin store, car wash, vac machine and A/W unit. Erect new shop with shopfront bollards and bin store. Additional car parking with 1 no. EVC bay and new A/W unit.		
<b>Site</b>	Birdham Service Station Main Road Birdham PO20 7HU		
<b>Map Ref</b>	(E) 481929 (N) 99539		
<b>Applicant</b>	Shell UK Oil Products LTD	<b>Agent</b>	MBH Design Studio Ltd

**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**

1.1 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The application site is located within the settlement boundary of Birdham on the north west side of Main Road. The site is currently operating as a petrol filling station and has been for many years. The site is located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB), the boundary of which runs along the southern edge of the application site.
- 2.2 The petrol filling station is formed of the main filling canopy to the south east of the site, with a single storey shop building to the north east of the site and a car wash building to the north west. There is parking to the north west of the site, with an area to the south west for tanker parking. The vast majority of the site is hardstanding with a small area of grass to the front and behind the current shop building.

## **3.0 The Proposal**

- 3.1 This application seeks planning permission to demolish the existing shop, bin store, car wash and vac-machine and to erect a relocated shop building, bollards and bin store, with additional car parking inclusive of Electric Vehicle charging point bay.
- 3.2 The proposed shop building would be located to the north west of the existing canopy and would essentially replace the existing car wash building. The proposed shop building would be single storey with very shallow mono-pitched roof measuring a maximum of 3.9 metres in height. It would also measure 13 metres in depth by 18.7 metres in width and would be finished with a grey composite panelled roof and brickwork elevations with grey metal framed window and door units. To the east of the existing canopy where the shop building is current located, 7 no. parking spaces are proposed, which include one disabled and two EV spaces. Behind the proposed shop building there would be an area for storage of bins and an area for power cabinets.
- 3.3 A new bin storage area is proposed at the rear of the site enclosed with a new 2-metre-high close boarded timber fence, adjacent to this would be a new EVC power cabinet. The application also includes the relocation and installation of a new air/water machine with protective bollards. In addition, a dedicated air/water bay is proposed to the north east of the forecourt.

## **4.0 Planning History**

92/02034/FUL	PER	Proposed redevelopment of existing service station & workshops to form new petrol filling service station with car wash.
93/01203/ADV	PER	3 no canopy signs, 1 no pole sign, 1 no shop building arch, 1 no car wash arch, 4 no pump island service units, 1 no activity sign, 1 no shop facilities sign.
BI/00052/84	PER	Replacement of glazed canopy above petrol forecourt to garage.

BI/00052/90	PER	Redevelopment of existing garage to modern self-service filling station with car wash.
BI/00058/84A	PER	2 no advertisements each end of the canopy.
12/01902/ADV	REF	Various advertisements in accordance with new Shell corporate branding RVI-e scheme.
12/02921/ADV	PER	Various advertisements in accordance with new Shell corporate branding. Revised scheme from BI/12/01902/ADV.

## 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	YES
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

### 6.1 Parish Council

20.01.2022

Birdham Parish Council maintains its original objection:

The council objects in principle to the design and materials used for the shop as not being in keeping with an area of outstanding natural beauty and a rural setting. No provision has been made for sound or light pollution - there should be an acoustic barrier of at least 2.5 metres around the site.

All design principles of the Harbour conservancy should be adhered to and there should be more than one electric vehicle charging point. There is only one female toilet provided for and several male toilets; there should be more female toilets.

In addition, the increased size of the shop will have two detrimental effects: a) on the revenue of Birdham stores, just next door; and b) that the increased shop size would mean more cars exiting and accessing the site from a 40mph highway making it extremely dangerous

17.03.2020

The council objects in principle to the design and materials used for the shop as not being in keeping with an area of outstanding natural beauty and a rural setting. No provision has been made for sound or light pollution - there should be an acoustic barrier of at least 2.5 metres around the site.

All design principles of the Harbour conservancy should be adhered to and there should be more than one electric vehicle charging point. There is only one female toilet provided for and several male toilets; there should be more female toilets.

## 6.2 Chichester Harbour Conservancy

No objection:

Suggested controls relating to the AONB -

1. Construction and surface materials to be submitted and agreed by the LPA
2. Landscape details for natural growth and hard surfaces to be submitted to and agreed by the LPA
3. Limitations and control of external lighting to be used to restrict illumination of the site within 15 minutes of close of business activity (Dark Skies protocol)

## 6.3 CDC Environmental Protection - Noise, Air quality

### Air quality

The site is not located within an air quality management area (AQMA) and the type of development is unlikely to result in significantly different traffic volumes to those generated by the existing premises. The change to air quality emissions is considered unlikely to be significant. It is noted that it is intended to provide cycle parking and an electric vehicle charging point at the site which is welcomed. These should be secured by condition.

No air quality assessment is required however during construction works, measures to control dust and other emissions should be put in place.

### Noise

The applicant submitted an acoustics report prepared by Venta Acoustics (Report VA3335.200716.NIA) in October 2021. This report included an assessment using a method from *British Standard BS4142:2014 Methods for rating and assessing industrial and commercial sound*, and gave consideration to other relevant standards. Broadly we are content with this assessment and satisfied with the conclusion that “*noise from the proposed plant on site have been shown to have a low to marginal impact, **with a plant screen and inverter shelter installed on site***” and “*Considering the very low predicted noise levels due to the plant at the neighbouring properties, the overall level of impact is considered very low.*”

However, one residual concern remained that the Air Water Unit – a potential noise source – did not appear to have been included in the noise assessment and was close to dwellings to the east of site. The supplementary report from Venta Acoustics effectively



adds the Air Water Unit to the assessment and provides some conclusions that should be incorporated into conditions if permission is granted. The findings are, “*The air/water machine is understood to only operate during daytime hours. To reduce line of sight to the neighbouring property’s windows, a screen will need to be installed in the approximate location shown below. The screen will need to be at least 0.6m taller than the top of the unit, and be solid with no holes, such as a high-quality close board timber fence, or similar. The above shows a low adverse impact at the house **with the recommended mitigation measures in place.***”

The October noise assessment was made on the following basis:

*“It is understood that all units will operate during the daytime, with only the fridge condensers operating at night-time.*

*All cooling plant should be installed within a screened plant enclosure, with a plant screen at least 1.3m taller than the top of the tallest unit. The screen should be continuous and imperforate, with a minimum mass per unit area of 12kg/m<sup>2</sup> in the approximate location shown in VA3335/SP1.*

*The inverter will need to be located within a ‘shelter’ style enclosure with a solid roof and solid sides to the south and west, facing the houses to the west side and rear of the side, whilst being open with a hit and miss style fence on the other two sides.”*

From my examination of the latest submitted site layout and elevation drawings I cannot see the recommended screening incorporated into the drawings.

Conditions will be required to ensure that the noise mitigation measures recommended by the consultant are incorporated before the plant becomes operational. Conditions that have the effect of the following are suggested:

- The Air Water Machine and Tritium car charger inverter plant shall not operate outside of the hours 06:00 to 23:00:
- All fixed plant, machinery or equipment shall be installed with suitable screening or enclosure that meets the recommendations in submitted noise assessments VA3335.200716.NIA and VA3335.220214.L1
- The positioning of screening in respect of Chiller units shall be in accordance with the submitted drawing VA3335/SP1 .
- Screening in respect of the air water machine shall be in accordance with VA3335.220214.L1

### Lighting

The submitted lighting assessment appears acceptable. It is suggested that a condition is applied to require the submitted lighting specification to be installed and thereafter kept appropriately maintained. The condition should also specify the time the lights will be on and the times they are dimmed overnight.

## Construction

To control impacts during the construction works, condition PC06 should be applied. Measures to control of noise, dust and waste should form part of the construction management plan.

### 6.4 CDC Environmental Protection - Land contamination

Given the land use at the site there is considered to be potential for land contamination. A phase 1 site assessment report has been submitted produced by RSK dated October 2019. The report comprises a desk-based review of information about the site and a site walkover. The report concludes that there are potential pollutant linkages at the site. We agree with the conclusions of the report and a site investigation should be undertaken to determine if there is land contamination present that could affect the proposed development. Conditions PC21, PC22 and PO14 should be applied.

### 6.5 CDC Archaeology Officer

It is unlikely that structures or deposits of interest, associated with the possible line of the Roman road, will have survived the impact of the existing use of the site. In the circumstances no archaeological intervention would be warranted.

### 6.6 WSCC Local Highway Authority

26.01.2020

Summary:

This proposal is for demolition of the existing shop, bin store, car wash, vac machine and A/W unit which currently serve the existing service station, and construction of new shop with shopfront bollards and bin store and additional car parking with 1 no. EVC bay and new A/W unit. The site will continue to operate as a service station following the proposed alterations. The site is located on the corner plot between Crooked Lane which is unclassified road subject to 30mph speed restrictions and Main Road (A286) an A-classified road subject to 40mph speed restrictions.

The proposed shop will be situated to the rear of the site; therefore, the proposed bollards would not intersect with highways land.

Access:

The vehicular access operates with in/out system (entrance is via Main Road and exit is via Crooked Lane) and there are no proposed alterations to these arrangements. Visibility appears sufficient at the access onto Crooked Lane and at the junction of Crooked Lane with Main Road. Data supplied to WSCC by Sussex Police reveals no recorded injury accidents at both access points, therefore there is no evidence to suggest that the existing accesses are operating unsafely or that the proposal would exacerbate an existing safety concern.

This proposal would result in an increase in A1 floorspace of 71 sqm, from 55sqm to 126sqm. The LHA anticipate that whilst the A1 use of the site will offer increased floorspace and may result in a small increase in trips associated with the proposed larger convenience store; the primary function of the site is as a service station, of which there is no proposed increase in petrol pumps. As such, the LHA does not anticipate that the proposal would result in a material intensification of use of the existing accesses.

#### Parking and Turning:

The site currently does not have any formal on-site parking provision beyond the petrol pumps. There are 8 proposed parking spaces including one disabled space and one space with EV charging facilities, for customer use. The proposed shop will increase its internal floor space when compared to the existing shop, resulting in total of 126sqm internal floor space area. The WSCC Car Parking Guidance would expect 9 parking spaces to be provided for this development (1 space per 14sqm - A1 use class). The shortfall of one space is not considered detrimental to highway safety, given that the site has been operating for some time without any formal parking spaces which have not resulted in any highway safety issues. Comprehensive parking restrictions are in place that prohibit vehicles to park at places that are detriment to highway safety. The LPA however, may wish to consider any potential implications on on-street parking from an amenity perspective.

Car parking spaces meet the minimum requirement of 2.4m by 4.8m per single parking bay as outlined Manual for Streets (MfS) guidance. The disabled space includes an extra 1.2m wide hatching at the access aisles. There is space of at least 6m beyond each parking bay to allow vehicles to turn and exit in forward gear onto the public highway.

WSCC would ordinarily advise that EV charging points should be provided for a minimum of 20% of all proposed off-street parking spaces with ducting provided to the remaining 80% of spaces to provide 'passive' provision for these spaces to be upgraded in future. However, given the parking behaviour of the site (short stay) the LHA would allow for some flexibility in the total number of active/passive EV spaces. The applicant should consider whether it is appropriate to provide additional passive EV spaces at this stage.

In order to promote the use of the sustainable transport methods, the LHA advises that cycle storage is provided within the site for staff and customers visiting for the A1 use. The current WSCC guidance for A1 use class advises 1 space per 100sqm for staff and 1 space per 100sqm for customers.

#### 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 this application, the following conditions are advised:

- Car parking space (details approved),  
Cycle parking: 18.08.2021

From inspection of the plans, the new plans included a revised layout to the proposed shop, bin store and rear compound. In addition, the parking layout has been revised to provide an additional EV parking space. The proposed revisions do not significantly affect the LHAs previous comments, dated 26/03/2020, of which the LHA raises no highway safety concerns for this application.

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 111), and that there are no transport grounds to resist the proposal.

## 6.6 Third party objection comments

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

- a) The proposal would have a harmful impact on neighbouring amenity due to noise.
- b) The increased number of cars would result in an increased amount of air pollution.
- c) The new advertisements would also illuminate the site leading to harm to the residential amenities of the occupiers of neighbouring properties.

## 7.0 Planning Policy

### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Birdham Neighbourhood Plan was made in July 2016 and forms part of the Development Plan against which applications must be considered.

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

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 39: Transport, Accessibility and Parking

Policy 42: Flood Risk and Water Management

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

Policy 49: Biodiversity

#### Birdham Neighbourhood Plan

Policy 4: Landscape Character and Important Views

Policy 5 : Light Pollution

Policy 6 : Biodiversity

Policy 9 : Traffic Impact

Policy 13 : Settlement Boundary

Policy 19 : SUDS Design and Management  
Policy 20 : Surface Water Run-off  
Policy 21 : Wastewater Disposal  
Policy 22 : Development for Business Use

### National Policy and Guidance

- 7.3 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:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.4 Consideration should also be given to the following paragraph and sections: Sections 1, 2, 6, 12 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

### Other Local Policy and Guidance

- 7.5 The following documents are material to the determination of this planning application:
- Surface Water and Foul Drainage SPD
  - Joint Chichester Harbour AONB SPD
  - CHC Chichester Harbour AONB Management Plan (2014-2029)
  - CDC Waste Storage and Collection Guidance
- 7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Maintain low levels of unemployment in the district
  - Support local businesses to grow and become engaged with local communities
  - Promote and increase sustainable, environmentally friendly initiatives in the district

## **8.0 Planning Comments**

- 8.1 The main issues arising from this proposal are:
- i. Principle of development
  - ii. Design and impact upon character of the surrounding area and the AONB
  - iii. Impact upon amenity of neighbouring properties

- iv. Impact upon highway safety and parking
- v. Land contamination
- vi. Drainage

### Assessment

#### i. Principle of development

8.2 The application site is located within the settlement of Birdham, a designated Settlement which as defined by Policy 2 of the Chichester Local Plan is a suitable location for new development. A petrol filling station has been operating from the site for a number of years. The application site accommodates an existing sales building, which has a net retail area of 88 sqm. The proposed shop would provide 160sqm of retail space, an increase of 72sqm. It is not considered that such an increase in this location would be harmful to the character of the settlement. The site is also located within the Chichester Harbour Area of Outstanding Natural Beauty and as such Policy 43 must also be applied to the application. This Policy states that development proposals within the AONB will be permitted provided that they would not detract from the distinctive character and special qualities of the designation. Due to the nature of the proposals and the fact that the host dwelling is situated within the built-up area, it is not considered that the application is contrary to the aims of Policy 43.

8.3 For the reasons set out above the proposal is deemed to be acceptable in principle, subject to compliance with all other material planning considerations, which are considered below.

#### ii. Design and impact upon character of the surrounding area and the AONB

8.4 Policy 47 of the Chichester Local Plan refers to Heritage and Design and sets out that development proposals must respect the distinctive local character of the area and sensitively contribute to creating places of a high architectural and built quality.

8.5 Policy 43 of the CLP also establishes that the impact of individual proposals and their cumulative effect on Chichester Harbour AONB and its setting will be carefully assessed, and that planning permission will only be granted where it can be demonstrated that the natural beauty and locally distinctive features of the AONB are conserved and enhanced. Furthermore, proposals must reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB.

8.6 The application site is located within the Chichester Harbour Area of Outstanding Natural Beauty but is set within the urban context of Birdham rather than the rural context of the wider AONB. It is already in operation as a filling station and has been for many years. As such, it offers little in terms of positively contributing to the general character of Birdham, but its utilitarian appearance and presence has been established within the village for a long time.

8.7 The proposed development would represent a significant re-organisation of the petrol station, with the existing shop situated alongside the eastern boundary of the site being removed and a larger shop building being constructed at the centre of the site. In addition to this, a new car parking area would be provided at the eastern side of the site and the forecourt would be made more open to the highway.

- 8.8 The new retail building would appear substantially larger than the current shop due to its increased size and orientation, but its development envelope as viewed from Main Road would not substantially increase due to the fact there is currently a car wash building in situ in the location of the proposed shop. It is also of note that the current shop and car wash buildings are orientated with their principal elevations facing away from the public highway, meaning that their blank and largely featureless side elevations are the primary aspects that are viewed from the surrounding public realm.
- 8.9 By orienting the new shop building so that its principal elevation and features of interest such as its entrance and shop front windows face the highway, it is considered that the proposal would improve the site's relationship with the surrounding public realm as it would be more interactive with the local street-scene. Notwithstanding this, the restriction in height of the building to 3.9m would ensure that it would not be viewed as a significantly more prominent feature within the street-scene, particularly as it would be set deep into the site and the existing forecourt canopy which would remain unaffected.
- 8.10 Concerns were raised during the course of the application over the materials that were originally proposed for the building, which included grey coloured composite roof panelling and white kingspan composite panels for the elevations. Following discussions with the applicant, amended plans were submitted which show the elevations as being finished with red-brickwork elevations. This change in materials would ensure that the building would be more in keeping with prevailing aesthetic of the surrounding street-scene which is mostly made of buildings that are constructed with traditional materials such as brick.
- 8.11 With regards to the proposed landscaping and surfacing works, it is considered that the site of the existing shop is an appropriate location for a newly proposed parking area as it enables ancillary structures such as EV charging points, the proposed substation and air/water and gas containers to be concentrated along the eastern boundary of the site, thereby ensuring that they do not lead to the site frontage appearing cluttered. It is also felt that the retention of a green buffer along the eastern boundary would also help to soften the general appearance of the site.
- 8.12 Overall, it is therefore considered that the proposed development is of a considered scale and design and would result in an improvement in the general appearance of the site. As such, it would not result in harm to the character and appearance of the surrounding street-scene, or that of the wider AONB, and is compliant with Policies 43 and 47 of the Chichester Local Plan in respect of design.

iii. Impact upon amenity of neighbouring properties

- 8.13 The NPPF states in paragraph 130 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.
- 8.14 The nearest properties to the application site are situated either side of the site (to the north-east and west). The dwelling to the north-east of the site is set back from the boundary by 1.3 metres, while the dwelling to the south is 3.5 metres from the shared boundary. The site has operated for a number of years as a filing station and following

planning permission being granted in 1992 an enclosed car wash has also operated from the site.

- 8.15 The proposal would result in the removal of the existing sales building that is located alongside the front driveway of Sixpenny Cottage and the construction a new larger sales building towards the rear of the site. The northern side elevation of the building would sit 1.66m from the northern boundary of the site at its northern corner and 6.6m at its southern corner and would run parallel to the rear garden of Sixpenny Cottage, whilst the south-western side elevation would sit 1.8m from the western boundary at its northern corner and 6.5m at its southern corner and would face the east facing side elevation of 8 Chaffinch Close and a small car park.
- 8.16 When visiting the site it was apparent that due to the fact that the opposing elevation of 8 Chaffinch Close does not contain any primary windows, the development would not have a significant impact upon the amenities of the occupiers of this dwelling in terms of loss of outlook and light or through the creation of a sense of enclosure; however, the proximity of the proposal to the neighbouring garden to the north-east was noted and careful consideration has been given to the potential impact that the building could have on the amenity of its occupiers.
- 8.17 Following discussions with the applicant, Officers have been able to secure amendments to the proposal which would help to ensure that its amenity impacts upon neighbouring properties would be minimal. These include removing parapet elements to the side elevations, which has resulted in the height of the building being reduced by 0.2m and moving the footprint of the building in a south-westerly direction to increase the gap between the development and the north-eastern boundary of the site to 1.66m at its northern corner and 6.6m at its southern corner. The internal layout has also been altered in order to enable the service entrance to be located in the south-western side elevation, thereby ensuring that associated servicing and delivery activity does not take place next to the garden of Sixpenny Cottage. It is considered that these amendments would help to protect the amenities of the neighbouring property to the north of the site as the reduced height, positioning and layout of the building would ensure that it would not lead to a loss of light or outlook, a sense of enclosure or an increase in noise generation when compared to the current situation.
- 8.18 In terms of the operational impacts of the development upon neighbouring amenity, the proposal would result in the removal of the existing car wash, which presents a significant source of noise to neighbouring properties, but ventilation plant equipment is proposed to the north-western rear elevation of the new sales building, with a new electric vehicle power cabinet also located to its rear and a water and air unit situated close to the north-eastern boundary mid-way into the site. Upon request, the applicant has provided a noise assessment report, which states that the proposed installations would not generate noise above existing levels or above background level providing the plant equipment is housed in suitable casing and acoustic screening is provided around them. The Council's Environmental Health Officer has reviewed the report and has confirmed that the subsequent noise levels that would be emitted from the development would be acceptable and would not result in harm to neighbouring amenity, provided that the recommendations set out within the noise assessments are complied with. Accordingly, it is recommended that conditions are attached to this recommendation that would require the development to be constructed in accordance with the recommendation set out within the noise assessment reports and require the applicant to submit details of the acoustic screens and



provide the agreed screens prior to the development being brought into operation. It has also been advised that a construction management plan should be secured prior to the commencement of development in order to control noise and nuisance created during construction. A condition is attached to this recommendation to secure such details.

8.19 The applicant has submitted a light assessment, which has been reviewed by the Environmental Health Officer. It has been confirmed that the proposed flood lights and baulk head lights would be of an acceptable level of lumens providing that they are only used when the petrol station is in operation. The applicant has confirmed that the lights would be switched off outside of the station's openings house and accordingly a condition is attached to this recommendation that would prevent the use of lights after 22:00 hours and before 06:00 hours.

8.20 Overall, it is therefore considered that subject to compliance with conditions, the proposed development would not create a situation that would result in significant harm to the privacy or residential amenity of the occupiers of a nearby property, and as such is in accordance with Policy 33 of the CLP in respect of amenity impacts.

8.21 The building, at its closest would be 2.1 metres from the boundary with the property to the south and 7.3 metres at its furthest. Given the height of the proposed building and that the majority of the building is more than 2 metres from the boundary with this property; it is considered the proposal would not have an overbearing impact.

iv. Impact upon highway safety and parking

8.22 Policy 39 of the Chichester Local Plan seeks to ensure that new developments do not result in residual cumulative impacts that are severe and ensure a safe and adequate means of access for all modes of transport.

8.23 The existing vehicular access operates with in/out system and there are no proposed alterations to these arrangements. WSCC Highways have advised that the visibility appears sufficient at the access onto Crooked Lane and at the junction of Crooked Lane with Main Road. Data supplied to WSCC by Sussex Police reveals no recorded injury accidents at both access points, therefore there is no evidence to suggest that the existing accesses are operating unsafely or that the proposal would exacerbate an existing safety concern.

8.24 The application would result in an increase in retail floor space, which the LHA anticipate may result in a small increase in trips associated with a larger convenience store; the primary function of the site is as a service station, of which there is no proposed increase in petrol pumps. As such, the LHA do not anticipate that the proposal would result in a material intensification of use of the existing accesses.

8.25 The site currently does not have any formal on-site parking although there is parking to the rear of the site. There are 8 proposed parking spaces including one disabled space and two spaces with EV charging facilities, for customer use. The proposed shop would increase its internal floor space when compared to the existing shop, resulting in total of 126sqm of internal floor space area. The WSCC Car Parking Guidance would expect 9 parking spaces to be provided for this level of provision (1 space per 14sqm - A1 use class), but the WSCC Highways Officer has confirmed that the shortfall of one space is unlikely to be detrimental to highway safety, given that the site has been operating for

some time without any formal parking spaces which have not resulted in any highway safety issues. Furthermore, comprehensive parking restrictions are in place that prohibit vehicles to park at places that are a detriment to highway safety.

- 8.26 The Highways Officer initially advised that EV charging points should be provided for a minimum of 20% of all proposed off-street parking spaces with ducting provided to the remaining 80% of spaces to provide 'passive' provision for these spaces to be upgraded in future. However, given the parking behaviour of the site (short stay) the LHA would allow for some flexibility in the total number of active/passive EV spaces. Subsequent to receiving these comments, the applicant has increased the EV charging points from 1 to 2, meaning 20% of the spaces on site would provide EV charging.
- 8.27 In order to promote the use of the sustainable transport methods, the LHA advised that cycle storage is provided within the site for staff and customers visiting for the A1 use. The current WSCC guidance for A1 use class advises 1 space per 100sqm for staff and 1 space per 100sqm for customers. It is recommended a condition is imposed securing cycle parking.
- 8.28 Taking into consideration the above, the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Therefore, the application is not contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

vii. Other matters

- 8.29 Given the land use at the site there is considered to be potential for land contamination and as such a phase 1 site assessment report has been submitted. The report comprises a desk-based review of information about the site and a site walkover. The report concludes that there are potential pollutant linkages at the site. The councils Environmental Health department have considered the report and agrees with the conclusions and that a site investigation should be undertaken to determine if there is land contamination present that could affect the proposed development. The officer has suggested a number of conditions related to land contamination, which form part of this recommendation.
- 8.30 The application site is largely covered by hardstanding and structures, which would remain the case. The Council's drainage engineer has advised that opportunities available to provide permeable hard surfacing should be taken, and therefore a condition is recommended to ensure that new areas of hardstanding are constructed to be permeable and retained as such in perpetuity.

Conclusion

- 8.31 Based on the above it is considered the proposal would not result in a harmful impact to the character and appearance of the area or that of the wider AONB and would not result in harm to neighbouring amenity or to the functionality of the local highway network. The proposal therefore complies with the relevant development plan policies and as such, the application is recommended for approval subject to the recommended conditions.

## Human Rights

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

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

- 4) If the Phase 2 report submitted pursuant to condition 3 identifies that site remediation is required then no development shall commence until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

- 5) 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 management, prohibiting burning of materials/waste and measures to encourage recycling of waste.

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

- 6) Notwithstanding any details submitted no works shall be carried out above slab level of the building until a full schedule of all materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Samples of the proposed materials shall be made available to inspect on site when the schedule is submitted for approval. The development shall be carried out in accordance with the approved materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

- 7) Full details, including the material makeup, height, size, appearance and locations of the screening in respect of the Chiller units, air and water unit, and Inverter unit shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development above slab level and shall thereafter be provided in accordance with the agreed details prior to the development being brought into operation.

All of the fixed plant, machinery or equipment hereby approved shall thereafter be installed with the agreed suitable screening and / or enclosures that meet the recommendation set out in the submitted noise assessments VA3335.200716.NIA and VA3335.220214.L1

Reason: To ensure the proposed plant equipment does not result in harm to the residential amenity of the occupiers of neighbouring properties.

- 8) No part of the development shall be first occupied or operated until the car parking spaces and Electric Vehicle Charging Points have been constructed and laid out in accordance with the approved 'Proposed Site Layout drawing no: 12042051-PSL-19-D. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate car-parking provisions for the petrol station and to prevent the need for vehicles parking on and thereby obstructing the highway, leading to highway safety issues.

- 9) If pursuant to condition 4 contaminated land remediation is required, the development hereby permitted shall not be first occupied until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

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

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

- 11) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with the agreed site layout plan, ref: 12042051-PSL-19-D. 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.

12)The forecourt flood lighting and baulkhead lighting hereby approved shall be installed in accordance with the specifications detailed within the agreed Lighting Specification and Assessment report and Proposed Lighting Plan (both referenced: SH63) prepared by GW Lighting Consultancy and dated 12.10.2021. and shall thereafter be kept appropriately maintained to. The lighting shall not be operated between outside of the petrol station opening hours or between 22:00 hours and 06:00 hours.

Reason: To ensure the external lighting does not result in significant harm to the residential amenity of the occupiers of neighbouring properties.

13)All hardstanding hereby permitted shall be constructed with permeable sub-base and surfacing material and maintained as approved in perpetuity.

Reason: To manage surface water within the application site and to reduce the risk of surface water running off the site.

14)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.

15)The premises hereby approved (i.e the shop and petrol filling pumps shall not be used except between the hours of 06:00 hours and 22:00 hours Monday to Sunday, inclusive of bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Block Plan (A3)	1242051 BP 19		24.01.2020	Approved
PLAN - Proposed Site Layout (A1)	1242051 PSL 19	D	09.12.2021	Approved
PLAN - Proposed Site Elevations (A1)	1242051 PSE 19	D	10.12.2021	Approved
PLAN - Location Plan (A4)	1242051 LP 19		24.01.2020	Approved
PLAN - Internal Sales Building Layout (A1)	1242051 ISBL 19	D	10.12.2021	Approved
PLAN - Proposed Sales Building Elevations (A1)	1242051 PSBE 19	D	10.12.2021	Approved

## INFORMATIVES

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

For further information on this application please contact 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=Q4LVUKERMPU00>

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Report to **Planning Committee**  
Date **2 March 2022**  
By **Director of Planning and Environment**  
Local Authority **Chichester District Council**  
Application No. **SDNP/21/03746/HOUS**  
Applicant **Mr & Mrs Grew**  
Application **Rear two storey extension and alterations.**  
Address **48 Lavant Down Road  
Mid Lavant  
Chichester  
PO18 0DJ**

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

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## **Executive Summary**

**Reason for Committee Referral:** Applicant is an Officer of the Council

Planning permission is sought to erect a two-storey extension to the rear of 48 Lavant Down Road. The property is a modern three bedroomed semi-detached dwellinghouse situated in the Lavant Settlement Policy Area. Within the locality there are many examples of similar two-storey extensions. The proposal is not considered to have a harmful impact on the amenities of the occupiers of nearby residential properties or on the character and appearance of the immediate area and the wider South Downs National Park. The proposal complies with both local and national planning policy and is recommended for conditional approval.

### **1.0 Site Description**

- 1.1 Lavant Down Road is a late 20th century residential development situated to the north of Lavant within the Lavant Settlement Policy Area and the wider South Downs National Park. The immediate area consists of modern semi-detached brick-built properties which are of a similar style, age and construction many of which benefit from extensions.
- 1.2 The site is a two-storey semi-detached dwellinghouse with an integral garage. The property has brown brick walls at ground floor with hanging tiles above, white casement windows and a concrete tiled roof. The rear garden is surrounded by 1.8-metre-high fencing and established planting with neighbouring gardens to each side and to the rear.
- 1.3 The immediate neighbouring property, 50 Lavant Down Road sited to the east is attached. This property has 3 windows to the rear elevation. The closest window serves a bathroom with the remaining windows serving the first-floor landing and a bedroom.

69 Springfield Close, a two-storey property lies to the west. There are no windows in the east (side) elevation facing into the site which are likely to be impacted by the proposal.

## **2.0 Proposal**

- 2.1 This application seeks permission to erect a two-storey rear extension measuring 6.92 metres wide, projecting 3.89 metres from the rear elevation, with eaves heights of 4.2 and 4.8 metres and a total ridge height of 7.53 metres. The proposed extension would project 1.90 metres further than the neighbours existing single storey rear extension.

## **3.0 Relevant Planning History**

- 3.1 No relevant planning history.

## **4.0 Consultations**

### **4.1 Parish Council Consultee**

No comments received.

### **4.2 CDC - Environmental Strategy**

Bats:

The Phase 1 daytime bat survey (July 2021) concluded a negligible potential to support roosting bats overall and therefore did not recommend any further surveys. However, the lighting scheme for the site will need to take into consideration the presence of bats in the local area. The scheme should minimise potential impacts to any bats using the trees, hedgerows, and buildings, especially around the northern boundary of the property, by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Hedgehogs:

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

Nesting Birds:

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

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

### **4.3 Environment Agency (STAT)**

No comments received.

## 5.0 Representations

5.1 No third-party representations received.

## 6.0 Planning Policy Context

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

Other plans considered:

- Lavant Neighbourhood Development Plan 2016-2031

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

### National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

## 7.0 Planning Policy

### Relevant Government Planning Policy and Guidance

7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

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

- NPPF Section 2 - Achieving sustainable development
- NPPF Section 15 – Conserving and enhancing the natural environment

7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered relevant to this application:

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

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD8 - Dark Night Skies
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

The following policies of the Lavant Neighbourhood Development Plan are relevant to this application:

- Policy LNNDP2 – South Downs National Park
- Policy LNNDP5 – High Quality Design
- Policy LNNDP8 – Dark Night Skies
- Policy LNNDP14 – Landscape Character and Key Views

#### Partnership Management Plan

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

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3

## **8.0 Planning Assessment**

8.1 The main issues with this proposal are:

- The Principle of Development
- Design
- The Impact on residential amenity
- The impact on the South Downs National Park

#### Principle of Development

8.2 The site lies within the settlement policy boundary where the principle of extending and altering dwellings is considered acceptable.

- 8.3 Policy SD31 of the South Downs National Park Local Plan (SDNPLP) is primarily concerned with preventing the loss of small and medium dwellings within the park. Development proposals for extensions to existing dwellings will be permitted where the Gross Internal Area (GIA) of the existing dwelling (the residential unit that existed on 18th December 2002) does not increase by more than approximately 30%. In addition, the policy requires that proposals are not overbearing or of a form which would be detrimental to the amenity of nearby residents by virtue of loss of light and/or privacy while respecting the established character of the local area.
- 8.4 The increase in GIA being proposed equates to 32.08%. The proposal does not result in the loss of a medium sized home within the park and is considered to comply with the criteria of policy SD31. To ensure future compliance with the policy it is recommended that permitted development rights are removed to prevent the further extension of the property outside of the control of the local planning authority.

#### Design

- 8.5 The proposal consists of a two-storey rear extension projecting from the rear elevation of bedroom 1 to extend both bedrooms 1 and 3 to improve the functionality of the first-floor layout and provide a home office/study.
- 8.6 The works are confined to the rear of the building and will not be particularly prominent from any public vantage points. Any views of the proposed extension will be mitigated by it being set against a backdrop of the existing dwelling. It is proposed to condition materials to be used in the construction of the extension to match those of the existing property.
- 8.7 During the planning process negotiations have resulted in the extension being stepped down from the ridge line and the side elevations being pulled in to reduce the scale and massing of the addition. The proposal is considered to be appropriate in size, scale and design to the host building and will contribute to the local distinctiveness of this residential area of Lavant.

#### The Impact on residential amenity.

- 8.8 There are no openings in the side elevations of the proposed extension. The proposal complies with The Chichester District Design Guidelines for Alterations to Dwellings and Extensions. The maximum depth to which a rear extension will be favourably considered is generally determined by a 45-degree angle taken from the mid-point of the nearest first floor habitable windows. The proposal complies with the guidelines and it is not therefore considered that the two-storey extension would have any adverse impact on the amenity value of the adjoining property
- 8.9 Due to the design and siting of the dwellinghouse and the established screening the proposal is not considered to have a detrimental impact on the amenity of the neighbouring properties. The proposed extension is considered to be subservient to the host dwelling and there would be minimal impact to neighbouring amenity as a result.

### The impact on the South Downs National Park

- 8.10 The two-storey rear extension will be visible from public viewpoints in Springfield Close to the south west of the site. In this residential location, where modern two-storey dwellinghouses dominate the street scene development of this nature is commonplace.
- 8.11 The properties in Lavant Down Road are of a modern uniform appearance, constructed of red brick with tile hanging to the first floor and concrete tiled roofs. Due to the size and design the extension would appear in keeping with the character and appearance of the host building. Any visual impact would be mitigated by the use of similar materials. The proposal would not detract from the visual amenity of the surrounding area or the wider South Downs National Park.
- 8.12 The proposal will deliver ecosystems services including the provision of a bird nesting box within the garden of the property. Therefore, the proposal would comply with SD2 of the South Downs Local Plan.

### Nitrates

- 8.13 It should be noted that although the site is within the Chichester Harbour Fluvial Catchment area the proposal does not result in a net increase in a new dwelling and screening is not therefore required.

## **9.0 Conclusion**

The proposed development is considered to accord with national and local planning policies and approval is recommended.

## **10.0 Reason for Recommendation and Conditions**

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

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

Reason: To comply with the provisions of Section 91 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 "Plans Referred to in Consideration of this Application".

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

3. All external materials used in the construction of the development hereby approved shall match the type, texture, composition, colour, size and profile of those used on the existing building and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area.

4. The windows of the development hereby approved shall match in all respects those of the existing building.

Reason: In the interests of visual amenity.

5. Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of night-time amenity, tranquillity and protect and conserve the International Dark night Skies.

6. The development hereby permitted shall be carried out in accordance with the approved ecosystems services statement and retained thereafter unless details of other suitable ecosystems services proposals are otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an overall positive impact on the ability of the natural environment to contribute goods and services, in accordance with policy SD2 of the South Downs Local Plan.

7. Before the development hereby permitted is brought into use details and locations of 2 bird nesting opportunities for species such as swallows, swifts, housemartins, house sparrows and starlings shall be submitted for the approval of the Local Planning Authority. The approved detailing shall be inserted prior to the completion of the scheme and shall thereafter be left in perpetuity. Appropriate designs can be found in the publication "Designing for Biodiversity: A technical guide for new and existing buildings".

Reason: In order not to disturb nor deter the nesting of birds in accordance with the Wildlife and Countryside Act 1981.

8. Before the development hereby permitted is brought into use details and locations of 1 hedgehog nesting opportunities shall be submitted for the approval of the Local Planning Authority. The approved detailing shall be inserted prior to the completion of the scheme and shall thereafter be left in perpetuity.

Reason: In order to provide suitable nesting for hedgehogs and prevent deterrents in their nesting in accordance with the Wildlife and Countryside Act 1981

9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A, C and E inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land.

## **11.0 Crime and Disorder Implications**

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

## **12.0 Human Rights Implications**

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

## **13.0 Equality Act 2010**

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

## **14.0 Proactive Working**

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.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Beverley Stubbington  
Tel: 01243 534734  
email: [dcplanning@chichester.gov.uk](mailto:dcplanning@chichester.gov.uk)

Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

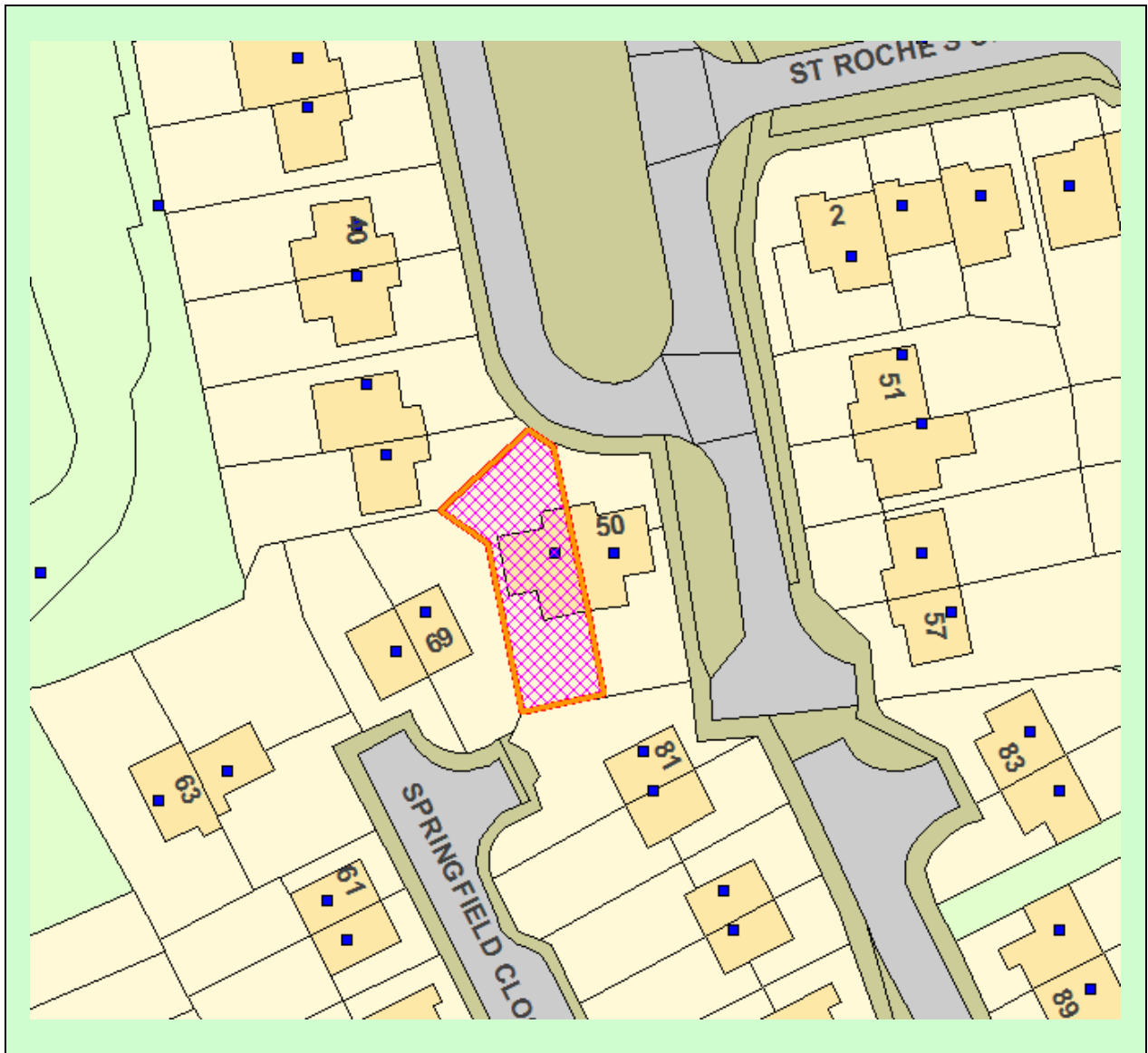
SDNPA Consultees

Background Documents



## Appendix 1

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date Received	Status
Plans - PROPOSED LOCATION, SITE, FLOOR PLANS AND ELEVATIONS	DPA-01	Revision 04	11.01.2022	Approved

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

**Chichester District Council  
Planning Committee**

**Wednesday 2 March 2022**

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

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

**between 12-01-2022 - 11-02-2022**

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>20/03125/OUT</u></a>	
<b>Earnley Parish</b>  <b>Case Officer: Jeremy Bushell</b>  <b>Public Inquiry</b>	Land South Of Clappers Lane Clappers Lane Earnley West Sussex - Outline Application for the erection of up to 100 dwellings with associated access, landscaping and public open space. All matters reserved other than access.
<a href="#"><u>21/03278/FUL</u></a>	
<b>East Wittering And Bracklesham Parish</b>  <b>Case Officer: Emma Kierans</b>  <b>Written Representation</b>	Land South Of Tranjoeen 1 The Paddock Bracklesham Lane Bracklesham Bay West Sussex - Proposed vehicle crossover (means of access to a highway Class B).

Reference/Procedure	Proposal
<a href="#"><u>21/03279/FUL</u></a>	
<p><b>East Wittering And Bracklesham Parish</b></p> <p><b>Case Officer: Emma Kierans</b></p> <p><b>Written Representation</b></p>	<p>Land South Of Tranjoeen 1 Field Maple Bracklesham Lane Bracklesham Bay West Sussex - Proposed vehicle crossover (means of access to a highway Class B).</p>
<a href="#"><u>21/02547/DOC</u></a>	
<p><b>Oving Parish</b></p> <p><b>Case Officer: Jeremy Bushell</b></p> <p><b>Written Representation</b></p>	<p>Former Portfield Quarry And Uma House Shopwhyke Road Shopwhyke Chichester West Sussex PO20 2AD - Discharge of condition 3 (foul water disposal) from planning permission O/19/02030/FUL.</p>

## 2. DECISIONS MADE

Reference/Procedure	Proposal
<a href="#">20/00412/OUT</a>	
<p><b>Chidham &amp; Hambrook Parish</b></p> <p><b>Case Officer: Andrew Robbins</b></p> <p><b>Informal Hearings</b></p>	<p>Land Off Broad Road Broad RoadHambrook 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.</p>
<p><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p>... The main issues are therefore whether the proposal would: a) constitute an ‘entry level exception site’, having regard to local and national planning policy for the delivery of affordable housing; b) deliver a mixed and sustainable community having regard to the proximity of the DMS housing to the electricity pylons; c) achieve nutrient neutrality throughout the lifetime of the development. ...The combined area occupied by Nutbourne and Hambrook is 35ha. On this basis the proposed development would equate to a 4.6% increase in the size of the settlement as a whole. This leads me to find that the proposal would be within the 5% limit set out in the Framework and would be proportionate in size to the existing settlement as a whole. ...I therefore conclude that the proposal satisfies all the Framework’s requirements to qualify as an entry-level exception site. This is a material consideration that outweighs the conflict with the development plan’s locational policies. ...Whilst I understand the Councils’ concerns, there was substantive evidence before me which suggested that whilst not every bank or building society would choose to do so, there are lenders who are willing to offer mortgages on properties that are close to pylons, subject to a valuer’s comments. The S106 agreement provides for the properties to be sold at 30% below the ‘open market value’. As these figures have to be provided by a suitably qualified person it is reasonable to expect that the sale prices of the properties would be appropriate for the area, would be attractive to potential first time home owners, and therefore should not make it excessively difficult for qualifying buyers to secure a mortgage. ...I therefore conclude that the development as a whole would provide a mixed and inclusive community. ...The appellant has secured an option to purchase an area of land which it is proposed would to be taken out of agricultural production, replaced by trees and managed as woodland over the long term. The area of land amounted to 0.37ha. However, when Natural England (NE) was consulted about the proposed mitigation measures it raised an objection, stating that an area of at least 0.42ha would be required to avoid an adverse effect on the integrity of the protected sites. ... However, I also have other concerns about the drafting of the UU before me. The approach of preventing commencement of development until a further deed controlling the use of the mitigation land is secured could be feasible; but it would be an unusual arrangement. In particular, the specific wording of the UU only requires the mitigation deed to be ‘entered into’ or ‘completed’. In order to be enforceable, the Nitrate Mitigation Deed would need to be validly executed as a deed and provided to the Council so that it can be registered as a local land charge. Without these steps being guaranteed, the deed would not be enforceable and subsequent landowners would not be bound by its terms. ... I share the Council’s concerns about the enforceability of the existing UU. Therefore, in the absence of a planning obligation that would secure the change of use of 0.42ha of agricultural land to a woodland in perpetuity, I cannot be certain that there would be no adverse effects on the integrity of the protected areas. This leads me to conclude that the scheme fails to comply with the Habitats Regulations...</p>	

Reference/Procedure	Proposal
<a href="#"><u>21/01278/DOM</u></a>	
<p><b>East Wittering And Bracklesham Parish</b></p> <p><b>Case Officer: Maria Tomlinson</b></p> <p><b>Fast Track Appeal</b></p>	<p>Tamarisk West Bracklesham Drive Bracklesham PO20 8PH - Extension of double garage with accommodation over and removal of restricted use.</p>
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p>“... The main issue is the effect of the proposal on the character and appearance of the area....Whilst the proposal would increase the width of the garage and the additional mass of building would be visually apparent in views from the public highway, the enlarged building would remain akin to a domestic scale outbuilding in size and design. As such, it would not appear out of place within the context of the mix of built development that is prevalent along this side of the road. The proposed increase in size would not be so disproportionate that it would result in a materially harmful impact on the street scene...I acknowledge the Parish Council concerns in respect of harm to the living conditions of the occupiers of neighbouring properties. The Council has found no harm in respect of this matter, and, on the basis of the evidence before me, and my site visit, neither do I. Whilst the proposal would bring built development closer to the neighbouring property to the east side of the site, sufficient space would remain between the extended garage and the boundary with this site, so that there would be no unduly harmful overbearing impact on the outlook from that property. The proposed repositioning of the existing roof lights approximately 1.7m closer to the east side boundary would not result in an unduly harmful impact on the privacy of that property, due to a combination of their distance away from the side boundary, together with their orientation directly facing onto the parking/turning area of that property. ...”</p>	

Reference/Procedure	Proposal
<a href="#">21/00785/DOM</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.
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>“...The appeal is dismissed ... The main issue is whether the proposed development would preserve or enhance the character or appearance of the Fishbourne Conservation Area. ... The proposed building would be of a greater length than the width of the dwelling that it would serve and combined with its height would compete visually with Estoril lacking subservience to it. ... However the proposed garage by virtue of its overall scale and design in such a prominent location would appear incongruent within to preserve the character and appearance of the Conservation Area...”</p>	

Reference/Procedure	Proposal
<a href="#"><u>19/01985/FUL</u></a>	
<p><b>Westbourne Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Informal Hearings</b>  <b>07-Sep-2021</b>  <b>Virtual Event</b></p>	<p>The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP</p> <p>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.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>“...Appeal A Ref: APP/L3815/C/21/3270919The appeal is dismissed. Appeal B Ref: APP/L3815/W/20/3259671The appeal is dismissed. I have found that the development is likely to be harmful to the SPA through the impact on water quality...The site is in a rural area ...However, due to its location within the wooded area, the effect on the character and appearance of the surrounding area is limited... Policy 36 Criterion 6 requires that in rural or semi-rural areas sites should not dominate the nearest settled or gypsy, traveller and travelling showpeople communities. NP Policy OA3-1 criterion c) which requires that development does not result in sites being over-concentrated in any one location or disproportionate in size to nearby communities. ... Woodmancote is a small hamlet while Funtington and Westbourne are larger villages. There are further gypsy, traveller and travelling showpeople sites in the area...The appeals would ...add a modest number of pitches to a relatively small site, in a location that is distinctly separate from the nearest settlements. ... It is therefore not in conflict with CDLP Policies 1, 2 and 36, NP Policy OA3-1 or the guidance in in the PPTS ... the Council accepted it could not demonstrate a five year supply [but] that there are potentially an additional 42 pitches in the system .... However, even if they were all approved or allowed there would still be an unmet need for pitches in the District. .. The absence of a five year supply warrants significant weight in the light of the appreciable deficit in supply and with the shortfall unlikely to be remedied until the new Local Plan is in place, estimated to be within the next 3 years....As adverse effects on the integrity of an ES cannot be excluded, consent can only be granted if the remaining tests in the Habitats Regulations can be met. There is no evidence that the remaining tests can be met in this case... a temporary permission would allow the adverse effects on the integrity of the SPA to continue ...The best interests of the child are a primary consideration. ... However, their importance or weight may alter on analysis of their specific circumstances and their interests can be outweighed by other factors...[i.e.] ...the protection of the SPA. ...I consider that six months strikes a reasonable balance between the interests of the appellant and the need to bring to an end the breach of planning control. The appeal on ground (g) therefore fails...”</p>	



Reference/Procedure	Proposal
<a href="#"><u>19/00217/CONCOU</u></a>	
<b>Westbourne Parish</b>  <b>Case Officer: Steven Pattie</b>  <b>Informal Hearings</b>	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP – Appeal against Enforcement Notice WE-49
<b>Appeal Decision: APPEAL DISMISSED</b>	
...Appeal A Ref: APP/L3815/C/21/3270919 The appeal is dismissed. Appeal B Ref: APP/L3815/W/20/3259671The appeal is dismissed. See Above Text.	

### 3. IN PROGRESS

Reference/Procedure	Proposal
<a href="#"><u>17/00362/CONMHC</u></a>	
<b>Birdham Parish</b>  <b>Case Officer: Shona Archer</b>  <b>Informal Hearing</b> <b>21-Jun-2022 Virtual Event</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>20/00379/CONCOU</u></a>	
<b>Birdham Parish</b>  <b>Case Officer: Shona Archer</b>  <b>Informal Hearing</b> <b>21-Jun-2022 Virtual Event</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 Hearing</b> <b>21-Jun-2022 Virtual Event</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>17/00356/CONMHC</u></a>	
<b>Birdham Parish</b>  <b>Case Officer: Shona Archer</b>  <b>Informal Hearing</b> <b>21-Jun-2022 Virtual Event</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>  <b>Informal Hearing</b> <b>10-May-2022 - Chichester District Council East Pallant House PO19 1TY</b>	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex - Change use of land to travellers caravan site consisting of 4no. pitches each containing 1no. mobile home, 1no. touring caravan, 1no. utility dayroom; play area and associated works  .

Reference/Procedure	Proposal
<a href="#"><u>20/02009/FUL</u></a>	
<p><b>Chichester Parish</b></p> <p><b>Case Officer: Martin Mew</b></p> <p><b>Informal Hearing</b> <b>10-May-2022</b></p> <p><b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b></p>	<p>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).</p>
<a href="#"><u>20/00380/CONTRV</u></a>	
<p><b>Chichester Parish</b></p> <p><b>Case Officer: Sue Payne</b></p> <p><b>Informal Hearing</b> <b>10-May-2022</b></p> <p><b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b></p>	<p>Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex - Appeal against creation of hardstandings and siting of mobile homes without planning permission.</p>
<a href="#"><u>20/03378/OUT</u></a>	
<p><b>Chidham &amp; Hambrook Parish</b></p> <p><b>Case Officer: Andrew Robbins</b></p> <p><b>Informal Hearing</b> <b>26-Apr-2022</b> <b>Virtual Event</b></p>	<p>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</p>
<a href="#"><u>21/01685/DOM</u></a>	
<p><b>Donnington Parish</b></p> <p><b>Case Officer: Maria Tomlinson</b></p> <p><b>Fast Track Appeal</b></p>	<p>121 Stockbridge Road Donnington PO19 8QR - Erection of a single-storey rear extension, two and a half-storey side extension and new roof extension with dormer window to rear.</p>

Reference/Procedure	Proposal
<a href="#"><u>19/02493/OUT</u></a>	
<b>Earnley Parish</b> <b>Case Officer: Andrew Robbins</b>  <b>Informal Hearing</b> <b>29-Mar-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19 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
<a href="#"><u>21/01674/DOM</u></a>	
<b>East Wittering And Bracklesham Parish</b>  <b>Case Officer: Sascha Haigh</b>  <b>Fast Track Appeal</b>	The Beeches 23 Barn Road East Wittering PO20 8NL - Hip to gable roof extension with raised ridge and eaves and 3 no. dormers. Two storey rear extension with various alterations including changes to fenestration.
<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.
<a href="#"><u>* 19/00445/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Martin Mew</b>  <b>Written Representation</b>	Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex - Relocation of 2 no. existing travelling show people plots plus provision of hard standing for the storage and maintenance of equipment and machinery, 6 no. new pitches for gypsies and travellers including retention of hard standing.
<a href="#"><u>19/02939/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Written Representation</b>	Old Allotment Site Newells Lane West Ashling West Sussex - Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.

Reference/Procedure	Proposal
<a href="#"><u>20/00234/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Informal Hearing</b>	Land West Of Newells Lane West Ashling PO18 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.
<a href="#"><u>20/00534/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Informal Hearing</b>	Land South Of The Stables Scant Road East Hambrook Funtington West 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.
<a href="#"><u>20/00950/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Written Representation</b>	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex - Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.
<a href="#"><u>20/00956/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Informal Hearing</b>	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex - Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.
<a href="#"><u>20/03306/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Informal Hearing</b>	Land To The West Of Newells Farm Newells Lane West Ashling West 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.

Reference/Procedure	Proposal
<a href="#"><u>18/00323/CONHI</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22
<a href="#"><u>20/00288/CONENG</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearing</b>	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD - Appeal against Enforcement Notice FU/89
<a href="#"><u>21/00152/CONTRV</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearing</b>	Land West Of Newells Farm Newells Lane West Ashling West Sussex - Appeal against Enforcement Notice FU/87
<a href="#"><u>20/00288/CONENG</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Tara Lang</b> <b>Informal Hearing</b>	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD - Appeal against Enforcement Notice FU/77
<a href="#"><u>20/00109/CONTRV</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearing</b>	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex - Appeal against Enforcement Notice FU/80
Reference/Procedure	Proposal
<a href="#"><u>20/00400/CONCOU</u></a>	
<b>Hunston Parish</b> <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	Land East Of Farmfield Nurseries Selsey Road Hunston West Sussex - Appeal against Enforcement Notices HN28 & 30

Reference/Procedure	Proposal
<a href="#"><u>20/00400/CONCOU</u></a>	
<b>Hunston Parish</b> <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	Land East Of Farmfield Nurseries Selsey Road Hunston West Sussex - Appeal against HN/28
<a href="#"><u>20/02675/OUTEIA</u></a>	
<b>Lavant Parish</b> <b>Case Officer: Jane Thatcher</b> <b>Public Inquiry</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.
<a href="#"><u>19/01400/FUL</u></a>	
<b>Loxwood Parish</b> <b>Case Officer: Martin Mew</b> <b>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.
<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.
<a href="#"><u>21/00077/FUL</u></a>	
<b>Plaistow And Ifold Parish</b> <b>Case Officer: Sascha Haigh</b> <b>Written Representation</b>	Oxencroft Ifold Bridge Lane Ifold Loxwood RH14 0UJ - New entrance gate at Oxencroft (retrospective).
<a href="#"><u>21/01256/FUL</u></a>	
<b>Plaistow And Ifold Parish</b> <b>Case Officer: Sascha Haigh</b> <b>Written Representation</b>	Land North Of Winkins Wood Farm Shillinglee Road Plaistow West Sussex - Demolition of barn and construction of barn style dwelling as an alternative to Class Q Prior Approval (20/00777/PA3Q).

Reference/Procedure	Proposal
<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
<a href="#"><u>21/03111/DOM</u></a>	
<b>Selsey Parish</b>  <b>Case Officer: Emma Kierans</b>  <b>Fast Track Appeal</b>	60 James Street Selsey PO20 0JG - Two storey side extension over and beyond existing garage incorporating extension of existing rear balcony and introduction of new dormers.
<a href="#"><u>21/03112/DOM</u></a>	
<b>Selsey Parish</b>  <b>Case Officer: Emma Kierans</b>  <b>Fast Track Appeal</b>	60 James Street Selsey PO20 0JG - Two storey side extension over and beyond existing garage and loft conversion incorporating extension of existing rear balcony and introduction of new rear mansard roof and new dormers.
<a href="#"><u>* 19/03112/FUL</u></a>	
<b>Sidlesham Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Informal Hearing</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).
<a href="#"><u>20/01470/FUL</u></a>	
<b>Sidlesham Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Informal Hearing</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.
<a href="#"><u>21/00622/FUL</u></a>	
<b>Sidlesham Parish</b>  <b>Case Officer: Maria Tomlinson</b>  <b>Written Representation</b>	Land East Of 4 Cow Sussex PO20 7LN - Detailed application for an alternative 1 no. 3 bed dwelling following approval of 19/02349/FUL.
<a href="#"><u>20/00301/CONMHC</u></a>	
<b>Sidlesham Parish</b>  <b>Case Officer: Sue Payne</b>  <b>Written Representation</b>	M & Y Fruit Limited 82A Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG - Appeal against Enforcement Notice SI/77.
<a href="#"><u>21/00038/CONMHC</u></a>	
<b>Sidlesham Parish</b>  <b>Case Officer: Sue Payne</b>  <b>Written Representation</b>	Land To The East Of Ivy Grange Keynor Lane Sidlesham West Sussex - Appeal against Enforcement Notice SI/78.
<a href="#"><u>20/02077/FUL</u></a>	
<b>Southbourne Parish</b>  <b>Case Officer: Maria Tomlinson</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.

Reference/Procedure	Proposal
<a href="#"><u>20/02987/OUT</u></a>	
<b>Southbourne Parish</b> <b>Case Officer: Andrew Robbins</b> <b>Public Inquiry</b>	Four Acre Nursery Cooks Lane Southbourne PO10 8LQ - Outline application for 40 dwellings with all matters reserved apart from access, layout and scale with associated new access roads, parking and turning areas, erection of a wastewater pumping station, the provision of surface water drainage features, amendment to the existing site access and works to Cooks Lane including the provision of a new footway on the northern side.
<a href="#"><u>21/00089/FUL</u></a>	
<b>Southbourne Parish</b> <b>Case Officer: Maria Tomlinson</b> <b>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.
<a href="#"><u>* 20/02491/OUT</u></a>	
<b>West Wittering Parish</b> <b>Case Officer: Jane Thatcher</b> <b>Public Inquiry</b> <b>01-Mar-2022</b> <b>West Wittering Memorial Hall</b>	Land To The West Of Church Road Church Road West Wittering West Sussex - Outline planning application for residential development of 70 dwellings (some matters reserved except for access).
<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 West West Wittering Sussex PO20 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.
<a href="#"><u>* 20/00047/FUL</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Hopedene Common Road Hambrook Westbourne PO18 8UP - Change use of land to a single private gypsy pitch with associated hardstanding and day room.

Reference/Procedure	Proposal
<a href="#"><u>20/00785/FUL</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Calum Thomas</b> <b>Informal Hearing</b>	Meadow View Stables Monks Hill Westbourne PO10 8SX - 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
<a href="#"><u>19/00107/CONMHC</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Steven Pattie</b> <b>Written Representation</b>	Jubilee Wood Bridle Lane Woodmancote Sussex - Appeal against Enforcement Notices WE/50 & WE/51
<a href="#"><u>21/00169/CONDWE</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Tara Lang</b> <b>Public Inquiry</b>	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/54
<a href="#"><u>21/00169/CONDWE</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Tara Lang</b> <b>Public Inquiry</b>	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/52
<a href="#"><u>13/00163/CONWST</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Shona Archer</b> <b>Public Inquiry</b> <b>19-May-2022</b> <b>Virtual Event</b>	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against WE/40, WE/41 and WE/42
<a href="#"><u>13/00163/CONWST</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Shona Archer</b> <b>Public Inquiry</b> <b>19-May-2022 Virtual Event</b>	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against WE/40, WE/41 and WE/42

Reference/Procedure	Proposal
<a href="#"><u>19/00107/CONMHC</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Steven Pattie</b> <b>Written Representation</b>	Jubilee Wood Bridle Lane Woodmancote Hambrook West Sussex - Appeal against Enforcement Notices WE/50 WE/51
<a href="#"><u>21/00169/CONDWE</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Tara Lang</b> <b>Public Inquiry</b>	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/53
<a href="#"><u>13/00163/CONWST</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Shona Archer</b> <b>Public Inquiry</b> <b>19-May-2022 Virtual Event</b>	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against WE/40, WE/41 and WE/42
<a href="#"><u>20/02824/OUT</u></a>	
<b>Westhampnett Parish</b> <b>Case Officer: Andrew Robbins</b> <b>Public Inquiry</b> <b>03-Aug-2021</b> <b>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

None.

#### 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

#### 6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land North West of Premier Park, Birdham	Breach of 4 Enforcement Notice	Injunction granted by The High Court in August 2020 and subsequent amended Injunction of January 2021 to vacate the land and restore to agricultural use. Majority of occupants have left and 3 plots still remaining at the moment. Currently liaising with Housing and if not successful, Legal will assess evidence for contempt of court proceedings

Court Hearings		
Site	Matter	Stage

<b>Prosecutions</b>		
<b>Site</b>	<b>Breach</b>	<b>Stage</b>
Cowdown Farm, Compton	Breach of Enforcement Notice	First hearing adjourned at the request of the defence. Awaiting new date from the court.
Oakham Farmhouse, Oving	Breach of Enforcement Notice	Court date requested. Court chased for first hearing date
Land South of the Stables	Breach of Enforcement Notice	Court adjourned at our request due to ongoing appeal. First hearing on 1 April 2022

## **7. POLICY MATTERS**

## 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 12-01-2022 and 11-02-2022

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

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

\* - Committee level decision.

#### 1. NEW APPEALS

Reference/Procedure	Proposal
<p><u><a href="#">SDNP/21/04007/FUL</a></u> Milland Parish Council Parish</p> <p>Case Officer: Louise Kent</p> <p><b>Written Representation</b></p>	<p>Aston House (formerly Dellwood Cottage) Wheatsheaf Enclosure Milland Liphook West Sussex GU30 7EH - Replacement 1 no. 2 storey dwelling.</p>
<p><u><a href="#">SDNP/20/05011/FUL</a></u> Ebernoe Parish Council Parish</p> <p>Case Officer: Jenna Shore</p> <p><b>Written Representation</b></p>	<p>Bittlesfield Ebernoe Road Balls Cross Ebernoe GU28 9JU - Demolition of 1 no. existing dwelling, garage and outbuildings, replaced with 1no. detached dwelling and 1no. detached garage/storage including access, driveway, parking and amenity space.</p>

## 2. DECIDED

Reference/Procedure	Proposal
<p data-bbox="108 248 448 353"><u>SDNP/20/04081/FUL</u> Petworth Town Council Parish</p> <p data-bbox="108 383 437 456">Case Officer: Beverley Stubbington</p> <p data-bbox="108 479 469 517"><b>Written Representation</b></p>	<p data-bbox="549 248 1378 353">The Grove Inn Grove Lane Petworth GU28 0HY - Change of use to 1 no. dwelling and replacement garaging and associated alterations.</p>
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p data-bbox="108 577 1390 931">“... I have found partially in favour of the appeal in relation to the first main issue (specifically in relation to the front boundary wall), and also found in relation to the second main issue, that the proposal would not adversely affect occupiers of The Hollow. ... However, these findings are outweighed by my concerns in relation to the failure of the proposal to satisfactorily integrate with the character and appearance of the area and consequent harm to the landscape of the national park and setting of the Conservation Area, as well as the adverse impact on the occupiers of Oldways through overbearing effects. I do not consider the replacement of the existing dated dwelling with a more energy efficient house with micro generation power technologies would outweigh these concerns. ...</p>	



Reference/Procedure	Proposal
<p data-bbox="113 208 448 309"><u>SDNP/21/00350/HOUS</u> Petworth Town Council Parish</p> <p data-bbox="113 342 496 376">Case Officer: Jenna Shore</p> <p data-bbox="113 439 427 472"><b>Householder Appeal</b></p>	<p data-bbox="555 208 1382 275">Leith House Angel Street Petworth GU28 0BG - Proposed domestic ancillary outbuilding.</p>
<p data-bbox="475 506 1046 539"><b>Appeal Decision: APPEAL ALLOWED</b></p>	
<p data-bbox="97 544 1418 1668">"... The main issue is the effect of the proposed outbuilding on the character and appearance of the area, the wider landscape, the setting of listed buildings and the Petworth Conservation Area (the CA). ... The CA Statement and the Petworth Neighbourhood Plan 2018 (the NP) describe the Angel Street character area as an early suburb developed from the C16 onwards and distinct from the more densely developed commercial core. The buildings provide a historic reflection of the rich variety of architectural forms which have developed over six centuries or more, emphasised by the many Listed Buildings locally. This lends the richness and interest to the streetscape which is a vital element of the predominantly residential character of the Angel Street area. Leith House is a mid C20 two storey brick house with a timber garage building connected at ground floor level by a flat roofed link. ... ue to its modest scale, appearance and traditional simple form and appearance, it does not compete with, or detract from, the surrounding and historic street scene. I judge it has a neutral effect on the CA. ... The proposed shed would be to the side of Leith House and would project forward of the main house wall. ... The shed would be well set back from the road. Although together with the neighbouring outbuilding it would present an appearance of two gables to the front, this would not be intrusive in the historic street scene which has various heights and styles of buildings much closer to the road side than the proposed shed would be. Nor, due to its the relatively small scale, do I consider the juxtaposition with Leith House to be so awkward as to justify refusal of permission. ... The proposed shed would be viewed in the context of an outbuilding on the Leith Cottage side of the boundary. ... I consider it would have a neutral effect on the setting of Leith Cottage and the way in which it is appreciated. For similar reasons I consider that, ... it would not harm the character or appearance of the CA taken as a whole. Overall, the effect would be neutral, which amounts to preservation. ... The outbuilding (described on the plan as a garden shed – “the shed”) would be less than the 30% floor space guideline at Policy SD31 of the South Downs Local Plan 2019 (the LP). The character of the site as residential would be unchanged. Overall I find no material conflict with Policy SD31. I conclude that the development would not harm the character and appearance of the area, the wider landscape, or the setting of listed buildings and would preserve the character and appearance of the CA and the National Park. I find no material conflict with the objectives of ... the LP... or the National Planning Policy Framework ... The appeal should be allowed."</p>	

Reference/Procedure	Proposal
<p data-bbox="113 203 453 309"><u>SDNP/20/05361/FUL</u> Duncton Parish Council Parish</p> <p data-bbox="113 338 437 409">Case Officer: Beverley Stubbington</p> <p data-bbox="113 434 469 468"><b>Written Representation</b></p>	<p data-bbox="555 203 1382 344">Laudacre Cottage Beechwood Lane Duncton GU28 0NA - Replacement dwelling, garage and associated works (amendments to design approved under SDNP/16/01733/FUL).</p>

**Appeal Decision: APPEAL ALLOWED**

"... Conclusion ... A number of policies have been cited in the Council's reason for refusal. While the proposal would conflict with policy SD30 insofar as it restricts the floorspace uplift of a replacement dwelling, the proposal would comply with policies SD1, SD4, SD6, SD5, SD7 which together seek to conserve and enhance the landscape character and include a requirement for sensitive design. Given the clear conflict with policy SD30 of the Local Plan, the proposals would not be in accordance with the development plan as a whole. However, I have found that material considerations indicate a decision should be made otherwise. I therefore find that the appeal should be allowed.

Conditions ... The Authority have suggested a number of conditions and I have considered these against the tests contained in the Framework and Planning Practice Guidance. I have imposed conditions requiring compliance with the submitted plans to provide certainty for all parties. The Authority have recommended that permitted development rights for the property be removed for various works including any alterations, extensions, new windows, roof level openings or outbuildings. The reason why this is recommended has not been given and, as the General Permitted Development Order already limits permitted development rights for properties within National Parks, I am not convinced that further restrictions are necessary in this case. I am also mindful in this respect of the advice in Planning Practice Guidance that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. A condition is imposed to ensure that the soft landscaping shown on the plans is delivered to ensure the proposal sits comfortably within its verdant setting and delivers enhancements to the landscape. A condition is also imposed in relation to storage of construction materials on the site so as to protect the adjacent water course. Given the size of the proposed structure as the conversion of the garage into a separate unit of accommodation would likely require planning permission in its own right, I do not consider it necessary to impose a condition in relation to its use. ..."

Reference/Procedure	Proposal
<p data-bbox="113 203 448 309"><u>SDNP/21/00278/HOUS</u> Petworth Town Council Parish</p> <p data-bbox="113 338 496 371">Case Officer: Jenna Shore</p> <p data-bbox="113 434 427 468"><b>Householder Appeal</b></p>	<p data-bbox="555 203 1412 309">Leith House Angel Street Petworth GU28 0BG - Demolition of an existing double garage and alterations and extensions to existing dwelling.</p>
<p data-bbox="469 486 1054 519"><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p data-bbox="97 524 1418 2027">"... The appellant has requested that I consider amendments as shown on proposed elevations and sections Plan Ref 0074/05 REV H and associated revised montages. ... the Council has confirmed that its decision was taken on the basis of proposed elevations and sections Plan Ref 0074/05 REV F. ... I cannot confidently conclude that the revisions would not prejudice the interests of interested parties. Accordingly I have determined the appeal on the basis of the plans on which the Council reached their decision. ... The CA Statement and the Petworth Neighbourhood Plan 2018 (the NP) describe the Angel Street character area as an early suburb developed from the C16 onwards and distinct from the more densely developed commercial core. The buildings provide a historic reflection of the rich variety of architectural forms which have developed over six centuries or more, emphasised by the many Listed Buildings locally. This lends the richness and interest to the streetscape which is a vital element of the predominantly residential character of the Angel Street area. ...Due to the road layout, the Grade II Listed Church of the Sacred Heart and its Presbytery are particularly prominent and contribute significantly to the historic street scene of this part of the CA. The appeal site occupies a central, prominent and highly visible position near them. When approaching the appeal site along Angel Street, from the west in particular, the Church and Presbytery can be clearly appreciated to the north of the appeal site. ... Leith House is a mid C20 two storey brick house with a timber garage building connected at ground floor level by a flat roofed link. It is unlike the nearby prevailing architectural character ... Nevertheless, due to its modest scale, appearance and traditional simple form and appearance, it does not compete with, or detract from, the surrounding and historic street scene. I judge it has a neutral effect on the CA. ... The garage and single storey link would be replaced by a two storey extension and link. ... This would project above the eaves of the main house whereas the ridge of the existing garage appears to sit level with the eaves. ... The extension would be wider than the garage, projecting further towards Angel Street, and the roof would be asymmetrical. In views from the east the proposed building would obscure more of the Church than the existing garage. ... the ... modern contemporary character ... would be at odds with the host property and the combining of two distinct styles would introduce a discordant feature within this historic setting. The appearance would be of two separate buildings rather than a subservient extension. This together, with the modern and contemporary design, would overwhelm and draw attention away from its unassuming host, and compete with views of the Church and Presbytery. The original proposal for a dark grey zinc roof would add to the contemporary appearance of the extension. ... slate could have a modern or traditional appearance. Because of this, and as the overall scale and design would remain the same, the different roof material would not lead me to any different conclusion. Overall, the proposed extension would result in an incongruous addition that would be out of keeping in this historic location, harming the setting of the Presbytery and Church, ... These buildings are of significant importance, not only in terms of their listing, but also because of the important contribution they make to this historic street scene. The proposed extension would, in my view, cause significant harm to their setting. However, ... the proposal would have a neutral effect on the setting of Leith Cottage and how it is appreciated. The appellant has offered to install low level lighting, internal lighting sensors, internal automated blinds that can close during darker hours, and sliding shutters which, when used, could overcome the effect of lit windows in relation to the street scene. ... no mechanism has been offered to ensure these measures would be used and maintained. ... Accordingly I give these matters little weight in this case. ... The Parties do not agree as to the extent by which the proposed extension would increase the floorspace compared to the existing house. ... Even the appellant's calculation of 35% exceeds the approximately 30% increase considered acceptable under Policy SD31 of the South Downs Local</p>	

**Appeal Decision: APPEAL DISMISSED - continued**

Plan 2019 (the LP). One of the purposes of this policy is to avoid the over extension of existing properties due to the adverse impact this can have on the character and appearance of the settlement. I do not consider that the appellant's contention that the property would regularly accommodate the extended family would amount to sufficient exceptional circumstance to justify an extension of the size proposed. ... a second purpose of Policy SD31 is to protect the limited supply of small and medium sized houses in the National Park. Due to its three bedrooms and modest living accommodation Leith House would currently meet the definition of a medium sized house as explained in the South Downs Local Plan Extensions and Replacement Dwellings Technical Advice Note. The proposed plans show the extended property would have three bedrooms. However, the plans show the existing house would be re-modelled into very generous living accommodation on both floors and there would be no mechanism to prevent parts of this being converted to bedroom(s) in the future. ... I also conclude that the extended dwelling would no longer amount to medium sized in the terms of the LP. Taking both purposes together I do not consider the proposal accords with the thrust of Policy SD31. ... There would be a higher ratio of glazing within the proposed development compared to existing. However, the appeal site is within the built-up area of Petworth. Taking account of existing street lighting and light spill, I do not consider any increase in light spill resulting from the larger areas of glazing would have such a significant effect in terms of Dark Skies policies as to justify the refusal of planning permission. ... . Beyond Leith Cottage are the Grade II Listed Buildings of Holly Tree Cottage, Hill Cottage and Grays. ... the extensions proposed would not harm the setting of these buildings or the appreciation of their historic and architectural characters. ... . I conclude that the proposed extensions would have a harmful effect on the character and appearance of the area, the setting of listed buildings and on the CA. Accordingly there would be conflict with Policies ... of the Local Plan; ... the NP and those principles of the Framework that seek to ensure development respects the character and appearance of the local area and protects designated heritage assets. ... I have found no material considerations to outweigh this conflict. The appeal should be dismissed. "

### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>SDNP/20/01635/LDP</u> West Lavington Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p><b>Informal Hearing</b> <b>22/02/2022 10:00:00</b> Virtual Hearing</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>
<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>
<p><u>SDNP/20/04086/HOUS</u> Bury Parish Council</p> <p>Case Officer: Jenna Shore</p> <p><b>Written Representation</b></p>	<p>Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store</p>
<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 Lynchmere GU27 3SP - Existing lawful development - rear garden cabin.</p>

Reference/Procedure	Proposal
<p><u>SDNP/20/04087/LIS</u> Bury Parish Council</p> <p>Case Officer: Jenna Shore</p> <p><b>Written Representation</b></p>	<p>Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store</p>
<p><u>SDNP/20/04533/HOUS</u> Fittleworth Parish Council</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>
<p><u>SDNP/20/03967/HOUS</u> West Lavington Parish Council</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>
<p><u>SDNP/21/03427/HOUS</u> Trotton With Chithurst Parish Council</p> <p>Case Officer: Louise Kent</p> <p><b>Householder Appeal</b></p>	<p>Mottistone Cottage Terwick Hill Rogate GU31 5EJ - Erection of a new oak framed garage provided by English Heritage Oak.</p>
<p><u>SDNP/20/02935/CND</u> Harting Parish Council Case</p> <p>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>

Reference/Procedure	Proposal
<p><u>SDNP/21/01877/FUL</u> Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Rew Cottage Hesworth Common Lane Fittleworth RH20 1EW - Retrospective planning application for the retention of the realigned access road together with the replacement gates.</p>
<p><u>SDNP/20/04726/HOUS</u> Lodsworth Parish Council</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><u>SDNP/18/00609/BRECO</u> Rogate Parish Council</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>
<p><u>SDNP/19/00386/COU</u> Fittleworth Parish Council</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>

#### 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