

Public Document Pack

JOHN WARD

Director of Corporate Services

Contact: Fiona Baker on 01243 534609

Email: fbaker@chichester.gov.uk

East Pallant House

1 East Pallant

Chichester

West Sussex

PO19 1TY

Tel: 01243 785166

www.chichester.gov.uk



A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 5 October 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 - 6)

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

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

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

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

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 8 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **BI/22/01497/FUL - Premier Marinas (west car park), Chichester Marina, Birdham, PO20 7EJ** (Pages 9 - 24)
Installation of 1 no. hub pay station and associated works within the existing west car park at Chichester Marina.
- 6 **BI/22/01498/FUL - Premier Marinas (East car park), Chichester Marina, Birdham** (Pages 25 - 41)
Demolition of existing car park island and creation of new proposed ticket machine island, installation of 1 no. new hub pay station and 2 no. main entry lane hub ticket machines and associated works within the existing east car park at Chichester Marina.
- 7 **LX/21/02849/FUL - Land South West of Willets Way, Willets Way, Loxwood** (Pages 43 - 76)
5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping.
- 8 **Nitrate Mitigation Scheme at Droke Lane, East Dean** (Pages 77 - 83)
The Planning Committee are asked to consider the attached report and make the following recommendation;
- That the Committee approves the recommendation to enter into a legal agreement with the owner of land at Droke Lane, East Dean, and the South Downs National Park Authority to secure the provision of a credit-selling nitrates mitigation scheme.**
- 9 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 85 - 100)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 10 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 101 - 105)
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 **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
- 12 **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 to speak they will be invited to attend the meeting and issued a seat in the public gallery
 - You are advised not to attend any face to face meeting if you have symptoms of Covid.
6. How applications are referenced:
 - a) First 2 Digits = Parish
 - b) Next 2 Digits = Year
 - c) Next 5 Digits = Application Number
 - d) Final Letters = Application Type

Application Type

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

Committee report changes appear in bold text. Application Status

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

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

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 7 September 2022 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Mr G Barrett, Mr B Brisbane, Mr R Briscoe, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present: Rev J H Bowden and Mrs J Fowler

In attendance by invitation:

Officers present: Mrs F Baker (Democratic Services Officer), 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) and Mr C Thomas (Senior Planning Officer)

278 **Chairman's Announcements**

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

She informed the Committee that Agenda Item 5 – NM/21/02878/OUT – Land North of Larock, Post Office Lane, North Mundham had been withdrawn to allow further investigation with regard to surface water and ground water following amended guidance in the NPPG which was issued on 25 August 2022.

Apologies were received from Cllr John-Henry Bowden and Cllr Fowler.

279 **Approval of Minutes**

The minutes of the meeting held on 10 August 2022 were agreed as a true and accurate record.

280 **Urgent Items**

There were no urgent items.

281 **Declarations of Interests**

Mrs Johnson declared a personal interest in;

- Agenda Item 6 – D/21/0099/FUL – as a member of West Sussex County Council

- Agenda Item 7 – CC/21/03657/FUL – as a member of West Sussex County Council

Mr Oakley declared a personal interest in;

- Agenda Item 6 – D/21/0099/FUL – as a member of West Sussex County Council
- Agenda Item 7 – CC/21/03657/FUL – as a member of West Sussex County Council

Mrs Sharp declared a personal interest in;

- Agenda Item 6 – D/21/0099/FUL – as a member of West Sussex County Council
- Agenda Item 7 – CC/21/03657/FUL – as a member of West Sussex County Council and Chichester City Council

282 NM/21/02878/OUT - Land North Of Larock Post Office Lane North Mundham West Sussex

As announced by the Chairman the item was withdrawn to allow further investigation with regard to surface water and ground water following amended guidance in the NPPG issued on 25 August 2022.

283 D/21/00997/FUL - Donnington Manor Farm Selsey Road Donnington PO20 7PL

Mr Thomas presented the report to Committee. He reminded the Committee that the application had been deferred by the Committee at the meeting on 6 July 2022 for publicity as a departure from the development plan and to reduce the extent of the residential curtilage.

Mr Thomas outlined the site application and showed the revised site plan. He explained that following discussion with the applicant there has been an enhancement to the tree boundary and a reduction in the domestic curtilage. This would be secured through a landscaping condition should the Committee chose to permit the development.

Mr Thomas explained the reasons for the proposed refusal as set out in the report.

The following representations were received;

Mr Robert Brown – Applicant
Cllr Adrian Moss – CDC Ward Member

Officers responded to Members comments and questions as follows;

With regards to the conditions which would be attached if the application were permitted; Mr Thomas went through the list of likely conditions which would be attached, including; a three year time limit for development to commence; a condition to secure materials; a condition to secure surface water drainage;

conditions to secure ecological enhancements and soft landscaping (in accordance with the ecological assessment), a condition to replace trees within first five years; a condition to secure the dwelling as agricultural occupancy. He also advised that if the application were permitted the rights for permitted development (such as an extension) and the installation of external lighting would be removed.

With regards to the replacement of trees within the first five years; Ms Stevens clarified that the condition would require any trees that die within the first five years to be replaced.

With regards to bin and bike storage; Ms Stevens confirmed these would be secured through condition if the application was permitted.

With regards to a condition being included to secure the watering of trees; Ms Stevens explained this would be unreasonable, the tree planting and maintenance would be secured through condition.

Ms Stevens advised the committee if they were minded to permit the development they should propose to 'defer for S106 and then permit'. Mr Thomas explained a s106 agreement would be required for recreational disturbance.

Following a vote the Committee voted against the officer recommendation to refuse.

Cllr Briscoe proposed the application be deferred for S106 and then permitted.

This was seconded by Cllr Sharp.

In a vote the Committee agreed to support the report recommendation to **defer for S106 then permit.**

Resolved; **Defer for S106 then permit.**

**members took a 10 minute break*

284 **CC/21/03657/FUL - Solent Wholesale Carpet Company Limited Barnfield Drive Chichester PO19 6UX**

Ms Prichard presented the report to the Committee. She outlined the application site and highlighted the proposed extension, drawing the Committee's attention to the proximity of the development to its neighbouring locations.

Ms Prichard explained the application had been deferred for a site visit at the meeting on 15 June 2022, the Committee had also requested further information on; the proposed soakaway; clarification regarding land contamination and gas venting; confirmation of how the remaining bund would be supported; further details of biodiversity net gain and clarification of site levels. Ms Prichard confirmed these matters had been addressed and were detailed in the report in bold print.

She showed the Committee the proposed elevations and confirmed there would be no changes to the eastern elevation.

Ms Prichard highlighted the bund and the proposed amendments (including landscaping) that would be made as part of the application. She explained the bund would be excavated at a 60° angle and reinforced with a geotextile membrane. The height would be retained at the existing height of 2.3m.

Ms Prichard informed the Committee that since the last Committee meeting the applicant had had a tree survey undertaken in response to concerns over Ash Dieback. The results of the survey have meant that 17 trees will be removed along the northern boundary, however 29 trees would be retained. In addition, a revised planting plan has been submitted which shows the planting of 34 new native species along the boundary.

Ms Prichard highlighted the proposed new soakaway and confirmed that it did not conflict with either the existing soakaway or the gas venting trench.

The following representations were received;

Mr Simpson – Objector

Mrs Shortman – Objector

Mr Gary Ewins – Supporter

Mr Luke Crooks – Applicant

Officers responded to Members' comments and questions as follows;

With regards to managing the visual impact from the building; Ms Prichard agreed that if the Committee wished the five year limit for replacing trees could be removed, so that the applicant would be required to replace trees indefinitely if required.

On the issue of Solar Panels; Ms Prichard advised the Committee that the installation of solar panels was not part of the application. In addition, Ms Stevens acknowledged the concern raised by the Committee over the visual impact from the installation of solar panels, but advised the removal of any permitted development rights would only be applicable to the extension and not the building as a whole.

With regards to concerns regarding impact from noise; Ms Bell drew the Committee's attention to Condition 17. She confirmed officers had reviewed and considered the Noise Impact Assessment, and, with the inclusion of condition 19 were satisfied the noise element was acceptable.

On the matter of separation distances between residential buildings and commercial buildings; Ms Prichard drew the Committee's attention to paragraph 8.15 of the report. She explained that whilst there was no set guidance for separation distances between houses and proposed commercial building the Council did have guidance contained within the Chichester District Council Development Management Service Planning Guidance Note 3 which did offer advice on what would be acceptable.

With regards to the soil from the excavation; Ms Bell explained the landscape condition had been amended to try and prevent any of the soil excavated from the

bund entering landfill, including further landscape enhancements and the potential creation of a second bund.

On the matter of the open space along the Pitcroft; Ms Bell agreed this was used as an informal area for recreational purposes and could be conditioned so that it was retained as an open space, with an informative also included to retain the recreational element.

With regards to variances in levels; Ms Prichard confirmed that the site levels had been investigated and drew the Committee's attention to paragraph 8.9a (page 100) of the report. She confirmed the site was predominately flat (apart from the bund) and officers were satisfied there would be a satisfactory relationship between the site and the Phase 9a development site to the north.

With regards to the type of trees which would be planted: Ms Prichard confirmed this would be controlled through Condition 16.

Following a discussion regarding the appropriate colour of the building and how it impacted on neighbouring residential properties; officers agreed to amend Condition 14 to reflect the Committee's concerns over the colour of the building.

On the matter of consulting with residents; Ms Stevens explained that it was not possible to include a condition or informative requiring the applicant to consult with neighbours. However, officers would liaise with the local ward members.

With regards to the inclusion of a water management condition for the new trees; Ms Stevens agreed that a management proposal could be included, however, it would not be acceptable to ask the applicant to pay an ongoing monitoring fee. The site was visible and if there were any concerns these could be reported to the Enforcement Team who would then investigate.

In a vote the Committee agreed to support the report recommendation to **permit**, subject to the amended conditions as discussed, aswell as the conditions and informatives set out in the report.

Resolved; **permit**; subject to the amended conditions as discussed, aswell as the conditions and informatives set out in the report.

**Members took a ten-minute break*

** Cllr Potter and Cllr Sharp left the meeting at 11.25am*

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

Ms Stevens drew the Committee's attention to Melita Nursery, Chalk Lane (page 126) which had been allowed at appeal. She clarified that the maximum number of additional pitches which could be sited at Melita was seven.

The Chairman drew the Committee's attention to the Agenda Update Sheet which included updates on High Court Hearings for both; Land at Flat Farm, Broad Road, Hambrook, West Sussex PO18 8FT and Westhampnett/North East Chichester SDL.

The Committee noted the decision at the Former Portfield Quarry as a positive reflection in the use local evidence.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

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

There were no late items.

288 **Exclusion of the Press and Public**

There were no part two items.

289 **Agenda Update Sheet 07.09.2022**

The meeting ended at 11.42 am

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 5 October 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:

- Mrs D Johnson – Chichester Harbour Conservancy

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:

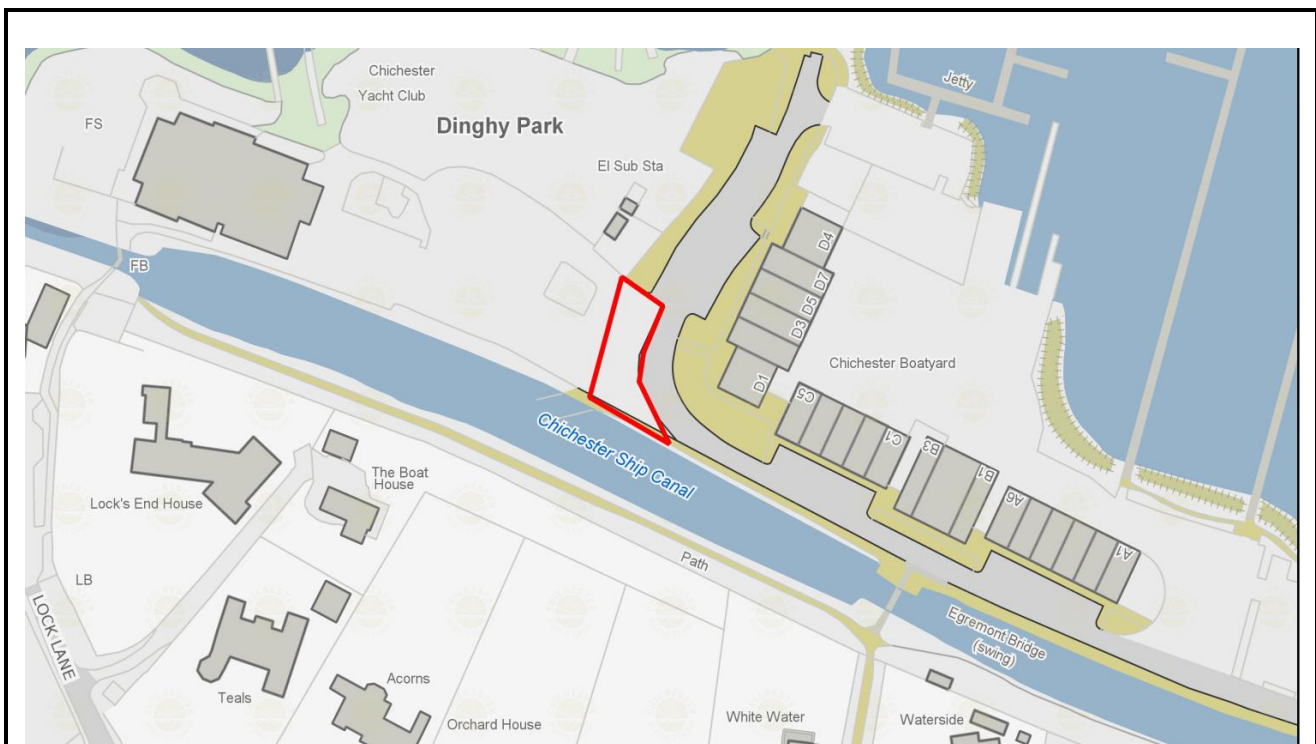
- Mr B Brisbane – Chichester Conservation Area Advisory Committee (Member)
- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)

Parish: Birdham	Ward: Harbour Villages
--------------------	---------------------------

BI/22/01497/FUL

Proposal	Installation of 1 no. hub pay station and associated works within the existing west car park at Chichester Marina.		
Site	Premier Marinas Chichester Marina Birdham West Sussex PO20 7EJ		
Map Ref	(E) 482891 (N) 101245		
Applicant	C/O Agent	Agent	Mr Andy Pearce

RECOMMENDATION TO PERMIT



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

1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site measures approximately 0.05 ha and comprises part of the existing west car park, with an unmade surface, located to the south-west of Chichester Marina. The site is accessed by a private access road which runs parallel to the Chichester Canal. Further to the east the private access road joins the unadopted, WSCC Chichester Marina Road, which then connects to the A286 (Birdham Road) at the Mariana entrance. The car parks within Chichester Mariana are used by berth holders, tenants, Chichester Yacht Club and visitors to the area and local people.
- 2.2 The application site is outside a settlement area and is within the Chichester Harbour AONB. The site is approximately 66m from the Chichester Harbour Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The majority of the site is located within Flood Zone 1 with the north-western corner in Flood Zone 2.
- 2.3 The site falls within the Birdham Parish Council boundary and is approximately 120m from the Apuldram Parish Council boundary to the north.
- 2.4 There is a network of public right of ways (PROWs) (BIR/196_1/9, BIR/37/4 and BIR/37/4) that loop around the Marina and run adjacent to the application site.

3.0 The Proposal

- 3.1 The proposal seeks the installation of one pay on foot ticket machine at the northern end of the car park. The proposed ticket pay machine would measure 0.48m width, 0.45m depth and 1.3m in height. It would have a black coloured stainless steel housing.
- 3.2 *Entry and exit machines are also proposed at the entrance to the Marina to the east and are subject to consideration under planning application 22/01498/FUL, which seeks 'Demolition of existing car park island and creation of new proposed ticket machine island, installation of 1 no. new hub pay station and 2 no. main entry lane hub ticket machines and associated works within the existing east car park at Chichester Marina'.*

4.0 History

There is an extensive planning history for the wider Marina. The most relevant planning application to this application is:

22/01498/FUL	PDE	Demolition of existing car park island and creation of new proposed ticket machine island, installation of 1 no. new hub pay station and 2 no. main entry lane hub ticket machines and associated works within the existing east car park at Chichester Marina.
--------------	-----	---

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	YES (north-western corner only)
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Birdham Parish Council

Birdham Parish Council OBJECTS to this application on the grounds that it would have a detrimental displaced parking effect on lanes around the Parish causing problems for residents and have an equally detrimental effect on the environment.

6.2 Apuldram Parish Council

Apuldram Parish Meeting strongly recommends refusal to the above application. The application whilst falling outside our parish will impact the area greatly. By the Marina charging for parking, more people will be inclined to park down Dell Quay Road. This road is not suitable for an increase in parking. Many accidents and near misses (due to bad parking) are recorded at this location and as a result any increase would also lead to even more incidents. Our parishioners have also been subjected to an increase in anti-social behaviour due to parking matters; this is not acceptable. The District cannot support such a development without the appropriate infrastructure being introduced to the area.

6.3 Environment Agency

No comments received.

6.4 Natural England

No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

The location of the proposed works is on the South Hayling to East Head, Length 4 (Bosham to West Itchenor) of the England Coast Path, which was approved by the Secretary of State on 9th July 2020. Therefore, the installation of a Car Parking Meter location should not interfere, obstruct or block the England Coast Path which passes over a Public Right of Way in this location. Natural England asks the applicant in light of this information to consider the impact of the installation of the machine in terms of the location and any impact it may have on the England Coast Path and the Public Right of Way.

6.5 Chichester Harbour Conservancy

Additional comments received 08/09/2022

The amended submission includes additional information in the form of a letter dated 15 August 2022, that seeks to fulfil the role of an AONB Landscape Visual Impact Statement (LVIS). This additional information makes reference to NPPF paras 174 and 176, to the District Council Local Plan Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB), and to the Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document (SPD), which was omitted from the initial application submission. It is noticeable that whilst the above planning documents have been now referenced, AONB Management Plan has not been commented upon, notwithstanding that it is specifically mentioned under bullet point 5 of Local Plan Policy 43. In this regard the AONB Planning Principles have NOT been mentioned, which is unfortunate given the opportunity that the submission of this additional information provided and that the letter was purported to be a (substitute) AONB LVIS.

The above situation as it is, the additional information letter does make some consideration of the submitted proposal in terms of its size and scale and the unlikely visual impact that the proposed works would have on the AONB aims and purposes.

Original comments received 01/08/2022

No objection with conditions - Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered and applied by the LPA.

The location of the proposal within the AONB and occupies a position within a rural location, sitting with a backdrop and setting of the marina complex. Vehicular access is from the eastern part of the land and is unchanged. The proposed works lie wholly within the site.

The proposed works are to the entry into the west car park area and dingy park. The works involve the installation of a ticket payment machine.

There is unfortunately no AONB Landscape Visual Impact Statement, submitted with the application, notwithstanding its location impacting on the AONB. However, there is reference to the AONB and the AONB Management Plan Policy approach within the Design and Access Statement (DAS). The Joint Chichester Harbour AONB Supplementary Planning Document is not referenced. There is no reference to para 172 of the NPPF.

The planning history raises nothing of direct relevance to the current submission. AONB PP01, PP13, PP18, and Joint SPD considerations have been part of this AONB planning assessment. The proposal makes seeks to manage visitor access to the marina site and facilities. The commercial use of the marina site is not changed. The location of the proposal is to the internal road south of the west car parking and dingy park areas. Given the location set back from the public highway and other public realm vantage points proposed works would be largely visually inconsequential.

The scale, structural shape, and massing of the proposed works (payment machine) would have a minimal change in the visual impact within the site. The design is functional and as discrete as such structures area. The visual appearance would not be out of place. The character and atmosphere / ambiance of the AONB locality is unlikely to be altered by this proposal.

In matters of ecology, biodiversity, or wildlife habitat, hibernation, foraging, mating, or spawning / nesting / rearing areas, the development proposal in the AONB would be unlikely to have any identifiable harmful impact. The proposal is unlikely to have any significant impact or effect in relation to wildlife conservation and protection. Existing trees and hedges and any other green infrastructure should be retained, particularly were providing screening from surrounding external areas. There are no mitigation measures necessary in relation to this proposal.

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. Taking the proposal as described, CHC has no substantive objection to the submitted physical works. The proposal is generally acceptable within the AONB and has a limited external impact to the wider AONB protected landscape.

6.6 WSCC Highway Authority

Additional comments received 30/08/2022

The road is not mandated at public expense and is not a designated road type but is identified as freehold, current WSCC property.

Original comments received 11/08/2022

The proposals are unlikely to result in a detriment to the public highway or the junction with the A286. The alterations proposed would not be a detriment. Therefore no concerns would be raised with the proposals.

We are aware of Apuldram Parish Council has been concerned with this proposal in relation to parking on Dell Quay Road. The LHA have assessed this information and would provide the following comments:

No waiting restrictions are in operation on Dell Quay Road and given the good forward visibility in both directions it is not considered that parking would be detrimental to highway safety. Having looked at the local context we don't see the addition of paid parking will change the situation significantly especially given the popularity of the area currently which is subject to on-street parking (especially during the summer season). Having reviewed the accident data there is no evidence to suggest that the highway in its current format is operating unsafely. The carriageway is circa 4.5m in width and provides space for another vehicle to pass a parked vehicle. It may result in vehicles having to wait for a few moments while giving way to an oncoming vehicle before pulling out to pass the parked vehicle, this however is not considered to be a 'severe' impact.

What we're not able to control through planning is whether drivers choose to commit an offence. It wouldn't be possible to insert a condition on a planning consent that prevented drivers parking on the road, as this is outside the control of the Applicant and blocking or parking in an unsafe space on the highway is an offence in its own right. There are legal mechanisms for action to be taken to discourage this behaviour, enforced by either Civil Enforcement Officers or the Police. Blocking the public can be considered to be a wilful obstruction of the free passage of a highway, contrary to section 137 of the Highways Act 1980.

6.7 WSCC PROW

No comments received.

6.8 CDC Drainage Engineer

We have reviewed the proposal, and we are satisfied that it should not have a significant impact on surface water drainage / local flood risk, and therefore we have no objection to the proposal and require no conditions be applied should you be minded to approve the application.

6.9 CDC Environmental Strategy

Due to the risk of disturbance to overwintering birds, construction works must avoid the winter months (October to Feb) to ensure they are not disturbed by any increase in noise and dust.

Due to requirement to avoid the winter months because of the over wintering birds, there may be a need to undertake vegetation clearance during the bird nesting season (1st March - 1st October). If works are required during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).

6.10 CDC Environmental Protection

Our department does not object to the proposed development.

Given the scale of works the condition below is considered necessary.

Should any land contaminants or unexpected ground conditions be identified during the course of development then groundworks shall cease, and the Environmental Health Department shall be notified so that any required remediation can be approved in writing before implementation.

6.11 CDC Economic Development

The Economic Development Service supports both applications.

The Marina is a key commercial and leisure destination on the Manhood Peninsula and is a popular destination with the public as well as users of the site. It has always offered free parking. However recently there has been several thefts from boats berthed at the site and commercial units on the site. Premier Marinas needs to address concerns by their

users and introducing car parking will allow them to have a higher level of visibility of public users and movements on the site, as well as contributing to repair and maintenance costs for the parking areas. Both berth holders and tenants pay for the car parking that they use.

Although no decisions have been made in regard to pricing structure for the parking, the applicant is minded to have a free period to ensure that the commercial tenants are not adversely effected by a drop in footfall to their premises. We also understand that discussions have taken place with Chichester Yacht Club and a discount for their staff has been agreed.

In conclusion, these applications will improve security and funding of the upkeep of the car parks. This will regularise the parking and negate any adverse impact on businesses at the site around accessibility, due to lack of parking in close proximity to their premises. This is likely to have a positive economic impact.

6.12 CDC Archaeology Officer

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

6.13 Third party comments

Two Third Party letters of objections have been received concerning:

- a) Chichester Yacht Club will not be exempt from charges
- b) People will seek alternative parking arrangements along the main road - Highway safety risk

6.14 Applicant/Agent's Supporting Information

- a) The ticket machines are necessary to collect revenue and regulate use of the car parks.
- b) The pay station and ticket machines will have minimal visual impact and their installation will create very limited disturbance.
- c) Each ticket machine requires a limited amount of excavation works to connect to utility services with all surfaces being made good upon completion.
- d) Only marina visitors will be charged to use the car park. Members of the marina, marina staff and tenants will not be required to pay to use the car park and will be identified through the car park registration details.
- e) The revenue generated by the car park will be directly used to pay for car park maintenance and improvements to the public realm.
- f) Chichester Marina is a private site and car parking is managed site-wide. The car parking apparatus is required in specific east and west car park locations but all car parking site-wide will be subject to charges.
- g) With respect to the Yacht Club, this has a lease with Premier Marinas that gives it a specified area of car parking. In addition to this we are offering, at our discretion, substantially reduced charges for yacht club staff. Any space they occupy beyond this will be chargeable. We note that Premier Marinas did consult with the Yacht Club in advance of the current planning applications being submitted. The Yacht Club are

aware of the security issues on-site and the need to introduce stricter parking measures for this commercial (private) site.

- h) Chichester marina is a privately owned site and public car parking is offered entirely at Premier Marinas discretion. We also note that all public car parking in the local area is chargeable, including sites owned by the local authority. Furthermore, the introduction of car park charging at Chichester marina is not dependent on this application. There are alternative charging systems that could be introduced that do not require development. Those alternatives do not though deliver the levels of security that are required and which the Automatic Number Plate Recognition (ANPR) system will provide.
- i) Higher standards of car parking management are required at Chichester marina to address security issues and provide a safe environment for all those using the site. These measures are vital to ensure the viability and vitality of the wider marina is protected and to secure it's long term future for the benefit of the local area and economy in accordance with Chichester Local Plan Policies 26, 43 and 44 and the Chichester Harbour Area of Outstanding Natural Beauty Joint SPD (July 2017).
- j) The proposed location for the ticket machine will not affect nor obstruct the PROW. This will remain situ and for unrestricted public access. The proposed ticket machine is in a clearly visible and accessible location and does not cause any access / public safety issues.

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 on the 19 July 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 3: The Economy and Employment Provision
- Policy 39: Transport, Accessibility and Parking
- Policy 42: Flood Risk and Water Management
- Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Policy 44: Development around the Coast
- Policy 45: Development in the Countryside
- Policy 47: Heritage and Design
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 52: Green Infrastructure

Birdham Neighbourhood Plan

Policy 2: Archaeological Sites
Policy 3: Habitat Sites
Policy 4: Landscape Character and Important Views
Policy 5: Light Pollution
Policy 6: Biodiversity
Policy 9: Traffic Impact
Policy 10: Footpaths & Cycle Paths
Policy 15: Rural Area Policy
Policy 18: Flood Risk Assessment
Policy 20: Surface Water Run-off
Policy 22: Development for Business Use
Policy 23: Retention of Businesses

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 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 paragraph and sections: 2, 4, 6, 8, 9, 11, 12, 14,15 and 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.6 The following Supplementary Planning Documents are material to the determination of this planning application:
- Surface Water and Foul Drainage SPD
 - CHC Chichester Harbour AONB Management Plan (2014-2029)
 - Joint Chichester Harbour Area of Outstanding Natural Beauty SPD
- 7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Maintain low levels of unemployment in the district
 - Support local businesses to grow and become engaged with local communities
 - Maintain the low levels of crime in the district in the light of reducing resources
 - Support and empower communities and people to help themselves and develop resilience
 - Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of Development
- ii. Visual and Landscape Impact
- iii. Parking Provision and Highway Safety
- iv. Ecology

Assessment

i. Principle of Development

- 8.2 The Local Plan adopts a development strategy and settlement hierarchy (policy 2 of CLP), sites located outside the identified boundaries of the listed settlements are categorised as being located in the Rest of the Plan Area. Here, development is restricted to that which requires a countryside location, meets an essential rural need or supports rural diversification (policy 45 of CLP). The proposed ticket machine is considered to be reasonable infrastructure ancillary to the existing use of the site as a car park. As such, with regards to policy 45 it is considered that a countryside location is required. The ticket machine would be of a small scale and well related to the existing parking provision. It would not prejudice the existing viable uses of the wider marina and the applicant has stated in their supporting documentation that members of the marina, marina staff and tenants will not be required to pay to use the car park.
- 8.3 It is noted that a third party objection has been submitted in relation to Chichester Yacht Club. The applicant has clarified that they consulted the Yacht Club prior to the submission of the planning application and have stated that the Yacht Club are aware of the security issues on-site and the need to introduce stricter parking measures for this commercial (private) site. Furthermore, the Yacht Club staff would be offered reduced parking charges, any space beyond the specified area of parking for the Yacht Club would be chargeable.

- 8.4 Policy 3 of the CLP seeks to support and promote a high quality tourism economy. Policy 43 of the CLP requires developments within the Chichester Harbour AONB amongst other requirements to be appropriate to the economic, social and environmental well-being of the area. Policy 23 of the BNP states proposals for development must not have a significantly adverse impact on the tourism, marine, farming and horticultural businesses.
- 8.5 The proposed ticket machine would generate revenue from visitors to the area. Whilst the Council cannot control how the revenue is spent, the applicant has indicated their intention for the revenue to be used to pay for car park maintenance and improvements to the public realm. As such it is considered that the proposal would support a high quality tourism economy and would not have an adverse impact on marine businesses and would accord with policies 3 and 43 of the CLP and policy 23 of the BNP.

ii. Visual and Landscape Impact

- 8.6 Policy 43 of the CLP seeks to ensure that the natural beauty and local distinctiveness of the AONB are conserved and enhanced. Proposals shall reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB. Policy 48 of the CLP requires proposals to be sensitive to landscape character, tranquillity and openness and respect and enhance landscape character of the site and surrounding area through detailed design. Furthermore, paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. The scale and extent of development within these designated areas should be limited.
- 8.7 The proposed scale and size of the ticket machine would be well related to the surrounding environment and would not be out of place in its proposed context and would be consistent with the operations of parking area. The proposed development would not result in harm to the landscape character of the AONB.
- 8.8 During the course of the application, the applicant has submitted further information to demonstrate how the development would accord with paragraphs 174 and 176 of the NPPF, Policy 43 of the CLP and the Chichester Harbour AONB SPD. It is noted that Chichester Harbour Conservancy (CHC) commented that the AONB Management Plan and Planning Principles have not been referred to in the submitted information, however they conclude no objection subject to conditions.
- 8.9 The CHC has suggested that details of materials are secured, as the proposal seeks a ticket machine only it is not considered appropriate in this instance as the proposed materials are included on the plans and are acceptable. A condition has been recommended to ensure that the ticket machine is installed in accordance with the decided plans (condition 2), this would require the details on plan 22-3908-251 PL3 to be complied with.
- 8.10 A condition is recommended to restrict lighting to prevent harm to dark skies. Further to this, a condition has been recommended to prevent any structure from being erected around or over the ticket pay machine, such as a shelter, without prior agreement of the LPA.

iii. Parking Provision and Highway Safety

- 8.11 Policy 9 of the BNP states 'Any new development within the Parish with a significant traffic impact will only be supported if that impact can be mitigated via developer contributions to measures agreed with the highway authority. Traffic impact includes effects of adverse road safety, congestion and pollution on both the main roads and rural lanes.' Policy 10 of the BNP states 'Any development must protect the existing cycle and pedestrian network.'
- 8.12 Policy 39 of the CLP requires proposals to not create or add to problems of safety, congestion, air pollution or other damage to the environment. Developments shall have a safe and adequate means of access and internal circulation/ turning arrangements for all modes of transport relevant to the proposal. It also requires developments to not create residual cumulative highway impacts which are severe.
- 8.13 The proposed pay machine would have a minimal footprint and would not result in the loss of an existing parking space. As such it is considered there would be no material change in parking provision.
- 8.14 Concerns have been raised over the charging of parking. Whilst the ticket machine may have an impact on the parking preferences for users of the marina, this is not a matter that can be considered when determining the planning application. Furthermore, the County Highway Authority has commented that the proposal is unlikely to result in a detriment to the public highway or the junction with the A286. In response to the concerns raised by Apuldram and Birdham Parish Councils the CHA advise that whilst parking on local roads cannot be controlled as part of this planning application there are legal mechanisms to discourage unsafe parking on roads outside of the application site that can be enforced by either Civil Enforcement Officers or the Police.
- 8.15 It is noted that Natural England have commented that 'the installation of a Car Parking Meter location should not interfere, obstruct or block the England Coast Path which passes over a Public Right of Way in this location.' PROW 37 runs north to south from the marina mouth to the southern boundary of the application site where it adjoins PROW 196_1 which runs west to east parallel with the canal. These PROWs are sufficiently distanced from the proposed ticket pay machine, to prevent an adverse effect on the enjoyment of users of the PROW.
- 8.16 As such, the proposal would accord with policies 9 and 10 of the BNP and policy 39 of the CLP.

iv. Ecology

- 8.17 The Council's Environmental Strategy Officer has recommended conditions requiring that the works are undertaken outside the winter months to safeguard overwintering birds and requiring an ecologist to be present should there need to be any vegetation clearance during the bird nesting season. These conditions are recommended.
- 8.18 Given that the works relate to ticket machines only, there would be no increase in recreational pressure on the Chichester and Langstone Harbour SPA. As such, an appropriate assessment is not required in this instance.

8.19 In light of the above, the proposal would accord with Policies 49 and 50 of the CLP.

Conclusion

8.20 As a result of its acceptable scale and the form of the ticket pay machine within the car park context, it is considered that the proposal would conserve the landscape character and natural beauty of the AONB. There would be no adverse effect on the public highways or PROWs. Furthermore, the proposal is unlikely to result in a detriment to the public highway or the junction with the A286 and any impact on the wider local road network can be dealt with by way of other legal mechanisms.

8.21 Based on the above, it is considered the proposal complies with the development plan and therefore the application is recommended for approval.

Human Rights

8.22 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation 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 3 years from the date of this permission.

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

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

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

3) Should any land contaminants or unexpected ground conditions be identified during the course of development then groundworks shall cease, and the Environmental Health Department shall be notified so that any required remediation can be approved in writing before implementation. Thereafter the development shall be carried out 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.

4) Construction works shall only be undertaken outside of the winter months (1st October - 28th February).

Reason: In the interest of safeguarding ecology and to ensure overwintering birds are not disturbed by any increase in noise and dust.

5) Any vegetation clearance associated with the development hereby permitted carried during the bird nesting season (1st March - 1st October) shall require a suitably qualified ecologist to check and ensure there are no nesting birds present on the site prior to any vegetation being cleared works (maximum 24 hours prior to any works commencing).

Reason: In the interest of safeguarding ecology.

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

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

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) there shall be no structure(s) shall be erected around or over the ticket pay machine hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and landscape character.

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 - WEST CAR PARK - SITE LOCATION PLAN	22-3908-101	REV PL1	09.06.2022	Approved
PLAN - WEST CAR PARK - EXISTING BLOCK PLAN	22-3908-102	REV PL1	09.06.2022	Approved
PLAN - WEST CAR PARK - PROPOSED LAYOUT	22-3908-104	REV PL1	09.06.2022	Approved
PLANS - Plans PLAN -	22-3908-251	REV PL3	14.09.2022	Approved
PLANS - Plans PLAN -	22-3908-103	REV PL2	14.09.2022	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.

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

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

3) The applicant is advised that the presence of contamination on or near this site is known or suspected. Furthermore the applicant is reminded that they are responsible for ensuring that the development is safe and suitable for the purpose for which it is intended. The Local Planning Authority has determined the application on the basis of information available to it, but this does not necessarily mean that the land is free from contamination.

For further information on this application please contact Kayleigh Taylor on 01243 534734

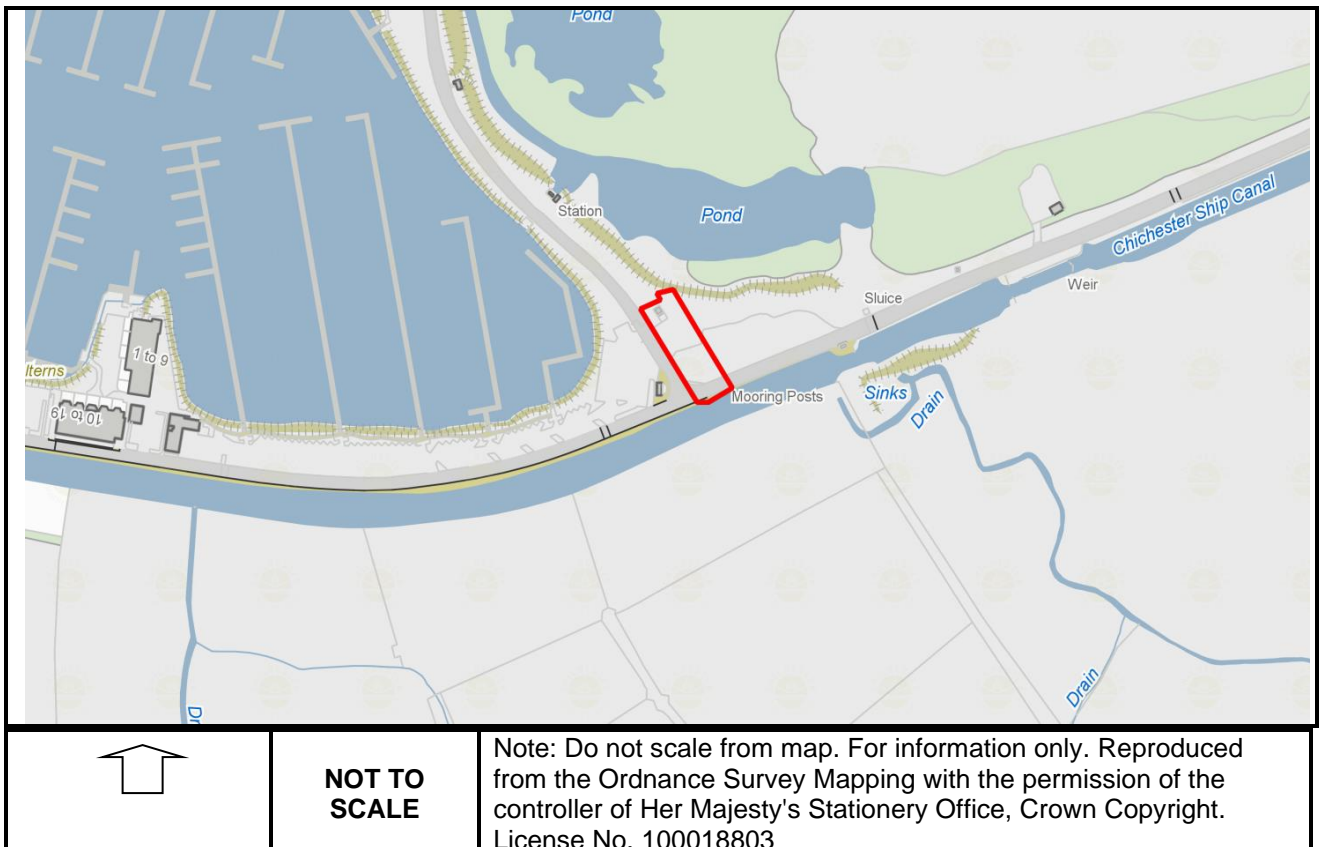
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RD7PMJERHFZ00>

Parish: Birdham	Ward: Harbour Villages
--------------------	---------------------------

BI/22/01498/FUL

Proposal	Demolition of existing car park island and creation of new proposed ticket machine island, installation of 1 no. new hub pay station and 2 no. main entry lane hub ticket machines and associated works within the existing east car park at Chichester Marina.		
Site	Land At Premier Marinas Chichester Marina Birdham West Sussex PO20 7E		
Map Ref	(E) 482891 (N) 101245		
Applicant	C/O Agent	Agent	Mr Andy Pearce

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site measures 0.11 ha and comprises part of the existing east car park, with an unmade surface, located to the south-east of Chichester Marina. The site includes a 20m stretch of WSCC owned Chichester Marina Road (Road no. 336 not maintained at public expense but freehold of WSCC, Deed number D3218) which then leads to a private road to the west that runs parallel to the Chichester Canal. The Marina Road connects to the A286 (Birdham Road) to the east. The Council's mapping system shows a bus stop within the application site.
- 2.2 There are public right of ways (PROWs) (BIR/196 and BIR/37) that loop around the Marina and run adjacent to the application site to the south and along the main access road which passes through the application site.
- 2.3 The car parks within Chichester Marina are used by berth holders, tenants, Chichester Yacht Club, visitors to the area and local people.
- 2.4 The application site is outside a settlement area and is within the Chichester Harbour AONB. The site is approximately 0.66km from the Chichester Harbour Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The majority of the site is located within Flood Zone 1 with the north-eastern corner in Flood Zone 2, there is currently no parking provision within Flood Zone 2.
- 2.5 The site falls within the Birdham Parish Council boundary and is approximately 60m from the Apuldram Parish Council Boundary to the north.

3.0 The Proposal

- 3.1 The proposal seeks the installation of one pay on foot ticket machine to the south-west of the car park. The proposed ticket machine would measure 0.48m width, 0.45m depth and 1.3m in height. It would have a black coloured stainless steel housing.
- 3.2 The existing island on the WSCC owned Chichester Marina Road would also be removed and replaced with a new island measuring 6m in length and 0.7m in width. There would be barriers installed across the entry and exit lanes at this point.
- 3.3 One entry and one exit machine would be installed on the new island. These would measure 0.28m in width, 0.45m in depth and 1.3m in height. These would also have black coloured stainless steel housing.
- 3.4 An over height barrier would also be installed at the entrance of the east car park (restricting vehicle heights to 2.2m).
- 3.5 A further pay on foot ticket machine is proposed under planning application 22/01497/FUL in the west car park of the marina.

4.0 History

There is an extensive planning history for the wider Marina. The most relevant planning application to this application is:

22/01497/FUL	PDE	Installation of 1 no. hub pay station and associated works within the existing west car park at Chichester Marina.
--------------	-----	--

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	YES (north eastern corner only)
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Birdham Parish Council

Birdham Parish Council OBJECTS to this application on the grounds that it would have a detrimental displaced parking effect on lanes around the Parish causing problems for residents and have an equally detrimental effect on the environment.

6.2 Apuldram Parish Council

Apuldram Parish Meeting strongly recommends refusal to the above application. The application whilst falling outside our parish will impact the area greatly. By the Marina charging for parking, more people will be inclined to park down Dell Quay Road. This road is not suitable for an increase in parking. Many accidents and near misses (due to bad parking) are recorded at this location and as a result any increase would also lead to even more incidents. Our parishioners have also been subjected to an increase in anti-social behaviour due to parking matters; this is not acceptable. The District cannot support such a development without the appropriate infrastructure being introduced to the area.

6.3 Environment Agency

No comments received.

6.4 Natural England

No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

6.5 Chichester Harbour Conservancy

Additional comments received 08/09/2022

The amended submission includes additional information in the form of a letter dated 15 August 2022, that seeks to fulfil the role of an AONB Landscape Visual Impact Statement (LVIS). This additional information makes reference to NPPF paras 174 and 176, to the District Council Local Plan Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB), and to the Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document (SPD), which was omitted from the initial application submission. It is noticeable that whilst the above planning documents have been now referenced, AONB Management Plan has not been commented upon, notwithstanding that it is specifically mentioned under bullet point 5 of Local Plan Policy 43. In this regard the AONB Planning Principles have NOT been mentioned, which is unfortunate given the opportunity that the submission of this additional information provided and that the letter was purported to be a (substitute) AONB LVIS.

The above situation as it is, the additional information letter does make some consideration of the submitted proposal in terms of its size and scale and the unlikely visual impact that the proposed works would have on the AONB aims and purposes.

Original comments received 01/08/2022

No objection with conditions - Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered and applied by the LPA.

The location of the proposal within the AONB and occupies a position within a rural location, sitting with a backdrop and setting of the marina complex. Vehicular access is from the eastern part of the land and is unchanged. The proposed works lie wholly within the site.

The proposed works are to the approach road entry into the east car park areas. The works involve the formation of a new central island within the approach road, two access/egress control barrier posts and the installation of two ticket collection/insertion machines for the car parking tickets. On a side area there is proposed a ticket payment machine.

There is unfortunately no AONB Landscape Visual Impact Statement, submitted with the application, notwithstanding its location impacting on the AONB. However, there is reference to the AONB and the AONB Management Plan Policy approach within the Design and Access Statement (DAS). The Joint Chichester Harbour AONB supplementary Planning Document is not referenced. There is no reference to para 172 of the NPPF.

The planning history raises nothing of direct relevance to the current submission. AONB PP01, PP13, PP18, and Joint SPD considerations have been part of this AONB planning assessment. The proposal makes seeks to manage visitor access to the marina site and facilities. The commercial use of the marina site is not changed. The location of the proposal is to the approach road south of the internal road to the east car parking areas. Given the location set back from the public highway and other public realm vantage points proposed works would be largely visually inconsequential. The scale, structural shape,

and massing of the proposed works (ticket machines, payment machine, vehicle control barriers) would have a minimal change in the visual impact within the site. The design is functional and as discrete as such structures area. The visual appearance would not be out of place. The character and atmosphere / ambiance of the AONB locality is unlikely to be altered by this proposal. In matters of ecology, biodiversity, or wildlife habitat, hibernation, foraging, mating, or spawning / nesting / rearing areas, the development proposal in the AONB would be unlikely to have any identifiable harmful impact. The proposal is unlikely to have any significant impact or effect in relation to wildlife conservation and protection. Existing trees and hedges and any other green infrastructure should be retained, particularly were providing screening from surrounding external areas. There are no mitigation measures necessary in relation to this proposal.

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. Taking the proposal as described, CHC has no substantive objection to the submitted physical works. The proposal is generally acceptable within the AONB and has a limited external impact to the wider AONB protected landscape.

6.6 WSSC Estates

1. We understand there are works proposed to land within the demise of the Premier Marinas Lease dated 14th February 2012. We note a reference to notice being served by Premier Marina on WSSC as landowner at the beginning of August, although I've not seen anything.
2. The works appear to be removing free access to the current east car park for members using the tow path and PROW, the WSSC Lease of the Marina Clause 2.16 may come into force , which is, "*To keep open to the general public without charge the tow path*". WSSC would need this covenant in the lease to be maintained and the access not impeded by these plans.
3. Our Countryside Team who manage the Canal do not have any issues with the application.

6.7 WSSC Highway Authority

Additional comments received 30/08/2022

The road is not mandated at public expense and is not a designated road type but is identified as freehold, current WSSC property.

Original comments received 11/08/2022

The proposals are unlikely to result in a detriment to the public highway or the junction with the A286. The alterations proposed would not be a detriment. Therefore no concerns would be raised with the proposals.

We are aware of Apuldram Parish Council has been concerned with this proposal in relation to parking on Dell Quay Road. The LHA have assessed this information and would provide the following comments:

No waiting restrictions are in operation on Dell Quay Road and given the good forward visibility in both directions it is not considered that parking would be detrimental to highway safety. Having looked at the local context we don't see the addition of paid parking will change the situation significantly especially given the popularity of the area currently which is subject to on-street parking (especially during the summer season). Having reviewed the accident data there is no evidence to suggest that the highway in its current format is operating unsafely. The carriageway is circa 4.5m in width and provides space for another vehicle to pass a parked vehicle. It may result in vehicles having to wait for a few moments while giving way to an oncoming vehicle before pulling out to pass the parked vehicle, this however is not considered to be a 'severe' impact.

What we're not able to control thorough planning is whether drivers choose to commit an offence. It wouldn't be possible to insert a condition on a planning consent that prevented drivers parking on the road, as this is outside the control of the Applicant and blocking or parking in an unsafe space on the highway is an offence in its own right. There are legal mechanisms for action to be taken to discourage this behaviour, enforced by either Civil Enforcement Officers or the Police. Blocking the public can be considered to be a wilful obstruction of the free passage of a highway, contrary to section 137 of the Highways Act 1980.

6.8 CDC Drainage Engineer

We have reviewed the proposal, and we are satisfied that it should not have a significant impact on surface water drainage / local flood risk, and therefore we have no objection to the proposal and require no conditions be applied should you be minded to approve the application.

6.9 CDC Environmental Strategy

Due to the risk of disturbance to overwintering birds, construction works must avoid the winter months (October - Feb) to ensure they are not disturbed by any increase in noise and dust.

Due to requirement to avoid the winter months because of the over wintering birds, there may be a need to undertake vegetation clearance during the bird nesting season (1st March - 1st October). If works are required during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).

6.10 CDC Environmental Protection

Our department does not object to the proposed development.

Given the scale of works the condition below is considered necessary.

Should any land contaminants or unexpected ground conditions be identified during the course of development then groundworks shall cease, and the Environmental Health Department shall be notified so that any required remediation can be approved in writing before implementation.

6.11 CDC Economic Development

The Economic Development Service supports both applications.

The Marina is a key commercial and leisure destination on the Manhood Peninsula and is a popular destination with the public as well as users of the site. It has always offered free parking. However recently there has been several thefts from boats berthed at the site and commercial units on the site. Premier Marinas needs to address concerns by their users and introducing car parking will allow them to have a higher level of visibility of public users and movements on the site, as well as contributing to repair and maintenance costs for the parking areas. Both berth holders and tenants pay for the car parking that they use.

Although no decisions have been made in regard to pricing structure for the parking, the applicant is minded to have a free period to ensure that the commercial tenants are not adversely effected by a drop in footfall to their premises. We also understand that discussions have taken place with Chichester Yacht Club and a discount for their staff has been agreed.

In conclusion, these applications will improve security and funding of the upkeep of the car parks. This will regularise the parking and negate any adverse impact on businesses at the site around accessibility, due to lack of parking in close proximity to their premises. This is likely to have a positive economic impact.

6.12 CDC Archaeology Officer

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

6.13 Third party comments

No third party comments have been received on this application.

6.14 Applicant/Agent's Supporting Information

- a) The ticket machines are necessary to collect revenue and regulate use of the car parks.
- b) The pay station and ticket machines will have minimal visual impact and their installation will create very limited disturbance.
- c) Each ticket machine requires a limited amount of excavation works to connect to utility services with all surfaces being made good upon completion.
- d) Only marina visitors will be charged to use the car park. Members of the marina, marina staff and tenants will not be required to pay to use the car park and will be identified through the car park registration details.
- e) The revenue generated by the car park will be directly used to pay for car park maintenance and improvements to the public realm.
- f) Chichester Marina is a private site and car parking is managed site-wide. The car parking apparatus is required in specific east and west car park locations but all car parking site-wide will be subject to charges.

- g) With respect to the Yacht Club, this has a lease with Premier Marinas that gives it a specified area of car parking. In addition to this we are offering, at our discretion, substantially reduced charges for yacht club staff. Any space they occupy beyond this will be chargeable. We note that Premier Marinas did consult with the Yacht Club in advance of the current planning applications being submitted. The Yacht Club are aware of the security issues on-site and the need to introduce stricter parking measures for this commercial (private) site.
- h) Chichester marina is a privately owned site and public car parking is offered entirely at Premier Marinas discretion. We also note that all public car parking in the local area is chargeable, including sites owned by the local authority. Furthermore, the introduction of car park charging at Chichester marina is not dependent on this application. There are alternative charging systems that could be introduced that do not require development. Those alternatives do not though deliver the levels of security that are required and which the Automatic Number Plate Recognition (ANPR) system will provide.
- i) Higher standards of car parking management are required at Chichester marina to address security issues and provide a safe environment for all those using the site. These measures are vital to ensure the viability and vitality of the wider marina is protected and to secure it's long term future for the benefit of the local area and economy in accordance with Chichester Local Plan Policies 26, 43 and 44 and the Chichester Harbour Area of Outstanding Natural Beauty Joint SPD (July 2017).
- j) No external lighting is proposed other than the internal LED screen associated with the payhub stations and entry lane ticket machines. We do not see imposition of any further conditions to be strictly necessary and relevant to planning and to the development to be permitted in accordance with paragraph 56 of the NPPF (July 2021)
- k) There is no existing bus stop on-site and no public buses serve the site. The closest bus stop servicing the site is on the main A286 - Birdham Road, approximately 0.80km to the east of the site. The site from the entrance is private land and not adopted highway meaning, Premier Marinas are not under any obligation to provide access for "private buses" that seek to use the site. The security barrier along the main marina access road has been in situ for many years and to-date there has been no issues over bus access.

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 on the 19 July 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 3: The Economy and Employment Provision

Policy 39: Transport, Accessibility and Parking
Policy 42: Flood Risk and Water Management
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 44: Development around the Coast
Policy 45: Development in the Countryside
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 52: Green Infrastructure

Birdham Neighbourhood Plan

Policy 2: Archaeological Sites
Policy 3: Habitat Sites
Policy 4: Landscape Character and Important Views
Policy 5: Light Pollution
Policy 6: Biodiversity
Policy 9: Traffic Impact
Policy 10: Footpaths & Cycle Paths
Policy 15: Rural Area Policy
Policy 18: Flood Risk Assessment
Policy 20: Surface Water Run-off
Policy 22: Development for Business Use
Policy 23: Retention of Businesses

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 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 paragraph and sections: 2, 4, 6, 8, 9, 11, 12, 14,15 and 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD
- CHC Chichester Harbour AONB Management Plan (2014-2029)
- Joint Chichester Harbour Area of Outstanding Natural Beauty SPD

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

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of Development
- ii. Visual and Landscape Impact
- iii. Parking Provision and Highway Safety
- iv. PROW and Tow Path
- v. Ecology

Assessment

i. Principle of Development

8.2 The Local Plan adopts a development strategy and settlement hierarchy (policy 2 of CLP), sites located outside the identified boundaries of the listed settlements are categorised as being located in the Rest of the Plan Area. Here, development is restricted to that which requires a countryside location, meets an essential rural need or supports rural diversification (policy 45 of CLP). The proposed ticket machines, entrance and exit machine and barriers and over height barrier are all considered to be reasonable infrastructure ancillary to the existing use of the site as a marina with car parks. As such,

with regards to policy 45 it is considered that a countryside location is required. The ticket machines would be of a small scale and well related to the existing parking provision. The entrance and exit barriers and machine and over height barrier are also small scale and related to the operation of the site. The proposed infrastructure would not prejudice the existing viable uses of the wider marina. The applicant has stated in their supporting documentation that members of the marina, marina staff and tenants will not be required to pay to use the car parks.

- 8.3 Policy 3 of the CLP seeks to support and promote a high quality tourism economy. Policy 43 of the CLP requires developments within the Chichester Harbour AONB amongst other requirements to be appropriate to the economic, social and environmental well-being of the area. Policy 23 of the BNP states proposals for development must not have a significantly adverse impact on the tourism, marine, farming and horticultural businesses.
- 8.4 The proposed ticket machines would generate revenue from visitors to the area. Whilst the Council cannot control how the revenue is spent, the applicant has indicated their intention for the revenue to be used to pay for car park maintenance and improvements to the public realm. As such it is considered that the proposal would support a high quality tourism economy and would not have an adverse impact on marine businesses and would accord with policies 3 and 43 of the CLP and policy 23 of the BNP.

ii. Visual and Landscape Impact

- 8.5 Policy 43 of the CLP seeks to ensure that the natural beauty and local distinctiveness of the AONB are conserved and enhanced. Proposals shall reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB. Policy 48 of the CLP requires proposals to be sensitive to landscape character, tranquillity and openness and respect and enhance landscape character of the site and surrounding area through detailed design. Furthermore, paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in of AONBs. The scale and extent of development within these designated areas should be limited.
- 8.6 The proposed scale and size of the ticket machines, entrance and exit machine and barriers and over height barrier would be well related to the surrounding environment and would not be out of place in their proposed context and would be consistent with the operations of parking areas. The proposed development would not result in harm the landscape character of the AONB.
- 8.7 During the course of the application, the applicant has submitted further information to demonstrate how the development would accord with paragraphs 174 and 176 of the NPPF, Policy 43 of the CLP and the Chichester Harbour AONB SPD. It is noted that Chichester Harbour Conservancy (CHC) commented that the AONB Management Plan and Planning Principles have not been referred to in the submitted information, however they conclude no objection subject to conditions.
- 8.8 The CHC has suggested that details of materials are secured. The applicant has provided amended plans (22-3908-114 Rev PL2 and 22-3908-251 Rev PL3) which show sufficient materials details for the proposed island, barriers and housing of the machines.

- 8.9 A condition is recommended to restrict lighting to prevent harm to dark skies. It is noted that the applicant does not consider such a condition to meet the tests of Paragraph 56 of the NPPF. However, officers believe this condition is relevant to the development as the ticket machines may result in greater pressure for lighting to improve visibility in the car park and the condition would be necessary to safeguard dark skies.
- 8.10 Further to this, a condition has been recommended to prevent any structure from being erected around or over the ticket pay machines, such as a shelter, without prior agreement of the LPA.

iii. Parking Provision and Highway Safety

- 8.11 Policy 9 of the BNP states 'Any new development within the Parish with a significant traffic impact will only be supported if that impact can be mitigated via developer contributions to measures agreed with the highway authority. Traffic impact includes effects of adverse road safety, congestion and pollution on both the main roads and rural lanes.' Policy 10 of the BNP states 'Any development must protect the existing cycle and pedestrian network.'
- 8.12 Policy 39 of the CLP requires proposals to not create or add to problems of safety, congestion, air pollution or other damage to the environment. Developments shall have a safe and adequate means of access and internal circulation/ turning arrangements for all modes of transport relevant to the proposal. It also requires developments to not create residual cumulative highway impacts which are severe.
- 8.13 The proposed pay machines would have a minimal footprint and would not result in the loss of existing parking spaces. As such it is considered there would be no material change in parking provision.
- 8.14 Concerns have been raised over the charging of parking. Whilst the ticket machines may have an impact on the parking preferences for users of the marina, this is not a matter that can be considered when determining the planning application.
- 8.15 The proposed entry and exit barriers would help to regulate the use of the car parks at the marina, the applicant has explained that this is necessary for the security of the marina.
- 8.16 It is noted that the Council's mapping system shows that there is a bus stop within the application site. The applicant has stated that there is no bus stop on-site and the closest bus stop is approximately 0.8km to the east of the site.
- 8.17 The County Highway Authority have commented that the proposal is unlikely to result in a detriment to the public highway or the junction with the A286. In response to the concerns raised by the Parish Councils they advise that whilst parking on local roads cannot be controlled as part of this planning application there are legal mechanisms to discourage unsafe parking on roads outside of the application site that can be enforced by either Civil Enforcement Officers or the Police.

8.18 As such, the proposal would accord with policies 9 and 10 of the BNP and policy 39 of the CLP.

iv. PROW and Tow Path

8.19 WSCC Estates have commented that 'the works appear to be removing free access to the current east car park for members using the tow path and PROW, the WSCC Lease of the Marina Clause 2.16 may come into force, which is, "*To keep open to the general public without charge the tow path*". WSCC would need this covenant in the lease to be maintained and the access not impeded by these plans'. Covenants are not a planning matter and the applicants would need to apply to WSCC as Freeholder to seek to change the terms of their lease and this clause.

8.20 Submitted plan 22-3908-114 Revision PL2 shows that there would be 0.6m between the far edge of the proposed barriers across the access road (when closed) and the verge either side of the access road. Whilst this would allow for pedestrians to pass, a PROW footpath should also provide access for mobility scooters or powered wheelchairs. A condition is recommended to require the submission of details of the PROW routing around the barriers demonstrating sufficient space for all users of the footpath. An informative is recommended advising that WSCC PROW should be consulted on any proposed diversion of the PROW.

v. Ecology

8.21 The Council's Environmental Strategy Officer has recommended conditions requiring that the works are undertaken outside the winter months to safeguard overwintering birds and requiring an ecologist to be present should there need to be any vegetation clearance during the bird nesting season. These conditions are recommended.

8.22 Given that the works relate to ticket machines only, there would be no increase in recreational pressure on the Chichester and Langstone Harbour SPA. As such, an appropriate assessment is not required in this instance.

8.23 In light of the above, the proposal would accord with Policies 49 and 50 of the CLP.

Conclusion

8.24 As a result of its acceptable scale and form within the car park context, it is considered that the proposal would conserve the landscape character and natural beauty of the AONB. Subject to compliance with the recommended conditions, there would be no adverse effect on the public highways or PROWs. Furthermore, the proposal is unlikely to result in a detriment to the public highway or the junction with the A286 and any impact on the wider local road network can be dealt with by way of other legal mechanisms.

8.25 Based on the above, it is considered the proposal complies with the development plan and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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

- 3) The island and entry and exit barriers hereby permitted, shall not be installed until further details of the routing of the Public Right of Way (PROW) have been submitted to and agreed in writing by the Local Planning Authority. These details shall include the location, alignment, width and finish of the footpath around the barriers. The footpath shall be appropriate for pedestrians, mobility scooters and powered wheelchairs. The details shall also include how the access to the public right of way shall maintained during the course of the works. Thereafter the development shall be completed in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safeguarding the PROW and not to prejudice the users of the PROW.

- 4) Should any land contaminants or unexpected ground conditions be identified during the course of development then groundworks shall cease, and the Environmental Health Department shall be notified so that any required remediation can be approved in writing before implementation. Thereafter the development shall be carried out 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) Construction works shall only be undertaken outside of the winter months (1st October - 28th February).

Reason: In the interest of safeguarding ecology and to ensure overwintering birds are not disturbed by any increase in noise and dust.

- 6) Any vegetation clearance associated with the development hereby permitted carried during the bird nesting season (1st March - 1st October) shall require a suitably qualified ecologist to check and ensure there are no nesting birds present on the site prior to any vegetation being cleared works (maximum 24 hours prior to any works commencing).

Reason: In the interest of safeguarding ecology.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) there shall be no structure(s) shall be erected around or over the ticket pay machine hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and landscape character.

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

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

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 - EAST CAR PARK - SITE LOCATION PLAN	22-3908-111	REV PL1	09.06.2022	Approved
PLAN - EAST CAR PARK - EXISTING BLOCK PLAN	22-3908-112	REV PL1	09.06.2022	Approved
PLAN - EAST CAR PARK - PROPOSED BLOCK PLAN	22-3908-113	REV PL1	09.06.2022	Approved
PLANS - Plans PLAN -	22-3908-114	REV PL2	14.09.2022	Approved
PLANS - Plans PLAN -	22-3908-251	REV PL3	14.09.2022	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.
- 2) This permission is granted under the Town and Country Planning Act 1990 as amended and the applicant is reminded that since the works extend beyond the boundary of the property, the necessary consent of the adjoining owner should be sought prior to the commencement of the works.
- 3) The applicant is advised that the presence of contamination on or near this site is known or suspected. Furthermore the applicant is reminded that they are responsible for ensuring that the development is safe and suitable for the purpose for which it is intended. The Local Planning Authority has determined the application on the basis of information available to it, but this does not necessarily mean that the land is free from contamination.
- 4) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

- 5) The applicant is advised that notwithstanding this planning permission there are covenants on the land and separate consent would need to be provided by WSCC as Freeholder to change the terms of the lease of the land.
- 6) The applicant is advised to consult with WSCC PROW with regards to condition 3 and any diversion of the PROW.

For further information on this application please contact Kayleigh Taylor on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RD7QBZERHG200>

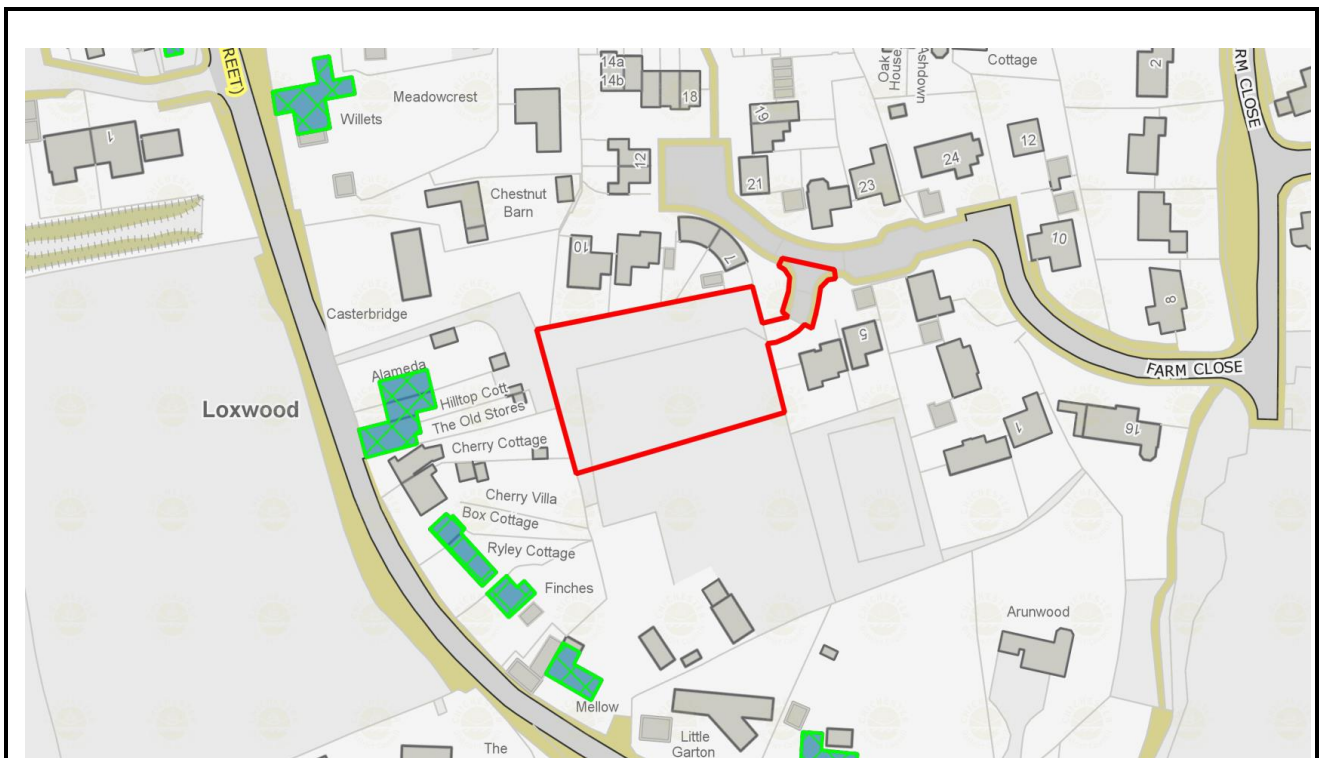
This page is intentionally left blank

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

LX/21/02849/FUL

Proposal	5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping.		
Site	Land South West Of Willets Way Willetts Way Loxwood West Sussex		
Map Ref	(E) 503955 (N) 131371		
Applicant	Loxwood Mellow	Agent	Mr Huw James

RECOMMENDATION TO DEFER FOR S106 THEN PERMIT



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

1.0 Reason for Committee Referral

1.1 Parish Council Objection – Officer recommends permit

2.0 The Site and Surroundings

2.1 The 0.17ha greenfield site is located to the south of the village of Loxwood. Loxwood has been identified as a Service Village in Policy 2 of the Local Plan and is located to the northeast of Chichester District. Whilst the site is located outside the Settlement Boundary of Loxwood and is in the rural area, the northern and eastern boundaries adjoin the settlement boundary. There is open land to the south and existing dwellings to the north, east and west of the application site, with their respective residential curtilages backing onto the application site's boundaries.

2.2 A number of the dwellings located to the west of the application site (including Alemeda, Hilltop Cottage, The Old Stores, Box Cottage, Ryley Cottage, Finches and Mellow) are Grade II Listed Buildings which are located at minimum 30 metres from the application site. To the east of the application site is the access road Willetts Way, a residential road which serves a number of existing residential properties. The application site is a rectangular parcel of land which is generally level and currently comprises a paddock.

2.3 Willetts Way can be accessed via Farm Close and Station Road which adjoins the B2133, the main route through the village. The site is located within Flood Zone 1.

2.4 Loxwood retains a semi-rural character through being a compact village surrounded by fields and areas of woodland. The B2133 has several side roads leading to pockets of development and cul-de-sacs surrounded by open countryside. The historic core of the village has gradually expanded from Guildford Road and the High Street through new development and infilling of gaps. The dwellings are predominately detached or semi-detached with some short terraces.

3.0 The Proposal

3.1 The proposal is described as the construction of: 5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping.

3.2 The single point of vehicular access for the proposed development would be from the north site boundary off Willetts Way and would comprise an approximately 14m wide bell-mouth access, narrowing to a road 4.9m wide within the development.

3.3 The applicant is proposing a mix of 2, 3 and 4 bed chalet style 1.5 storey dwellings. The requirement for affordable housing has not been triggered due to the number of dwellings proposed, therefore all dwellings will be open market housing. The proposed housing mix is as follows:

- 2 bed x 2
- 3 bed x 2
- 4 bed x 1
- Total 5

- 3.4 The proposed layout of the dwellings consists of a row running from north to south on the western half of the site of 4no. units, two of which are semi-detached with the remaining unit located within the southeast corner of the site. Open space is shown located to the northeast corner of the site, whilst the central section of the site serves as the access road accommodating a turning head for larger vehicles. The proposed dwellings would be detached or semi-detached and would not exceed 2 stories in height. The proposed materials palette aims to provide a traditional feel with mixed stock red bricks, vertical tiling, and plain clay roof tiles.
- 3.5 The 5 dwellings would be served by 13 car parking spaces consisting of 11 allocated and 2 visitor spaces. Each dwelling would be provided with an Electric Vehicle Charging point and served by cycle storage within domestic gardens or garages.

4.0 History

No relevant history

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

Further comments 08.03.22

Object. Not an allocated site in the "Made" Loxwood NP which now has authority given that CDC has a 5.3 year housing supply. The site is also not an allocated site in the Revised Neighbourhood Plan which has been through a reg 14 and allocates a further 125 houses and thus has material weight.

The use of the IPS is contrary to para S38(6) of the Planning and Compulsory Purchase Act 2004. There is no Habitat Regulation Assessment AA submitted and the Water Neutrality Statement does not solve the offsetting problem to reach zero water consumption. It would be nice to see a Biodiversity Net Gain Statement.

The subdivision of the site suggests an intention to develop the second part of the site in the future. The history of the site being:

- a) The land for the proposed development belonged to and formed the paddock for, the property known as 'Mellow, High Street, Loxwood'.
- b) The owner of Mellow has entered into an agreement with the Applicant to develop the land outlined in the application.
- c) In August 2021, a fence was erected, dividing the paddock into two separate areas.

- d) Enquiries with HM Land Registry show that, as of February 2022, Mellow and the entirety of the paddock still remain under the same title.
- e) Mellow has recently been sold, subject to contract. During the sale process, prospective buyers were informed by the Estate Agent that the paddock land would not be included as part of the sale, and that the owner's intention was to develop a single property on the remainder of the land not covered by this planning application.
- f) We must assume that the details provided by the Estate Agent to prospective buyers is the truth, as to provide false information during a purchase would be contrary to the Consumer Protection from Unfair Trading Regulations 2008.
- g) We can therefore conclude that it is the intention of the landowner to develop the remainder of the paddock in future and that the plot has been artificially sub-divided.

Original comments 04.11.21

Object.(4 object and 2 abstain)

The application does not comply with the following Neighbourhood Plan policies.

1. Policy 2. The site out outside the Settlement Boundary of both the Made Neighbourhood Plan (NP) and the Revised NP which is currently lodged with CDC for Reg 16 and held because of the Water Neutrality issue. It has been with CDC since December 2020!
2. Policy 10 (a) and (b). The development does not match the vernacular of Farm Close and Willets Way and the plain render should be replace with tile hung elevations.
3. Policy 10(i). There are 8 grade two listed buildings which located on the east side of the B2133 with 5 of the buildings directly behind the development. The policy requires that any new development adjacent to a listed building be sensitively designed to conserve and ENHANCE the setting, form and character of the listed buildings. This development is cramped and the modern style of the rear elevations of plots 2/3/4 and 5 do nothing to enhance the setting and character of the development and setting of the listed buildings.

The following issues/comments are also applicable.

1. No attempt has been made to address the advice given by Natural England and its concerns with respect to the impact that new developments in the North Sussex Water Supply Zone will have on the Arun Valley protected sites. The applicant must be advised to carry out an HRA AA to demonstrate how Water Neutrality will be achieved within the development.
2. Residents have expressed concern about the effect that the development will have on their grade 2 listed properties which have no foundations and the resultant vibration caused by the building works.
3. The field is used for several species of bat for foraging.
4. Insufficient car parking has been planned for the properties.
5. Residents to the north of the site in Willets Way are concerned about the proximity of plots 2/3 to their properties with light being blocked from their properties.

The following policies also apply.

- Policy 7 Street Lighting
- Policy 9 Housing Density
- Policy 12 Rural Area policy
- Policy 15 Telecommunications and Connectivity

6.2 Historic England

Thank you for your letter dated 26 October 2021 regarding the above application for Planning Permission. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are attached.

Officer note - it is not considered that the development falls within the remits of consultation from Historic England

6.3 Natural England

Further Comments 26.08.2022

In our response from the 13th June we also queried how/if impacts to The Mens SAC & Ebernoe Common SAC had been considered as part of this application.

If Chichester District Council is satisfied in this instance that the information provided relating to the Part G calculations, Occupancy Rates and Rainfall data is sufficient in this instance, then we have no objections on those points

In order to achieve water neutrality, any development that takes place should not increase the rate of water abstraction for drinking water supplies above existing levels. Therefore, the rationale behind the 35 days is that it provides the development with a sufficiently conservative storage buffer so that it avoids – and ensures – there is no need to rely upon water abstraction during prolonged periods of drought

Further Comments 15.08.2022

With regard to the Part G calculations, I note your point regarding that a condition to restrict water use to 110L p/person p/day would be imposed anyhow if permission was to be granted, and that the Building Regs require this too. If you're satisfied that the proposed water usage can be secured via condition, then in this instance it would be acceptable.

As for occupancy rates, given that – as I understand it – there is currently no local population data for the district, there was some uncertainty as to how the 3.8 figure had been achieved. However, given that the off-site mitigation lies within an adjacent authority, and that further information has since been provided in order to support why the 3.8 figure has been adopted for this application, we're satisfied that the reasoning behind adopting it for this application is appropriate.

Rainfall data – my advice would be that whilst more conservative figures are not fundamentally unacceptable, a precautionary approach should be adopted in the absence of robust evidence and/or in instances where there is uncertainty as to whether there is an impact or not; and not when there is the data available to make an accurate assessment of the likely impacts. However, as competent authority, it is Chichester District Council's responsibility to make an assessment as to whether, for this particular application, the data supplied by the applicant is sufficiently certain and robust when determining whether there is an adverse effect or not. If that is the case, I would advise that for any future applications, the applicant adopts locally specific data as part of their assessments.

Further comments 12.08.2022

As submitted, the application could have potential significant effects on the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Demonstration of how water neutrality will be achieved as part of this development.
- Rainfall data that is reflective of the site's location.
- Clarification as to how many days of drought protection are being proposed.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained

Original Comments 14.06.2022

As submitted, the application could have potential significant effects on Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site (together the Habitats Sites).

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: Further evidence of existing and proposed water use and rainfall data

6.4 Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing water main asset within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 125 mm diameter water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future maintenance access.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main 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 public water mains.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

Please note: There is a private foul sewer within the access of development site.

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 and surface water sewer to be made by the applicant or developer.

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

6.4 WSCC Highways

Access and Visibility - The site is primarily accessed from Station Road via Farm Close and Willets Way. Station Road is a classified 'C' road, subject to 30mph speed limit. The existing spur on Willets Way which provides access into the site will be amended to suit proposed site layout. The vehicular and pedestrian entrance into the site is by using the new shared surface access. The junction of Farm Close with Station Road has visibility splays in excess of 90 metres in both directions. This is in well in excess of the visibility splays in line with Manual for Streets (MfS) guidance for a 30mph speed limit.

Personal Injury Accident (PIA) Data - WSCC's online record for road traffic collisions have been interrogated. This reveals there are no personal injury accidents recorded near to the site access either on Willets way or at the Station Road / Farm Close junction. This indicates that the site access has been operating in a safe manner in its present form.

Vehicle Parking, Cycle Storage and EV Charging - In line with West Sussex County Council's Guidance on Parking at New Developments (September 2020) the development is provided with 13 parking spaces, 3 nos. for the 4-bedroom house, 2 nos. for the 2 and 3-bedroom houses and 2 nos. visitor spaces. Two bicycle storage spaces per dwelling are provided within rear garden stores and garage.

Each dwelling will be provided with an EV Vehicle Fast charging point to ensure 100% EV coverage, which is well in excess of WSCC EV charging standards of 20%. The LHA consider that sufficient parking provision has been demonstrated.

Refuse Collection / Servicing - Refuse collection and delivery will occur within the site with refuse and delivery vehicles being able to enter and leave the site in a forward gear using the on-site turning head. This is demonstrated on tracking diagrams within the submitted Transport Statement.

Sustainability - The site is in close proximity to both the A281 and B2133 and within 6.3 miles of the mainline Billingham train station with frequent trains to nearby towns as well as London. There are bus stops along Loxwood High Street (B2133) with services to Horsham and Guildford. There are many amenities and services within Loxwood that are within recommended walking and cycling distances. Therefore, the LHA consider the site as sustainable.

Trip Generation and Highway Capacity - Using TRICS, a trip generation exercise is carried out for an estimation of future vehicular and person trips. This shows that the proposed development would generate person trips of 6 in the AM peak hour, 5 in the PM peak hour and 44 during the total daily movements. Also, it is estimated that vehicular trips of 3 in the AM peak hour, 2 in the PM peak hour and 12 during the total daily movement would be generated. Having assessed the trip generation within the submitted Transport Statement, the LHA would not consider that the additional trips as having a 'Severe' residual impact on the Highway network.

Conclusion - The Local Highway Authority (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 (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

Recommend planning conditions should the proposal receive planning approval including access, parking, cycle parking, EVCP and CEMP.

6.5 CDC Coastal and Water Management Engineer

Surface Water Drainage:

In the application form submitted as part of this application, the applicant has ticked multiple boxes in response to the question of how surface water will be disposed of; SuDS, soakaways and main sewer. Our mapping systems suggest that there is a Southern Water surface water sewer in the vicinity of the location therefore such an approach may be acceptable, but this will depend upon the results of ground investigations. If on-site infiltration proves to be unviable and an off-site discharge is necessary, then the applicant will need to obtain confirmation from Southern Water that there is sufficient capacity within the surface water sewer for any discharge from the site and their permission to connect to it.

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 the local surface water sewer may be acceptable if the applicant can obtain the required permission from Southern Water. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s).

Given the nature of the development, to bring it in line with current guidance, the documentation supporting 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.

Recommends planning conditions should the application be approved.

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

6.6 CDC Environment Officer

Water Neutrality

Due to the impact of water extraction within the Sussex North Water Supply Zone on Arun Valley (SPA, SAC and Ramsar Site), developments within this zone must demonstrate certainty that they will not contribute further to the existing adverse effect.

Natural England requires applicants to demonstrate how developments can achieve maximum consumption of 90 litres per person per day.

This can be achieved by measures such as:

- Grey water recycling (advantage of being reliable in hot dry weather);
- Rainwater Harvesting;
- Water efficient fixings (such as shower aerators).

We require an appropriate assessment matrix to be completed to ensure water neutrality for this development prior to determination. Applicants will need to provide information on how developments will, with suitable certainty, reduce water demand to allow the appropriate assessment matrix to be completed.

Bats

Following submission of the Preliminary Ecological Appraisal (September 2021), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 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 bird boxes to be installed on the new dwelling or existing trees.

Reptiles

To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Hedgehogs

Any brush, compost and/or 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.

Badgers and Other Small Mammals

As detailed in the Preliminary Ecological Appraisal (September 2021), measures should be taken to ensure badgers and other small mammals are not harmed during construction. The mitigation detailed in Section 4.26 is suitable and a condition should be used to ensure this.

Policy 40

Following submission of the Sustainability Statement (Feb 2020), we are satisfied that the criteria for sustainable development detailed within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to better the building regulations by 28.93%.

Following submission of the Preliminary Ecological Appraisal (September 2021), we are satisfied that the criteria for improvements to biodiversity and green infrastructure detailed within policy 40 will be met provided the Ecological Enhancements (Section 4.31 - 4.38) are completed. The enhancements should be shown within the landscaping plans. A condition should be used to ensure this.

6.7 CDC Housing Enabling Officer

This application seeks to deliver 5 residential dwellings. In line with policy 34 of the adopted Chichester Local Plan, no affordable housing contribution is required as it is providing less than 6 dwellings in rural designated parish under section 157 of the Housing Act 1985.

The above mix is broadly in line with the Chichester Housing and Economic Development Needs Assessment (2020) mix requirements. This will contribute to meeting the needs of first time buyers, older households looking to downsize and families needing 3-4 bedroom homes. The mix is therefore acceptable.

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

6.8 CDC Conservation and Design Officer

In design and conservation terms the main potential impacts relate to the series of grade II listed buildings along High Street which have boundaries with the site to the west.

The development site is currently open and undeveloped land. The existing field could be said to form part of the widest possible extent of the setting of these listed buildings, but intervening vegetation, distance and other structures reduce its relative importance in forming that setting. The most important parts of the setting of those buildings are found in their more immediate surroundings and include their gardens, domestic curtilage, vegetation and other elements that are more easily visible in conjunction with the listed buildings.

Should the land be developed in the manner proposed the presence of domestic buildings in the landscape would fit within an existing pattern of established development in the wider settlement. The proposals will not differ markedly from the pattern of development that has already been established. The appreciation of the listed buildings along High Street, which is the primary way they are appreciated, will be totally unaffected. The listed buildings will still be appreciable and visible from the developed land in much the same way as they are from the field presently. In fact, as the access to that area will now be public, they may in fact be more readily appreciated than from the centre of a private field.

In summary, whilst a less important part of the setting of the listed buildings will be changed it does not constitute a harmful impact due to the distance, intervening vegetation and other primary viewing and experiential points being largely unchanged. The proposals are in accordance with the relevant sections of the NPPF.

6.9 CDC Archaeology Officer

There is no known archaeological objection to the development of this site. However, recent investigations prior to the development of a site south of Loxwood Farm Place, less than 100m to the west, have demonstrated that the general area has the potential to contain rare evidence relating to later prehistoric settlement and utilisation of the land. If similar deposits are present, their significance would merit preservation from the effects of development, and this should be achieved through a process of investigation and recording prior to or during construction. This could be secured through the imposition of a planning condition.

The aim would be to secure a suitable investigation, and this might take the form of a watching brief on all significant groundworks or an initial investigation by trial trenching followed by targeted investigation thereafter as appropriate.

6.10 CDC Contract Services

We have reviewed the site layout and swept path analysis within the transport statement, and we are satisfied with the proposal from a waste collection perspective.

6.11 Third party objection comments

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

- a) Loxwood is suffering from over-development. Inappropriate level of development for village. 220 houses planned or under construction, unsustainable for village. Urbanisation. Development is irreversible and disproportionate
- b) Additional development would have detrimental effect on character, listed buildings and landscape. Loss of rural and tranquil surroundings. Proposal would have minimal impact on housing requirement but significant impact on listed properties
- c) Historic buildings will be robbed of interest, loss of character. Loss of trees would cause irreversible harm. Contrary to Historic England's guidance and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Contrary to NPPF and CDC Historic Environment Strategy and Action Plan. Proposal would sever the final link between heritage assets and original setting
- d) Development is outside of settlement boundary, not a sustainable location
- e) Machinery being used during construction could damage nearby listed properties as they do not have modern foundations. Some of the listed buildings were first built in 1508. Construction would cause noise, dust, dirt and pollution. Parking for contractors would need to be considered as limited parking in Willetts Way
- f) Proposed development would disturb wildlife foraging and commuting habitat. Loss of trees result in lack of dark skies. Evidence that the site is used for foraging and commuting by 5 species of bat. Healthy, matures trees and vegetation have already been cut down which previously provided screening for heritage assets.
- g) Detrimental impact on the High Steet properties through increase in noise
- h) Impact on infrastructure including highways, road safety and sewerage. Primary school is oversubscribed, surgery and foul water treatment is beyond capacity. Does not meet water neutrality requirements. Development would add to the issue of water demand
- i) Loss of privacy, development would overlook site and would cause a loss of sunlight.
- j) Site is not allocated in the Neighbourhood Plan, IPS holds no weight to decision making. Site is being artificially subdivided
- k) Design of the properties do not fit with the village vernacular. Policy 10 of Neighbourhood Plan refers to material palettes. Solar panels would have visually intrusive effect
- l) Noise and fumes of car parking spaces will come into neighbouring back gardens. Insufficient car parking which would lead to congestion. Add to the dangerous parking situation. No footpath
- m) Drainage concerns. Surrounding gardens flood which could be increased by development
- n) Inappropriate housing mix

6.12 Third party other comments

One third party representations neither supporting nor objecting have been received concerning the following matters:

- a) No notification from CDC Planning, not planning notice as of 20/10/21
- b) Landscaping and parking post occupation
- c) Loss of privacy through completed dwellings and on T1
- d) Exhaust fumes from parking bays will enter the rear gardens of nearby properties
- e) Construction traffic/hours. Requests control on this

6.13 Applicant's comments and supporting information

The applicants water consultants have provided the following summary of the water neutrality measures deployed within the proposed development.

- Total water demand for The Loxwood Site without onsite measures = 762,850 litres/annum
- Total water demand for The Loxwood Site without onsite measures = 554,800 litres/annum
- Total water saving at The Slinfold Site =1,030,000 litres/annum

This means we are not only proposing our site to be water neutral but that it will save some 475,200 litres/annum being abstracted from the local water course. In addition, to ensure the proposal achieves a 35-day drought storage (20,000 litres) the on-site tanks have been increased to 5,000 litres (standardised sizes) to provide the necessary drought storage plus additional on-site drought protection.

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.

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

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 5: Parish Housing Sites 2012- 2029
- Policy 7: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 9: Development and Infrastructure Provision
- Policy 25: Development in the North of the Plan area
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking

- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 47: Heritage and Design
- Policy 48: Natural Environment
- Policy 49: Biodiversity

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 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.

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

Part 1 - Strategic Policies

- S1 Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Development Hierarchy
- S4 Meeting Housing Needs
- S5 Parish Housing Requirements
- S12 Infrastructure Provision
- S19 North of the Plan Area
- S20 Design
- S22 Historic Environment
- S23 Transport and Accessibility
- S24 Countryside
- S26 Natural Environment
- S27 Flood Risk Management
- S29 Green Infrastructure
- S31 Wastewater Management and Water Quality

Part 2 - Development Management Policies

- DM2 Housing Mix
- DM3 Housing Density
- DM8 Transport, Accessibility and Parking
- DM16 Sustainable Design and Construction
- DM18 Flood Risk and Water Management
- DM22 Development in the Countryside
- DM23 Lighting
- DM27 Historic Environment
- DM28 Natural Environment
- DM29 Biodiversity

- DM31 Trees, Hedgerows and Woodlands
- DM32 Green Infrastructure
- DM34 Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

7.5 The Loxwood Neighbourhood Plan was 'Made' on 20 September 2016. The following policies are relevant to this development:

- Policy 1 Housing Allocation Policy
- Policy 2 Settlement Boundary Policy
- Policy 7 Street Lighting Policy
- Policy 8 Infrastructure - Foul Water policy
- Policy 9 Built Environment - Housing Density Policy
- Policy 10 Built Environment - Vernacular Policy
- Policy 15 Telecommunications & Connectivity
- Policy 18 Flood Risk

National Policy and Guidance

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

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

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

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

i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.9 The following sections of the revised NPPF are relevant to this application: 2, 4, 5, 8, 9, 11, 12, 14, 15, 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.10 The following 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
- National Character Areas (2014): Low Weald (Area 121)
- Chichester District Landscape Capacity Study (2019): Loxwood Eastern Low Weald (sub-area 159)
- WSCC Parking Standards (September 2020)

Interim Position Statement for Housing Development

- 7.11 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 Five-Year Housing Land Supply was published on 24 November 2021 and provides the updated position as of 1 April 2021. This position is due to be reviewed during the Autumn of 2022. At the time of preparing this report the published assessment identifies 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 (equivalent to a requirement of 666 homes per year). This results in a housing surplus of 207 net dwellings, equivalent to 5.3 years of housing supply. Whilst at the time of writing 5.3 years remains the Council's published statement of its supply, the Committee will be aware that this figure has been challenged through several recent housing appeals.
- 7.12 At the recent public Inquiry for up to 100 dwellings on Land South of Clappers Lane in Eardley (E/20/03125/OUT) the Council revised its figure of 5.3 years down to 5.01 years, a surplus of 6 dwellings. The Inspector in that appeal found that the Council's supply following further necessary adjustment was at 4.8 years. Officers have subsequently looked again at the figures and agree that the evidence now points to a supply position of less than 5 years. Ahead of publication of a revised HLS statement, the Council has accepted in the statement of common ground submitted for the appeal at Chas Wood (CH/20/01854/OUT) that it now has a supply of 4.82 years. The Council therefore finds itself in a similar position to that in the Summer of 2020 when it resolved to start using the Interim Position Statement on housing (IPS) to support the delivery of sustainable new housing development outside of settlement boundaries.
- 7.13 To pro-actively manage the delivery of housing 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 in appropriate locations. A draft IPS was originally approved for use by the Planning Committee at its meeting on 3 June 2020 at a time when the Council could not demonstrate that it had a 5-year housing land supply. Following a period of consultation and subsequent revisions it was reported back to the 4 November 2020 Planning Committee, where it was approved with immediate effect. New housing proposals considered under the IPS will therefore 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 in the determination of relevant planning applications. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant and where there is no conflict with relevant policies in the development plan are likely to be supported by officers.

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

- 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. Principle of development and policy position
- ii. Design and impact upon character of the surrounding area, landscape impact and residential amenity
- iii. Housing Mix
- iv. Impact on Heritage Assets
- v. Impact upon amenity of neighbouring properties
- vi. Impact upon highway safety and parking
- vii. Drainage/flooding
- viii. Ecology
- ix. Sustainability
- x. Water Neutrality
- xi. Other matters

Assessment

i. Principle of development and policy position

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

8.3 The site currently lies beyond any designated Settlement Boundary and is, therefore, within the Rest of the Plan Area wherein Local Plan policy 45 resists development of the nature and scale proposed. 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. The Council has acknowledged that the Local Plan in terms of its policies for the supply of new housing are out-of-date because the settlement boundaries haven't been reviewed and when the Standard Methodology for calculating local housing need is applied (as required by NPPF paragraph 61) there is a shortfall of allocated sites to meet that identified housing need. Policies 2, 5 and 45 are therefore out of date. Policy 45 as a countryside policy is out of date insofar as it is linked to policy 2 and is therefore reliant on there being up to date settlement boundaries within which to accommodate new housing as part of the Development Strategy. Policy 2 is considered up to date only in the relatively narrow sense that it identifies the settlement hierarchy for future development in the Local Plan area, a hierarchy which is proposed to be carried forward into the LPR

- 8.4 The Loxwood Neighbourhood Plan, within Policy 1 advises the parish will provide a minimum of 60 houses on allocated and windfall sites located within the Settlement Boundary. Policy 2 aligns with the NPPFs presumption in favour of sustainable development. Policy 3 identifies the allocated sites but goes onto advice windfall sites should conform with other policies within neighbourhood plan policies. Therefore, the applications site's location outside of the defined settlement boundary would be contrary to neighbourhood plan policies.
- 8.5 However, there are other factors to consider. The Council has acknowledged that the Local Plan in terms of its policies for the supply of new housing are out-of-date and has accepted that it can't currently demonstrate 5 years' worth of housing land supply. Without a 5-year housing supply in place the 'tilted balance' in paragraph 11 d) ii) of the NPPF i.e. the presumption in favour of permitting sustainable development where there is no housing supply is engaged. In other words, there is a heightened imperative to deliver more housing to comply with government policy ahead of adoption of the new local plan with its revised housing strategy and numbers. In recent appeal decisions for 4 major housing developments (Westhampnett; Raughmere; Church Road, West Wittering; and Clappers Lane, Earnley) only the Inspector at Raughmere concluded that the Council had a supply. With the Council's 5YHLS hovering around the '5' year figure the Committee will be very aware of the notable increase in speculative housing applications on the edge of existing settlements over the past 12-18 months. When viewed in the context of not having a housing supply, officers consider that to simply adopt a position where all new housing proposals are resisted ahead of adoption of the LPR is not a tenable approach. Housing supply is calculated on a rolling year-on-year basis and in order to ensure that the Council can demonstrate a supply and that this supply is maintained with a suitable buffer ahead of adoption of the Local Plan Review, it will be necessary for some new housing development to be permitted. Whilst the proposal is for a small development of 5 dwellings, these dwellings would contribute to the supply.
- 8.6 The Council is progressing work through the Local Plan Review process to identify parish allocations for the Local Plan Review period up to 2037. As part of that review process the Council produced its Housing and Economic Land Availability Assessment (HELAA) in March 2021. The purpose of the HELAA is to identify a future supply of land which is suitable, available and achievable for housing and economic development. The HELAA forms a key component of the evidence base that will inform the Chichester Local Plan Review. The HELAA has identified that the site (plus a wider section of land totalling 04. ha) is capable of an indicative capacity of maximum 30 dwellings. Under suitability the HELAA states "The site is potentially suitable subject to detailed consideration including on matters of access". Under achievability it states "Resolution would be required on matters of access/ransom for connection to Willetts Way or alternative access. The promoter suggests that this is achievable. Lower estimated yield used due to constraints". As set out in WSCC Highways consultation response, the access from Willetts Way has been subject to detailed consideration and is considered acceptable. Notwithstanding this, the HELAA is a technical background document which provides a tool to assist the Council in its consideration of potential housing sites under the LPR, it is not a policy document of the Council. Notwithstanding that, its significance is that the application site has been identified as suitable, available and deliverable to provide new housing during the Plan period.

8.7 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 proposal scores well against the 13 criteria of the IPS and is considered to represent a good quality development in the Local Plan area, without any adverse impacts having been identified. It is relevant to consider the application against each of the IPS criteria in turn:

8.7 **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 north and east boundaries of the application site are joined to the existing settlement boundary of Loxwood. It is considered that this criterion is therefore satisfied. *Compliant*

8.8 **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.**

Loxwood is a service village providing a reasonable range of basic facilities to meet the everyday needs of local residents. CLP Policy 2 states that provision will be made for small scale housing developments, in this instance, five dwellings would not be regarded as inappropriate, and the criterion is therefore satisfied. *Compliant*

8.9 **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 constrained by existing residential development to the north, east and west and would therefore serve as a natural extension to the existing settlement. The proposal would not project into the countryside and would not extend beyond wider edges of the village. There is no actual or perceived coalescence likely to arise from permitting this development. The criterion is satisfied *Compliant*

8.10 **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.**

The proposal would result in a density of approximately 29.4 dwellings per hectare. In the context of the rural edge of settlement location, this level of development would be acceptable for the surrounding vicinity. The site is a single field, so it is not considered that the wider site has been artificially subdivided. In the context of the rural edge of settlement location and the pattern of existing housing this level of development is considered acceptable. The criterion is satisfied. *Compliant*

8.11 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.

It is considered that the development complies with this criterion, with the size, scale and detailed design of the dwellings considered appropriate in the context of the site and its wide surroundings, which include a modern housing development. The application site is not located within visible distance from the South Downs National Park or the Chichester Harbour AONB. The criterion is satisfied. *Compliant*

8.12 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 application site is outside of any proposed Strategic Wildlife Corridor. Therefore, this criterion is not applicable. *Not applicable*

8.13 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, with the wastewater disposal to be provided through a connection to the existing main sewer network. The scheme is not of a scale where an affordable housing contribution, provision of open space or any highways works are required, but it would be CIL liable. The criterion is satisfied. *Compliant*

8.14 8) (abridged) Development should demonstrate how it complies with Local Plan policy 40 and does not compromise on environmental quality.

The development would meet this criterion, with this matter discussed further within the sustainability section of this report. The criterion is satisfied. *Compliant*

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

The development is appropriate in terms of its size, scale, siting and detailed design and would not be of detriment to the rural tranquil setting of Loxwood and would serve as a natural extension to the existing housing development and settlement. The proposal would not negatively harm the Listed Buildings to the west of the application site and is not considered to be within the immediate setting. This is discussed further in later assessment. This criterion is satisfied. *Compliant*

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

The development is sustainably located on the edge of the existing settlement boundary and within an existing housing development. The site benefits from an existing access road, with pedestrian access onto nearby footpaths possible. This criterion is satisfied.

Compliant

8.17 11) (abridged) Development must be safe from flooding

The application site being wholly located within Flood Zone 1, an area with the lowest level of flood risk. The drainage system is to be designed through SuDS and soakaways to satisfactorily manage the discharge of surface water from the development. Therefore, this criterion is satisfied. *Compliant*

8.18 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.

The application site lies outside of the Chichester Harbour Fluvial Catchment, to the north of the Chichester District in a location where it is not necessary to demonstrate nutrient neutrality. Therefore, this criterion is not applicable. *Not applicable*

8.19 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.

This application seeks full planning permission, and there are no abnormal occurrences within the development site that would otherwise restrict or delay implementation of the development following the discharge of pre-commencement conditions in the event that planning permission were granted. As such, it is considered criterion 13 of the IPS would be satisfied. *Compliant*.

8.20 The proposed development is considered to meet all the relevant criteria in the IPS. Consideration has been given to the Development Plan, including the Neighbourhood Plan, and also the Council's 5 year housing land supply position which results in the tilted balance being engaged. The IPS provides an appropriate development management tool for assessing such applications and in this context and for the reasons outlined above the 'principle' of housing development on this site is considered acceptable.

ii. Design and impact upon character of the surrounding area, landscape impact and residential amenity

8.21 The NPPF states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (paragraph 126). Policy 33 of the Chichester Local Plan sets out that any proposed development must meet the highest standards of design and provide a high-quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density,

height, scale, and neighbouring and public amenity. Policy 47 sets out that development should respect the distinctive local character and sensitively contribute to creating places of high architectural and built quality. Policy 48 amongst other considerations requires proposals to respect and enhance the landscape character of the surrounding area and site.

- 8.22 The site achieves a built density of 29.4 dwellings per hectare, which broadly aligns with the 35 dwellings per hectare set out within the supporting text of the local plan and achieves a layout which is respectful of the edge of settlement location, the surrounding context of the site. It would also accord with the aims of Policy 9 of the LNP, which seeks to achieve densities which are reflective of the semi-rural nature of the parish and give an impression of spaciousness.
- 8.23 The site occupies a setback position, behind the existing row of properties which front Willets Way and is accessed via a spur road, which was partially constructed with the earlier housing development. The proposal sees the spur road slightly realigned, extended into the development with shared surface internal roadway. A parcel of open space is located to the right (north) of the access road, contributing to the spacious feeling to the development.
- 8.24 The layout of the dwellings consists of a single detached property, to the southeast corner of the site, which would align with No.6 Willets way to the east. It would serve as the focal dwelling for the development since it would be visible from outside of the development site. The remaining four dwellings would occupy the western half of the site, achieving back-to-back distances in excess of 44m with the cottages to the west, and rear gardens in excess of 12m including the landscaping buffer. The north, east and west boundaries of the site would incorporate sizable landscape buffers, particularly to the northwest corner of the site, where the new built form would be closest to the neighbouring dwellings, which would help to screen the development and filter views of the built form. The level of separation with the dwellings to the north is acceptable, on balance, particularly when considering the enhanced landscaping and the shorter gardens characteristic of the dwellings on the adjoining development.
- 8.25 The layout and scale of the development is considered to reflect the form of the surrounding housing, particularly within the adjoining Willets Way, regards to the form/shape of the road and the scale and siting of the housing and other nearby residential development to the north and west. The proposed site plan indicates area of landscaping within the development, which are concentrated in several key area, in order to establish a green frontage with internal road, together with screening to the parking area to the northern boundary. A detailed hard and soft landscape plan, securing the details of the proposed shared surfacing material and the proposed size, density and species of planting has been suggested via condition.

8.26 The detailed design of the dwellings has been amended during the application, in order to address the design concerns raised by the Parish Council. The elevations show the units to be of a chalet bungalow 1.5 storey scale throughout. It is considered that the scale would align with the nearby residential development and assist in integrating the proposal into the wider site context and characteristics. The revised material palette now includes, red brick, hanging tile to first floor elevations, clay roof tiles and grey window, which will result in an attractive, high quality rural housing scheme that would be appropriate to its rural context and surrounding. The proposal would therefore meet the design objection of the LNP Policy 10.

8.27 All new development is likely to result in a change to the character and appearance of that land, but that change by itself is not sufficient on its own to warrant refusal particularly when that judgment is weighed, as it must be against the significant benefit of delivering new homes to help address the Council's housing supply. As such, it is considered that the proposal is appropriate for the site context and characteristics, the proposal would result in a high-quality rural housing scheme that would be appropriate to its rural context and surroundings. Therefore, there are no objections to the design.

8.28 In considering the above, the development would be of an appropriate layout and density, and result in a high-quality design that would sympathetically incorporate into the surrounding area. On this basis, the development would accord with the contents of Section 12 of the NPPF, Policy 33, 47 and 48 of the Chichester Local Plan and Policies 9 and 10 of the Loxwood Neighbourhood Plan.

iii. Housing mix

8.29 The proposed mix of housing (2 x 2 bed, 2 x 3 bed, 1 x 4 bed) is appropriate and in line with the Housing and Economic Development Needs Assessment (HEDNA). Given the size of the development, it does not trigger the need for the provision of affordable housing in line with Policy 34 of the local plan. It is therefore considered the proposal is acceptable in this respect.

iv. Impact upon Heritage Assets

8.30 Many of the dwellings to the west of the site, along High Street are Grade II listed and concern has been raised by several third parties, in respects of the potential impact upon these properties. The proposal has been reviewed by the Council's Principal Conservation and Design officer, who is satisfied the proposal would not result in a harmful impact upon the setting of the listed buildings.

8.31 It is noted the proposal could be said to occupy the widest possible extent to the setting of these buildings; however, it is of lesser significance due to its distance from the building, with the most important parts being the immediate curtilage of the buildings. The proposal would also not change the principal view of the cottages from High Street.

8.32 Overall, the proposal is not considered to have an adverse impact upon the surrounding heritage of the site, and therefore the proposal would comply with the relevant national and local planning policies in this respect.

v. Impact upon amenity of neighbouring properties

8.33 The NPPF in paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.

8.34 The layout of the site retains an acceptable level of amenity for the neighbouring properties, with adequate levels of separation between neighbouring properties. In addition, the internal layout of the site is considered to reflect an acceptable amenity for further occupiers of the five dwellings. The proposal is therefore considered to result in an acceptable level of amenity for both the existing neighbouring properties and the future occupiers of the dwellings subject to this application. The proposal would comply with national and local planning policies in this respect

vi. Impact upon highway safety and parking

8.35 Both vehicular and pedestrian access to the site is proposed to be achieved through an approximately 14m wide bell-mouth access from Willetts Way which narrows to 4.9m within the development. Pavements are proposed at the start of the junction which then stop when into the development. From considering the WSCC online record for road traffic collisions, no personal injury accidents are recorded near to or the site access either on Willetts Way or at the Station Road/Farm Close junction. This indicates that the site access has been operating in a safe manner in its present form. Therefore, no objection is raised on access grounds.

8.36 In terms of traffic movements, the proposed development would generate person trips of 6 in the AM peak hour, 5 in the PM peak hour and 44 during the total daily movements. Also, it is estimated that vehicular trips of 3 in the AM peak hour, 2 in the PM peak hour and 12 during the total daily movement would be generated. The LHA does not consider that the proposal would have an unacceptable impact on the highway network.

8.37 In terms of proposed parking, the proposal includes 13 car parking spaces, 11 for residents and 2 for visitors. Electric vehicle charging points will be provided at each unit. The parking provision is in accordance with the LHA's 'Parking guidance for New Developments'.

8.38 The application is accompanied by swept path diagrams tracking an 8.53m long refuse vehicle demonstrating that there is adequate manoeuvrability within the site. The councils contract services officers have been consulted and have raised no objection to the proposal.

8.39 In terms of sustainable travel, WSCC Highways highlight that the site is in close proximity to both the A281 and B2133 and 6.3 miles of the Billingshurst train station which has frequent train services to nearby towns and London. There are bus stops located on B2133 and Station Road with services to Horsham, Worthing and Guildford. Many amenities and services within Loxwood are accessible via walking and cycling. Additionally, the application proposes cycle storage within the domestic gardens or garages of the units. Therefore, the LHA consider the site as sustainable.

8.40 WSCC has confirmed no objection to the proposal in terms of highway safety and have advised the proposal would not result in a severe cumulative impact on the operation of the highway network sufficient to refuse development on highways grounds which is the relevant test to be applied in terms of NPPF paragraph 111. Subject to recommended conditions (including access, parking, CEMP and EVCP), the proposal is considered acceptable by the highway authority from a highway safety and capacity point of view and no objection is raised.

vii. Drainage/flooding

8.41 The site is within flood zone 1 (low risk) and therefore the principle of development is acceptable in principle. The Council's Drainage engineer has confirmed that the proposed drainage is also acceptable in principle and has recommended that a condition be imposed requiring fully details of the drainage. Therefore, subject to future compliance with the suggested condition, the proposal would achieve acceptable surface water drainage.

viii. Ecology

8.42 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded and enhanced whilst the NPPF makes it clear in paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity.

8.43 The Council's Ecology officer has reviewed the Preliminary Ecological Appraisal accompanying the planning application and is satisfied with its findings, the recommendations, and enhancements. The PEA acknowledges the sites' location within the The Mens SAC & Ebernoe Common SAC and acknowledges consideration should be given to the rare species of bats, for which both SAC are designated, but acknowledges the site offers limited habitat for bats currently. The report recommends several mitigation measures, including lighting controls to limit the impact upon the SACs. The impacts upon the SAC have been carefully considered, and sufficient information has been submitted alongside the application to demonstrate that the proposal would not have an impact upon the designated site.

8.44 The proposal would also achieve biodiversity enhancements, which can be secure via condition. In addition, several areas of mitigation have also been highlighted, including restricting timeframes for aspects of the site clearance, such as vegetation and brush piles to limit the impact upon nesting animals. These have been incorporated into a suggested condition.

8.45 Therefore, subject to compliance with the recommended conditions the proposal shall adequately safeguard and enhance the biodiversity of the site in accordance with national and local planning policies.

ix. Sustainability

- 8.46 The applicant's Sustainability and Energy Statement comply with the requirements of Policy 40 of the CLP and criterion 8 of the IPS. The documents confirm that the approach relies on a combination of measures including 'fabric first' construction and solar PV panels. The proposal would result in a 28.93% carbon reduction through the fabric of the dwelling, including low U-Values, and good airtightness. Energy efficiencies secured through a fabric first approach would be supplemented in terms of renewable energy through the use of solar photovoltaic panels (56 x 400w photovoltaic panels). The combined reduction, resulting for the fabric first and use of renewable technologies significantly exceeds the 19% requirement in the IPS.
- 8.47 The proposal also includes the provision of electric vehicle charging points for each dwelling, which are now a standard requirement under Building Regulations. In addition, as detailed more comprehensively below, the proposal seeks to minimise water usage, with a standard water consumption standard of a maximum of 110 litres per person per day. 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.

x. Water Neutrality

- 6.48 The application is located within the Sussex North Water Supply Zone. Much of the water supply in Sussex North is sourced from groundwater abstraction points which drain water from the Arun Valley SAC, SPA and Ramsar Site. Natural England has confirmed that it cannot, with certainty, conclude no adverse effect of abstracting such water on the integrity of the Arun Valley SAC, SPA and Ramsar Site (all designated under the Habitats Regulations). Natural England's Position Statement confirms that new developments must not add to the adverse impact on the Arun Valley SAC, SPA and Ramsar Site. The proposal must therefore demonstrate it would not increase water abstraction. In other words, it must be 'water neutral'. Natural England set out the definition of water neutrality as "the use of water in the supply area before the development is the same or lower after the development is in place".
- 6.49 The proposal for five additional dwellings would clearly increase water usage compared to the existing use of the site, with the proposal calculated to result in an increase demand of 2,090 l/day or 762,850 l/annum. Offsetting will be required to achieve water neutrality. The onus lies with the applicants to demonstrate water neutrality, with the applicants providing a water neutrality mitigation scheme for concertation in conjunction with Natural England. Ongoing negotiations with Natural England have taken place for several months, but it is now accepted that the current scheme of mitigation, outlined in the following paragraph can demonstrate water neutrality.
- 6.50 The proposed water neutrality solution seeks a two-pronged approach, with on and off-site mitigation proposed. The on-site mitigation includes the provision of rainwater harvesting, which would then be utilised within the proposed dwellings to meet the non-portable water demand (i.e., toilet flushing, garden watering/vehicle washing). This is possible, through the provision of a 5000-litre water storage tank, which is installed, below ground within the rear garden of each dwelling, which would be compatible with any below ground surface water storage system which may be required. The tanks measure 2.96m (L), 2.22m (W) and 0.92m (H) and can adequately be accommodated below the private amenity space of each property. The stored rainwater is pumped into a secondary water tank within the attic

space of the properties, with the water then gravity fed to the required outlets within the properties. The provision of on-site mitigation reducing the annual water demand to 554,800 l/annuum and provide storage for 25,000 litres of water, which would exceed 35 days' worth of usage, i.e., would provide at least 35 days' worth of drought protection in the event of a prolonged period of no rainfall.

6.51 In combination, off-site rainwater harvesting mitigation is proposed to be installed within a housing development at Crosby Farm, Slinfold, Horsham, West Sussex. The development lies within the Sussex North Water Supply Zone; however, it lies outside of the Chichester District, and within Horsham. The application at Slinfold was approved by Horsham District Council under reference DC/21/0498, before the requirement to demonstrate water neutrality, and construction of the site has lawfully commenced. It is proposed that the 24 dwellings and cricket pavilion approved at the Slinfold site would be fitted with the same, albeit smaller 3000 litre water storage tank (20,000 litre for the cricket pavilion), as proposed for the on-site mitigation, with the installation of these tanks already having been agreed by Horsham District Council. The provision of the off-site mitigation will achieve a further reduction in annual water demand by 1,030,000 litres/annuum, with the combined on and off-site mitigation achieving a 475,200 litres/annuum water saving over and above the actual demand for the proposed five dwellings. This, in combination with the on-site drought protection secured via the use of the larger tanks results in a significant precautionary buffer, over and above the anticipated water demand (762,850 l/annuum) for the proposed dwelling. As such, officers are satisfied the proposal would achieve water neutrality.

6.52 The mitigation measures would be controlled by way of a S106 agreement. The S106 agreement would specify that the measures need to be fully operational prior to the occupation of the development, and would include all parties involved, including Horsham District Council.

6.53 A Habitat Regulations Assessment has been undertaken by the Council which concludes that, with mitigation the proposed scheme would not have an adverse effect on the integrity of the European Protected Site under regulation 63 of the Conservation of Habitats and Species Regulations 2017. Natural England has been consulted on the HRA and concurs with this conclusion. Therefore, the development can be considered to demonstrate water neutrality.

xi Other matters

6.54 As shown in the consultation responses section of this report, recent investigations prior to the development of a site south of Loxwood Farm Place, less than 100m to the west, have demonstrated that the general area has the potential to contain rare evidence relating to later prehistoric settlement and utilisation of the land. If similar deposits are present, their significance would merit preservation from the effects of development, and this should be achieved through a process of investigation and recording prior to or during construction. As such it would be necessary to impose a condition, should permission be granted, requiring a written scheme of archaeological investigation of the site to be submitted and approved by the LPA.

6.55 There is a single tree, to the far northeast corner which lies within the neighbouring properties rear garden which has the potential to be affected by the proposed development. The proposal has been accompanied by an Arboricultural Report: Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan which details adequate mitigation and protection for this tree during and post construction. It is of note this tree will lie adjacent to the proposed open space, limiting potential impacts to its health. Officers are satisfied, subject to compliance with the proposed protection measure that there will be no adverse impact to the health of the tree.

Conclusion

6.56 Based on the above it is considered for the reasons set out above, the proposal would result in the provision of housing in a sustainable location adjacent to an existing settlement without harm to the environment, the character of the area, highway safety or biodiversity. Having regard to the tilted balance it is considered that there would be no demonstrable adverse impacts that would outweigh the benefits of the proposal. In addition, the proposal includes measures to ensure that the biodiversity on the site is protected and enhanced. The proposal therefore accords with the relevant local and national planning policy and associated guidance in respect of these issues. Having also had regard to all other material considerations it is recommended that, subject to a S106 to secure the proposed water neutrality measures and the conditions set out below, permission is granted.

Human Rights

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

RECOMMENDATION

DEFER FOR SECTION 106 THEN 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 details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No

building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

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

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

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

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

5) No development/works 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 a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken by an appropriately qualified archaeologist 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.

6) Notwithstanding any details submitted **no development/works shall commence above slab level** until a full schedule of all materials and finishes to be used for external walls and roofs of the building(s) and all windows and doors have been submitted to and approved in writing by the Local Planning Authority. Upon submission of the details to the Local Planning Authority samples of the proposed materials and finishes shall be made available for inspection on site, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of materials and finishes, unless any alternatives are agreed in writing via a discharge of condition application.

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

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

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

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

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

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

10) **The development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, the provision of enhancements outlined within the Preliminary Ecological Appraisal (September 2021) prepared by The Ecology Partnership, and shall include a program for the provision of the landscaping and ongoing management which shall include the installation and operation of a watering system. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations

of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority.

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

11) 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.

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

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

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

13) **The development hereby permitted shall be carried out** in accordance with the Sustainability and Energy Statement prepared by bluesky Unlimited (21 September 2021).

Reason: To accord with Policy 40 of the Chichester Local Plan: Key Policies 2014-2029, criterion 8 of the IPS and the principles of sustainable development as set out in the NPPF.

14) The following ecological mitigation measures shall be adhered to at all time during construction;

- a) Any brush, compost and/or 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.
- b) To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.
- c) 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).
- d) A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.
- e) Bird boxes should be installed on each of the dwellings.

Reason: In the interests of protecting biodiversity and wildlife.

15) **The development hereby permitted shall not be carried out** other than in full accordance with the Preliminary Ecological Appraisal (September 2021) prepared by The Ecology Partnership.

Reason: In the interest of conserving and enhancing biodiversity.

16) **The development hereby permitted shall not be carried out** other than in full accordance with the Arboricultural Report: Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan (31 August 2021).

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

17) 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.

18) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A, B, C or E of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

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

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

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

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Proposed Street Scene	PL10 REV P4		09.02.2022	Approved
PLAN - Proposed Outbuilding	PL09 REV P2		09.02.2022	Approved
PLAN - Plot 5 Floor Plans and Elevations	PL08 REV P3		09.02.2022	Approved
PLAN - Plot 2 Floor Plans and Elevations	PL07 REV P3		09.02.2022	Approved
PLAN - Plot 3 and 4 Proposed Floor Plans and elevations	PL06 REV P4		09.02.2022	Approved
PLAN - Plot 1 Proposed Floor Plans and Elevations	PL05 REV P3		09.02.2022	Approved
PLAN - Proposed Site Plan	PL04 REV P4		09.02.2022	Approved
PLAN - THE LOCATION PLAN	PL01 REV P2		23.09.2021	Approved

INFORMATIVES

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

2) S106

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

For further information on this application please contact Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QZW6HCERFRS00>

Chichester District Council

Planning Committee

05 October 2022

Nitrate mitigation scheme at Droke Lane, East Dean

1. Contacts

Report Author:

Fjola Stevens, Divisional Manager Development Management

Tel: 01243 534734 E-mail: fstevens@chichester.gov.uk

2. Recommendation

- 2.1. **That the Committee approves the recommendation to enter into a legal agreement with the owner of land at Droke Lane, East Dean, and the South Downs National Park Authority to secure the provision of a credit-selling nitrates mitigation scheme.**

3. Background

- 3.1 This report outlines the main issues surrounding nitrates in the protected Solent habitats; the recent advice from Natural England on the matter; the proposed measures to provide a mitigation solution at East Droke, how the mitigation would be secured, and how the mitigation scheme would monitor in perpetuity (or until such time it is no longer required).

4. Main Issues

Nutrient Neutrality

- 4.1 Nutrient pollution is a big environmental issue for important places for nature in England, including Chichester Harbour and the wider Solent area. Chichester Harbour is a designated Special Protection Area (SPA) alongside Langstone Harbour and this SPA forms part of the Solent Maritime Special Area of Conservation (SAC). Hereafter the Chichester and Langstone Harbours SPA is referred to as the Harbour. These are European designations for areas providing highly important habitats for wildlife. Water quality is a contributing factor to the build-up of excess nutrients in the Harbour causing algal growth which disrupts natural processes and harms wildlife living in the Harbour. Sewage from new development using wastewater treatment works or an on-site package treatment plant that discharges to Chichester Harbour contributes to the excess nutrients in the Harbour (albeit in small amounts relative to other sources).
- 4.2 Natural England's assessments of Chichester and Langstone Harbours during 2019/20 found that more than 3000 hectares of the intertidal parts of Chichester Harbour, should be classified in an 'unfavourable – declining' condition. As a result of the condition survey the impacts of new developments need to be considered in line with the Conservation of Habitats and Species Regulations

2017 (Habitats Regulations). Before granting planning permission for a development that may affect the Harbour the local planning authority (LPA) as the competent authority needs to undertake a Habitats Regulations Assessment (HRA) and be satisfied that the proposal will not have any adverse impact on the protected site or sites. Where sites are already in unfavourable condition, extra wastewater from new housing developments can make matters worse and undermine ongoing efforts to recover these sites. Therefore, if a proposal would lead to an increase in nutrients discharging into the Harbour, planning permission cannot be granted unless the impact of the development would be mitigated.

- 4.3 In June 2020 Natural England (NE) published guidance on how to mitigate new developments to achieve nutrient neutrality, and this guidance was updated in March 2022. The link to the most recent guidance is provided in section 7 below. Mitigation could involve putting place measures to stop nutrients from discharging directly from a site, this is commonly known as 'on-site mitigation'. Mitigation could also involve 'off-site' measures to reduce the discharge of nutrients from an existing source elsewhere within the fluvial catchment for the Harbour. When appropriate mitigation is provided to prevent a development discharging nutrients to the Harbour or off-site mitigation is secured to cancel the impacts of a new development, the development is nutrient neutral, and the requirements of the Habitat Regulations would be met.
- 4.4 One means of achieving nutrient neutrality is to take agricultural land out of an active farming use, thereby removing its contribution of nutrients to the Harbour. To be effective such mitigation needs to meet several criteria;
- be within the catchment of the Harbour
 - be effective prior to occupation
 - be effective in perpetuity (which in accordance with NE guidance, is 85-125 years).
- 4.5 The proposal for the East Droke Mitigation Scheme includes taking 4.78ha of agricultural land out of active agricultural use to provide off-site mitigation for new developments that would otherwise have a harmful impact upon the Harbour. Based on the latest guidance and from NE the proposed scheme would deliver mitigation for in the region of 158 houses, although this depends on the location of the development site and its existing use. The proposed mitigation scheme would unlock a number of applications that have been held up in the planning system, unable to progress without a solution to become nutrient neutral. These applications are mainly small scale windful developments, however their form part of the Council's 5 year housing land supply, and therefore it is important that these applications are able to move forward. The adoption of an overarching mitigation scheme would provide a model for other mitigation schemes.

The proposed scheme

- 4.6 The proposed scheme has been developed by a local farmer with the assistance of specialist consultants in accordance with the latest NE Guidance and in consultation with Chichester District Council (CDC), the South Downs National Park Authority (SDNPA) and Natural England (NE). The mitigation scheme would allow the landowner to sell nitrate mitigation credits to developers who wish to secure mitigation for their new development.
- 4.7 The scheme would include:
- a) taking 4.78ha of agricultural land used for cereal crops out of use, resulting in 126.67 kg of nitrates being removed from the Harbour each year.
 - b) implementing a scheme of planting to include native hedgerow planting to fill gaps in the boundary, scrub with native tree planting, tussocky meadow, and wildflower meadow.
- 4.8 The scheme has been developed following detailed discussions with the SDNPA about the appropriate planting for this area. It is important that the planting supports the objectives of the SDNP in respect of its landscape and its endeavours to provide nature recovery solutions. The proposed scheme with the balance of planting would meet these objectives. NE guidance advises that planting broadleaf trees is desirable to ensure certainty that a mitigation scheme will be maintained in perpetuity. Although the landowner was willing to provide tree planting across the mitigation land, this would not have been acceptable in respect of the landscape impacts, and it would not have taken the opportunities available to increase biodiversity on the site. It was for this reason that the SDNPA sought an alternative planting scheme.
- 4.9 The scheme has been accompanied by a Hydrological Report that demonstrates that the site is connected to the Harbour via an ancient riverbed that leads to the river Lavant. The report demonstrates that the lag time for the mitigation to take effect is 2 years from the date the land is taken out of agricultural use. The land was taken out of active agricultural use in June 2021, and therefore the mitigation scheme will deliver effective mitigation from June 2023. The land is classified a grade 3, 4 and 5 agricultural land, which is not the most versatile and valuable.
- 4.10 The proposed scheme has been considered under the Habitat Regulations, and NE have been consulted on the Habitat Regulations Assessment. NE initially raised concerns regarding the proposed planting scheme, as detailed below:

Thank you for providing some additional information in support of the Droke Lane Mitigation Scheme. We welcome securing a strategic approach to nutrient neutrality.

As stated in our previous advice, we advise that the nature of the scheme and lack of tree planting, although providing mitigation for nutrient neutrality, presents risks of uncertainty when considering the requirements for certainty of deliverability and enforcement in perpetuity under the Habitats Regulations. We have strongly highlighted these risks and advised that this is considered in your decision making.

It is important that you, as competent authority, are satisfied beyond reasonable scientific doubt that the proposed mitigation strategy will be in place for the lifetime of the development and is secured against future changes in land use. This should include assurance that positive management of the site will be delivered over this period, that monitoring can demonstrate ongoing effectiveness, and enforcement measures can be effected where necessary.

If you wish to rely on the submitted scheme you as competent authority will need to ensure that you are satisfied that sufficient certainty has been provided to evidence how the scheme will be effectively monitored, enforced and provided for the lifetime of the development.

- 4.11 However, following the provision of additional information explaining how the proposed planting scheme had been developed and how the scheme would be monitored further comments have been received which confirm that NE has no objection to the proposals:

We wanted to assure you that we are not objecting to the proposals and hope that the following explanatory note will provide your authority with reassurance on this matter.

The proposals are not entirely in accordance with our advice regarding quantum of tree cover that we have issued for mitigation sites elsewhere in the Solent Catchment, we have advised that the reduced tree cover increases the risk of the scheme, and this is consistent with our advice to mitigation schemes across the Solent Catchment. However we are not opposing the scheme, providing that you are satisfied that the monitoring and enforcement necessary will be sufficient to ass the Habitat Regulations. We further note that the scheme will be in keeping with the Character Area of this location within South Downs National Park. To conclude we advise that you as the competent authority, should ensure conditions are sufficiently robust to ensure that the mitigation measures can be fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations. We welcome that your authority has identified a strategic approach to providing mitigation for nutrient neutrality scheme within Chichester.

- 4.12 Although NE initially raised concerns that the lack of tree planting across the site may reduce the certainty that the scheme would be maintained in perpetuity, they have subsequently confirmed that they do not object to the proposal. In doing so, NE has highlighted that it is for the LPA to be satisfied with the proposed mitigation scheme. Whilst it will in most cases be appropriate to secure tree planting as part of small-scale individual nitrates mitigation scheme, which are typically a small area of land on the edge of farmland, the circumstances for this large mitigation scheme are different. The proposal provides a comprehensive planting scheme which is to be provided as a whole across the 4.78ha of land, it would be monitored regularly by the SDNPA Countryside Policy and Management Team. In addition, the site lies in a highly visible location with access from a public highway where changes to the land use would be easily identified.

Mechanism to secure the mitigation

- 4.13 The principle of the mitigation would be secured via a legal agreement between the landowner, CDC and the SDNPA which has been drafted to ensure that the landowner takes the land out of use and implements the mitigation scheme including the proposed planting, and that the scheme is maintained in perpetuity.
- 4.14 Once the scheme is established by the legal agreement, it would be possible for the local planning authority to impose a planning condition on a permission for a new development that requires the developer to purchase the required number of nitrate mitigation credits to off-set their development. This would result in these developments being nutrient neutral. The proposed mechanism to secure the mitigation is one that has been adopted elsewhere within the Solent catchment. The condition imposed on a planning permission would require a notice to be submitted demonstrating that the purchase of the necessary number of credits has been completed prior to commencement of development.
- 4.15 Each application would be accompanied by a Nitrates Mitigation Statement that would set out the level of mitigation required, and each application would be subject to its own Appropriate Assessment under the habitat regulations, in the same way that applications are present. However, rather than the applicant finding a piece of land to purchase, they would instead be able to purchase credits from the landowner to use the mitigation at East Droke. Once all the credits have been sold it would not be possible for any further applications to use the mitigation land to off-set their development.

Monitoring and enforcement

- 4.16 The agreement ensures that the landowner pays a monitoring fee to the SDNPA, which would pay for the resources of the Countryside Policy and Management Team to monitor the mitigation scheme for its lifetime. If the land is not maintained in accordance with the agreed Nitrates Mitigation Scheme this would be in breach of the legal agreement, and subject to an enforcement investigation by the SDNPA. In addition, should an applicant fail to complete the purchase of credits in accordance with a condition on a planning permission, this would constitute a breach of planning control. The Council will maintain a register of applications granted with a condition requiring the purchase of credits to ensure that compliance is proactively monitored.
- 4.17 Careful consideration has been given to the comments received by NE, and as competent authority, it is considered that effective monitoring the nitrates mitigation scheme would be achieved by the legal agreement, and that effective monitoring of the conditions securing the mitigation for an individual application would also be achieved. Therefore, it is considered that the monitoring and enforcement would be robust and would ensure that developments granted subject to a condition requiring the purchase of credits created by the East Droke nitrates mitigation scheme would be nutrient neutral.

Ecological Enhancements

- 4.18 Ecological enhancements are not required to secure nutrient neutrality, but they are a positive effect of the proposed nitrates mitigation scheme. They are also the reason why the scheme of planting has been developed to include a range of planting, and not simply tree planting as suggested by the NE's published guidance. The proposed scheme would provide the following enhancements:
- infilling the gaps in the southern boundary hedgerow will provide a connecting canopy with the ancient woodland to the south of the land,
 - infilling the gaps in the boundary hedges will provide habitat for nesting birds and dormice and will improve foraging and commuting routes for bats,
 - the tussocky grassland will provide a habitat for invertebrates, and therefore a food source for reptiles, birds, and bats, and
 - the wildflower meadow will provide a food source for pollinators.

5. Conclusion

- 5.1 The proposed nitrates mitigation scheme would take agricultural land out of active agricultural use to achieve nutrient neutrality for a significant number of dwellings. Whilst it would not be sufficient to meet the demand for all housing expected to come forward it would provide enough to mitigate over 150 dwelling and this is considered to be a considerable benefit, and one that would help the Councils 5 year housing land supply position. The mitigation is proposed on land which is not the most versatile agricultural land, potentially reducing the pressure to some extent for mitigation on those highest grades of agricultural land. In addition, significant ecology enhancements would be secured due to the planting scheme that has been negotiated. The mitigation is supported in principle by NE, and as competent authority it is considered that the scheme would be secured in its entirety, and therefore subject to effective monitoring to ensure that developments using the mitigation scheme remain nutrient neutral
- 5.2 For the reasons set out in the report the planning committee is asked to approve the recommendation to enter into a legal agreement with the owner of land at Droke Lane, East Dean, and the South Downs National Park Authority to secure the provision of a credit-selling nitrates mitigation scheme.

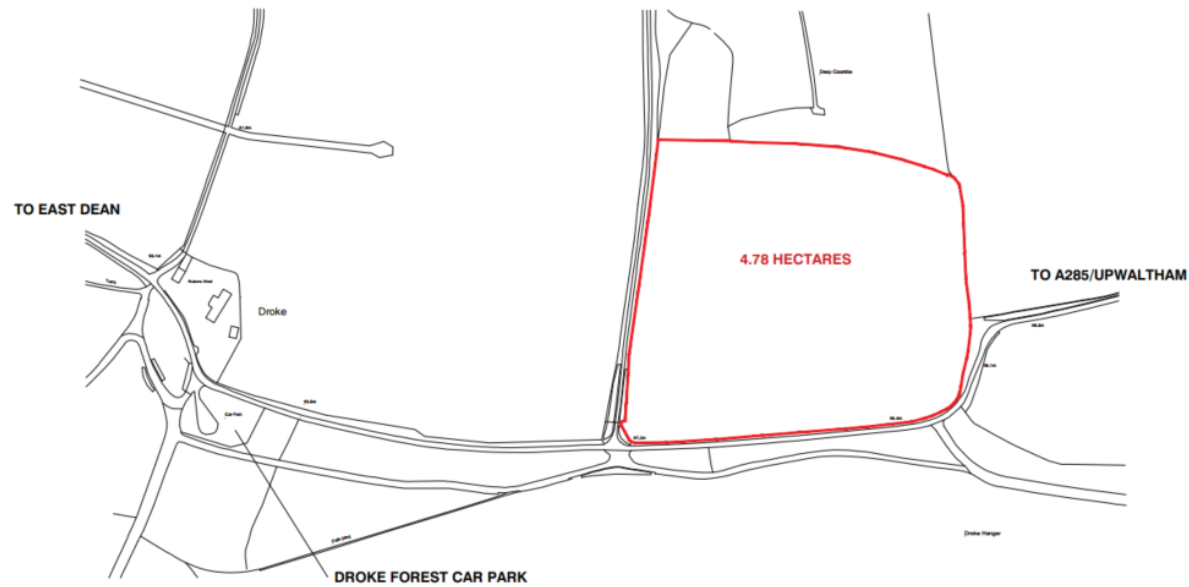
6. Background Documents

- [Nitrogen Budget Calculator V2.1 \[excel 3Mb\]](#)(Opens in a new window)
- [Natural England's Advice for Development Proposals \[pdf 499kb\]](#)(Opens in a new window)
- [Nutrient Neutrality Mitigation Principles \[pdf 152kb\]](#)(Opens in a new window)
- [Nutrient Neutrality - A Summary guide \[pdf 141kb\]](#)(Opens in a new window)
- [Nutrient Neutrality Solent Map \[pdf 2Mb\]](#)(Opens in a new window)
- [Nutrient Neutrality Generic Methodology \[pdf 987kb\]](#)(Opens in a new window)
- [Nutrient Budget Calculator Guidance \[pdf 815kb\]](#)

Appendix A: Plan showing the location of the mitigation land

APPENDIX A: Location Plan for East Droke Nitrates Mitigation Scheme

This drawing is the copyright of Smith Simmons & Partners



Page 83



NITRATE MITIGATION LAND NORTH OF DROKE LANE

SCALE 1:2500@A3

01243 850411 office@ss-p.co.uk www.ss-p.co.uk

Nitrate Mitigation Land

REV 01

1371/SK103

This page is intentionally left blank

Chichester District Council Planning Committee

Wednesday 05 October 2022

Report of the Director Of Planning and Environment Services Schedule of

Planning Appeals, Court and Policy Matters

between 17-08-2022 - 13-09-2022

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
* <u>21/02361/FUL</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Written Representation	Cockleberry Farm Main Road Bosham Chichester West Sussex PO18 8PN 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.

2. DECISIONS MADE

Reference/Procedure	Proposal
20/03125/OUT	
Earnley Parish Case Officer: Jeremy Bushell Public Inquiry	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.
Appeal Decision: APPEAL ALLOWED	
<p>"The appeal is allowed, and outline planning permission is granted for the erection of up to 100 dwellings with associated access, landscaping and public open space The appeal site isnot subject to any particular landscape designation. The Council considers that it is vital to retain the undeveloped nature of the site in order to maintain the separate identities of Bracklesham and Earnley, which have contrasting characters.No evidence has been provided to show that the appeal site is currently, or proposed to be, designated as a local gap. ... the settlements of Bracklesham and Earnley are linked to the north of Clappers Lane by residential dwellings fronting the north of the lane near to Earnley, and Holdens Caravan Park that is set behind a small area of grassland. Also, Earnley Rife separates the appeal site from the settlement of Earnley.. ...The proposal would replace the development boundary up to the mature hedge line to the eastern side of The Beeches with a new development boundary of 2 storey housing fronting out onto parkland..... it would add additional hedgerows and tree planting along Clappers Lane and would retain a noticeable area of land between Bracklesham and Earnley that would not have built development on it. ... I find that the proposal would continue to separate the settlements of Bracklesham and Earnley. ... most of the views from public vantage points around the site would not be significantly affected by the proposal.. ... I have considered all the evidence presented by Earnley Parish Council regarding the effect of the proposal on the CA. However, it is not supported by any heritage expert evidence and the Council has not refused the proposal on these grounds. ... I find that the proposal would preserve the character and appearance of Earnley CA However, the proposal would have an adverse effect on the character and appearance of the area due to the extent of built development that would be visible from Clappers Lane, ... It would therefore fail to accord with CLP policies 33 and 48, due to the harm that it would cause to the rural character of the area. ... I find no valid reason to refuse planning permission for the proposed development due to pollution or foul sewage drainage issues...it would comply with paragraphs 174 e) and 185 of the Framework in this respect. ... At the Inquiry the Council demonstrated a 5 year HLS of 3,356 dwellings, which is 5.01 years based on its housing requirement. The appellant has calculated that it would be 2,795 dwellings, which is a 4.17 year supply,Whilst I have not accepted all the appellant's reasons for reducing the 5 year supply, those that I have agreed reduce the figure to 3,232 dwellings, which is about a 4.8 year supply. The Council's calculated 5 year HLS supply is only 6 dwellings over the requirement so that even if I accept a small reduction in delivery due to delays as a result of the water and/or nutrient neutrality issues, which seems likely, there would not be a 5 year HLS. The proposal would provide 30% affordable housing,. ...I have therefore attached substantial weight to this provision even though it would not exceed the policy requirement. ... the proposal would result in a significant increase in habitat and a net gain for biodiversity. ... I have attached moderate weight to this benefit. ... the proposal would provide open space and provision for play and a community garden and orchard. ... I have therefore attached moderate positive weight to these provisions. ... I have</p>	

**Appeal Decision: APPEAL ALLOWED -
continued**

given significant weight to the resulting support to economic growth and productivity from the development. The adverse effects of the proposal would be as a result of the loss of an open rural landscape, ... I have given this substantial weight.I attach significant weight to the harm arising from this loss of agricultural land. I have found non-compliance with some of the most important policies in the CLP in the determination of this appeal, I find that the proposal would not accord with the development plan as a whole, even though I have reduced the weight that I have given these policies due to the lack of a 5 year HLS. Turning to paragraph 11(d)(ii) of the Framework, I find that the adverse impacts would not significantly and demonstrably outweigh the benefits that I have identified,.....I conclude that a presumption in favour of sustainable development has been established for the proposed development. This is a material consideration in favour of the appeal proposal. In applying section 38(6) of the Planning and Compulsory Purchase Act (2004), Therefore, for the reasons given and having regard to all relevant matters raised, I conclude that the appeal should succeed."

18/00323/CONHI

Funtington Parish
Case Officer: Sue Payne
Written Representation

West Stoke Farm House Downs Road West Stoke
Funtington Chichester West Sussex PO18 9BQ
Appeal against High Hedge Remedial Notice HH/25

Appeal Decision: APPEAL WITHDRAWN

Withdrawn - 08.09.22

21/00077/FUL

Plaistow And Ifold Parish
Case Officer: Sascha Haigh
Written Representation

Oxencroft Ifold Bridge Lanefold Loxwood RH14 0UJ

New entrance gate at Oxencroft (retrospective).

Appeal Decision: APPEAL DISMISSED

" The appeal is dismissed. The main issue is the effect of the proposal on the character and appearance of the surrounding area..... Ifold Bridge Lane has a strong rural character. Entrances to the various sites are modest and unobtrusive. Residential paraphernalia is not a particular feature of the immediate area..... The brick piers are substantial in both depth and height; they have a massive appearance which is incongruous with the vernacular unobtrusive timber posts. The Appellant has referred to other examples of similar gates. these other examples are not comparable to the appeal proposal in respect of their scale, design and siting.The benefit of added security does not outweigh the disbenefit of the harm to the character and appearance of the area.For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan. The appeal is accordingly dismissed."

3. IN PROGRESS

Reference/Procedure	Proposal
<u>20/03034/OUT</u>	
Birdham Parish Case Officer: Jane Thatcher Informal Hearing 22-Nov-2022 Chichester College, Westgate Fields, Chichester PO19 1SB	Land And Buildings On The South Side Of Church Lane Birdham West Sussex Erection of 25 no. dwellings comprising 17 open market and 8 affordable units with access, landscaping, open space and associated works (all matters reserved except for access and layout)
<u>21/03407/PA3Q</u>	
Boxgrove Parish Case Officer: Sascha Haigh Written Representation	Eartham Quarry Eartham West Sussex PO18 0FN Change of use of agricultural building to 2 no. dwellinghouses (Class C3).
<u>21/03343/FUL</u>	
Chichester Parish Case Officer: Sascha Haigh Written Representation	Forbes Place, Flat 23 King George Gardens Chichester PO19 6LF Altering of non-load bearing partitions and ceiling, removal of boiler and addition of 1 no. roof-light.
<u>21/03344/LBC</u>	
Chichester Parish Case Officer: Sascha Haigh Written Representation	Forbes Place, Flat 23 King George Gardens Chichester PO19 6LF Altering of non-load bearing partitions and ceiling, removal of boiler and addition of 1 no. roof-light.
<u>20/00040/CONENG</u>	
Chichester Parish Case Officer: Mr Michael Coates-Evans Written Representation	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Appeal against CC/154

Reference/Procedure	Proposal
<u>* 20/01854/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearing	Chas Wood Nurseries Main Road Bosham PO18 8PN Outline permission for 26 no. dwellings with access, public open space, community orchard and other associated works (with all matters reserved except for access).
<u>20/03320/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry	Land East Of Broad Road Broad Road Nutbourne West Sussex Outline planning application (with all matters reserved except access) for up to 132 dwellings and provision of associated infrastructure.
<u>20/03321/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry	Land North Of A259 Flat Farm Main Road Chidham West Sussex Outline planning application (with all matters reserved except access) for up to 68 no. dwellings and provision of associated infrastructure.
<u>20/03378/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearing	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.
<u>22/00137/FUL</u>	
Earnley Parish Case Officer: Calum Thomas Written Representation	Russ Autos 132A Almodington Lane Almodington Earnley Chichester West Sussex PO20 7JU Demolition of B2 workshop and erection of 1 no. live/work unit.

Reference/Procedure	Proposal
<u>21/03163/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Hanneys West Bracklesham Drive Bracklesham PO20 8PH Replacement dwelling, garaging and associated works (alternative scheme to planning permission EWB/20/03303/FUL)
<u>21/03282/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Written Representation	Land South Of Tranjoeen Ashcroft Place Bracklesham Lane Bracklesham Bay West Sussex Proposed vehicle crossover (means of access to a highway Class B).
<u>* 21/02509/FUL</u>	
Fishbourne Parish Case Officer: Martin Mew Written Representation	Black Boy Court Main Road Fishbourne PO18 8XX Creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping.
<u>21/02553/FUL</u>	
Fishbourne Parish Case Officer: Joanne Prichard Written Representation	Bethwines Farm Blackboy Lane Fishbourne PO18 8BL Change of use of land to provide facility for 'doggy day care', including the provision of 3 no. portakabins and perimeter fence.
<u>22/00142/FUL</u>	
Fishbourne Parish Case Officer: Jane Thatcher Written Representation	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL Re-grading of existing agricultural land to create natural grass and wetlands.

Reference/Procedure	Proposal
<u>22/00575/PA3R</u>	
Fishbourne Parish Case Officer: Jane Thatcher Written Representation	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL Prior Approval - Change of use of existing agricultural building to storage use (B8).
<u>* 19/00445/FUL</u>	
Funtington Parish Case Officer: Martin Mew Written Representation	Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex Relocation of 2 no. existing travelling show people plots plus provision of hard standing for the storage and maintenance of equipment and machinery, 6 no. new pitches for gypsies and travellers including retention of hard standing.
<u>19/02939/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	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.
<u>20/00234/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	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.
<u>20/00534/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	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.

Reference/Procedure	Proposal
<u>20/00950/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	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.
<u>20/00956/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	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.
<u>20/03306/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearing 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	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.
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearing 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD Appeal against Enforcement Notice FU/89

Reference/Procedure	Proposal
<u>20/00109/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearing 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/80
<u>21/00152/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearing 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Land West Of Newells Farm Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/87
<u>18/00323/CONHI</u>	
Funtington Parish Case Officer: Sue Payne Written Representation	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ Appeal against HH/22
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Tara Lang Informal Hearing 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD Appeal against Enforcement Notice FU/77
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew Written Representation	Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.

Reference/Procedure	Proposal
<u>21/00992/FUL</u>	
Oving Parish Case Officer: Joanne Prichard Written Representation	Littlemead Business Centre Tangmere Road Tangmere PO20 2EU Erection of 10 no. new lettable E(a), E(g)(ii), (iii) and B8 units of differing sizes, including mezzanines and ancillary access slabs, onsite unallocated parking, cycle and communal bin area, planting.
<u>21/01697/PA3Q</u>	
Plaistow And Ifold Parish Case Officer: Rebecca Perris Written Representation	Premier Treecare & Conservation Ltd Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Prior notification for the change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration.
<u>21/03123/FUL</u>	
Plaistow And Ifold Parish Case Officer: Sascha Haigh Written Representation	Little Wephurst Walthurst Lane Loxwood RH14 0AE Replacement dwelling following demolition of an existing dwelling.
<u>20/00182/CONCOU</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Written Representation	The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Appeal against PS/70
<u>20/00414/CONHH</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Public Inquiry	Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Appeal against Enforcement Notice PS/71.
<u>20/02785/ELD</u>	
Sidlesham Parish Case Officer: Emma Kierans Written Representation	Jardene Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW Use of building 3 for B1 and B8 purposes.

Reference/Procedure	Proposal
<u>21/01963/PA3Q</u>	
Sidlesham Parish Case Officer: Robert Young Written Representation	11 Cow Lane Sidlesham Chichester West Sussex PO20 7LN Prior approval of proposed change of use of an existing agricultural building former piggery building to 1 no. dwelling.
<u>22/00144/PNO</u>	
Sidlesham Parish Case Officer: Rebecca Perris Written Representation	Chalk Lane Nursery 17A Chalk Lane Sidlesham Chichester West Sussex PO20 7LW Erection of agricultural building.
<u>20/02077/FUL</u>	
Southbourne Parish Case Officer: Maria Tomlinson Written Representation	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.
<u>21/02238/FULEIA</u>	
Southbourne Parish Case Officer: Jane Thatcher Written Representation	Gosden Green Nursery 112 Main Road Southbourne PO10 8AY Erection of 29 no. (8 no. affordable and 21 no. open market) new dwellings, public open space, landscaping, parking and associated works (following demolition of existing buildings).
<u>21/03665/FUL</u>	
Southbourne Parish Case Officer: Calum Thomas Informal Hearing	Land East Of Priors Orchard Inlands Road Nutbourne Chichester West Sussex PO18 8RJ Construction of 9 no. dwellings.
<u>* 20/00047/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Written Representation	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
<u>20/00785/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearing	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
<u>* 20/01569/FUL</u>	
Westbourne Parish Case Officer: Jeremy Bushell Informal Hearing 18-Oct-2022 Chichester City Council North Street Chichester PO19 1LQ	Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG Erection of 1 no. dwelling and associated landscaping.
<u>20/03164/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearing 05-Oct-2022 St Johns Church Hall	Land East Of Monk Hill Monks Hill Westbourne West Sussex Change of use of land to 1 no. private gypsy and traveller caravan site consisting of 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom and associated development.
<u>21/02159/FUL</u>	
Westbourne Parish Case Officer: Martin Mew Written Representation	Land Adjacent To 15 The Shire Long Copse Lane Westbourne West Sussex Erection of 7 no. dwellings, access, landscaping and associated works.
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	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/59

Reference/Procedure	Proposal
<u>13/00163/CONWST</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry 18-Oct-2022 Chichester District Council East Pallant House PO19 1TY	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	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/58
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	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/57
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	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
<u>19/00176/CONT</u>	
Westbourne Parish Case Officer: Shona Archer Fast Track Appeal	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP Appeal against Enforcement Notice WE/55 - removal of TPO'd trees without an application for tree works.

Reference/Procedure	Proposal
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	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
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	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
<u>21/03424/FUL</u>	
Wisborough Green Parish Case Officer: Sascha Haigh Written Representation	Howfold Barn, Howfold Farm, Newpound Lane Wisborough Green RH14 0EG Erection of 1 no. custom/self build dwelling - alternative to permission WR/20/01036/PA3Q.

4. VARIATIONS TO SECTION 106 AGREEMENTS

CC/22/01880/OBG – West of Chichester Strategic Development Location Phase 1

The S106 agreement pursuant to the outline planning permission for Phase 1 requires, amongst other things, retail provision of an unspecified size to be built to 'shell and core finish' (i.e. ready to be fitted out) prior to first occupation of the 325th dwelling. However, the agreement does provide for an alternative trigger point to be agreed in writing with the Council.

Following the outline consent Reserved Matters approval was granted for a 370m² retail unit (with flats above) located on the eastern side of the Local Centre's public square (CC/21/00460/REM refers). The applicants have confirmed that they are in advanced discussions with a national convenience store operator that wishes to occupy the premises. However, the operator has stated that it will not open the unit until around 700 dwellings on the site have been occupied. By this time both the nearby school and community building will be in operation (both have 500th occupation triggers) and, accordingly, the operator considers that at this point there will be sufficient footfall to support a viable store. Accordingly, in order to both better align the construction of the retail unit with the adjacent Local Centre components and avoid the scenario of a vacant retail unit being in situ for a lengthy period of time prior to it opening, the applicants requested that the trigger for delivery be changed to occupation of the 500th dwelling.

Although the City Council raised concerns about the change, the Council's Economic Development Officer accepts the commercial justification for the change in trigger and supports the proposal. Based on current build rates the revised trigger represents a relatively short delay to the originally anticipated provision of the retail unit and, accordingly, the applicants were advised in writing on 1st September 2022 of the Council's agreement to the revised delivery trigger.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Farm, Birdham	Failure to comply with 4 Enforcement Notices	Injunction granted in 2020 and amended in August 2021 by extending the deadlines for compliance. All plots vacated but 3 and counsel instructed to consider contempt of court proceedings. Recent site visit undertaken and outcome of this is being addressed in affidavit for counsel's attention.

Court Hearings		
Site	Matter	Stage
Oakham Farmhouse, Oving	Breach of Enforcement Notice	Proceedings withdrawn in the Interest of Justice as compliance has been achieved and breach rectified.

Prosecutions		
Site	Breach	Stage
Crouchlands Farm, Lagoon 3, Loxwood	Failure to comply with the requirements of an Enforcement Notice	Proceedings on hold further to counsel's advice. Environment Agency has written to the owner to explain what is required to discharge the contents of the Lagoon prior to the removal of its structure. Matter to be reviewed towards the end of September.

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 17-08-2022 and 13-09-2022

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

NONE

2. DECISIONS

Reference/Procedure	Proposal
<p>SDNP/18/00609/BRECO Rogate Parish Council</p> <p>Case Officer: Steven Pattie (EX SDNPA)</p> <p>Written Representation</p>	<p>Land South of Harting Combe House Sandy Lane Rake Rogate West Sussex - Appeal against Enforcement Notice RG/37</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>" Summary of Decision: the appeal is dismissed Ground (d) appeal 1. This ground of appeal is that at the date the notice was issued no enforcement action could be taken. In order to succeed on this ground it is necessary for the Appellant to demonstrate that the use alleged (the stationing of a shepherd's hut and use of wooden building for the purposes of human habitation) took place for a period in excess of four years before the notice was issued and without any material change in the use since that date. The burden of proving relevant facts falls on the Appellant and the relevant test of evidence is the balance of probability. ... the shepherd's hut provides sleeping accommodation, a dining area, cooking facilities and wood burner. A short walk away the wooden building provides shower and toilet facilities. Together they provide the facilities necessary for day to day living and human habitation. ... The Appellant says that the shepherd's hut has been on the land for in excess of 10 years and the wooden building in excess of 4 years. He says that they were repaired and refurbished in Summer 2017 and that their use as tourist accommodation began in 2018. ... The Council argue that regardless of when the hut and building were stationed on the land their previous use was extinguished when the hut was refurbished in 2018 to provide overnight accommodation and a larger wooden building fitted with shower and toilet facilities to be used in association with the hut. They argue that a new chapter in the planning history of the site commenced when the structures became a single habitable residence. ... On balance I do not consider that the evidence produced by the Appellant satisfies the burden of proof that rests upon him in this appeal. He has not demonstrated that the use alleged (the stationing of a shepherd's hut and wooden building for the purposes of human habitation) took place for a period in excess of four years before the notice was issued and without any material change in the use since that date. ... The appeal is dismissed and the enforcement notice is upheld."</p>	
<p>SDNP/21/04110/LDE Lynchmere Parish Council</p> <p>Case Officer: Louise Kent</p> <p>Written Representation</p>	<p>1 Stone Pit Cottages Marley Combe Road Camelsdale Lynchmere GU27 3SP - Existing lawful development - rear garden cabin.</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>" ... The reason for refusal is that the rear garden cabin would not fall within Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it would be located outside the domestic curtilage of the dwellinghouse. ... There is a material difference in the character of the land where it is proposed to site the cabin compared to the well defined and terraced domestic garden land nearer the dwellinghouse. ... Taking all of the evidence into account the parcel of land on which it is proposed to erect a cabin does not as a matter of fact and degree have the kind of intimate association with the dwellinghouse that is required for it to be reasonably interpreted as within its curtilage. ..."</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p>SDNP/21/04858/FUL Kirdford Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Former Cricket Pavilion The Old Coach House Hawkhurst Court Kirdford Billingshurst West Sussex RH14 0HS - Retrospective planning application for the conversion of a former cricket pavilion into a holiday let.</p>
<p>SDNP/21/03816/FUL Funtington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Birchwood Lye Lane East Ashling PO18 9BB - Conversion of the stable for ancillary residential accommodation for disabled mother.</p>
<p>SDNP/21/03068/LIS Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.</p>
<p>SDNP/21/04109/FUL Lurgashall Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Land Adjoining Sods Farm High Hamstead Lane Lurgashall Petworth West Sussex GU28 9EX - Erection of new hardstanding area to allow vehicular access to site.</p>
<p>SDNP/21/01971/FUL Lurgashall Parish Council</p> <p>Case Officer: Rebecca Perris</p> <p>Written Representation</p>	<p>Abesters Quell Lane Lurgashall GU27 3BS - Erection of replacement gates.</p>

Reference/Procedure	Proposal
<p>SDNP/21/00910/FUL Rogate Parish Council</p> <p>Case Officer: Rebecca Perris</p> <p>Written Representation</p>	<p>Land North East of Paddock Lodge London Road Hill Brow Rogate West Sussex - 1 no. dwelling with associated work and extension of driveway.</p>
<p>SDNP/20/02935/CND Harting Parish Council Case</p> <p>Officer: Derek Price</p> <p>Informal Hearing 28/02/2023</p> <p>SDNPA - South Downs Centre</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>
<p>SDNP/21/03067/HOUS Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.</p>
<p>SDNP/21/03527/FUL Tillington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Field South East of Beggars Corner Halfway Bridge Lodsworth West Sussex - Erection of timber stable building and change of use of the land for the keeping of horses for private use.</p>
<p>SDNP/21/05908/HOUS Lodsworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Oakleaves School Lane Lodsworth GU28 9DH - Extension of existing bungalow to provide first floor accommodation and construction of a new garage building.</p>
<p>SDNP/21/04454/HOUS Lurgashall Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Smugglers Cottage Jobsons Lane Windfall Wood Common Lurgashall GU28 9HA - Erection of garden outbuilding.</p>

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

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

This page is intentionally left blank