

# Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 7 September 2022 at 9.30 am**

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

## AGENDA

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

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

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

### 2 **Approval of Minutes** (Pages 1 - 9)

The minutes relate to the meeting of the Planning Committee on 10 August 2022.

### 3 **Urgent Items**

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

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

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

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

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

### PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 7 INCLUSIVE

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

### 5 **NM/21/02878/OUT - Land North Of Larock Post Office Lane North Mundham**

**West Sussex** (Pages 13 - 64)

Outline application (with all matters reserved except Access) for the construction of 19 no. dwellings and associated infrastructure with vehicular access from Post Office Lane, North Mundham.

6 **D/21/00997/FUL - Donnington Manor Farm Selsey Road Donnington PO20 7PL** (Pages 65 - 83)

Construction of 1 no. Manager's house with landscaping and associated works.

7 **CC/21/03657/FUL - Solent Wholesale Carpet Company Limited Barnfield Drive Chichester PO19 6UX** (Pages 85 - 115)

Construction of a new extension to the existing building.

8 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 117 - 144)

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

9 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 145 - 148)

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

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

The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:

- a) Items added to the agenda papers and made available for public inspection
- b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

11 **Exclusion of the Press and Public**

There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman

of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]

5. Subject to Covid-19 Risk Assessments members of the public are advised of the following;
  - Where public meetings are being held at East Pallant House 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 will be allocated a seat in the public gallery.
  - You are advised not to attend any face-to-face meeting if you have symptoms of Covid-19.
6. How applications are referenced:
  - a) First 2 Digits = Parish
  - b) Next 2 Digits = Year
  - c) Next 5 Digits = Application Number
  - d) Final Letters = Application Type

#### Application Type

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

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

**ALLOW** Appeal Allowed  
**APP** Appeal in Progress  
**APPRET** Invalid Application Returned  
**APPWDN** Appeal Withdrawn  
**BCO** Building Work Complete  
**BST** Building Work Started  
**CLOSED** Case Closed  
**CRTACT** Court Action Agreed  
**CRTDEC** Hearing Decision Made  
**CSS** Called in by Secretary of State  
**DEC** Decided  
**DECDET** Decline to determine  
**DEFCH** Defer – Chairman  
**DISMIS** Appeal Dismissed  
**HOLD** Application Clock Stopped  
**INV** Application Invalid on Receipt  
**LEG** Defer – Legal Agreement  
**LIC** Licence Issued  
**NFA** No Further Action  
**NODEC** No Decision  
**NONDET** Never to be determined  
**NOOBJ** No Objection  
**NOTICE** Notice Issued  
**NOTPRO** Not to Prepare a Tree Preservation Order  
**OBJ** Objection  
**PCNENF** PCN Served, Enforcement Pending  
**PCO** Pending Consideration  
**PD** Permitted Development  
**PDE** Pending Decision  
**PER** Application Permitted  
**PLNREC** DC Application Submitted  
**PPNR** Planning Permission Required S64  
**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 10 August 2022 at 9.30 am

**Members Present:** Mrs C Purnell (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

**Members not present:** Rev J H Bowden

**In attendance by invitation:**

**Officers present:** Mrs S Archer (Enforcement Manager), Mrs F Baker (Democratic Services Officer), Miss N Golding (Principal Solicitor), Mr M Mew (Principal Planning Officer) and Mrs F Stevens (Divisional Manger for Planning)

## 264 **Chairman's Announcements**

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

Apologies were received from Cllr John-Henry Bowden.

The Chairman informed the Committee that Agenda Item 8 had been withdrawn from the agenda due to the appropriate certificate not being served on the landowner (Chichester District Council). It would be brought back to a future Committee meeting.

## 265 **Approval of Minutes**

The minutes of the meeting held on 6 July 2022 were agreed as a true and accurate record.

## 266 **Urgent Items**

There were no urgent items.

## 267 **Declarations of Interests**

Mr Barrett declared a personal interest in;

- Agenda item 9 – BO/21/03586/FUL – as the External Appointment to Chichester Harbour Conservancy

Mrs Johnson declared a personal interest in;

- Agenda item 6 – SY/21/02895/FUL – as a member of Selsey Town Council
- Agenda item 7 – SY/22/00138/FUL – as a member of West Sussex County Council and Selsey Town Council
- Agenda item 8 – CC/21/03657/FUL – as a member of West Sussex County Council
- Agenda item 9 – BO/21/03586/FUL – as a member of West Sussex County Council

Mrs Purnell declared a personal interest in;

- Agenda item 6 – SY/21/02895/FUL – as a member of Selsey Town Council
- Agenda item 7 – SY/22/00138/FUL – as a member of Selsey Town Council

Mr Simon Oakley declared a personal interest in;

- Agenda item 7 – SY/22/00138/FUL – as a member of West Sussex County Council
- Agenda item 8 – CC/21/03657/FUL – as a member of West Sussex County Council
- Agenda item 9 – BO/21/03586/FUL – as a member of West Sussex County Council

Mrs Sarah Sharp declared a personal interest in;

- Agenda item 7 – SY/22/00138/FUL – as a member of West Sussex County Council
- Agenda item 8 – CC/21/03657/FUL – as a member of West Sussex County Council & member of Chichester City Council
- Agenda item 9 – BO/21/03586/FUL – as a member of West Sussex County Council

## 268 **CDC Draft Local Validation List Report**

Ms Stevens introduced the report. She explained the background to the Local List and why it was required. As dictated by the National Planning Practice Guidance (NPPG) the Local List should be reviewed every two years, the current list was last reviewed in October 2020 which meant a new list would be required from October 2022.

Ms Stevens informed the Committee that the revised list (page 17) had been amended to address new and emerging issues such as Water Neutrality and Nitrate Mitigation.

Ms Stevens highlighted that the list stated there were currently four Air Quality Management Areas (AQMA), this was incorrect as the AQMA's at both Stockbridge

and Orchard Street had been removed. She assured the Committee that this would be corrected before going out for consultation.

Officers responded to Members questions and comments as follows;

With regards to the requirement for the maintenance of existing drainage ditches and watercourses; Ms Stevens would consider this further and liaise with the Drainage Engineers as part of the consultation process.

Ms Stevens clarified that the Local List was not a Planning Policy document, it could not be used to 'strengthen' anything further such as Affordable Housing.

Ms Stevens confirmed that guidance on Design and Access guidance was included. She drew attention to page 24 of the agenda pack, which set out the information required in a Design and Access Statement.

On the matter of whether construction compounds should be included within the red line of a submitted location plan, Ms Stevens would consider this further.

Following a vote; the Committee voted in favour of the report recommendation, subject to the consideration of points raised and the amendment to the AQMA.

**Resolved;**

**That the Draft Local List (set out in Appendix 1 to this report) be agreed for consultation as a document to be used in validating planning applications.**

*\*Members took a five minute break*

269 **SY/21/02895/FUL - The Boulevard, 3 New Parade, High Street, Chichester, PO20 0QA**

Mr Mew presented the report to Committee. He explained the application was a retrospective application for a canopy shelter which had been erected in 2021.

Mr Mew outline the application site and informed the Committee the site was located within the Selsey settlement boundary but outside the Conservation Area.

Mr Mew showed the Committee images of the site and the structure, as well as images of the surrounding street scene.

The following representations were received;

Cllr Andrew Brown – Selsey Town Council Parish Representative  
Mr Steven Boulcott – Objector  
Mr Matthew Pickup - Agent

Officers responded to Member's comments and questions as follows;

With regards to concerns regarding impact from lighting; Mr Mew agreed a lighting condition could be included to secure further details.

On the matter of the road in front of the business; the Chairman confirmed there was a one-way system in operation which was used by cars.

In response to concerns raised regarding the 'aesthetics' of the structure, Ms Stevens reminded the Committee the application was retrospective. In officer opinion it was a modest structure which had been set back from the road and caused no harm to the local setting.

With regards to noise concerns regarding rain on the tin roof; Ms Stevens informed the Committee that there had been no noise complaints raised since its installation. A guttering condition could be included to manage rainfall from the canopy.

In response to concerns regarding the loss of footway; Ms Stevens acknowledged concerns of encroachment but reiterated the footway was not part of the public highway and was in private ownership.

With regards to the site location and overlapping on neighbouring properties; Mr Mew confirmed officers were satisfied the proposal was located within the red line of the application site. He also highlighted that there had been no objections received from immediate neighbouring commercial premises.

On the matter of material changes including the painting of the tin canopy to reduce glare; Ms Stevens acknowledged the concerns raised however, she advised the Committee that these concerns would not be significant enough for the Committee to refuse the application. She advised the Committee to consider deferring the application to allow officers to undertake further negotiations with the applicant to address the concerns raised.

Cllr Oakley proposed the application be deferred to allow officers to undertake further negotiations with the applicant to address the concerns raised.

This proposal was seconded by Cllr Briscoe.

In a vote the Committee agreed to support the proposal to **defer**.

Resolved; **defer**; to allow officers to undertake further negotiations with the applicant to address the concerns raised

270 **SY/22/00138/FUL - The Boulevard Land, Adjacent 3-4 New Parade, High Street, Selsey, PO20 0QA**

Mr Mew presented the report to Committee. He provided a verbal update on Condition 2 and explained that in accordance with paragraph 3.2 of the report the



wording of the condition would be amended to the following; ...amended to the extent shown on the permitted plans.

Mr Mew highlighted the site location and confirmed it was with the settlement boundary of Selsey but outside the conservation area.

He showed the Committee some images of the area being used as the outside seating area and the structure in place.

Mr Mew informed the Committee that planning permission on the site had been granted in 1994 for amendments to New Parade, the route for vehicular movement, and a change of use to car parking. Mr Mew highlighted that there were no conditions on the permission that required the area set aside for parking to be maintained in perpetuity, meaning it could be lost at a future date with no control from planning. He highlighted the area of parking to the rear of the site which was controlled by S106.

Mr Mew showed the proposed modifications to the unauthorised existing pergola. He informed the Committee there had been a recent refusal on site, the application being considered sought to address the reasons for refusal on the previous application.

The following representations were received;  
Cllr Andrew Brown – Selsey Town Council Parish Representative  
Mr Steven Boulcott – Objector  
Mr Matthew Pickup – Agent

Officers responded to Member's comments and questions as follows;

On the matter of parking provision; Mr Brown acknowledged that the local provision was slightly less than what would normally be required, however, the site was in a sustainable location and when considered in balance was deemed acceptable. With regards to inappropriate parking on the B2145, he explained there were mechanisms in place to manage this; in addition, a Section 137 could also be applied for.

In response to concerns raised regarding the loss of parking; Mrs Golding reiterated the advice given by officers. She reminded the Committee that the parking spaces were not restricted in anyway within the planning unit. The area was ancillary to the planning unit, and it was acceptable for it to be used for tables and chairs. The Planning Committee were being asked to consider the structure and not the use, the issue of parking had nothing to do with the application. In addition, Ms Stevens explained that refusing the application due to the loss of parking would not be acceptable as there was no requirement for parking to be retained.

With regards to the impact on local amenity; Ms Stevens confirmed that officers had considered the comment made by WSCC Highways as part of their response. However, it was officer opinion that the site was in a sustainable location and there would be no grounds for a refusal due to impacting amenity or highway safety.

In a vote the Committee agreed to support the report recommendation to **permit**, subject to the following conditions and informatives.

Resolved; **permit**, subject to the following conditions and informatives.

*\*members took a five-minute break*

271 **CC/21/03657/FUL - Solent Wholesale Carpet Company Ltd, Barnfield Drive Chichester, PO19 6UX**

As announced by the Chairman this item was withdrawn from the agenda.

272 **BO/21/03586/FUL - Dairy and Calf Barn Building, Taylors Lane. Bosham, PO18 8EN**

Mr Mew presented the report to Committee. He explained the application was for a change of use to provide two live/work units. He drew the Committee's attention to the Agenda Update Sheet which included; addendums to the report including the reason for Committee referral and amended wording to Condition 14.

He highlighted the site location and explained the site was located outside the settlement boundary of Bosham and within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The buildings were shown to be set within a rural location but close to cluster of residential dwellings.

Mr Mew informed the Committee that Policy 46 did allow in principle the change of use of redundant agricultural buildings for other uses. He explained that a live/work unit was one of the exceptions allowed through Policy 46. Condition 3 was proposed to secure the appropriate 'work' use of the unit for example it could not be used for a retail unit or restaurant.

Mr Mew showed the Committee the proposed layout and elevations of each building. He highlighted the landscape enhancements which would be delivered as part of the application, including the creation of a wildflower meadow, hedge planting and tree planting.

Mr Mew drew the Committee's attention to the sustainability improvements including the installation of solar panels, the removal of roof lights and the installation of air source heat pumps. A sustainability report had been submitted to accompany the application.

The following representations were received;  
Cllr Antony Chapman – Bosham Parish Council  
Mrs Elizabeth Lawrence – Agent

Officers responded to Member's comments and questions as follows;

With regards to what use of the live/work unit would be acceptable; Mr Mew reiterated that the application was not for an unrestricted C3 residential unit as that would be contrary to policy. He explained Planning Policy 46 required live/work units to be considered before residential and sought to secure buildings for economic purposes. The use of the units would be secured through Condition 3 and assured the Committee this Condition was fully enforceable.

In response to concerns from the Chichester Harbour Conservancy; Mr Mew acknowledged their objection, however, their Planning Principle PP06 did allow for the conversion of buildings both within and outside the settlement boundary within the AONB, and in officer opinion the application had met all the six requirements to satisfy this policy.

In response to concerns regarding an increase in future vehicle movement; Mr Mew acknowledged the comments made; however, he reminded the Committee that the buildings already had an agricultural use and vehicle movement was already established on site. Condition 3 would secure future use and prevent the introduction of any business that would not be acceptable within the area, it restricted the type of business to those which would be most suitable within a residential area.

With regards to the need for the development; Mr Mew informed the Committee that officers had sought further information from the applicant and were satisfied that a need for the development had been evidenced.

With regards to the provision of solar panels; Mr Mew confirmed solar panels would be provided and were shown on the elevations of the calf barn. He drew the Committee's attention to paragraph 8.36 of the report (p.124) which set out the other sustainability measures proposed as part of the application.

On the issue of 'work from home'; Ms Stevens confirmed there was a difference and 'working from home' would not be an acceptable use of the unit.

In response to concerns regarding outside storage; Mr Mew drew the Committee's attention to Condition 13 which would prevent any outside storage taking place.

With regards to the garden curtilage; Mr Mew explained there was no specific condition to control the curtilage however, the garden areas were very clearly defined. The wildflower meadow is secured in perpetuity through Condition 14.

In response to concerns regarding permitted development rights; Ms Stevens explained there were no rights to withdraw, any change of use or extension would require a planning application.

In a vote the Committee agreed to support the report recommendation to **defer for S106 then permit**, subject to the following conditions (and informatives set out in the report; including the amended condition set out in the Agenda Update.

**Resolved; Defer for S106 then permit**, subject to the following conditions and informatives set out in the report; including the amended condition set out in the Agenda Update.

*\*Members took a five-minute break.*

*\*Cllr Johnson and Cllr McAra left the meeting at 12.40*

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

The Chairman introduced the item. They gave a verbal update and explained that the costs awarded for the Houseboat Water Gypsy, Chichester Marina (page 132) were not included within the update but would be published in the next update. However, the Chairman wished to make the Committee aware of comments made by the Planning Inspector when making their decision to award costs;

*'...Members of the Planning Committee are entitled to reach a different decision to the case officer's recommendation, but they have to do so whilst relying on substantive planning grounds.*

Ms Golding drew attention to the Agenda Update Sheet which included an update on High Court Hearings in relation to the following sites;

- Land at Flat Farm, Broad Road, Hambrook and;
- Westhampnett/North East Chichester SDL

Ms Golding explained that the Goodwood Estate had only very recently served the papers naming the Council as an interested party, however the papers had been served late. It was anticipated that the solicitors acting for the Goodwood Estate would contact Ms Golding requesting a consent order to be signed agreeing to proceedings going ahead. However, the final details were yet unknown.

In response to concerns regarding Oakham Farmhouse (p.152); Mrs Archer informed the Committee she had undertaken a site visit and the fence had been reduced to around 1m in height, the posts had not yet been reduced. Going forward officers would withdraw the legal proceedings and work with the landowner to bring forward compliance.

With regards to the Appeal Allowed at Land North West of Newbridge Farm; Ms Stevens clarified the comments made by the inspector and explained why they had awarded costs.

With regards to the court date for Land South of the Stable, Scant Road; Mrs Archer acknowledged the comments made and would liaise with the inspector outside the meeting.

On the matter of costs; Ms Stevens explained there was no budget ring fenced for when costs were awarded against the Council. She agreed that officers could provide an update to show what costs had been paid out over the year.

The Committee noted the report.

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

The Committee agreed to note the item.

**275 Schedule of Contraventions**

Mrs Archer introduced the item. She drew the Committee's attention to the new line which had been added at table 2 (page 161), she explained this line represented the total number of active cases; which was currently 367.

On the matter of court availability and its impact on case load; Mrs Archer informed the Committee that the high case load was a result of resourcing issues. She explained that the team had been operating with vacant posts, however, there had been two recent appointments into these posts.

The Committee agreed to note the item.

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

There were no late items.

**277 Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.11 pm

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CHAIRMAN

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Date:

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## **Chichester District Council**

### **Planning Committee**

**Wednesday 10 August 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)

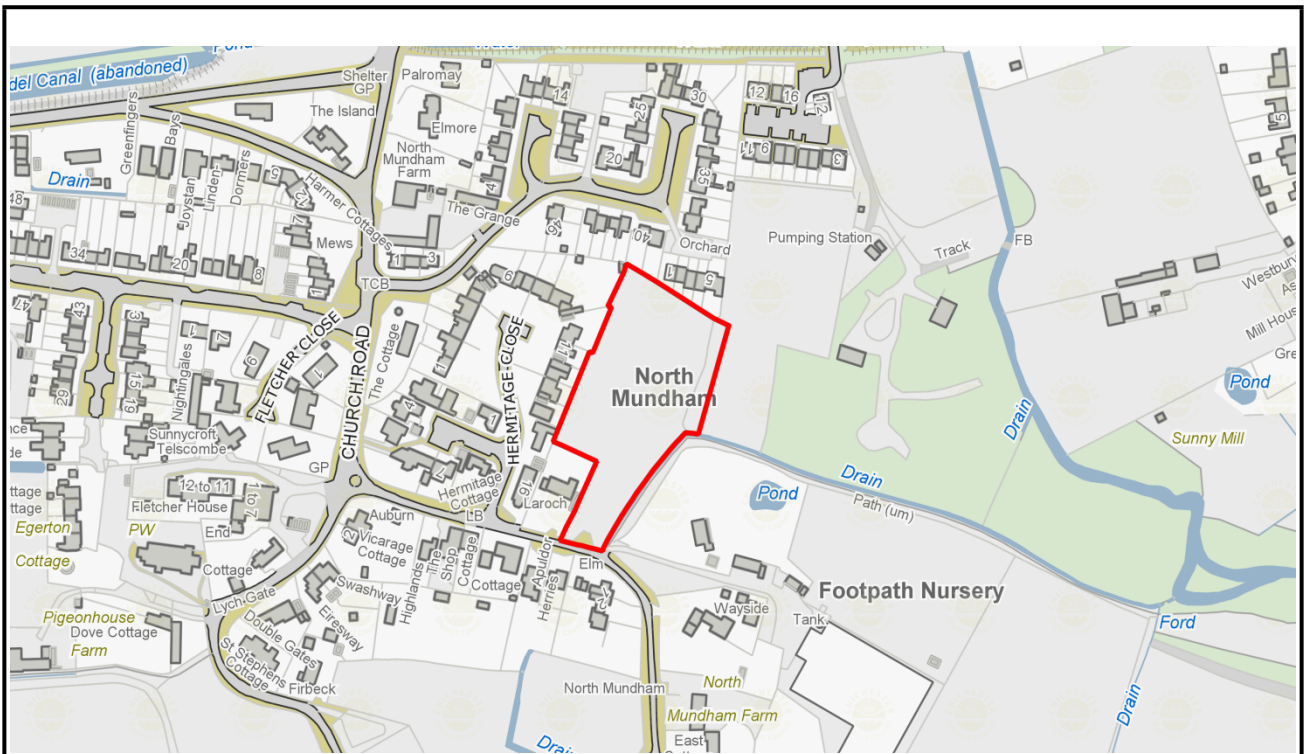


|                          |                                     |
|--------------------------|-------------------------------------|
| Parish:<br>North Mundham | Ward:<br>North Mundham And Tangmere |
|--------------------------|-------------------------------------|

**NM/21/02878/OUT**

|                  |  |              |                |
|------------------|--|--------------|----------------|
| <b>Proposal</b>  | Outline application (with all matters reserved except Access) for the construction of 19 no. dwellings and associated infrastructure with vehicular access from Post Office Lane, North Mundham. |              |                |
| <b>Site</b>      | Land North Of Larock Post Office Lane North Mundham West Sussex  |              |                |
| <b>Map Ref</b>   | (E) 487685 (N) 102216  |              |                |
| <b>Applicant</b> | J Sullivan   | <b>Agent</b> | Mr Dale Mayhew |

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



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

1.1 Parish Objection – officer recommends permit.

## **2.0 The Site and Surroundings**

- 2.1 The 0.69ha greenfield site is located to the south east of the village of North Mundham. North Mundham has been identified as a Service Village in Policy 2 of the Local Plan and is located to the south of Chichester City Centre. Whilst the site is located outside the Settlement Boundary of North Mundham and is in the rural area, the western and northern boundaries adjoin the settlement boundary. There is open land to the east which is in the applicant's ownership (within the blue line on the site location plan) and a public right of way which wraps around the east boundary of the site. There are existing dwellings to the north (1-5 Orchard Croft) and west (Hermitage Close and Larock) of the application site with their respective curtilages backing onto the application site's boundaries. To the south of the application site is the access road Post Office Lane, an unclassified lane which serves a number of existing residential properties and Footpath Nursery. Post Office Lane can be accessed via Church Road which adjoins the B2166, the main route through the village. The site is located within Flood Zone 1.
- 2.2 North Mundham retains a semi-rural character. Church Road has several side roads leading to pockets of development surrounded by open countryside. The historic core of the village has gradually expanded outwards to the east, west and north of Church Road. The dwellings are not uniform and set within irregular sized plots. The area has a variety of housing styles, periods, and sizes with an array of established vegetation.
- 2.3 The application site is an asymmetrical parcel of land which is generally level and currently comprises grassland. There is existing residential development to the north, west and south. The north and west boundaries of the site are adjacent to the curtilages of existing dwellings, here boundary treatments are of a domestic style comprising close-boarded fencing and soft landscaping. There is an existing drainage ditch running in a north-south direction on the north-eastern boundary. The southern boundary is defined by the residential curtilage of Larock and post and rail fencing. There is one TPO tree on site located approximately mid-way down the eastern boundary.
- 2.4 The applicant owns two fields which are distinguished by a drainage ditch running down the middle of the two fields, of which one forms the application site. The application site is the western field. The eastern field (outside of the application site) comprises flat grassland and has historically been used for agricultural purposes (either sheep grazing or haylage). There is no proposed change to the use of the eastern field as part of this application. The eastern field (outside of the application site) is located to the east of properties in Orchard Croft and Palmers Place and to the south of properties in Canal Mead. The applicant's ownership extends to include a narrow strip of land north of the field, immediately to the east of Canal Mead and west of the vehicular access serving Southern Water infrastructure. The strip of land connects to the highway south of Lagness Road. This strip of land is usable and passable by pedestrians but not sufficiently wide enough along its entire length to provide vehicular access to serve this eastern field. Vehicular access to the land within the blue line has previously been via a crossover from the application site field, however this has been temporarily removed to facilitate works to the drainage ditch. If this planning application is granted the applicant has confirmed that access to the eastern field will remain through the application site.

### 3.0 The Proposal

- 3.1 The application is submitted in outline with all matters reserved apart from 'access'. Upon receiving amendments, it is described as:

*Outline Planning Application (with All Matters Except Access Reserved) for the Construction of 19 Dwellings and Associated Infrastructure with Vehicular Access from Post Office Lane, North Mundham.*

- 3.2 The single point of vehicular access for the proposed development is from the south site boundary from Post Office Lane and would comprise an 18.6 metre wide bell-mouth access decreasing to 4.9 metre wide leading further into the development. No pavements are proposed. A vehicular access via a re-created cross over towards the north of the eastern boundary is also proposed and is included for the purposes of maintenance and management of the agricultural land to the east, within the blue line.
- 3.3 The applicant is proposing a mix of 1, 2, 3 and 4 bed dwellings with mostly 2 and 3 bedroom homes. 30% of the dwellings will be affordable. The applicant's housing mix is as follows:

#### Market

2 x 1 bed  
5 x 2 bed  
4 x 3 bed  
2 x 4 bed  
Total 13

#### Affordable

2 x 1 bed (1 x affordable rent, 1 x First Homes)  
2 x 2 bed (1 x affordable rent, 1 x First Homes)  
2 x 3 bed (2 x affordable rent)  
Total 6

- 3.4 Whilst 'layout' remains a reserved matter, the illustrative sketch layout was submitted as part of the application, which is essentially a 'proving layout' for 19 dwellings across the whole site, with a density of 27.5 dwellings per hectare. A central access road is proposed with a mix of detached and semi-detached dwellings off it on either side. At the northern end of the site a T-junction is proposed with two cul-du-sac roads either side with a mix of detached and semi-detached houses located to the north of the road. An area of green space (647sqm) is located at the south of the site, close to the site entrance on either side of the access road. A buffer of approximately 5m is proposed to the east of the application adjacent to the existing ditch.
- 3.5 The illustrative sketch layout demonstrates that the 19 dwellings would be served by 44 car parking spaces. 38 of the spaces would be for residents and 6 are visitor spaces, all units would have Electric Vehicle Charging Points fitted. Each dwelling would be served by covered and secure cycle storage within domestic gardens.

- 3.6 As part of the proposal, it is important to highlight that the access road through the application site would serve as an access route for the eastern agricultural field within the blue line. It is likely that the land within the blue line would need to be accessed periodically by agricultural vehicles. Should the land be used for haylage, vehicular access to the site would be required approximately once a week which would increase to a maximum of once per day if the land was used for grazing. The agricultural vehicles would be either a 4x4 farm vehicle or a tractor and trailer.
- 3.7 In terms of surface water drainage, the proposed SuDS strategy will be based on ground porosity due to high infiltration rates. The proposal would drain surface water to the ground via permeable surfacing and shallow soakaways. Infiltration to ground is proposed initially with sufficient storage provided to accommodate a 1:100 year storm event plus 40% for climate change.
- 3.8 Foul drainage is proposed to be routed via gravity into the Southern Water sewer via a new manhole to the northeast of the application site. This would be subject to an application under Section 106 of the Water Industry Act 1991. It will then track towards Pagham WwTW.

#### 4.0 History

20/00280/TPO      CONF      1 no. Oak tree (T1).

#### 5.0 Constraints

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

## **6.0 Representations and Consultations**

### **6.1 North Mundham Parish Council**

*Further comments received on 03.05.22*

North Mundham Parish Council notes the changes that have been made in this application including, but not limited to, a reduction from 24 to 19 houses. However, no changes have been submitted which mitigate our concerns about the access to the site.

The Parish of North Mundham is characterised by a network of narrow lanes, with the exception of the B2166 and Vinnetrov Road. These lanes are generally only just wide enough for two cars to pass with care. A car can only pass a heavy goods vehicle or a tractor by making use of a junction or a driveway or field entrance. That is why we believe that a development of this kind is only appropriate if access can be provided direct from the B2166 a limitation that was recognised in the current Housing and Economic Land Availability Assessment for the proposed site (designated HNM 0003) which includes the reservation. The site is potentially suitable subject to detailed consideration including on matters of access from Lagness Road currently shared with the substation.

The proposed final access to the application site is through Post Office Lane which is in places even narrower than other lanes we have already submitted photographic evidence to show that in places it is too narrow for two cars to pass. Not for nothing is there a sign at the junction with Church Road which marks it as unsuitable for heavy good vehicles.

Notwithstanding the detailed transport assessment submitted with the application, we do not believe that the proposed access arrangements are appropriate for the site. There is clearly insufficient width to provide a separate footway, and so pedestrians, some with prams or pushchairs and accompanied by small children, will be forced to share the highway noting that in the case of a heavy goods vehicle there will be no highway left to share. Although traffic surveys have shown that speeds are generally low, we simply do not consider that this is a safe and sensible arrangement.

We have already responded in considerable detail setting out our reservations, in our comments dated 5 November 2021. None of the applicants proposed changes to the detailed layout of the site have changed the access arrangements, and we maintain our objection to this application.

*Further comments received 08.03.22*

North Mundham Parish Council notes that the scale of this application has been reduced from the original 24 dwellings to 19, in response to comments that have been submitted on the layout, density and parking arrangements.

However, none of the proposed changes will do anything to mitigate the problems of access arrangements, which are the principal issue with this outline application. Regardless of the detailed changes to the layout of the site, access can only be gained through the existing narrow roads in North Mundham. The fundamental issue remains one of access, and nothing has been changed to mitigate the impact on the minor roads within North Mundham, and to address the insuperable problem of access through Post Office Lane.

All the criticisms of the access arrangements in our original response of 5 November 2021 still stand, and we maintain our objection.

*Original comments 05.11.21*

Objection - North Mundham Parish Council has considered this application and resolved to object.

We consider that the development of this site is inappropriate because the local access is totally inadequate to support the proposed housing. The applicant has presented a wealth of detail on the arrangements for the entrance to the site and the provision of turning space and sightlines, but taken no account of the very narrow approach road. All the roads in North Mundham are narrow; they are generally just sufficient for two cars to pass each other, but inadequate to allow any larger vehicles to pass. But the situation is significantly worse in Post Office Lane, which is only 4.0m wide at its western end close to the junction with Church Road, and gets gradually narrower towards the site entrance, to the point where the road is only 3.0m wide and two cars are unable to pass. Any larger vehicle takes up the entire width of the road. We submit a photograph to illustrate this point (Photograph 1).

We therefore contend that the access to this site is neither safe nor sensible. Bearing in mind the proposed residential population, the access for emergency vehicles is inadequate. Of equal concern is the fact that the roadway has no space to provide any pavement or footway, so there is no safe access for pedestrians on a road which would have to contend with a far higher traffic density than at present. It is simply not realistic to argue that the road is safe based on the past accident history, since the past history does not reflect the intended use.

Nor is it realistic to suggest that much of the access to and from the site will avoid the use of a car. The Design and Access Statement claims (Page 13) that "The site is located in proximity to a range of local services and facilities including village shop and post office, primary school and village hall. All of these are accessible on foot in a 5-7 minute walk time". This is simply not true. The nearest post office is in Hunston, and the nearest shops are in Hunston or at the Runcton Farm Shop. In particular it is doubtful whether the latter, being accessible only via the B2166 which has no pavement or footway, can safely be accessed except by car or by public transport.

We note that the application recognises the potential for flooding in the south-east corner of the site. As the accompanying photograph (taken on 9 August 2021) shows, this can be significant and can have a severe impact on what will be the one and only access route to the proposed development. (Photograph 2). We do not believe this represents a safe and adequate point of access if the sole entrance to the site can be compromised in times of bad weather.

It is clear that the limitations of access to the site have been recognised in the past. The sign at the entrance to Post Office Lane from Church Road states very clearly Unsuitable for Heavy Goods Vehicles. A development of the kind proposed will inevitably attract vehicles larger than a family car the increase in internet shopping has led to a significant increase in the number of delivery vehicles throughout the District, and not all of them are small. It is also significant that the current Housing and Economic Land Availability Assessment for the proposed site (designated HNM 0003) includes the reservation The site is potentially suitable subject to detailed consideration including on matters of access from Lagness Road currently shared with the substation. Clearly it is recognised that access from the south is unrealistic.

On these grounds alone, the access to the site is clearly unsuitable for the development proposed.

Notwithstanding the sites unsuitability on the grounds of inadequate access, we have a number of other concerns relating to this application:

1. Transport Infrastructure. Considering transport on a wider basis, the B2166 is suffering ever increasing volumes of traffic, which will only be exacerbated by planned housing developments at Pagham, and the developments in North Mundham which have already received consent or for which consent is anticipated. The traffic levels have now reached the state where they are seriously detrimental to the quality of life in the Parish, and threaten to divide the community. For far too long the Highways Authority has accepted development proposals on the basis that the growth in traffic is incremental this approach will inevitably lead to the straw that breaks the camels back and we believe the time to call a halt is now. We are also aware of the serious reservations about the ability of the A27 to accommodate traffic growth, and the concerns that the necessary improvements to the junctions are unfundable and unachievable.

2. Impact on Biodiversity. Comment from a number of sources has emphasised the past history of biodiversity on the site, with numerous reports of wildlife. Early in the present ownership the whole site was subject to aggressive clearance of all the hedgerows and scrub, and the ditch which runs across the site was initially filled in, and then excavated again. This disruptive clearance removed much wildlife habitat, and we are concerned that the Ecological Assessment, which took place not long afterwards, may have understated the biodiversity potential of the site. Furthermore, although not immediately adjacent to a defined strategic wildlife corridor, the site lies close to the Chichester Coastal Plain Biodiversity Opportunity Area, which provides a vital wildlife link between Pagham Harbour Site of Special Scientific Interest and the Local Wildlife Site at Chichester Gravel Pits and Leythorne Meadow. In this context the wording of Test Six in CDCs Interim Position Statement for Housing Development has some bearing: 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 introduction of housing, and hard landscaping and fencing between properties on this site would be seriously detrimental to its potential or value in contributing to biodiversity.

3. Local Drainage Provision. We note that the site layout makes provision for an access across the ditch to the eastern field. Such access could only be provided with waterways consent, but we are concerned that this provision may be a precursor to further development of a site which has been specifically identified in this proposal as a mitigation for the ecological loss caused by the proposed housing development. Recent experience has shown that the ditch forms a vital part of the surface water drainage provision for Church Road and for a large part of Palmer Place. We are concerned that any development must provide for its maintenance in perpetuity. In this context we note that the Site Constraints and Opportunities Plan shows that the 3m exclusion zone for the ditch has been compromised by car parking at the southern end of the site, and there appears to be no provision for fencing to protect the western side of the ditch.

4. Surface Water Drainage. We have already noted that there is a flood risk in the south-east corner of the site. We are also concerned that any increase in run-off from the site will place an increased load on the surface water drainage system. The application contains no details of how this might be managed, for instance by the use of porous surfaces and a SUDS system. However, it is inevitable that the run-off from the site will find its way into the existing ditch system. Surface water flooding brings with it increased hazards of pollution of the watercourses, from the flooded road surface itself, and from the flooding of numerous sewage manhole covers which allow raw sewage to mix with the flood water. All this pollution enters Pagham Rife and threatens the environment, not least that of Pagham Harbour, as a Site of Special Scientific Interest. We are concerned that all the focus on harbour pollution is directed towards water quality in Chichester Harbour, no doubt because of its use as a popular watersports venue as well as for ecological reasons. There seems to be far less focus on Pagham Harbour, which has little human interaction as a protected bird reserve. But this should not allow a risk of pollution to be accepted.

5. Sewage Disposal. We are aware that the capacity of the Pagham Water Treatment Works is limited, and this development would place a further load not just on the treatment works itself but the sewage system that serves it. We are already aware of instances of sewage surcharging within the North Mundham system, and this development would introduce a further burden on the North Mundham pumping station which is already at capacity in times of heavy rainfall. It would also exacerbate the risk of storm water flows overloading the system and causing discharges of untreated sewage into Pagham Rife, and thence into Pagham Harbour, with the unacceptable consequences outlined in the previous paragraph.

6. Character and Layout of the Development. We find that the proposed layout of the development is totally unsympathetic to the rest of the North Mundham settlement area. North Mundham is a rural village providing a modestly sized settlement formed of development of various ages. The settlement enjoys a rural feel, characterised by spacious plot sizes, buildings set back from the road, the softer appearance of boundaries and informal vegetation and tree planting both within plots and to verges. The proposal in this application for a single straight road with a row of uniform houses fronted by an array of parked cars presents a harsh and unrelenting urban appearance. It has no equivalent elsewhere in the settlement area and is completely inappropriate. The layout also shows an illogical layout of the proposed cycle storage sheds in the back gardens of the properties those associated with properties in the middle of terraced units would only be accessible by taking bicycles through the house.



7. Impact on the Community. We must also consider the wider impact on the community. We would question whether the local infrastructure is fit to support further development in the parish. We are already committed to a development of 39 Houses on the Lowlands development (20/01686/FUL) and an application for a further 66 houses on the site to the south of that (20/02989/FUL) is pending a decision. Measured by the Parish Councils delivery statistics for door-to-door deliveries the settlement area of North Mundham comprises 319 residential properties, so the further 105 houses represent an increase of 33%. We believe any further increase is an unacceptable burden to place on the community.

8. Community Facilities. Any development of this size brings an increased demand for medical and educational facilities, and we note that North Mundham Primary School is already at capacity, with no scope to absorb additional development in the parish.

In summary, on the grounds of inadequate access arrangements, and the fact that the other aspects of the proposals make this development entirely inappropriate, we urge that that this application is refused.

## 6.2 Natural England

Further information required to determine impacts on designated sites.

Habitats Regulations Assessment – waste water impacts on Solent European sites. Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

This only applies to developments where the treated effluent discharges into any Solent European site, or any water body that subsequently discharges into such a site. It is for your authority to determine if this development meets these criteria. If so, Natural England's advice is that the nutrient content of the discharge needs to be considered, in combination with other nutrient inputs, for impacts on the receiving site and the following advice is relevant.

*(Officer note: The application site is outside of the Chichester Harbour fluvial catchment area and the foul sewage is proposed to go to Pagham WwTW. Therefore, the applicant does not need to demonstrate nitrate neutrality).*

## 6.3 Southern Water

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS). Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. The Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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 National Highways

We consider that, subject to a proportionate financial contribution towards necessary A27 Chichester Bypass improvements, this proposal would not have an unacceptable impact upon the safety, reliability and operation of the SRN (the tests set out in MHCLG NPPF 2021 paragraphs 110-113 & DfT Circular 02/2013 paragraphs 8-11) in this location and its vicinity.

Accordingly, we will require the applicant to make a relevant contribution to the A27 Local Plan mitigations based on Chichester District Council's SPD Planning Obligations and Affordable Housing. In view of the likely impacts on the A27 Chichester Bypass, a contribution in line with the Other Chichester City development zone would appear to be the most appropriate. This would equate to a total of £49,685 (19 dwellings x £2,615 per dwelling) to be indexed from 2012 Quarter 3 prices. This contribution is to be paid prior to the occupation of 10 dwellings.

#### 6.5 WSCC Local Highway Authority

*Further comments in response to the applicant confirming agricultural vehicles to serve the eastern field are proposed to go through the application site 02.08.22*

As advice, the diagram does show that the entering the field is workable and given the frequency that they state within their supporting information I would not anticipate that there would be any 'Severe' residual impact on the highway. Therefore my comments would remain as previously advised - No Objection.

### *Further comments 20.07.22*

Since our previous comments earlier in 2022 the applicant has provided the following further plans:

- Drawing 11111/2201 Rev P1- This shows a tractor and trailer entering the site and adjacent field.
- Drawing 11111/2200 Rev P3-This shows a waste collection vehicle entering and turning within the site.

The overall frequency of vehicular movements with both vehicles is likely to be low. The LHA has reviewed both drawings and the content of each is accepted.

### *Further comments in relation to amended plans 01.03.22*

Given that the number of dwellings has been reduced on the proposed scheme from 22 to 19. This will ultimately result in a less intensive use of the proposed access. As previously there are some modifications to the parking layout although having assessed the information submitted no further comments would be provided on this aspect and it would appear the overall number of parking spaces would be as previously assessed.

### *Further comments 01.02.22*

Due to the reduction in dwellings from 24 to 22, there will ultimately be a less intensive use of the proposed access. No further comments would be provided on the parking layout and it would appear the overall number of parking spaces would be as previously assessed.

Further comments re the site's accessibility for sustainable travel -

- There are bus stops located on the B2166 road to the north of the site in the vicinity of the junction with Church Road approximately 365m (westbound) and 440m (eastbound) north of the site. This is around a 5 to 6-minute walk of the proposed site access. These services link to a number of locations east and west of the site which could be utilised for employment or retail purposes and include Chichester, Bognor Regis and Pagham.
- The application proposes secure cycle parking which will be provided within sheds in the garden area of each dwelling. Each 1 & 2 bed dwelling will accommodate at least 1 cycle space per unit which falls in line with the LHA's requirements.
- The on-road route of The National Cycle Network (NCN2) connects from the junction of Post Office Lane and leads northwards through Church Road and ultimately to the B2166. Visibility at the junction of Post Office Lane for cyclists is acceptable. We do however acknowledge that on street parking occurs along Post Office Lane however it is likely due to the road layout vehicular speeds will be low and not conducive to residents that seek to use the NCN2.

The LHA would be satisfied that the proposal has accessible options for travel other than the private car.

### *Further comments 23.11.2021*

The site was subject to a pre-application in 2021 where the principle of the development was discussed and most of the areas present in the formal submission discussed. I have had a review of our comments and the representations and would offer the following areas of comment:

- With regards to large vehicles using the road, the type of use is not likely to see larger vehicles using the site over a long period. There will be some construction traffic (covered in suggested CEMP condition) and refuse collection which the applicant has used Swept Path Diagrams to show this is workable and this would be a current occurrence on the local roads.
- Speed surveys were permitted to be undertaken during the Covid 19 Pandemic. Traffic monitoring for flow surveys were areas where there may have been a requirement for adjustment but not for speed surveys to ascertain visibility splays which this application proposed. As the surveys were in free flow conditions and were undertaken in line with CA 185 Vehicle speed measurement there is no concerns with the data collected.
- In terms of cumulative effect on the local network the number of dwellings that this site proposes would not warrant any formal assessment on nearby junctions and with a peak number of movements of 12 movements in the AM and 13 in the PM this would not warrant a 'severe' residual impact in line with NPPF paragraph 111.

I hope the above is of assistance and there would not be any change to the LHA's advice.

### *Original comments 26.10.21*

The vehicle access will comprise a simple priority junction. Drawing no. 11111\_100 P6 demonstrates that a refuse collection vehicle can manoeuvre the access. Post Office Lane is unclassified highway subject to 30mph speed restriction. A speed survey placed in vicinity of the site revealed 85th percentile speeds of 15mph for north-west bound vehicles and 13 mph for south-east bound vehicles. Across all speed records an average 85th percentile speed of 15mph was recorded. Drawing no. 11111\_100 P6 indicates that splays of 2.4m by 19m is achievable as suitable to 16mph.

A review of the proposed access location onto Post Office Lane indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the location of the proposed access would exacerbate the existing situation.

The works for new access point would be subject to a Section 278 Agreement with the LHA's Highways Agreement Team. A Technical Check and Stage 2 RSA will be required as part of the Detailed Design stage.

In accordance with the adopted LHA 'Road Safety Audit Policy', a Stage 1 RSA has been undertaken in accordance with the GG119 governance document by an independent Audit. A Design Team response to the RSA has also been prepared including an additional note from the Auditor within the TN. All matters raised in the RSA have been addressed in accordance with the Auditor recommendations and there are no outstanding matters raised through the audit process.

A trip generation analysis for the maximum number of proposed usage at the site has been undertaken using the industry standard TRICS software. The development proposals are predicted to generate 12 and 13 vehicular trips in the AM and PM peak hours respectively. The LHA would not consider the proposals would have an 'unacceptable' impact on the network.

The site layout demonstrates a total provision of 54 spaces, this is within the requirement for 47 spaces for residents and 5 visitor spaces (0.2 spaces x 24 dwells). All units will have electric vehicle charging points fitted. The on-site car parking provision is designed in accordance with the LHA's 'Parking Guidance for New Developments' updated in September 2020. Covered and secure cycle parking will be provided within sheds (dimension of shed 6' x 4') in the garden area of each dwelling.

In terms of layout the TA provides swept path diagrams tracking a 11.2m-long refuse vehicle. This has been conducted to demonstrate that vehicles can undertake necessary movements at the site access and within the site internally and is shown on the access plan at Appendix D.

Advised conditions to be added to decision notice -

- o Access to be provided prior to first occupation
- o Construction Management Plan

#### 6.6 WSCC Public Right of Way

No comments received.

#### 6.7 WSCC Education Authority

*Further comments 16.05.22*

An Objection was made to the application on 23 December 2021 in order for the County Council as Local Education Authority (LEA) to complete an assessment of educational provision in North Mundham and the wider Chichester Planning Area, which the above application comes under.

The County Council has the statutory duty to make education provision available for each pupil, and to provide a school place for each child, within the local catchment area where possible. Schools should be provided close to where the need arises, to encourage sustainable travel behaviour. An inability to meet school places nearby could result in pupils being allocated spaces at a greater distance from their home, not in accordance with sustainable place making or education provision policy.

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

We cannot simply take a financial contribution to mitigate the impact of the development if no such possibility exists within the education planning area.

Following the publication of the Interim Position Statement on Housing by the District Council, which aimed to maintain a 5 year housing land supply, a number of windfall applications have been submitted, including in the Chichester School Planning Area. These unallocated sites coming forward for development will increase the need for school places in the area; these have not been planned for through the Local Plan or school place planning process. Therefore, the windfall sites coming forward, has led to the need to complete another education assessment of the area to ensure mitigation could be achieved and if so whether that was through expansion of existing or a further new school, as a result of these windfall applications.

Since December and following the receipt of the revised pupil projections that included revised population and housing completions data, the County Council as LEA has been investigating the impact of the additional housing across the area and the impact this will have of the local school to accommodate the additional children from this application site, and other development sites in the Chichester Planning Area.

This has entailed an assessment of current and projected pupil numbers for the area, meetings with stakeholders and internal discussions. These have necessarily needed to take place before we could have any confidence that we were able to house the pupils arising from the current development site proposals.

County Council as LEA can now inform Chichester District Council, as determining authority, that at this point in time (May 2022) the local school has the capacity to cater for the additional pupils it is anticipated to come from the above application. This is an area of the county where we will continue to monitor pupil numbers and movement and reserve the right to change our position for any future applications we may receive.

In view of the work County Council as LEA has undertaken in the assessment of education capacity the objection is now removed.

There is now no education objection to the application.

*Further comments 23.12.21*

Objection - Developers are required to mitigate the impact of their proposed developments and, where appropriate, provide or make contributions towards site specific education provision where a specific need is identified. School places are required in perpetuity to mitigate planned development.

The County Council has the statutory duty to make education provision available for each pupil, and to provide a school place for each child, within the local catchment area where possible. Schools should be provided close to where the need arises, to encourage sustainable travel behaviour. An inability to meet school places nearby could result in pupils being allocated spaces at a greater distance from their home, not in accordance with sustainable place making or education provision policy.

The County Council as the local education authority objects to further development described in the planning application(s) listed above, in the school planning area covering Hunston, North Mundham, due to the insufficient offer of new education infrastructure and the inability to expand the existing provision to accommodate the pupils arising from the proposed new developments.

*Original comments 10.10.21*

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

## 6.8 WSCC Local Lead Flood Authority

*Further comments 09.03.22*

Further to our consultation responses dated 22nd October 2021 and 6th December 2021, we have reviewed the information contained within the Flood Risk Assessment Statement as well as the further consultation response from the District Drainage Engineer, and subject to the original surface water drainage conditions recommended by the District's Principle Engineer being implemented, we have no objection to this development on surface water flood risk grounds.

*Further comments 07.12.21*

Due to recent submissions and photographs on the Chichester District Council Planning website, regarding the historic surface water flooding on Post Office Lane (at the point of proposed access to the site), the LLFA request that, in addition to the Foul & SuDS Drainage Statement already submitted, a Flood Risk Assessment be provided as part of this application.

This access point is also shown to be at high risk from surface water flooding according to the EA's Surface Water Flood Maps, with significant depths of flooding shown.

Therefore, although the site is less than 1 ha and in Flood Zone 1, it has been identified that it could be affected by sources of flooding other than rivers and the sea and, as such, a Flood Risk Assessment should be provided. This Flood Risk Assessment should demonstrate that a safe route of access and egress can be obtained from this site.

*Original comments 22.10.21*

Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding. Higher risk exists at the south east boundary of the site in association with the watercourses, and the carriageway (Post Office Lane) to the south of the site.

The area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.

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

6.9 CDC Drainage

*Further comments 09.08.22*

Upon reading the letter produced by Dowsett Mayhew regarding the use of the land within the applicant's ownership, this does not raise us any significant concerns, and we have no objection to the principle of a crossing over the ditch. Ordinary Watercourse Consent will be required for the crossing, so please could you add an advisory if you are minded to approve the application.

*Further comments 19.07.22*

We have reviewed the latest documents / layout and can confirm we have no additional comments to make on this application.

*Further comments following submission of the FRA 17.02.22*

My colleague Dom Henly's (Principal Engineer) comments dated 20th October still stands, and our recommendations regarding surface water drainage conditions remain unchanged.

As discussed in the FRA; I have previously been involved in interventions at this site. In early 2021 it was brought to my attention that an important surface water drainage watercourse had been seemingly inadvertently infilled at the site. This obstruction of the watercourse in question had prevented a significant area of highway drainage infrastructure from being able to drain down, which in turn led to widespread highway flooding in the residential areas close to the north and west of the site.



When the effects of the watercourse obstruction were brought to the attention of the landowner, emergency remedial works were quickly undertaken to reinstate the watercourse in question (allowing the local highway drainage system to drain down). The above incident highlights the vital function the local watercourses that cross/skirt this site have in managing local flood risk. It also highlights the importance of ensuring these watercourses are managed and maintained to an appropriate standard. The other section of watercourse that flows from the site entrance in the south, around the south/eastern boundary to the south eastern corner of the site was in good condition at that time. (For clarity; flows enter this site from the both the south and north, these two watercourses converge close to the large oak tree and their combined flows then head off to the east). When I last inspected this site the watercourse that had been inadvertently infilled (that flows north to south from the corner of Orchard Croft) was flowing, but I still had cause to request that the landowner undertake further de-siltation works to ensure the bed of this watercourse had a smooth and gradual fall from below the invert level of the incoming culverted systems down to match the bed level of the watercourse it joins to the south. I have not yet received confirmation that further work was completed.

During the course of my investigations into the matter discussed above; I did also note the relatively poor condition of the receiving watercourses to the east, beyond the applicants boundary. Neighbouring landowners were approached and asked to undertake routine maintenance to their watercourses too, to ensure they were also clear and free flowing, unfortunately as yet there does not appear to have been any significant improvement, so a further, more formal, approach will now be made to those downstream riparian landowners.

The de-siltation and removal of excess vegetation from the receiving watercourse to the east will certainly help improve the local surface water drainage situation, although the exact affect this may have on surface water flood risk close to the entrance of the site in Post Office Lane is difficult to exactly quantify.

*Original comments 20.10.21*

No objection.

**Flood Risk:** The site is wholly within tidal / fluvial flood zone 1 (low risk), however our mapping shows the most southern corner of the site, and Post Office Lane as being at significant surface water flood risk (greater than 1 in 100yr event). All proposed dwellings are sited in areas at low risk and therefore we have no objection to the principal of the proposal on flood risk grounds subject to satisfactory surface water drainage.

**Surface Water Drainage:** The applicant has submitted a surface water drainage strategy, with supporting calculations based on initial ground investigations. The proposal is to drain surface water to ground via permeable surfacing/sub-base and individual shallow soakaways. This approach is acceptable in principle.

Existing Watercourses: There is an existing watercourse on the eastern boundary of the site, it is essential this is protected, and that flow is maintained during and post construction to ensure no negative impact on local flood risk. It is also essential that a layout is not approved which restricts access for future landowners to undertake their duties under the Land Drainage Act (maintain free flow of water). To ensure this is not the case a minimum 3m clear buffer must be left from the top of each bank, and at this stage it is not clear from the plans that this will be the case.

Recommends planning conditions requiring submission of details of surface water drainage scheme and details of the management and maintenance of the SUDs system should the application be approved.

## 6.10 CDC Policy

### *Further comments 25.08.22*

The remaining estimated remaining capacity in January 2022 was 566, as set out in the document below published on the Council's website.

The improvement scheme at Pagham WWTW is due for completion by 2025. An infiltration reduction programme is also underway in Chichester. The Drainage and Wastewater Management Plan proposals are currently out for consultation (yet to be confirmed). These include a permit review, with associated works, to increase capacity for Pagham and this is identified as a short to medium term project.

### *Further comments 24.02.22*

The adopted Local Plan represents the development plan and the starting point for the consideration of any planning application. Consequently, the application falls to be considered against Policy 45 as indicated above and an objection in principle is raised as it is contrary to adopted policy. Whilst the Preferred Approach version of the Local Plan Review (LPR) proposes further residential development in North Mundham parish, the LPR is still at an early stage of preparation and final housing figures have yet to be confirmed. Therefore, little weight can be attributed to the LPR at this stage in the determination of this application. Equally the Neighbourhood Plan is still in the early stages and attracts no weight.

As indicated above, CDC is taking a plan led approach to the provision of housing and we are keen to ensure a continued supply for the future. Taking account of the current position in relation to housing, consideration is therefore also recommended of appropriate criteria in the Interim Position Statement. On that basis, attention is also drawn to the following criteria:

Criterion 4 of the IPS requires that development proposals make best and most efficient use of the land, whilst respecting the character and appearance of the settlement. Arbitrarily low density or piecemeal development such as the artificial sub-division of land parcels will not be encouraged. It is noted that the proposed site forms a part of a larger site identified in the Council's Housing and Economic Land Availability Assessment (HELAA) (2021) - site HNM0003 Land east of Heritage Close. The applicants, however, do not appear to address the issue of sub-division in their application documents, albeit they consider the issue of proposed density on the site. Further consideration should therefore be given to this aspect in determining the application proposal.

In relation to meeting Criterion 7 of the IPS and specifically wastewater conveyance and treatment, consideration is currently being given to wastewater capacity and water quality issues as part of the Local Plan Review process. This work has highlighted potential treatment capacity issues in the catchment within which this site is located by 2025 without further improvements.

Estimates of headroom now published as part of the Local Plan evidence base. Supporting evidence - Local Plan review: Chichester District Council shows that Pagham WWTW had remaining capacity to treat wastewater from around 734 homes as at January 2021. As at April 2021 there were extant permissions for at least 939 homes likely to be served by Pagham WWTW, mostly in Arun District. Southern Water do have an improvement scheme in progress for Pagham WWTW but as yet, we have no detail of this, so capacity to treat wastewater should be confirmed with Southern Water.

## Conclusion

The adopted Local Plan is the starting point for the consideration of any planning application. Consequently, therefore, an objection is raised to the application as it is contrary to adopted Policy 45. However, it is considered that the current position set out above, and the criteria set out in the Interim Position Statement for Housing are considered when determining this application. This includes the requirements of criterion 4 of the IPS in relation to what appears to be a sub-division of a parcel of land comprising this application. In respect of criterion 7, it is recommended that specific advice on wastewater treatment for the proposed development is sought from Southern Water so that a more detailed position may be provided in the application documentation to meet criterion 7.

## *Original comments 21.10.21*

No objection - The adopted Local Plan is the starting point for the consideration of any planning application. However, taking account of the current position with regard to housing land supply, policies in the adopted Local Plan will need to be considered in conjunction with national guidance and the revised housing land supply position.

In the current circumstances, this proposal would help to meet the identified increase in housing need for the Chichester plan area. Nonetheless, it is advised that careful consideration is given to the requirements of criterion 4 of the IPS in relation to what appears to be a sub-division of a parcel of land comprising this application. In respect of criterion 7, it is recommended that specific advice on wastewater treatment for the proposed development is sought from Southern Water so that a more detailed position may be provided in the application documentation to meet criterion 7.

## 6.11 CDC Housing

### *Further comments 26.08.22*

We welcome the small but valuable contribution this development could make to the supply of affordable homes and to assisting the Council with its 5 year housing land supply position.

The overall requirement for affordable housing on this site equates to 5.7 units. It is noted that it is proposed to provide 5 units of affordable housing, however the illustrative plan itself indicates 6 units (marked in blue on the plots) 210609\_R9 (chichester.gov.uk). The remaining 0.7 unit can either be delivered as an additional affordable dwelling (bringing the total up to 6 as per the blue markings indicated in the plan) or an affordable housing commuted sum calculated in accordance with the Council's Planning Obligations and Affordable Housing SPD can be secured.

In relation to the location of the affordable housing dwellings we are satisfied that the location is appropriate for a development of this size.

In terms of the mix we are satisfied that a broad mix of units is being provided on this development. All dwellings should meet or exceed the nationally described space standards and be tenure blind with the Market Housing being provided.

It is currently proposed to provide 1 First Home, however, we observe this to represent less than 25%, as such we would advise that 2 First Homes should be secured. We would advise that Social Rent should then be prioritised over other tenure types.

*(Officer note: the applicant has confirmed that 6 affordable units will be provided on site and therefore no commuted sum is required. In addition the applicant has confirmed that 2 x first home dwellings will be provided (1 x 1 bed and 1 x 2 bed) and 4 x social rented dwellings will be provided (1 x 1 bed, 1 x 2 bed and 2 x 3 bed). The tenure and mix has been amended on the illustrative sketch layout plan).*

### *Further comments 25.01.22*

The applicant has reduced the density of the site from 24 units down to 22. 30% (6.6 units) is required to be delivered as affordable housing. The applicants submitted block plan indicates the provision of 7 units which meets this requirement.

Market housing mix - The applicants proposed mix is not in line with the HEDNA mix requirements in that it proposes too many 1 bed market properties in lieu of 3 beds. Considering the existing stock and turnover within North Mundham Parish as well as the HEDNA mix requirements, 1 no.1 bedroom dwelling should be substituted for a 3 bedroom dwelling.

Affordable housing mix - The mix is broadly in line with the previous mix requirements, albeit 1 no. 2 bedroom unit has been substituted for a 1 bed dwelling. This amended mix is acceptable. It is noted that a tenure split has not been indicated. As previously mentioned, a 70:30 split of affordable rented to first homes is required.

Pepper potting - All 7 affordable units are located in one cluster to the north of the site. This is compliant with the Planning Obligations and Affordable Housing SPD but special consideration should be taken to ensure that these dwellings do not have a different external appearance from the market dwellings, thereby avoiding social exclusion and promoting a mixed, balanced and sustainable community.

To conclude, the Housing Delivery Team is unable to support this application until the market housing mix has been amended to meet the above requirements.

#### *Original comments 18.10.21*

This application seeks to deliver 24 residential dwellings. 30% (7.2 units) are required to be delivered as affordable housing. The applicant is proposing 7 units which meet this requirement. The remaining 0.2 unit can either be delivered as an additional affordable dwelling or an affordable housing commuted sum calculated in accordance with the Council's Planning Obligations and Affordable Housing SPD.

The proposed market housing mix is in line with the HEDNA 2020 and acceptable. The increased weighting towards the smaller 2 and 3 bedroom dwellings will be attractive to younger newly forming households whilst also providing an opportunity for older households to downsize.

Affordable housing mix – the design and access statement indicates a total of 6 units so the 7th affordable unit has not been accounted for. Tenure details are also missing. Taking the above tenure requirements into consideration, the following affordable housing mix is required to be delivered.

- 1 bed – 1 rented
- 2 bed – 2 rented, 2 first homes
- 3 bed – 2 rented

The development should be delivered tenure blind so that the affordable dwellings are not distinguishable from the market dwellings. To avoid social exclusion and promote a mixed, balanced and sustainable community, the affordable housing should be integrated into the market housing and not clustered in groups of larger than 10. All dwellings should meet or exceed the nationally described space standards set out by the Department of Levelling Up, Housing and Communities (DLUHC).

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

#### 6.12 CDC Contract Services

##### *Further comments 13.04.22*

The turning head appears to be very tight and I do have some concerns. The vehicle dimensions used to model the swept path analysis does not include the addition of the wing mirrors, which increases the overall width to 3m. With this in mind I have concerns that there is simply not enough room to turn around the freighter without making contact with a number of features.

*(Officer note: the illustrative sketch layout has been amended to address this point – see paragraph 8.12 below)*

*Further comments 26.01.22*

Many of our previous comments apply, however we would like to see an amended swept path analysis showing the workings of the turning head for a refuse freighter of the size operated by the council. Dimensions for our refuse freighters can be found on our guidance notes previously provided.

*Original comments 16.11.21*

Attention should be paid to the size, weight and turning circle of freighters. Our freighter should not have to reverse over excessive distances and all turning areas should be sufficient in size to cater for our large refuse freighters. This is especially important in areas where the refuse freighter is required to service a small mews/dead end road. I can see on the plans there is a turning head available, some minor changes which may need consideration, I have detailed these on the attached.

All road surfaces should be constructed in a material suitably strong enough to take the weight of a 26 tonne vehicle. I would discourage the use of concrete block paving unless it is of a highway standard, as these tend to move under the weight of our vehicles.

To prevent access issues please may I insist that either parking restrictions are put in place, or adequate visitor parking is provided to prevent visitors from parking at the side of the road. Failure to address this issue at this stage may result in our refuse crew not being able to carry out their collections.

Bin Collection Points: Generally the collection point should be outside the front of the property just inside the property boundary, at the closest point to the public highway. However in the instances of shared driveways the bins would be required to be presented at the entrance of the driveway.

## 6.13 CDC Environmental Strategy

*Further comments 03.08.22*

We have reviewed the latest documents / layout and can confirm we have no additional comments to make on this application.

*Further comments 27.05.22*

Bats: Following the submission of the updated Ecological Assessment (April 2022) we are pleased to see the addition of the 6m buffer zone including the incorporation of a 5m dark corridor to retain dark habitats for foraging and commuting bats and the 5-metre dark zone around the sycamore tree to the north. We are happy that these zones will help protect the bat corridors across the site. Further information on how these areas will be managed and protected should be included as part of a reserve matters application.

Water Voles: Following the submission of the updated Ecological Assessment (April 2022) and the inclusion of the 6m buffer zone around the water courses onsite no further water vole mitigation is required. A condition should be used to ensure this protected remains in place during the construction period. If any works are required within the buffer zone further surveys and mitigation will be required.

*Further comments 21.02.22*

As detailed within our previous comments made on 12.01.2022 we are still waiting for outstanding information including;

- results of one further bat survey to further clarify how bats may be using the sycamore tree;
- one further water vole survey on the drain

The comments made within our previous response are still valid and applicable for this site.

*Further comments 12.01.22*

We are still awaiting the following:

- results of one further bat survey to further clarify how bats may be using the sycamore tree
- one further water vole survey on the drains

Bats - The results from the bat surveys have raised serious ecological concerns. These records alone indicate a potential commuting use of county level significance.

Lighting - We note from the transect and static bat surveys that Barbastelle (1 count) and myotis sp. (7 count) were identified as using the western field vegetation and drain as a commuting corridor. These species generally avoid light areas. Introducing lighting can draw food species away from other potential foraging routes nearby, causing a double impact on these species. The Ecological Assessment (Nov 2021) discusses a low impacts lighting scheme (section 4.4). However, even an increase of 1 lux can have an impact on the very light sensitive species seen around the site. In our experience once a development is permitted, no matter how careful the design of a lighting scheme; once it is occupied garden security and even Christmas lights are installed in an uncontrolled manner and so additional lighting levels must be considered as an inevitable consequence of the urbanisation intrinsic to a development.

The layout is only indicative but where gardens take in the boundary on the western bank of the drain and car parking area, the impact from lighting is likely to be worse. Similarly, the location of the proposed footpath on the eastern bank of the drain and street lighting could impact on this corridor. Should outline approval be granted, we would expect to see revised site plans with at least a 5m buffer between the gardens, footpath and drain and/or trees/hedgerows to ensure the bat commuting lines remain dark corridors. This, in combination with a mitigation plan and lighting scheme (as part of the Mitigation Statement and Enhancement Plan) should be submitted as part of a reserve matters application.

Nesting Birds - The mitigation proposed is suitable. The installation of bird boxes on the eastern aspect of dwellings 2-7 (5 count) should be included on the site plan and submitted with the reserve matters application.

Reptiles - The outline mitigation detailed in the Ecological Assessment (Nov 2021) is in line with what we would expect for the species found onsite and the scale of the development. The proposed translocation site is suitable. Full details of the reptile mitigation should be included in the Mitigation Statement and Enhancement Plan and submitted as part of the reserve matters application.

Great Crested Newts - If any vegetation clearance at and/or below the ground level is required for access then a mitigation statement will be required from a suitably qualified ecologist. As a medium population of great crested newts has been identified in both the pond and the ditch a protected species licence will be required before works begin. The proposed translocation site is suitable and a detailed mitigation scheme should be submitted as part of the reserve matters application.

Water Voles - As above we are outstanding one further water vole survey. If evidence of water voles is found we would require the Mitigation Statement and Enhancement Plan to be submitted for consideration too.

#### *Original comments 15.10.21*

We note the Ecological Assessment and await the following outstanding surveys.

- an additional endoscope survey of a pruning wound on a semi-mature sycamore tree, to complete three surveys, two within the bat survey season;
- an additional bat activity survey and bat logger deployment to complete three walked transects and three logger deployments, within the bat survey season;
- one more water vole survey to complete three checks with suitable spacing.

A detailed Mitigation Statement and Enhancement Plan will be required prior to construction. This document will detail the translocation process and how protected species and habitats will be protected and enhanced to secure their long-term viability at the site.

Recreational Disturbance - Due to the location of site within the zone of influence for recreational disturbance at Chichester Harbour SPA we will require that a Habitat Regulations Assessment is done for this site so further information will need to be provided so we are able to undertake this.

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

#### 6.14 CDC Tree Officer

I can advise that there is a TPO'd Oak tree (T1) subject to NM/20/00280/TPO on the south-east corner of the proposed site and this tree is shown to be retained (within a plot's rear garden). We did have concerns about the re-instating of a ditch could have caused root damage and this matter was reviewed by our Planning Enforcement Team.

All appropriate measures to protect this tree while the site is being developed should be adhered to (protective fencing in accordance with BS 5837 (2012), no materials stored, cement mixing or fires within the tree's RPA. There is no other significant vegetation on the site, as this was cleared soon after purchase.



### Third party objection comments

- 6.15 43no. third party representations of objection have been received concerning the following matters:
- a) Post Office Lane is narrow with limited access, two cars cannot pass each other, not suitable for heavy goods vehicles (as per Highways sign) or emergency services, extra cars would add to the danger, no pavements past Hermitage Close. Danger to cyclists. Entrance to the site is on a blind bend. Surrounding roads (B2166) are already busy with traffic, used as a 'rat run', dangerous for children walking to school, proposal would add to congestion. Many near misses. Construction traffic.
  - b) Water pressure is poor with other new properties
  - c) Primary school is full. One form entry that is already stretched to limit
  - d) Flooding in village centre, approximately twice a year and long lasting from inefficient drains. Need the field for irrigation. Additional homes would add to surface run off. Long term issue affecting the village. No flood risk assessment has taken place, would fail the sequential test. Is there a safe means of escape in the event of flooding
  - e) Loss of the field will alter the character of the village; low level housing should be sought to alleviate the loss of the rural boundary. Eroding the strategic gap between North Mundham and Runcton. Should be retained as a green wildlife corridor. Precious green spaces for walking and cycling are disappearing, impact on space for wildlife and mental health. Village will become unrecognisable with new, rapid and random developments. Proposal would be out of keeping with the semi-rural character, more akin to suburban housing development
  - f) Lots of other developments in North Mundham and Runcton. Village increase of 33%
  - g) Sewage system overflows onto the road on a regular basis. Pollution to local harbour and public hazard. Additional dwellings would add more wastewater which may have consequences on the harbour and waterways
  - h) Nearest shop and facilities is 20 minute walk in Hunston not 5-7 as stated in application documents. People will drive and not walk, adding to congestion problem
  - i) Village already is starved of amenities with the absence of a shop or post office, insufficient infrastructure including doctors, stretched to capacity. Is there sufficient electric power
  - j) Field currently used as agricultural land for grazing sheep not an old fuel dump. Many species live or visit here
  - k) Proposed development is excessive and dense with small rear gardens. Nearby dwellings are either detached or semi-detached in generous plots. High density layout of proposal would be an unwelcome contrast. Parking at the frontages of the dwelling, overdevelopment of the site. Unlikely to be affordable for locals. Overlooking to dwellings in Hermitage Close
  - l) Increased air, water, noise and lighting disturbance
  - m) Removed phone line which blocked entrance to site prior to submission
  - n) Concern that if development wasn't permitted, traveller's caravans would be on field
  - o) Transport survey completed during pandemic and is therefore inaccurate of 'normal' patterns
  - p) Impact on fabric of nearby Listed Buildings from shaking ground when heavy goods vehicles pass
  - q) Hermitage Close surface water drains into the proposed site (ditch has been recently cleared), no provision of this in plans

- r) Impact on ecology, no guarantee wildlife would be mitigated for. Manhood Peninsular is high value for water voles. Although no water voles on site, the ditch may provide food and shelter which would be impacted by development. Owners have cleared extensive vegetation
- s) Site is outside of the settlement boundary area, a location where residential development would not normally be permitted. This site would not be sustainable development

## **7.0 Planning Policy**

### **The Development Plan**

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is currently no made neighbourhood plan for North Mundham at this time. The Neighbourhood Plan Group is, however, progressing a neighbourhood plan and is in the early stages of preparing their Neighbourhood Plan.
- 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 8: Transport and Accessibility
- Policy 9: Development and Infrastructure Provision
- Policy 22: Integrated Coastal Zone Management for the Manhood Peninsula
- Policy 33: New Residential Development
- Policy 34: Affordable Housing
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
- Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area
- Policy 52: Green Infrastructure
- Policy 54: Open Space, Sport and Recreation

## **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

S6 Affordable Housing

S12 Infrastructure Provision

S20 Design

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

DM28 Natural Environment

DM29 Biodiversity

DM30 Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas

DM31 Trees, Hedgerows and Woodlands

DM32 Green Infrastructure

DM34 Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

## **National Policy and Guidance**

7.5 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.

7.6 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.*

7.7 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**

7.8 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): South Coast Plain Character Area (Area 126)
- West Sussex Landscape Character Assessment (2003): Chichester to Yapton Coastal Plain Character Area (Area SC9)
- Chichester District Landscape Capacity Study (2019): Runcton pastures (Area 46)
- WSCC Parking Standards (September 2020)
- Interim Position Statement for Housing Development

### **Interim Position Statement for Housing Development**

7.9 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 at 1 April 2021. The 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.

7.10 Following recent appeals (PINS ref. APP/L3815/W/21/3284653 – 'Raughmere', APP/L3815/W/21/3286315 – 'Church Road' and APP/L3815/W/21/3270721 – 'Land north of Madgwick Lane, Westhampnett'), the Council now identifies there is a potential housing supply of 3,356 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,350 net dwellings. This results in a surplus of 6 net dwellings which is equivalent to 5.01 years of housing supply. The Inspector for a recent appeal decision APP/L3815/W/22/3291160 – 'Clappers Lane' found the Council had a supply of 4.8 years. This decision is currently being considered.

7.11 Notwithstanding the above, 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.

7.12 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
- 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 and policy position
  - ii. Impact upon highway safety and parking
  - iii. Design and layout
  - iv. Landscape impact
  - v. Drainage, flooding and foul drainage
  - vi. Education
  - vii. Ecology
  - viii. Sustainable Design and Construction
  - ix. Habitat Regulations Assessment
  - x. 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 Chichester Local Plan: Key Policies (CLP) was adopted by the Council on 14th July 2015 and now forms part of the statutory development plan for the parts of the District outside of the South Downs National Park.
- 8.4 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. When assessed against the policies of the adopted Local Plan, the current application is considered to be contrary to policies 2 and 45 in that it is proposing new housing outside the settlement boundary for North Mundham in the countryside or Rest of Plan Area and would not meet an “essential, small scale and local need” (policy 45). Additionally, the proposal would be in excess of the indicative housing numbers for the Parish of North Mundham, as set out in Policy 5 of the Local Plan (25 homes) and as set out in the Site Allocations DPD the indicative housing number have in any event already been met for North Mundham Parish. Therefore following a S38(6) development plan approach, this application site is contrary to policy.
- 8.5 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 application site is identified as green (developable) in the HELAA. The HELAA has identified that the site (plus the land within the blue line within the applicant's ownership) is capable of an indicative capacity of 40 dwellings. Within the text of the HELAA under site description it refers to “substation to north east with access from Lagness Road through Canal Mead development to immediate north of site”. As referred to in the Parish Council comments above under suitability the HELAA states “The site is potentially suitable subject to detailed consideration including on matters of access from Lagness Road currently shared with the substation”. Under availability it states “The promoter updated the site details in 2018 and 2019 including addressing previously raised access concerns sufficiently for the purposes of this study. The site is considered to be available”. As set out above the HELAA site covers a wider site than the application site and assumes access from the north. This application site is proposing access from the south, off Post Office Lane. As set out in WSCC highways consultation response this access 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.

- 8.6 In the absence of a five-year housing land supply the Council produced an Interim Position Statement for Housing (IPS) which sets out criteria defining what the Council considers to be good quality development in the Chichester Local Plan area. The IPS as approved on 4 November 2020. With regard to the current housing supply position, the Council's published supply position as of 24 November 2021 states it can now demonstrate a five-year housing supply. However it is recognised that following 4 recent appeal decisions the Council's supply is marginal, and to ensure that the supply is maintained and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, it remains a useful tool for assessing applications for new housing proposed outside of existing settlement boundaries.
- 8.7 When considered against the 13 criteria of the IPS which define what the Council considers good quality development in the Local Plan area, the current application scores well and the Council has not identified any adverse impacts. It is relevant to consider the application against each of the IPS criteria in turn:

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

The west and north boundaries of the application site are joined to the existing settlement boundary of North Mundham. It is considered that this criterion is therefore satisfied.

**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.**

North Mundham is a service village in the Local Plan (Policy 2) providing a reasonable range of basic facilities to meet the everyday needs of local residents. In this context the proposed scale of development (even when considered cumulatively with the developments on and to the south of the former Lowlands Nursery) is considered appropriate and the criterion is therefore satisfied.

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

The application site is constrained by existing residential development to the north 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 therefore satisfied.

**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.**

Whilst 'layout' is a reserved matter, on the basis of the illustrative layout submitted with the application, the proposal would result in a density of approximately 27.5 dwellings per hectare. In the context of the rural edge of settlement location, this level of development would be acceptable for the surrounding vicinity and would not have an adverse impact on the character and appearance of the settlement. Careful consideration has been given to this application in terms of whether or not it comprises piecemeal development. Due to the existing ditch between the application site and the field to the east, which represents a clear boundary, the application site is viewed as a distinct and separate parcel of land and therefore does not result in artificial sub-division of a land parcel. The criterion is satisfied.

**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.**

The application site is not located within visible distance from the South Downs National Park or the Chichester Harbour AONB. Therefore, this criterion is not applicable.

**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.

**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.**

Wastewater disposal will be through the statutory undertaker. Affordable housing, open space, and highways matters are recommended to be secured through a Section 106 agreement and/or by planning conditions. WSCC Education have confirmed there is capacity within North Mundham Primary School. The criterion is satisfied.

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

The applicant has advised that the development will meet this criterion through a combination of measures. To achieve at least 19% improvement on target emission rates, the 'fabric first' approach will be adopted including high levels of insulation, air tightness, careful orientation to provide solar gain. Water consumption will be restricted to a maximum of 110 litres per person per day and will incorporate good practice standards to minimise water and rainwater harvesting tanks will be installed for each unit to collect rainwater for external uses. In respect of electric vehicle (EV) charging, each unit will have an EV charging point and two additional charging points will be provided within the visitor parking areas. Renewable energy will be secured through the provision of air source heat pumps and solar PV panels for every dwelling. These sustainability measures are in excess of the requirements of this criterion.



**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 application is submitted for outline permission with appearance being a reserved matter so architectural and build quality are not matters for consideration at this stage. However, it is considered that the development as a whole would not have a detrimental impact on the rural and tranquil setting of the village and would be a natural extension to the existing settlement. Therefore, this criterion is considered to be satisfied.

**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.**

North Mundham is defined in the extant Local Plan and in the draft LPR as a 'Service village'. In terms of its proximity and accessibility to existing services and facilities, the site is within the 1.6km (1 mile) threshold below which the National Travel Survey indicates that most journeys are undertaken on foot. The Chartered Institute of Highways and Transportation (CIHT) identifies that 2km is a reasonable maximum distance on foot to locations such as schools and other local facilities. The Runcton Farm shop is within 1.6km to the east of the site which includes a greengrocer, butchers, delicatessen, pet supplies store and café. The Walnut Tree Pub and Restaurant is within 0.7km to the north east of the site. Whilst Sunbeams Pre-School, North Mundham Village Hall, Playing Field and Tennis Courts and North Mundham Primary School, are located within 400m of the site. For wider journeys, the nearest bus stop is located on the B2166 Lagness Road, within a 400m walk from the application site. Existing services operate approximately every half an hour serving Chichester, Elmer, Pagham, Felpham and Bognor Regis with direct access to Chichester Free School and Chichester High School. Cyclists would be able to travel to the outskirts of Chichester City Centre via the existing designated cycle paths to the south and north west of the site. Regarding its location in accessibility terms the site is considered to meet the criterion.

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

Despite the application site being wholly located within Flood Zone 1, a number of third party representations and the Parish Council have identified events of flooding on the access road, Post Office Lane. An FRA was required by the Lead Local Flood Authority (LLFA) to assess as to whether there is a safe access route to the application site. Upon receiving and reviewing the FRA, the LLFA and CDC Drainage Engineer raised no objection to surface water flood risk. Therefore, this criterion is considered to be satisfied.

**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 is outside of the Chichester Harbour fluvial catchment area and foul water discharge from the development is to be routed to Pagham WwTW and there onto discharged into the Pagham Harbour via the Pagham Rife and Broad Rife away from the protected waters of the Solent Maritime SAC. Nitrate neutrality is not therefore required for this site. Therefore this criterion is not applicable.

**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.**

Although the application is submitted in outline, this is a greenfield site. The Planning Statement states there are no known impediments to the delivery of the development. A reduced time frame condition of 2 years in which to submit the reserved matters in respect of the outline component and a 2 year period thereafter in which to begin implementation of the approved details is accepted by the applicant. As such, this criterion is satisfied.

8.8 The proposed development is considered to meet all the relevant criteria in the IPS. The IPS provides an appropriate development management tool for assessing such applications and in this context and for the reasons outlined above and in the subsequent assessment the 'principle' of housing development on this site is considered acceptable. It is recognised that the Council has a marginal 5 year housing land supply and it is important that permissions are granted for development that score well against the IPS and are considered acceptable in principle to ensure the supply is maintained and bolstered and it is considered that in this context the proposal is acceptable.

ii. Impact upon highway safety and parking

8.9 Access to the site is proposed to be achieved through a new simple priority junction and would comprise an 18.6 metre wide bell-mouth access decreasing to 4.9 metre wide leading further into the development. No pavements are proposed. The proposed access arrangement has been subject to a vehicular swept path analysis to demonstrate that a refuse collection vehicle can manoeuvre the access. Post Office Lane is an unclassified highway subject to a 30mph speed restriction. A speed survey has been undertaken which resulted in an average 85<sup>th</sup> percentile speed of 15mph. A Stage 1 Road Safety Audit and Designers response has also been submitted with all matters have been addressed in accordance with the Auditors recommendations. There have been no recorded accidents within the last 3 years and WSCC Highways state there is no evidence to suggest that the proposed access would exacerbate the existing situation. The works for new access point would be subject to a Section 278 Agreement with the LHA's Highways Agreement Team. A Technical Check and Stage 2 RSA will be required as part of the Detailed Design stage.

8.10 In terms of traffic movements, the maximum number of proposed usage at the site (based on the original 24 unit scheme) has been assessed. This development proposal is predicted to generate 12 and 13 trips in the AM and PM peak hours respectively. Many of the third-party objection comments raised concerns about the impact of the proposals on the Highway network, in particular its capacity. The LHA does not consider that the proposals would have an unacceptable impact on the highway network.

- 8.11 Additionally, a number of third-party representations and the Parish Council have raised concerns regarding the narrow width of the access road and its suitability for new housing. In particular, concerns have been raised regarding large vehicles being unsuitable to use the road for deliveries during construction and use of the road for refuse vehicles post construction. These concerns were raised with WSCC who responded that large vehicles are not likely to use the site/access road over a long period and that the construction traffic associated with the development is workable and would be a current occurrence. WSCC are satisfied that a refuse collection vehicle can manoeuvre the access and raise no objection to the proposed access for the application site. It is worth noting that Post Office Lane already serves a number of existing properties, some of which are located further to the east along Post Office Lane, beyond the application site. A refuse vehicle is already serving these dwellings. The location of the application site along Post Office Lane is therefore acceptable in this regard.
- 8.12 In terms of proposed parking, the amended illustrative sketch layout demonstrates 44 car parking spaces, 38 for residents and 6 for visitors all of which would have electric vehicle charging points fitted. The amended parking provision is in accordance with the LHA's 'Parking guidance for New Developments'. With regard to internal layout, the TA provides swept path diagrams tracking a 11.2m long refuse vehicle. Following the consultation response from contract services, the turning head has been reassessed in terms of a swept path analysis using a vehicle with a width dimension of 3m (including wing mirrors). The position of dwelling 13 has been amended to ensure sufficient clearance. As amended the illustrative internal layout is acceptable.
- 8.13 In terms of sustainable travel, WSCC Highways highlight the bus stops located on the B2166 road to the north of the site which are within a 5-6-minute walk from the application site. There are a number of bus services to be used for both employment and leisure purposes. Additionally, the application proposes secure cycle parking provided within shed in the gardens of each dwelling. The provision will be in line with the LHA's requirements and there are on-road cycle routes leaving to the B2166 with acceptable visibility at the junction of Post Office Lane.
- 8.14 Upon receiving the further information with regards to the use of the land within the blue line, WSCC Highways were reconsulted in respect of the proposed agricultural vehicles required to use the access road within the proposal to access the agricultural field to the east of the application site. WSCC Highways reviewed the documents and confirmed that the proposal is acceptable as the overall frequency of vehicular movements is likely to be low.
- 8.15 In terms of the traffic impact individually and in combination with other development on the A27, National Highways as the statutory authority has not identified an unacceptable impact upon the safety, reliability and operation of the A27 in this location and its vicinity. This is subject to a proportionate financial contribution towards necessary A27 Chichester Bypass improvements.

8.16 Whilst the third-party concerns are noted and taken into consideration, WSCC has confirmed no objection to the amended proposal in terms of highway safety and have advised the proposal would not result in a severe cumulative impact on the road 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, the proposal is considered acceptable by the highway authority from a highway safety and capacity point of view and no objection is raised.

iii. Design and layout

8.17 As amended the proposed development has been designed as an extension to the village of North Mundham and to reflect the character, form and density of the existing residential development. As shown on the illustrative sketch layout, the proposed development is set back from the Post Office Lane, served by a single central road, terminating in a T-junction with cul-de-sac arrangement. To the front of the site is an area of open space. The housing is set back into the site, located either side of the central road and comprises a mix of detached and semi-detached dwellings.

8.18 The illustrative sketch layout shows the 6 affordable housing units are located in a single group at the northern end of the site. The distribution accords with the Council's pepper-potting requirements. The affordable housing mix will be secured through the S106 agreement. As amended the proposed housing mix for both the affordable mix and the private market mix is acceptable to the Council's Housing Enabling officer.

8.19 In terms of density of development, the site would achieve 27.5 dwellings per hectare. This has been reduced from 34.7 dwellings per hectare when previously 24 dwellings were proposed. When considered in the context of the open space and ecological area and the edge of settlement location, the amount of development proposed is considered to be acceptable.

8.20 Whilst the layout of the site is a matter for a subsequent reserved matters application, the current plans are considered an improvement on the original layout plans. The current plans have eliminated concerns of a cramped and linear design which would have led to an inorganic and harsh form. Paragraph 41 of the National Design Guide states that, well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It is considered that with the proposed number of dwellings, a well-designed development could be executed which responds to the surrounding context. Full assessment of the layout would be subject to the reserved matters application.

8.21 The submitted documentation and illustrative elevations provided at this outline stage indicate that the proposals would be of a two-storey scale throughout. Whilst layout, scale and appearance of the buildings and landscaping of the site are matters to be considered within a subsequent reserved matters application, it is considered that the design, materials, detailing and appearance of the development will result in an attractive, high quality rural housing scheme that would be appropriate to its rural context and surroundings. The illustrative layout and indicative scale of the development reflects the form of the existing neighbouring housing in Hermitage Close, with regards to the form/shape of the curved road and the scale and siting of the housing and other nearby residential development to the west and north.

8.22 As discussed later in this report the illustrative sketch layout has been amended so that the proposed layout reflects an appropriate number of dwellings, to ensure adequate protection is provided in terms of the proposed ecological and drainage buffers.

8.23 As such, it is considered that the proposal is appropriate for the site context and characteristics and, subject to detailed consideration at reserved matters, the proposal will result in a high quality rural housing scheme that would be appropriate to its rural context and surroundings.

iv. Landscape impact

8.24 The application site is not subject to any special landscape designation, nor has it been identified as a 'valued' landscape (NPPF para 174). Whilst it is inevitable that building housing on a rural field would effect a fundamental change in its previously open appearance and character, the very fact that that change would occur is not in itself a reason for refusing the application.

8.25 The application site is located within zone 46 of the Chichester Landscape Capacity Study (CLCS). Zone 46 is an irregular shape which lies to the south-east of North Mundham and the study states it is possible that a small amount of development may be accommodated adjacent to the existing settlement or around existing clusters of built form, provided it is informed by further landscape and visual impact assessment and sensitively integrated into the landscape. The proposed development is adjacent to the existing settlement on both the north and west boundaries. The submitted planning statement includes a section on Landscape Impact, whilst this does not explicitly refer to the CLCS, the section details a Viewpoint Analysis which has been submitted to support the application. This analysis pinpoints 14 viewpoint locations at various points around the application site whereby the development may be visible. It is considered that the viewpoints would not be detrimentally impacted by new housing due to a variety of reasons including distance, natural boundary screening and existing settlement (not all of these are applicable to each viewpoint).

8.26 Arguably when the CLCS methodology is applied at the site, it has a 'higher' capacity for development by virtue of its particular characteristics, in particular containment from the wider landscape and its immediate physical and visual relationship to the village. The visual effects of the development would be limited, with only minor localised harm resulting from the loss of this undeveloped land on the edge of the settlement. The housing would be seen in the context of the existing properties in North Mundham. The close relationship with the existing settlement and the absence of any formal landscape designation protecting the field in question means that substantiating a material objection to the application on landscape grounds is not considered to be a reason for resisting the application.

v. Drainage, flooding and foul drainage

8.27 Surface Water Drainage – The applicant has submitted a surface water drainage strategy. The proposal is to drain surface water to ground via permeable surfacing/sub-base and individual shallow soakaways, which follows the SuDS Hierarchy. This approach is acceptable in principle to the Council's Drainage Engineer. Detailed conditions are recommended to ensure that the site drains effectively and does not lead to off-site drainage issues.

- 8.28 Existing Watercourses - In terms of the existing watercourse on the eastern boundary of the site, the Council's Drainage Engineer has stated that it must be protected and that flow is maintained during and post construction to ensure no negative impact on the local flood risk. In order to protect the ditch and to ensure that future landowners are able to access the ditch to undertake maintenance, the illustrative sketch layout includes a 3m buffer from the top of the bank. Whilst layout is a reserved matter for this application, the illustrative sketch layout demonstrates that the number of dwelling proposed can be provided while still retaining the required ditch buffer. Upon receiving the further information with regards to the use of the land within the blue line, the CDC Drainage officer was reconsulted in respect of the reinstatement of the access over the drainage ditch. The engineer reviewed the documents and confirmed he had no further comments to make on the proposal. The application is considered to be in accordance with policy 42 of the CLP and no objection is raised in relation to existing watercourses.
- 8.29 Flood Risk – The site is wholly within Flood Zone 1 (i.e., with the least probability of flooding) however the Council's mapping shows the most southern corner of the site and Post Office Lane as being at significant surface water flood risk (greater than 1 in 100yr event). This has been reiterated by third party representations and the Parish Council highlighted incidents of flooding on the access road leading to the application site's entrance. Upon initial consideration of this information, the LLFA requested that, in addition to the Foul and SuDS Drainage Statement already submitted, a Flood Risk Assessment be provided as part of this application. The LLFA has reviewed the submitted FRA and raised no objection on surface water flood risk grounds subject to the surface water drainage conditions recommended by the CDC drainage officer. Furthermore, the Council's Drainage Engineer raised no objection to the principle of the proposal on flood risk ground subject to satisfactory surface water drainage.
- 8.30 Foul Water Drainage - The foul water from the proposed development will be routed via gravity into Southern Water's sewer via a new manhole to the north-east of the application site subject to an application under Section 106 of the Water and Industry Act 1991. The waste will be directed to the Pagham Water Treatment Works (WWTW). Southern Water have confirmed that they can provide foul sewage disposal to service the proposed development. Officers are satisfied that the improvement scheme at Pagham WWTW will ensure that there is capacity for this and other committed development.
- 8.31 Officers note the concern of North Mundham Parish Council with regard to the foul drainage implications arising from the proposed development including the reference to sewage surcharging within the North Mundham system. Ultimately it is the statutory duty of Southern Water to ensure that the overall system is fit for purpose, that the development is satisfactorily drained, and that the proposed development does not lead to problems elsewhere in the system. If Southern Water is not performing its statutory function then the recourse is to the industry regulator OFWAT. Any failings on behalf of Southern Water to deliver required improvements to the offsite network are failings under Part 4 of the Water Industry Act 1991 not under the Town and Country Planning Act. Southern Water has no objection to this planning application subject to potential network reinforcements carried out under its own statutory regime. There is no objection to the proposals on the grounds of foul water drainage subject to the recommended conditions.

vi. Education

- 8.32 WSCC as the Local Education Authority has a statutory duty to ensure that within its administrative boundaries, in this case Chichester District, there is a sufficient supply of school places to meet statutory requirements for early years, primary, secondary and post 16 years provision. In order to meet statutory requirements, WSCC seek education contributions from housing developers, through Section 106 Agreements or Community Infrastructure Levy (CIL) from the CIL charging authorities, to meet the cost of new school places arising as a direct result of new development. WSCC acts as a commissioner of education rather than a provider of new schools. It has the statutory duty to make education provision available for each pupil, and to provide a school place for each child, within the local catchment area where possible. Schools should be provided close to where the need arises, to encourage sustainable travel behaviour.
- 8.33 In order to fulfil its duty to provide sufficient school places in its area, and to ensure that every child has access to a school place, WSCC produces an annual document, 'Planning for School Places' (PSP). The PSP explains how the County Council plans to meet the growing need for additional school places throughout the County on a short, medium and long term basis. School place planning, and the requirement for school expansions and/or new schools' allocations are based on pupil projections. Pupil projections consider permitted planning permissions and allocations in adopted local plans that are yet to obtain planning permission. Education places are planned primarily through the local and neighbourhood plan process. What the system set up on this basis is less able to manage is the additional school places which are required from speculative housing applications of which there has been a significant increase within the Chichester Planning Area. Educational payments through CIL can be sought by the LEA but if there is no land to expand existing schools or there is no new school allocated, secured or identified in the application being considered, then there may not be sufficient certainty as to how educational places could be delivered.
- 8.34 Aside from CIL, which has to fulfil a range of different infrastructure requirements, there is potential for developers to pay a S.106 contribution towards mitigating the requirements of education provision, provided that such a contribution meets the 3 tests in Regulation 122 of the CIL Regulations.
- 8.35 With this application, on 06 January 2022, WSCC advised that it had a formal objection because the application had no offer of new education infrastructure for primary education at a time when the local Primary school in North Mundham was already at full capacity. No S.106 contribution had been offered by the applicant but even if there were, it was unclear as to where the S.106 contribution would be spent because there is no land being made available as part of the application for local education provision, i.e. no land within the catchment area of the application site has been allocated for this purpose, nor is there physical space to expand the local Primary school at its current site to meet the needs of the development. Given this stance, WSCC were not satisfied that developer contributions through CIL on its own or through CIL and S.106 would be sufficient to mitigate the Primary education requirements of the development. WSCC pointed out in its '*West Sussex County Council education provision in Chichester District - Officer Advice Note December 2021*' that if it is unable to identify where developer contributions could be spent in order to mitigate the effects of the proposed development, it would be failing in its duty to plan for the educational needs of the area as required under its statutory duty as the LEA. Therefore, an objection was made.

- 8.36 However, on 16 May 2022, WSCC provided a further consultation response removing their objection to the proposal.
- 8.37 Since December and following the receipt of the revised pupil projections that included revised population and housing completions data, the County Council as LEA has investigated the impact of the additional housing across the area and the impact this will have of the local school to accommodate the additional children from this application site, and other development sites in the Chichester Planning Area.
- 8.38 WSCC has informed CDC that at this point in time, the local school has capacity to cater for the additional pupils anticipated to come from this application. In view of the work WSCC as LEA has undertaken in the assessment of education capacity, WSCC has confirmed there is now no education objection to the application. They do, however, note that this area is subject to movement in pupil numbers, and they reserve the right to change their position for any future applications in the area.

vii. Ecology

- 8.39 Policy 49 of the CLP requires that the biodiversity value of the site is safeguarded and demonstrable harm to habitats or species which are protected, or which are of importance to biodiversity is avoided or mitigated. Paragraph 174 of the National Planning Policy Framework requires planning decisions to minimise impacts on and provide net gains for biodiversity. Following the European Court of Justice Decision in R v London Borough of Bromley, ex parte Barker 04/05/2006 the European Courts of Justice (ECJ) it is established that impacts upon the environment must be identified and assessed at outline application stage.
- 8.40 In terms of bats, the CDC Environmental Strategy officer originally expressed serious ecological concerns as a result of the findings from the bat surveys. The records in the surveys indicated potential commuting use of county level significance, counting one Barbastelle and 7 Myotis bats using the western field vegetation/drain as a commuting corridor. The Ecological Assessment (November 2021) proposed a low impacts lighting scheme (section 4.4); however, concern was raised by the CDC Environmental Strategy officer regarding post construction lighting such as security or Christmas lights as these can be installed in an uncontrolled manner which could harm the ability of ensuring the bat commuting lines remain dark corridors. Since these concerns were raised by the CDC Environmental Strategy officer, the proposed number of dwellings has been reduced to 19 and the indicative layout has been amended to include a 5m buffer between the developable area (including gardens) and the drainage ditch and trees/hedgerows to ensure the bat community lines remain dark corridors as advised by the Environmental Strategy officer. A condition is recommended requiring details of a lighting scheme to be submitted and agreed and a condition is recommended to ensure that the 5m buffer is retained in perpetuity.
- 8.41 In terms of water voles, following the submission of the updated Ecological Assessment (April 2022) which includes a 6m buffer zone around the water course onsite, no further water vole mitigation is required. A condition is recommended to ensure the retention of the buffer zone in perpetuity.



8.42 In terms of Nesting Birds, Reptiles and Great Crested Newts, the CDC Environmental Strategy officer is satisfied with the proposed mitigation detailed in the Ecological Assessment, all of which are recommended to be secured by condition. For both the reptile and great crested newts it is proposed that the translocation area is in the eastern field adjacent to the application site.

viii. Sustainable Design and Construction

8.43 The applicant's Sustainable Construction and Design Statement (August 2022) complies with the requirements of Policy 40 of the CLP and criterion 8 of the IPS. The Sustainable Construction and Design Statement confirms that the approach relies on a combination of measures including 'fabric first' construction, air source heat pumps and solar PV panels.

8.44 To ensure that the energy consumption of the buildings can achieve at least a 19% improvement in the dwelling emission rate over the target emission rate, the applicant has advised that this will be achieved through the fabric first principle. It is also confirmed that the application will include the inclusion of at least 10% of the predicted energy requirements of the dwellings through low carbon energy generating technology, including PV and air source heat pumps for every dwelling.

8.45 Water consumption targets for the dwellings will meet the higher building regulations standard of 110 litres/person/day and electric vehicle charging points will be incorporated for all of the dwellings on site together with two additional charging points within the visitor parking areas. This is well in excess of the 2023 year requirement of 7.8 dwellings (41%) as set out in WSCC Parking Standards.

8.46 Conditions are recommended to secure the stated energy savings as set out in the Energy Statement, a water consumption standard of a maximum of 110 litres per person per day including external water use and in relation to electric vehicle charging infrastructure. It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS and therein the objectives of Policy 40 and the proposed measures are endorsed by the Council's Environmental Strategy Officer.

ix. Habitat Regulations Assessment

Recreational Disturbance

8.47 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area and within the 3.6km of the Pagham Harbour Special Protection Area. The proposal would result in an increase in population living on the site, which could result in recreational pressure on the SPA and disturbance to protected bird populations. A financial contribution towards the Bird Aware Solent scheme/Pagham Harbour Scheme is required in order to mitigate recreational disturbance as a result of the proposal.

8.48 When a development proposal falls into an area where the Chichester and Langstone Harbours SPA zones of influence and the Pagham Harbour Special Protection Area zone of influence overlap, as in this case, Natural England advise that some reduction in the contribution is reasonable. This is on the basis that the occupiers of the new dwellings cannot be at both Harbours at the same time. However, the Local Planning Authority still has to ensure that a robust package of mitigation can be implemented. In order to do this, within the area of overlap, only one contribution per net new dwelling unit will be payable. This contribution will be whichever is the higher of the two contributions at the time - currently this is the Pagham SPA tariff (£927 per dwelling) for dwellings with 1-4 bedrooms and the Chichester and Langstone SPA tariff for 5 bedroom dwellings (£1014 per dwelling). This will ensure that the development does not pay twice but will also ensure that the funding of nether scheme is undermined. Therefore, a financial contribution of £927 per net additional dwelling is required for the 1-4 bedroom units. A completed S106 agreement is required to secure this contribution. When paid the contribution will be divided in two, half for each of the two SPA mitigation schemes. An Appropriate Assessment has been completed.

8.49 The applicant has agreed to the heads of terms below and therefore subject to the completion of the S106 Agreement, this proposal complies with Policies 49 and 50 of the CLP and the requirements of the Habitats Directive.

#### Nutrient Neutrality

8.50 Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017. This only applies to developments where the treated effluent discharges into any Solent European protected habitat site (Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Chichester and Langstone Harbours SPA and Ramsar site, Solent and Dorset Coast SPA or Solent and Isle of Wight Lagoon SAC), or any water body that subsequently discharges into such a site. As this development is not located within the Chichester Harbour fluvial catchment area and the foul drainage will discharge to Pagham WWTW (also outside of the Chichester Harbour fluvial catchment area), the impact onto a European protected Habitat site (namely the Solent Maritime SAC and Chichester and Langstone Harbours SPA and Ramsar site) has been screened out and therefore nutrient neutrality does not need to be considered by way of an Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

#### x. Other Matters

##### Residential amenity

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

8.52 During the course of the consideration of the application the illustrative sketch layout plan has been amended, including reducing the overall number of dwelling plots, re-orientating some of the units and resizing the plots. As amended, officers consider that the separation distances both between the proposed dwellings on the application site and between proposed and existing dwellings will ensure an acceptable level of privacy and avoid any overbearing impact to both existing residents adjacent to the site (Hermitage Close and Orchard Croft) and any potential new residents of the proposed scheme. In particular, the original proposal built right up to the northern boundary which resulted in a cramped and overbearing scheme for the dwelling at Orchard Croft. The dwellings here have since been reorientated, so the rear gardens would now abut the northern boundary which has enhanced separation distances and reduced overbearing impact and potential issues of overlooking. As amended these reorientated dwellings now overlook the new internal road, along with sufficient garden depth to ensure acceptable outlook and back-to-back distances for both new and existing residents. The garden sizes and lengths are considered to provide sufficient, useable and private amenity space.

#### Significant Conditions

8.53 The key conditions that are recommended to make this development acceptable have been discussed in the relevant sections of this report. These conditions would include details of construction management plan, site levels, surface water drainage and its long-term management and maintenance, suitability components, soft landscaping and tree protection measures and ecological mitigation and enhancements.

#### Section 106 Agreement

8.54 This development is liable to pay the Council's CIL charge at £120sqm which will address most of the infrastructure matters. At the time of preparing this report work was progressing on preparing a Section 106 agreement, which the applicants have confirmed they will enter into. The anticipated final heads of terms are:

- 30% Affordable Housing (6 units), with a 70:30 (rent: First Homes) tenure mix as follows:

Affordable rent:

1 x 1 bedroom

1 x 2 bedroom

2 x 3 bedroom

First Homes:

1 x 1 bedroom

1 x 2 bedroom

Appropriate management by an approved body and a nominations agreement.

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

First Homes will also need to comply with the requirement of Chichester District Council (as set out in the Cabinet report 7 September 2021) for a local connection test, applicable for the first 3 months of sale and will apply on all future sales of the First Homes properties.

- Financial contribution of £49,685 (£2,615 per dwelling) payable to National Highways prior to the occupation of the 10th dwelling, towards the agreed Local Plan highway mitigation/works on the A27 Chichester bypass.
- Provision, management and on-going maintenance of Public Open Space (minimum of 185sqm), in accordance with Planning Obligations and Affordable Housing SPD requirements.
- Financial contribution of £17,613 (19 x £927) for recreational disturbance mitigation at Chichester and Langstone Harbours SPA and Pagham Harbour SPA, in accordance with Planning Obligations and Affordable Housing SPD.
- Section 106 Monitoring Fee of £846

### Conclusion

8.55 The application has been tested against the 13 criteria in the IPS and there are no significant or demonstrably adverse consequences that would result from the development being permitted. Whilst the wider concerns and objections of the Parish Council and third parties are noted, the development is considered to be sustainable development and a proposal which responds to the constraints of the site. There is no compelling evidence arising from consideration of this application that the existing infrastructure cannot cope with the new development proposed. Through the S106 Agreement and the CIL payment, the development will provide the necessary infrastructure requirements to mitigate the impact of the development on the wider infrastructure in the locality. The application will deliver much needed housing including 5 units of affordable housing. The application is therefore recommended for approval, subject to the applicant entering into a S106 agreement to secure the required affordable housing and other infrastructure.

### Human Rights

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

## **RECOMMENDATION**

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

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

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

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

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

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

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

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

210609\_R9\_000/R.1. and 11111\_100 Rev P6

Reason: For the avoidance of doubt and in the interests of proper planning and to ensure the development complies with the planning permission.

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,

- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning and the disposal of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction, and
- (r) details regarding ecological protection during construction, including precautions for hedgehogs

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

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

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

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

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

**7) 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 overall surface water system for the development together with the specific infrastructure 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.

**8) No development shall commence** unless and until details of the proposed means of foul water sewage disposal which shall be to Pagham WwTW has been submitted to and approved in writing by the Local Planning Authority acting reasonably in consultation with Southern Water. Thereafter all development shall be undertaken in accordance with the approved details. No occupation of any dwelling shall take place until the approved off-site works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water and implemented in full.

Reason: To ensure adequate provision of foul water sewerage. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

9) **Before the development hereby permitted is begun** full details shall be submitted to and be approved in writing by the Local Planning Authority showing how the development is to achieve the sustainability requirements as set out in the Sustainable Construction and Design Statement dated August 2022 and to achieve the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and criterion 8 in the Interim Position Statement for Housing (November 2020). The development shall thereafter be carried out in accordance with the approved details.

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.

10) **No development shall commence** until details of the arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site have been submitted to and been approved in writing by the Local Planning Authority but such arrangements shall include the provision of a minimum 3 metre buffer for access. The future access and maintenance shall thereafter be carried out in accordance with the approved details. At no time shall current and future land owners be restricted or prevented as a result of the development from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure the continued effectiveness of the surface water drainage system is maintained.

11) The development hereby permitted shall not be carried out other than in full accordance with the recommendations in section 4 and the conclusion set out in the Ecological Assessment (1 April 2022) prepared by The Ecology Co-op. For the avoidance of doubt these details shall include:

- bird boxes to be installed on the east face of units 14-19
- creation of a native wildflower meadow
- filling gaps in hedgerows and creation of new hedgerows with native species
- eastern field adjacent to the application to be used as the receptor site for the great crested newts and reptiles
- 6m ecological buffer including a 5m 'dark corridor' from top of ditch and a 5m dark corridor buffer around the sycamore tree to the north of the site
- comprehensive sensitive lighting plan for the proposed development, to cover dwellings and gardens, parking areas, entrance and roads

Full details of the above measures together with mitigation, management and enhancement plans and a timetable for implementation **shall be submitted with the first reserve matters application** and shall be implemented in full accordance with the approved details.

Reason: In the interest of conserving and enhancing biodiversity.



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

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

13) **No part of the development in respect of the construction of the dwellings shall be begun** until the vehicular access serving the development has been constructed in accordance with the details shown on drawing 11111\_100 Rev P6 dated 20.08.21.

Reason: In the interests of providing safe vehicular access and egress to the site.

14) **Before construction of any dwelling above slab level** the technical specification of the Electric Vehicle charging point facility shall be submitted to and be approved in writing by the Local Planning Authority. No dwelling shall be first occupied unless and until the dwelling has been constructed in accordance with the terms of the submitted Sustainable Construction and Design Statement dated August 2022, unless otherwise agreed in writing with the Local Planning Authority and the approved technical EV charging points details. Furthermore the solar PV panels must be constructed and inserted so that they are flush fitting with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority. No dwelling which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.

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

15) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). **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.

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

Reason: To ensure the development benefits from appropriate infrastructure.

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

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

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

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

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

19) 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) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and
- iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

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

## INFORMATIVES

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

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

3) The developer is advised that all road surfaces should be constructed in a material suitably strong enough to take the weight of a 26 tonne waste freighter vehicle. The use of concrete block paving unless it is of a highway standard is discouraged, as these tend to move under the weight of the Council's waste vehicles.

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

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

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

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

7) A protected species license will be required prior to works commencing for Great Crested Newts.

For further information on this application please contact Alicia Snook on 01243 534734

To view the application use the following link -

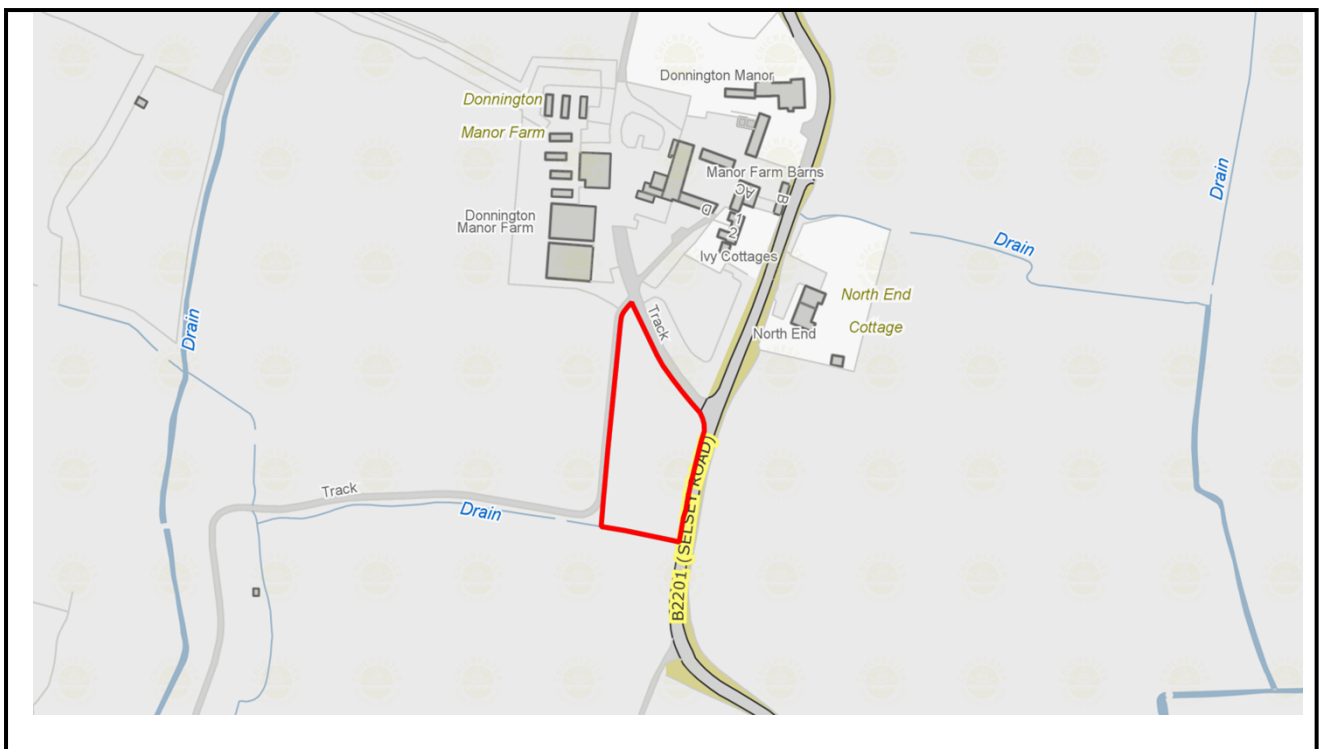
<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R05FRXERFY700>

|                       |                           |
|-----------------------|---------------------------|
| Parish:<br>Donnington | Ward:<br>Harbour Villages |
|-----------------------|---------------------------|

**D/21/00997/FUL**

|                  |   |              |                   |
|------------------|---|--------------|-------------------|
| <b>Proposal</b>  | Construction of 1 no. Farm Manager's house with landscaping and associated works. |              |                   |
| <b>Site</b>      | Donnington Manor Farm Selsey Road Donnington PO20 7PL                             |              |                   |
| <b>Map Ref</b>   | (E) 485328 (N) 102620   |              |                   |
| <b>Applicant</b> | Mr H Brown  | <b>Agent</b> | Mrs Kerry Simmons |

## RECOMMENDATION TO REFUSE



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

1.1 Red Card: Cllr Moss Important information/opinion to raise in debate (to protect jobs on a farm)

**1.2 The application was deferred by the Planning Committee on 6 July 2022 for publicity as a departure from the development plan and to reduce the extent of the residential curtilage.**

**1.3 These matters are referred to in the report in bold text.**

## **2.0 The Site and Surroundings**

2.1 Donnington Manor Farm is located within the designated countryside, to the south of the Donnington Settlement Boundary and west of the B2201 (Selsey Road). It comprises approximately 360 acres of agricultural farmland, agricultural barns, and storage areas, which comprise the existing, established farming complex. In addition, several diversified developments include a courtyard of offices, other light industrial uses, and dog walking and seasonal camping facilities.

2.2 The parcel of land, subject to this application is located to the south of the main cluster of existing agricultural and storage buildings, the existing dwellings on the site (1 and 2 Ivy Cottages) and the main vehicular access from Selsey Road. The parcel of land is broadly rectangular in shape, tapering to the north, and approximately 0.45ha in area. The parcel of land comprises agricultural land; however, it is only the very edge of the wider farmland, separated via an established track and appears to be of lower quality. There is existing tree and hedgerow boundary planting to the south, east, and north of the application site.

2.3 The character of the wider area is rural, with open farmland surrounding the site, with Donnington Manor Farm comprising the main cluster of buildings, within this otherwise undeveloped area. There is another cluster of dwellings, approximately 500m further south along Selsey Road.

## **3.0 The Proposal**

3.1 The proposal comprises the construction of a one and a half storey chalet style bungalow, with landscaping and associated works. The dwelling would serve as a Farm Manager's house, which would be occupied by the applicant and his partner. The applicant is currently managing the daily operations of the farm and involved in supporting the diversified activities, such as camping and dog walking facilities, which his partner also assists with.

3.2 The applicant and his partner currently reside on site, in 2 Ivy Cottages, which is a listed cottage which lies under the ownership of the applicant's father and uncle who own Donnington Manor Farm. The additional dwelling is sought on site to provide additional space for the applicants to manage the business and start a family.

#### 4.0 History

|                |        |  |
|----------------|--------|--|
| 01/01418/FUL   | PER    | Change of use of redundant agricultural sheds to B1 office use.  |
| 97/02308/PNO   | NOPA   | Replacement and extended agricultural shed.  |
| 99/01408/FUL   | PER    | Re-use of redundant farm buildings for B1 use with parking.  |
| 05/02654/FUL   | PER    | Change of use of redundant agricultural buildings to office use.   |
| 17/02155/FUL   | PER    | Retrospective change of use from agricultural land to a campsite.  |
| 18/00345/FUL   | PER106 | Retrospective change use of land for the stationing of 7 mobile homes for seasonal workers during the agricultural season and storage of these mobile homes during periods outside of the agricultural season. |
| 18/00946/FUL   | PER    | Change of use of agricultural land to dog walking compound and erection of deer fencing to secure the area.  |
| 20/02870/PA3R  | YESPAP | Renovation of existing agricultural building and change of use to flexible commercial use.   |
| 20/03148/PRESS | PRE    | Preliminary proposal for managers house at Donnington farm showing these options for location.   |
| 22/00435/FUL   | PCO    | Construction of Class E office.  |

#### 5.0 Constraints

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

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

Subject to WSCC Highways being satisfied with the revised plans submitted by the application to address the boundary treatment issues raised by the LHA, Donnington Parish Council has no comments to make regarding the proposed development

### **6.2 National Trust (Summarised)**

The Trust has reviewed the submitted plans and information provided in support of this application and wishes to object to the proposal.

The National Trust holds a Section 8 covenant over land at Donnington, West Sussex, including the application site. The covenant contains several restrictions which include the requirement to obtain consent from The National Trust for the erection of any building. The purpose of the covenant is to protect the open agricultural land to the south of Chichester from development and the Trust has a statutory duty to uphold it as part of our Core Purpose

Information contained in the Planning, Design and Access Statement submitted by the applicant indicates that a separate justification statement has been provided in support of the proposal to demonstrate the need for a permanent on-site Estate Manager for the land holding. This statement does not appear to be available on the Chichester District Council (CDC) website, so the Trust is unable to comment on whether the NPPG and criteria 1 of Policy 37 of the Chichester Local Plan: Key Policies 2014-2029 (the "Local Plan") has been complied with. The Trust hopes that CDC will seek independent verification of the need for an Estate Manager's dwelling to be permanently provided on the site.

The Trust has seen that information has been provided which suggests that it would not be appropriate to convert the existing pair of Grade II listed dwellings into a single unit. The level of assessed harm arising is considered to be "less than substantial" under the terms of the NPPF, but it is considered that there are no public benefits that would be provided to outweigh this harm. However, the Trust would question this as the creation of a new dwellings, its curtilage and associated domestic paraphernalia will cause harm to the landscape character of this part of the Manhood Peninsula, with a significant southward extension of the built form into the rural landscape around Donnington Manor Farm and the agricultural setting of these cottages. It is considered that not allowing this harm to occur to the rural character and the setting of both Ivy Cottages and Donnington Manor may be a public benefit sufficient to outweigh any harm to the character of the listed buildings. In addition, there does not seem to have been any attempt at looking at whether a modest extension to one of the cottages could provide an increase in accommodation along with use of the existing converted former farm buildings for the more administrative functions required.



Policy 37 criteria 2 does require information to be provided to demonstrate that no suitable accommodation is available or could be made available for rural workers accommodation. Information has been provided which appears to show that the former agricultural barns, which form a courtyard to the north of the application site, are currently let for office and other commercial uses, however no information has been provided on the terms of the leases of these buildings as to whether the office accommodation within them could easily be used by the farming enterprise or indeed whether they could be converted to provide a manager's dwelling. Furthermore, there are two agricultural barns indicated on the site. No information has been provided as to why it is not possible to convert these or provide administrative function accommodation within them alongside use of the existing cottages.

The Trust considers that the siting of the dwelling outside of the well contained farmstead associated with Donnington Manor will not comply with criteria 5 of Policy 37 as it will significantly extend built form and its associated requirements such as driveway and parking areas into this countryside location. There is no information provided to indicate that alternative, less impactful locations have been considered and the Trust would contend as currently sited that the proposal does not comply with the requirement of para 174 of the NPPF, criteria 9 of Policy 40 of the Local Plan and criteria 1 of Policy 45 of the Local Plan

The size of the dwelling also adds to this adverse impact. The Trust estimates that the GIA of the dwelling, including the farm office and camping reception to be approximately 215m<sup>2</sup>. While CDC does not have any guidance around the size of rural workers dwellings it is generally accepted that an appropriate size of manager's dwelling is around 150m<sup>2</sup>, including any necessary farm office accommodation. The current dwelling is more than double the current national space standard for a 3-bedroom, 6 person dwelling and the Trust cannot see any justification for such a large dwelling and consequently would contend that criteria 4 of Policy 37 of the Local Plan is also not complied with. The Trust would suggest that a more modest size of dwelling could be accommodated within the existing farmstead envelope which would result in substantially less harm to the rural character.

### 6.3 WSCC Local Highway Authority

*Comments 09.07.2021 (Summarised)*

The application is for the construction of a 3-bedroom dwelling.

The site will utilise an existing access used by the wider farm network. As a result, the addition of one dwelling is not anticipated to generate a material intensification of the access point over existing practices.

The hardstanding area provided is large enough to accommodate any parking demand generated by the site.

The applicant has provided cycle parking to WSCC specification.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging

points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Chichester Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via a suitably worded condition which is advised below.

The applicant has revised his landscape plans omitting the proposed planting from the highway.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore, is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

#### 6.4 CDC Coastal and Drainage

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

**Surface Water Drainage:** The application is accompanied by a "Surface Water Drainage Report" which includes details of the proposed surface water drainage scheme. The proposal is a restricted discharge (1 l/s) to the adjacent watercourse, with storage within storm crates for storms up to the 1 in 100yr event + CC. The approach is acceptable in principle and should adequately drain the development.

If you are minded to approve the application, we recommend the following condition.

"No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the surface water drainage scheme contained within the Surface Water Drainage Report - Donnington Manor Farm, Donnington PO20 7PL C1666 Dated 6th May 2021."

#### 6.5 CDC Environmental Strategy

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

The site boundaries are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the boundaries (5m) and during construction fencing should be used to ensure this area is undisturbed. Conditions should be used to ensure this. Additionally, habitat enhancements benefiting foraging and commuting bats are required, including the inclusion of new areas of woodland or scrub planting; the use of a range of native tree and shrub species within landscaping proposals.

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

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

As a precaution any trenches should be covered overnight, or a means of escape made available, and any hazardous chemicals need to be suitably stored away so animals cannot access them.

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

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

Precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats. Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs

Since the site lies within the Zone of Influence for Chichester Harbour, as contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour.

Following submission of the Sustainability Statement (April 2021) we are satisfied that the criteria detailed within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions of 45%. They will be achieved with a fabric first approach and through installing a Ground Source Heat Pump onsite.

Following Submission of the Nutrient neutrality report (March 2021) we are satisfied that there will be a reduction of TN onsite (5.5kg per year) and no further work is required relating to this.

## 6.7 Third party support comments

One third party representation of support have been received concerning the following matters:

- a) The need to develop their business to ensure it remains competitive
- b) It is often required to live on site to ensure agricultural and other activities are managed safely.
- c) The work often requires late or unsociable hours
- d) Accommodation within the local area is expensive
- e) It will allow the next generation to succeed
- f) The farm supports the applicants but also the wider rural economy

## 7.0 Planning Policy

### The Development Plan

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

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

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

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 33: New Residential Development
- Policy 37: Accommodation for Agricultural and other Rural Workers
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

## 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), which took effect from 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 In addition, consideration should also be given to Sections 1 (Introduction), 2 (Achieving sustainable development), 6 (Building a strong, competitive economy), 12 (Achieving well-designed places), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment). The relevant paragraphs of the National Planning Practice Guidance have also been considered.

### Other Local Policy and Guidance

- 7.6 The following documents are material to the determination of this planning application:
- Planning Obligations and Affordable Housing SPD
  - Surface Water and Foul Drainage 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:

- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Ecological considerations
- vi. Sustainability
- vii. Drainage
- viii. Nutrient neutrality
- ix. Recreational disturbance
- x. Other matters

### Assessment

i. Principle of development

8.2 The application site lies outside of a defined settlement boundary, within the designated countryside where Policy 45 of the Local Plan advises, development will be granted where it requires a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements. In combination, Policy 37 of the Local Plan recognises accommodation for rural workers, may be required within countryside location, subject to compliance with the five criteria set out within the policy.

8.3 In order to support the assessment of this application, an agricultural consultant undertook an appraisal of the agricultural operation, including the daily activities and responsibilities of the applicant and partner, whilst also providing a view on where there is an 'essential need' for an agricultural worker dwelling. As part of this assessment, the agricultural consultant, their planning agent, and case officer undertook a visit to the farm, meeting with the applicants to understand the current operational activities.

8.4 The agricultural appraisal firstly addresses the viability of the business, which is a long established, viable enterprise that has diversified recently, with additional activities which fall outside of the definition of agriculture, including storage, dog walking and camping. The report acknowledged there would be benefits in residing on site to provide security for the storage units and managing the bookings for the dog walking paddock and seasonal camping (6 months a year); however, acknowledged such activities exist elsewhere without an on-site presence, and it is important to note that these are not agricultural activities. Therefore, the report concluded that there is no demonstrable essential need for an on-site presence to support the agricultural enterprise.

8.5 The agricultural appraisal considers the five criteria of Policy 37, and consideration of these key issues is set out below.

**1) Provision on-site or in the immediate vicinity is essential for the operation of the business.**

8.6 The growing of crops is undertaken on share farming agreements, with independent agricultural businesses carrying out crop establishment, growing and harvesting. The responsibility of Donnington Manor Farm primarily lies with the provision and ongoing maintenance of the irrigation system, with the applicant providing checks and repairs, ensuring a maintained water supply during the six-month crop growing season. It is understood the irrigation system does not have an alarm or warning system in place, to notify of any leaks or issues, necessitating a physical inspection of the system. It is considered that there is no sufficient justification to demonstrate why it is not possible to implement warning systems to manage any failure in the irrigation system, such that manual checks are required. In any event, it is not considered necessary for a person carrying out the checks on the irrigation system to reside on the farm.

8.7 In addition, the farm currently has 40 lambs, with the applicant responsible for checking on them whilst they are grazing. The farm also offers a livery enterprise, where the owners of the horses are responsible for their care and welfare, but as part of this enterprise, a 'lookerage' (welfare check) is undertaken by the applicant twice a day. It is important to note that the keeping of horses for livery does not constitute agriculture.

8.8 In considering the above, in combination with the detailed appraisal undertaken by the agricultural consultant, in respects of the current farming and daily activities, it is not considered there is adequate justification to demonstrate an on-site presence is essential for the operation of the business. Whilst it is nevertheless appreciated there may be benefits in residing on the site, as is the case currently for the applicant, this is not the relevant test in planning policy.

**2) No suitable accommodation exists or could be made available in established buildings on the site or in the immediate vicinity**

8.9 There are currently two dwellings available to the business, occupied by the owners of the business; however, these are located away from the main cluster of commercial buildings, dog and camping enterprises, although Pelleys (Pelleys Lane) is located closer to the livery enterprise and water pumping station. As these properties are currently occupied, and located some distance from the main farming enterprise, it is accepted these are unlikely to be viable alternative dwellings, to meet an essential need, if one was to be identified.

- 8.10 In addition, 1 and 2 Ivy Cottages are also available and located within the main farming enterprise, with one currently occupied by the applicant and the other by a retired farmworker, who is understood to have a secure tenure of 1 Ivy Cottage. As such, it is considered there is accommodation currently available on site, albeit accommodation which comprises of a modest Grade II listed cottage and detached outbuilding/office.
- 8.11 It is argued the accommodation is unsuitable for a growing family, with limited ability to extend or adapt the property. It is appreciated any extension to one of both of the cottages would require a sensitive design, and subservient in size and scale to the historic core of the cottages. In this context, following an 'in principle' discussion with the Council's conservation and design officer, officers' are of the view an appropriately designed extension is feasible and could be explored fully by the applicants.
- 8.12 It is appreciated that an extension to the cottages might not provide a comparable level of accommodation sought by the applicants. However, in this case no essential need has been proven, and it is considered that a suitable extension to the cottages could provide an acceptable level of living space to meet the needs of a growing family.

**3) The proposal does not involve replacing a dwelling disposed of recently as general market housing**

- 8.13 The proposal would be an additional larger dwelling and not a replacement for recently disposed of dwellings. It would comprise an increased level of living accommodation than the existing dwelling (2 Ivy Cottages) currently occupied by the applicants, which currently lies within the ownership of the business. The Council's Principal Conservation and Design Officer has advised that it would likely be possible to sensitively adapt and or extend the existing listed properties to provide further accommodation in the future. However, as the existing property is currently unencumbered by an agricultural tie, it is understood the intention would be to let this property on the open market, and as such the proposal would effectively replace an existing dwelling on the site which could be disposed of as general market housing.

**4) The dwelling is no larger than is required to meet the operational needs of the business**

- 8.14 There are no size guidelines specified within this policy; however, at approximately 205 square metres, which includes three bedrooms, two offices and a reception area for the campsite, the proposal is considered to be a large and generous for a dwelling proposed to meet an 'essential' need (which in any event has not been demonstrated), and with a lack of justification for the level of proposed office accommodation including a reception area. It is therefore considered that the proposal is larger than is required to meet the operational needs of the farm.

**5) The siting and landscaping of the new dwelling minimises the impact to the character and appearance of the countryside and ensures no adverse impact on designated sites**



- 8.15 The proposed dwelling would be sited to the south of the main access from Selsey Road, close to the main cluster of buildings associated with the farming enterprise. It would be read in conjunction with the existing commercial building, converted agricultural buildings and storage yard. Therefore, it would not appear as an isolated structure within the countryside, despite introducing built form to the south of the main access road.
- 8.16 The proposed dwelling would be positioned within a large parcel of land, currently benefitting from established tree planting to the east and south boundaries, which provides a good level of screening to the site, filtering views of the site from Selsey Road. In addition, the proposed site plan also indicates further planting would be provided to the north and south boundaries to enhance current levels of screening. The western boundary would remain open, affording long range views across the adjacent field and farmland towards the dwelling, although this is not dissimilar to the long-range views currently possible of the existing complex of agricultural and commercial buildings.
- 8.17 A revised site plan has been provided, following discussions during the previous planning committee, which shows a reduced residential curtilage to the dwelling. The reduction in curtilage has been enabled further strengthening to the existing tree line along the north, east and west boundaries, resulting in a significant planted buffer to these boundaries. It has been indicated these would be planted with native trees, however, should the committee be minded to approve this application, a landscape condition to obtain full details of the exact species, sizes and densities of the planting would be warranted. In addition, the residential curtilage would be demarked by post and rail fencing, which would be suitable, in keeping with the rural character of the site, and would be read in the context of the existing dividing fencing of the adjoining fields. As such, the revised site layout is an improvement upon the previous layout. The improvement do not however address the remaining concerns regarding the principle of development and the detailed design of the dwelling.**
- 8.18 In summary, the proposed dwelling is considered, on balance to be appropriately sited to minimise its impact upon the character and appearance of the countryside, by virtue of its close association with a larger cluster of existing buildings, with existing and proposed landscaping and boundary treatments (details of which could be secured via condition). As such, the proposal can comply with this criterion, in respect of its siting and landscaping; however, officer have reservations in respects of the size and scale of the dwelling and its detailed design. These matters are set out below.
- 8.19 In conclusion, in respect of the principle of the development, it is considered that the applicant has failed to demonstrate that there is an essential need for the provision of the proposed dwelling in the countryside. There is no functional need for a farm manager to live on the farm itself, and in any event, there is an existing dwelling in the farmyard which provides accommodation for a farm worker to meet the desire for a worker to live on the farm.

ii. Design and impact upon character of the surrounding area

- 8.20 Policy 33 refers to new residential development and sets out that proposals must meet the highest standards of design and a high-quality living environment in keeping with the character to the surrounding area and its setting in the landscape; In addition, that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.
- 8.21 Policy 47 relates to design and requires development to respect distinctive character and sensitively contribute to creating places of high architectural and built quality, respect existing natural landscapes, and maintain the predominantly open and undeveloped character of the area
- 8.22 As set out above, the proposal would provide a chalet style bungalow, which fails to reflect or respond to the character of the site and would appear at odds with the agricultural and commercial context of the site and also does not respect the local vernacular. The dwelling, whilst simplistic in its placement of windows and use of materials, appears overly domesticated and bulky in appearance, particularly due to the use of the projecting gable detail to the front (north) and rear (south) elevations, the addition of a flat roofed dormer with balcony and the number/placement of rooflights. In addition, the dwelling would result in an unbalanced, top-heavy appearance due to the low eaves line, relative to the high ridge height. It is considered that the design fails to take advantage of the opportunity to provide a modest dwelling that would respond to the context of the site, reflecting the architectural qualities of the nearby agricultural buildings, more in keeping with the local character, has been missed.
- 8.23 Consequently, in view of the above, the detailed design approach which would result in an overly domesticated, unbalanced, and incongruous appearance would fail to respond to and respect the character of the application site. It would therefore be contrary to NPPF 2021 Para 130 of the NPPF, and Policies 33 and 47 of the Chichester Local Plan all of which seek to secure high quality design that responds to and respects the site and its surroundings.

iii. Impact upon amenity of neighbouring properties

- 8.24 Section 12 of the NPPF states inter alia that planning decisions should achieve well designed places create places that offer good design quality a high standard of amenity for existing and future users. In addition, Policy 33 of the Local Plan seeks to protect the amenities of neighbouring properties in terms of their outlook, privacy, or available sunlight and daylight.
- 8.25 There is an appropriate level of separation between the proposed dwelling and the closest neighbouring properties, including 1 and 2 Ivy Cottages and the two cottages located on the east side of Selsey Road, ensuring that the proposal would not adversely impact upon the amenities of the neighbouring residential properties. Therefore, the proposal in terms of amenity impact outlook and privacy would not conflict with the NPPF and Policy 33 of the Local Plan although there are officer concerns in respect of the design.

### Impact upon highway safety and parking

- 8.26 Policy 39 of the Chichester Local Plan requires developments have safe and adequate access to the public highway and parking needs can be met within the site.
- 8.27 The proposal would utilise the long-established access into the farm from Selsey Road, where there is adequate hardstanding on and of the application site to provide vehicle parking and turning. The proposal is not considered to give rise to an unacceptable intensification of the existing access. The provision of an electric vehicle charging point, which could have been secured via condition would contribute towards sustainable modes of transport. The proposal has been reviewed by WSCC Highways, who have raised no concerns with the proposed access or the proposed parking arrangements. Therefore, the proposal is considered to comply with Policy 39 of the adopted Local Plan.

### v. Ecological considerations

- 8.28 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.
- 8.29 The proposal would retain the existing boundary planting, which is used by bats for commuting and foraging, and would also provide further boundary planting which would provide further connectivity for wildlife. In addition, several areas of mitigation, during construction have been advised by the council's ecologist, which could be secured via condition. Similarly, several opportunities to provide biodiversity enhancements, including bat/bird boxes and hedgehog nesting boxes have been suggested and could again be secured via condition. Therefore, there are clearly a number of ways the proposal could enhance the biodiversity of the site, accordance with national and local planning policies. The proposal would therefore be acceptable in this respect.

### vi. Sustainability

- 8.30 The application has been accompanied by a sustainable construction statement, which details the measures that shall be deployed to enhance the sustainability of the dwellings, detailing the improvements to the fabric of the building, and the use of renewable energy sources, including a ground source heat pump. In addition, the proposal would incorporate low water fitting, reducing the water consumption of the dwelling. As such, the proposal would be capable of complying with Policy 40 of the Local Plan, subject to securing the proposed sustainability measures via condition.

vii. Drainage

8.31 The site is within flood zone 1 which is at low risk of flooding. A detailed surface water drainage scheme has been proposed, which has been reviewed and agreed by the council's drainage engineer, who has confirmed the acceptability of the proposed solution, which includes the restricted discharge into the adjacent watercourse. As such, the proposal would provide a suitable drainage scheme, complying with Policy 42 of the Local Plan, subject to securing the implementation of the proposed drainage scheme via condition.

vi. Nutrient neutrality

8.32 The proposal comprises new overnight accommodation, which would be connected to the existing mains sewer network, where it is accepted that the treated effluent from the development may eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites; therefore, is directly connected to the increase in wastewater from the development.

8.33 In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the by the Local Planning Authority (LPA) via an appropriate assessment (AA) to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

8.34 To assist the LPA the applicants have provided a nitrogen budget calculation, which has been revised following the updated methodology released by Natural England on the 16<sup>th</sup> March 2022. The re-calculations confirm that the proposal would not result in an increase in nitrogen (i.e., would be nitrogen neutral) due to the proposal resulting in the removal of an area of agricultural field from crop production, on which the dwelling and its curtilage would be constructed. As the calculations show the development to be neutral, it is not necessary to proceed to the Appropriate Assessment stage, as there is no mitigation to be tested. The calculations have been reviewed by the council's ecology officers, who have confirmed they have been completed correctly, in accordance with the methodology provided by Natural England.

8.35 Consequently, taking the above considerations into account, the proposal would result in a nitrogen neutral scheme, ensuring the proposal would not impact upon the European designated sites because of nitrates, thus would comply with policy 49 of the CLP and section 15 of the NPPF.

vii. Recreational disturbance

- 8.36 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area (SPA) and with the 3.4km zone of the Pagham Harbour SPA where a net increase in dwellings would likely cause harm to the special qualities of the European designated site because of recreational disturbance. In accordance with Policy 50 and 51 of the Local Plan a financial contribution towards the Bird Aware Solent scheme is required to mitigate recreational disturbance as a result of the proposal.
- 8.37 As the recommendation is to refuse this application, the council has not sought to obtain the require recreational disturbance fee and has sited this as a reason for refusal. However, the council acknowledged this matter could be satisfactorily addresses through the receipt of a signed legal agreement and the requisite fee, which could be addressed during a subsequent appeal again a refusal to grant planning permission.

vii. Other matters

- 8.38 The National Trust holds a Section 8 covenant over the application site, requiring the applicants to obtain consent from The National Trust to erect a building. This would constitute a private matter, which is not a material consideration in planning terms. Therefore, it would not preclude the local planning authority from granting planning permission. However, it could preclude the applicants from constructing the dwelling, in the event The National Trust refuses to grant consent under its Section 8 covenant.
- 8.39 The application has been publicised as a departure from the development plan, and no further third-party representations have been received.**

Conclusion

- 8.40 To conclude, the proposal involves the erection of an additional dwelling for agricultural workers in this case the applicants who currently already reside nearby. This dwelling is not considered essential for the operation of the business or necessary given that adequate accommodation is already available on site, albeit smaller in scale than desired by the applicants. In addition, it would result in a dwelling which is substantially larger than required to meet any essential need, should it have been identified. Moreover, the proposed design it would be overly domesticated, unbalanced, and urban in appearance which would fail to respond to and respect the character of the wider rural site. As such, the proposal would fail to meet the five criteria set out within Policy 37 of the local plan and would be contrary to the NPPF 2021 Paras 84 and 85 of the NPPF and Policies 33, 37 and 47 of the adopted Local Plan.
- 8.41 The proposal therefore fails to accord with the relevant national and local planning policy and associated planning guidance and having had regard to all other material considerations it is recommended that planning permission be refused.

Human Rights

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

## **RECOMMENDATION**

### **REFUSE for the following reasons:-**

- 1) The proposal would result in the erection of an additional agricultural workers dwelling, which is not considered essential for the operation of the existing agricultural and related business uses or necessary given that adequate and accessible residential accommodation is already available nearby, in a rural area outside of any designated settlement boundary. In addition, it would result in a dwelling which is larger than what would be required to meet an essential need (if one was identified). The proposal would therefore constitute an unjustified and inappropriate form of development in the rural area. It would therefore conflict with policies 1, 2 and 37 of the Chichester Local Plan 2014-2029.
- 2) The proposal would result in a poorly detailed, overly domesticated, unbalanced dwelling, which overall would fail to preserve local distinctiveness and would be incompatible with the character of the adjoining farm dwellings and buildings within the main rural site. As such, the proposal would fail to take the opportunities available to improve the overall quality of the area, contrary to Paragraph 130 of the NPPF 2021 and criteria nos.1-5 of Policy 37 plus Policies 33, 37 and 47 of the Local Plan 2014-2029.
- 3) The proposed development lies within the 5.6km zone of influence upon the Chichester and Langstone Harbours Special Protection Area (SPA) and with the 3.5km zone of influence upon the Pagham Harbour SPA where it has been identified that the net increase in residential development results in significant harm to those areas of nature conservation due to increased recreational disturbance. The applicant has failed to make sufficient mitigation against such an impact and, therefore, the proposal is Policy 50 and 51 of the Chichester Local Plan Key Policies 2014-2029. The development would, therefore, contravene the Conservation of Habitats and Species Regulations 2017, the advice of both Natural England and Section 15 of the National Planning Policy Framework and Affordable Housing Supplementary Planning Document July 2016.

## **INFORMATIVES**

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

2) This decision relates to the following plans:

10226-DPA-01 REV A  
10226-DPA-02 REV A  
10226-DPA-03 REV A  
~~10226-DPA-04 REV A~~  
10226-DPA-05 REV A  
10226-DPA-06  
10226-DPA-07 REV A  
**10226-DPA-10**

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=QQV18WERG9A00>

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|                       |                          |
|-----------------------|--------------------------|
| Parish:<br>Chichester | Ward:<br>Chichester East |
|-----------------------|--------------------------|

**CC/21/03657/FUL**

|                  |   |              |             |
|------------------|---|--------------|-------------|
| <b>Proposal</b>  | Construction of a new extension to the existing building.                   |              |             |
| <b>Site</b>      | Solent Wholesale Carpet Company Limited Barnfield Drive Chichester PO16 6UX |              |             |
| <b>Map Ref</b>   | (E) 487205 (N) 105975   |              |             |
| <b>Applicant</b> | Solent Wholesale Carpets Co. Ltd  | <b>Agent</b> | Jamie Hanna |

## RECOMMENDATION TO PERMIT



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

1.1 Red Card: Cllr Brisbane - Exceptional level of public interest

1.2 Parish Objection - Officer recommends Permit

**1.3 This application was deferred at the 15 June 2022 meeting of the Planning Committee for further information on the following grounds:**

**- Defer for site visit. The site visit took place on 9 August 2022.**

**1.4 Other information sought by members at the 15 June meeting included the following:**

- **Clarification on the location and details of the proposed soakaway and how it effects existing site infrastructure**
- **Clarification on matters of land contamination and how the proposals impact on existing gas venting and mitigation measures**
- **Details of how the retained part of the bund as proposed would be supported**
- **Details on biodiversity net gain**
- **Clarification on site levels**

**1.5 The committee site visit took place on 9 August 2022. Questions asked during the site visit included:**

- **How many HGV vehicles accessed the site each day on average? (See paragraph 8.38 below)**
- **Who owns the site, the land to the east of the site and the land to the south on the other side of Barnfield Drive? (See paragraphs 2.1 and 2.2 below)**
- **Will the levels to the north of the site match with those at Phase 9a of the Graylingwell development being built out? (See paragraph 8.9a below)**
- **How will the removed soil be dealt with? (See paragraph 8.30a below)**
- **Has the ecological value of the existing vegetation been considered (see 8.33, 8.34 and 8.34a below)?**
- **Will the roots of new and existing trees impact the new and existing soakaways and gas venting trench? (See paragraphs 8.29a, 8.30, 8.36, 8.42a and condition 6 below)**

**1.6 The application was due to be heard at the 10 August meeting. However, following officer investigations into questions raised by members at the site visit, it was found that the wrong ownership certificate had been signed. It was decided that the application would be withdrawn from the 10 August meeting, as announced by the chairman during the meeting. The correct certificate was subsequently signed and submitted to the Local Planning Authority with the correct notice being served on the landowner and so the application can now be determined.**

## **2.0 The Site and Surroundings**

- 2.1 The application site is a 1.02 ha land parcel which comprises an existing warehouse building (measuring 93m (l) x 36.5m (d) x 9.25m (h)) with an area of car parking to the eastern side of the site and a 'bund' and landscaping to the western side of the site. The south of the site fronts onto Barnfield Drive and is bounded by hedging. The site is accessed from Barnfield Drive to the south-east of the site. **The site is owned by Chichester District Council (freeholder) and the long lease is held by the applicant.**
- 2.2 To the west of the site lies a residential area in the north east of Chichester City. The closest existing housing is located at The Pitcroft to the west, with houses facing onto the western boundary of the site. To the north lies a construction site with planning consent for 106 new homes known as Phase 9a (20/02905/REM) of the wider Graylingwell development (14/01018/OUT). To the East there is an area of undeveloped land, **owned by Chichester District Council, as is the undeveloped land to the South beyond Barnfield Drive. The Council's Estates team has confirmed that this land is not currently available for purchase.**
- 2.3 The existing buildings and use carried out on the site was approved in 2006 (05/04284/FUL). The site is used as a carpet wholesaler for storage and distribution. At the time this was classed as use class B8 and B1 and would now be classed as Use Class B8 and E (g)(iii) under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

## **3.0 The Proposal**

- 3.1 The application proposes to provide an extension to the western elevation of the existing warehouse building. The proposed extension would be approximately 9.25m in height and 11.9m in depth projecting westwards from the western elevation, and it would extend the full length of the existing building (approximately 93m). The extension would be located in the area which currently comprises a bund and landscaped area to the western side of the site fronting The Pitcroft, a residential road immediately to the west of the application site. The proposed use of the extension would expand the storage capabilities of the warehouse. There is no proposed increase in staffing or parking requirements. The applicant proposes to utilise the existing vehicular access on Barnfield Drive, with no alterations to this arrangement proposed.
- 3.2 The extension would be constructed using materials to match the existing building. It is proposed that additional landscaping would be provided to mitigate the loss of existing landscaping on the western edge.
- 3.3 The proposals include the provision of a new soakaway to manage additional surface water run-off, in the form of a geocellular soakaway tank to be located north-west of the proposed extension.

**3.4 Since the 15 June meeting, the applicant has provided additional information in response to members queries. This includes:**

- **Specification of the proposed material to be used to support the altered slope to the eastern side of the existing bund (see paragraph 8.29 below)**
- **Revised information relating to the trees to be removed to accommodate the soakaway as well as to address the issue of Ash dieback found at the site (see paragraphs 6.7, 8.29a and 8.30 below)**
- **Information explaining the rationale for the level of biodiversity enhancement/gain proposed (see paragraph 8.34a below)**
- **Revised soakaway dimensions (see paragraph 8.35 below)**
- **Revised soakaway information showing an enlarged soakaway in a location to avoid conflict with both the existing soakaway and the existing venting trench (see paragraph 8.36 below)**
- **Confirmation that the membrane associated with the previous use of the site as landfill, which was installed when the existing building was constructed is located on the eastern side of the building and is not in a location close to the proposed extension (see paragraphs 8.42a and 8.42b below).**

#### **4.0 History**

|              |        |  |
|--------------|--------|--|
| 05/04284/FUL | PER106 | Employment development comprising 3614 sqm (B8 and B1). Means of access and landscaping.                                     |
| 06/01472/FUL | PER    | Installation of sprinkler water tank and pump house to be able to provide sprinkler fire protection to the carpet warehouse. |
| 07/02601/ADV | PER    | 1 no. free standing single sided pylon.  |

#### **5.0 Constraints**

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

## **6.0 Representations and Consultations**

### **6.1 Chichester City Council**

Strong objection. The scale of the extension and its proximity to the facing residential properties would have an enclosing and urbanising impact on the area's green and open suburban character which would not be sufficiently mitigated by the remaining landscaping area.

### **6.2 WSCC - Highways**

This proposal is for the construction of an extension to existing Class E/B8 building. The site is located on Barnfield Drive, an unclassified road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) raise no objections to the proposed development.

The application is supported by a Transport Statement prepared by Hydrock. It should be noted that whilst the contents of the Transport Statement are accepted by the LHA, the Transport Statement appears to be missing the appendices at the end of the document. Notwithstanding this, the missing appendices appear to have been submitted as separate application documents, which have been inspected by the LHA when assessing this application.

#### **Access and Visibility**

The applicant proposes to utilise the existing vehicular access on Barnfield Drive, with no alterations to this arrangement proposed. From inspection of local mapping, there are no apparent visibility concerns with the existing point of access on to the maintained highway. This application is supported by trip generation data from the TRICs database. The data suggest that the proposed extension will result in an increase in daily movements, from 195 to 245, an increase of 50. The LHA does not consider this to be a significant material intensification of movements to or from the site, when compared with the existing level of trip generation.

#### **Parking and Turning**

Parking provision and turning arrangement will remain unaffected by the proposed development, with 54 car parking spaces and 7 HGV spaces retained. WSCC Parking Standards for B8 Uses require one car parking space per 100 sqm of floorspace, which for a development of this size would set a requirement of at least 45 car parking spaces. Therefore, the existing level of parking provision is considered sufficient for the proposed development.

Cycle parking will remain unchanged, with 18 cycle parking spaces available outside, and secure informal cycle parking available within the building. This level of cycle parking provision is in accordance with WSCC Parking Standards for a development of this size.

## Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

### 6.3 CDC - Environmental Health Officer

#### **Further Comments received on 22 July, to supplement and clarify comments made on 4 July**

**The original warehouse incorporated gas protection measures as the development overlies a closed landfill site. These measures included a gas collection system and impermeable gas membrane within the floor design. The Hydrock Consultant's report submitted with the application has highlighted the need for additional site investigation works to be carried out at the site in order to enable appropriate gas protection measures to be designed and put in place at the new development. We agree with this conclusion. The extension will need to be designed so that it does not obstruct the gas protection measures present in the existing building and appropriate measures should also be built into the extension area. It is recommended conditions are applied to require the further site investigation works and development of a gas remediation scheme to be undertaken. Conditions PC21 and PC22 should be applied. In order to verify these works have taken place condition PO14 should also be applied.**

**With respect to the bund, it is noted that it will be partly removed in order to facilitate the extension. The contractors must ensure the existing vent trench to the west of the bund is not compromised as a result of the development works. (If any disturbance occurs it must be repaired so the vent trench is still effective). It is noted that there will be a condition to ensure that any material found to be contaminated will be removed to a registered landfill site.**

#### **Comments received 4 July in response to agent email of 27 June clarifying points made at 15 June committee**

**With respect to land contamination, I note the response made by the agent. The recommendations of the report on land contamination submitted with the application (Hydrock report dated 29 Oct 2021) highlighted the need for additional site investigation to characterise the site (and assess the current gassing regime) in order to risk assess the site and develop mitigation measures. It is recommended that this further work is achieved by way of a condition (as suggested in the EP response made previously).**

**With respect to the bund, it is noted that it will be removed in order to facilitate the extension. The contractors must also ensure that the existing vent trench is not compromised as a result of the development (and if any disturbance occurs this is repaired so the vent trench is still effective). I note that there will be a condition to ensure that any material found to be contaminated will be removed to a registered site and this is welcomed.**

## Original comments

### Land Contamination

A geo-environmental desk study report has been submitted produced by Hydrock dated 29 Oct 2021 (ref 20288-HYD-XX-XX-RP-GE-0001). The report has followed appropriate methodologies and referred to relevant guidance and includes a site visit and preliminary risk assessment. The report concludes in section 5 that additional site investigation work is necessary in order to fully risk assess the site and enable development of mitigation measures. We agree with the conclusions of the report and conditions PC21, PC22 and PO14 should be applied in order to enable a phased risk assessment and if necessary, remediation of the site to be carried out. It should be noted that the original warehouse incorporated gas protection measures within the foundation design and the extension should be designed so that these measures are not compromised.

The applicant must ensure that section 5.2 of the report relating to waste classification of soil within the existing bund and elsewhere on the site is carried out in order to ensure this material is disposed of to an appropriately licensed waste site.

### Noise (Operational)

A noise impact assessment has been submitted produced by Hydrock dated 13 September 2021 (ref 20288-HYD-ZZ-XX-RP-Y-1001). The report has followed appropriate methodologies and referred to recognised guidance and includes baseline noise monitoring and assessment of different sources of noise that the development will generate. The report concludes in section 12 that:

- Noise from additional operational site HGV and car traffic and delivery activities is predicted to be similar to existing permitted operational conditions, and therefore any impact would be negligible.
- Noise from operation of the proposed development is below existing background sound levels and is predicted to have a low impact on local sensitive receptors when assessed in line with BS4142:2014.

The report suggests additional best practice measures to further control noise which the applicant should consider implanting (where not already being implemented), see section 8.5 of the report. In addition, a condition should be applied to ensure the new extension is only used during the same hours as the rest of the building (ie deliveries between 0700 - 1900 hours only). We agree with the assessment but as the predicted noise is only 1dB below the background noise level (LA90) noise management controls must be adhered to in order to avoid causing a noise impact.

In order to control noise impact from fixed plant at the site, design criteria are proposed in Table 22 of the report. We agree with these design criteria and a condition should be applied to ensure that if additional external fixed plant is to be installed, the noise level at the nearest noise sensitive receptor will be acceptable. The following is suggested:

The noise rating level of fixed plant should not exceed the following criteria at the nearest noise sensitive receptor:

Proposed Plant Limits BS4142:2014 guidance for low background noise levels

| Parameter   | Period                          | Noise Levels, dB |
|-------------|---------------------------------|------------------|
| LAr, 1hour  | Daytime (0700hrs to 2300hrs)    | 41               |
| LAr, 15mins | Night Time (2300hrs to 0700hrs) | 30               |

#### Air Quality

An air quality assessment has not been submitted but a Transport Assessment has been produced by Hydrock dated 30 September 2021 re 20288-HYD-XX-XX-RP-TP-4001. The Transport Assessment indicates that there will be an increase in light vehicle movements associated with the development but no increase in HGVs is expected. The development is not located within an Air Quality Management Area and the scale of development is not of a size that triggers the requirement to undertake an air quality assessment with respect to the operation of the development. An air quality assessment should be submitted relating to the construction works and it is suggested that the guidance produced by IAQM (Guidance on the Assessment of Dust from Demolition and Construction 2014) is followed in this regard. The construction air quality assessment should be secured by condition.

#### Construction Noise

Section 11 of the noise impact assessment gives details of management of construction noise in order to control and limit noise and vibration so that affected properties and other sensitive receptors are protected from excessive noise and vibration levels. The proposals in the NMP should be implemented by way of a condition. The NMP could form part of a Construction Environmental Management Plan (CEMP) for the development or be a stand-alone document. Table 1: Transient Vibration Guide Values for Cosmetic Damage (page 29) should be noted within the NMP if piling is proposed as part of the construction work. It is suggested that a condition is applied to require a CEMP to be submitted for approval prior to commencement of construction works at the site and the applicant should indicate if piling is proposed as part of the construction works.

#### Lighting

Given the distance to the residential properties to the west, a lighting scheme should be submitted for approval prior to installation to ensure that light pollution will not occur at the nearby properties.

#### 6.4 CDC - Archaeological Officer

This is part of the site of a mid. 20th century gravel quarry and landfill. In the circumstances it is very unlikely that anything of archaeological interest will have survived, and there is therefore no objection or any need for mitigation measures.



## 6.5 CDC - Drainage Engineer

### Revised comments received 18 May 2022

We commented previously (11th March) at which stage we raised a number of concerns and were not satisfied that the proposal would not increase flood risk.

The current proposal is to drain all additional roof to a new soakaway, immediately north of the proposed extension. Historic monitoring of the site indicates that the ground will be suitable for soakaways in this location, however we would still expect additional testing / monitoring to support the detailed design, especially given the nature of the wider site (significant areas of made ground). Percolation tests should be completed at the location and depth of the proposed soakaway.

We are satisfied that the current proposal addresses all of our previous concerns. The current proposal is also acceptable in principle and based on all the information currently available should adequately drain the development.

If you are minded to approve the application we recommend the following condition is applied to ensure the development is adequately drained:

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

Surface Water Drainage Proposal Checklist: The council has created a 'Surface Water Drainage Proposal Checklist' document that can be found in the 'downloadable documents' box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the council's expectations and requirements for Surface Water Drainage Proposals. If pre-commencement surface water conditions are applied to the application this document should be used for any subsequent 'Discharge of Conditions Applications'.

### Original Comments

#### Flood Risk

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

## Surface Water Drainage

We are not satisfied that the current proposal will not increase flood risk and therefore recommend the application is not approved until further details have been submitted. We have the following concerns:

- There does not appear to be any means of restricting flow from the additional impermeable area, which could increase flood risk off-site. The drawing states that the tank will "overflow" into "existing network".
- We have concerns regarding this "existing network", the report states it is "presumed that there are public sewers", are records indicate no public surface water sewers on or abutting the site. The report also suggests currently that surface water heads towards the NW of the site. We are concerned that this may mean it goes to a soakaway, which may be within 5m of the proposed new building, and is unlikely to be designed to accommodate the additional flows.
- The Drainage Strategy includes calculations that require 113m<sup>3</sup> storage, yet the tank proposed is only 1m<sup>3</sup>, we can of course also only consider the storage above the invert of the outlet, which means that actual storage will be a lot less than the 1m<sup>3</sup> if it is to store water for re-use.

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.

## 6.6 CDC - Environmental Strategy

### Bats

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

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

### Nesting Birds

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

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

Hedgehogs

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

A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

## **6.7 CDC Arboriculturist**

### **Comments following clarification sought by officers on Ash Trees (18.08.2022)**

**In the evidence submitted by Urban Nature Tree Surgery Ltd (report date 21/06/22), the attached photos show deadwood, odd canker (more likely Ash Canker rather than Ash die-back) and a small clump of leaves dead, perhaps from a damaged branch than being diseased, as I would have expected to see more evidence like that (dead foliage) around that particular tree.**

**On my visual inspection of the Ash trees they all seemed to be in an adequately sound and healthy condition (after over a month of no rain/heatwave).**

**The issue of conditioning replacement planting of potentially diseased Ash trees may be difficult in terms of time scales. The condition might expire before the Ash trees die or get to a state where removal (on safety grounds) seems necessary.**

**However, planting suitable replacement trees for the Ash trees now could be deemed a reasonable option/solution, to facilitate the installation of the new soakaway and as an option (now) to remove all the Ash trees due to a pending likelihood of succumbing from Ash die-back disease. The replacement trees would need to be planted as extra heavy standards to create an immediate vegetative impact. I would state that the new trees should not be planted on the top of the bund as they would struggle to survive, especially in the recent heatwave we have just had. This option would enable the landscape condition to work.**

### **Original comments 01.08.2022**

**There is a bund which has vegetation on the top (trees, shrubbery and bramble) and on the western side has a clump of Ash and Birch trees in the north-west corner, a large Horse Chestnut tree, then a line of 3 no. Birch trees, a gap then a line of 3 no. Ash trees, a gap and then 2 no. Alder trees.**

**There were a line/clump of London Plane trees with other vegetation (Shrubbery) in the south-west corner and along the south side of the building. On the northern boundary seem to be a line of Ash with Birch and in the north-east corner dead Elm trees (approx. 6 no. were dead).**

**I did not see any obvious signs of Ash die-back disease on any of the Ash trees on the western side or in the top north-west corner of the site and they currently seemed to be in adequately sound and healthy conditions.**

**There was tape around trees in the north-west and just down the western side of the building. Not clear (even from the plans) which trees or vegetation is proposed to be removed or if a section of the bund is being removed? However, the proposed planting would enable the vegetation to sustain maintain a vegetative screen.**

## **6.8 Third Party Representations**

There have been 16 no. third party objections in relation to this application, raising the following issues:

- Proximity to houses on Pitcroft
- Does not trust that building will be built in accordance with plans
- Concerns about increased noise and pollution
- Removal of screening buffer
- Concerns about building appearance
- Effect on light to properties
- Concerns about wildlife on site including stag beetles
- Land on the opposite side could be used
- Doesn't consider use of brownfield sites
- Create poor quality urban environment
- Does not fit with the character of the area
- Does not consider the previous permissions
- Concerns about construction noise and traffic
- Concerns about light pollution
- Any replacement trees must be guaranteed for 5 years
- Concerns about accuracy or completeness of information provided with the application
- Lack of consultation with residents by developer
- The bund was secured by the previous planning permission

There has been 1no. third party comment neither in support nor objection

## **7.0 Planning Policy**

### **The Development Plan**

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

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 8: Transport and Accessibility

Policy 10: Chichester City Development Principles

Policy 11: Chichester City Employment Sites

Policy 13: Chichester City Transport Strategy

Policy 26: Existing Employment Sites

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Construction and Design

Policy 42: Flood Risk

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 52: Green Infrastructure

#### 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 and 15. 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 (2016).
- The CDC Design Protocol (December 2013).

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
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

### **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of Development
- ii. Appearance, scale, and massing
- iii. Residential amenity
- iv. Landscaping
- v. Ecology
- vi. Drainage
- vii. Highways impact

#### i. Principle of Development

8.2 In general, the Chichester Local Plan (CLP) is supportive of the principle of developing, expanding and upgrading business uses in the District.

8.3 The application site is located within the defined settlement boundary of Chichester City. Policy 2 of the CLP encourages employment development within the city. The policy also outlines that there is a presumption in favour of sustainable development within the Settlement Boundaries.

8.4 Policy 3 of the CLP states that sustainable growth of the local economy will be supported through the provision of a flexible supply of employment land and premises to meet the varying needs of different economic sectors. The Policy seeks to achieve this via a range of methods, including via protecting and enhancing existing employment sites and premises to meet the needs of modern business. The application relates to the proposed extension of an existing business premises to expand the occupant's business practices.

- 8.5 In addition, policy 10 seeks to support new development, infrastructure and facilities while conserving and enhancing the city's historic character and heritage and policy 11 states that the Council will support the refurbishment and redevelopment of premises for business purposes.
- 8.6 Policy 26 expressly addresses the CLPs stance on proposed development on existing employment sites. It states that planning permission will be granted for development of employment floorspace, refurbishment, upgrading or modernisation of existing premises, and/or proposals which make more efficient use of underused employment sites and premises where it has been demonstrated that:
- There is no material increase in noise levels resulting from machinery usage, vehicle movement, or other activity on the site, which would be likely to unacceptably disturb occupants of nearby residential properties or be of a scale that is likely to cause unacceptable harm to the enjoyment of the countryside; and
  - The proposal does not generate unacceptable levels of traffic movement, soil, water, odour or air pollution and there is no adverse impact resulting from artificial lighting on the occupants of nearby residential properties or on the appearance of the site in the landscape.
- 8.7 It is therefore considered the policies of the CLP support the principle of the proposed development. This is also supported by the provisions of the NPPF. Paragraph 81 of the NPPF states that 'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. Paragraph 119 of the NPPF states (inter alia) that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 8.8 Based on the consideration of the relevant policies, it is considered that the proposals constitute the expansion of an existing employment site and commercial use on a brownfield site within the defined settlement boundary of the District's largest settlement and is therefore acceptable in principle, subject to the detail considerations below.

#### ii. Appearance, scale, and massing

- 8.9 It is proposed that the existing warehouse building would be extended to the west. The proposed extension would be of a commercial design with a proposed height of 9.25m (the same as the existing eaves height), in-keeping with the scale of the existing building and surrounding employment uses. The extended element would have a flat roof profile, set against the pitched roof profile of the main existing warehouse building, which is currently approximately 11m in height at the ridge. The elevations would reflect the appearance of the existing building in terms of use of materials and functional design approach. There are no proposed windows within the extension, only pedestrian access doors to each elevation.

**8.9a At the 15 June meeting, there were questions about site levels and the potential impact of the feeling of scale of the proposed extension. The submitted topographical survey shows that the site is predominantly flat (with the exception of the bund) and the proposed floor level of the extension would be the same as the existing warehouse. Furthermore, it was asked during the site visit whether there would be a difference in site levels between the application site and the development at Phase 9a of the Graylingwell site to the north. Having reviewed the topographical survey and the levels information approved by the Council in discharging condition 6 (site levels and sections) of the outline permission for Graylingwell (14/01018/OUT) in relation to Phase 9a, officers are satisfied that there would be a satisfactory relationship between the two sites (21/03357/DOC). The manhole shown on the Phase 9a site adjacent to the northern boundary of the application site is not proposed to be retained on competition, with the approved drainage strategy showing a shallow inspection chamber in this location (21/02644/NMA).**

8.10 It is acknowledged that Chichester City Council comment the proposal would have an 'urbanising impact on the area's green and open suburban character'. However, the area is characterised by a mix of residential development (existing and emerging) and commercial premises, and it is considered that the proposed extension would not alter this existing character.

8.11 Overall, it is considered that the proposed extension would assimilate well into the main building, and would be of an acceptable scale, bulk, and detailed design. It is considered that the proposal would be in-keeping with the scale of design of other commercial buildings in the vicinity of Barnfield Drive and the mixed-use nature of the area.

### iii. Residential amenity

#### Visual Impact

8.12 There have been a number of concerns raised about matters relating to residential amenity by neighbours of the application site, namely on The Pitcroft, the road immediately to the west of the application, fronting onto the location of the proposed extension.

8.13 The NPPF states at paragraph 130 that planning decision should (inter alia) ensure a good quality of amenity for existing and future users of a particular place, that does not undermine quality of life. Policy 33 of the CLP includes requirements to protect the amenities of neighbouring properties.

8.14 The proposed extension to the building would result in a 26m separation distance between the proposed extension from the existing neighbouring properties to the **west** of the site which front onto The Pitcroft, and a 21m separation distance to the residential properties that have been approved to the north, (but not yet constructed).



8.15 Whilst there is no set guidance for separation distances between existing housing and proposed commercial buildings, the Council does have guidance for household separation distances which offers insight into the types of neighbouring relationships that are considered to be acceptable in terms of outlook, light, privacy, and sense of enclosure. This is contained within the Chichester District Council Development Management Service Planning Guidance Note 3 - Design Guidelines for Alterations to Dwellings & Extensions (Revised September 2009). Within this guidance in respect of the relationship between dwellings facing a side elevation of another dwelling (which most likely has limited windows and outlook, much like the proposed commercial extension) the normal requirement is a distance of 10 metres for two storey development and, more pertinent in this case, 15 metres for three storey development. The proposed height of the extension would be 9.25m, roughly equivalent to a three-storey building. The proposed distances of 26m from The Pitcroft and 21m from the new development to the north far exceed this guidance for the purposes of residential amenity. As such, if the proposed development was residential, the separation distance would be considered to be acceptable, with no significant impact in terms of loss of light, overbearing impact or sense of enclosure. The only difference in terms of outlook in this case appears to be the materials, which would be commercial in nature, but in-keeping with the existing building. In addition, screening is proposed to the western elevation (as discussed in section iv.). Whilst there is less prospect of overlooking from a proposed warehouse, it is acknowledged that the proposal would have more noise generating impacts when compared to the relationship between residential properties; however the noise impacts are discussed separately below.

**8.15a It is noted that during the 15 June meeting, there were some questions about whether there was space on the eastern side of the existing premises to accommodate the proposed extension rather than using land facing towards The Pitcroft. The applicants have confirmed that whilst this was considered, the space to the east is the existing service yard/staff parking and the ability for loading/unloading/turning of service vehicles would be compromised by such an arrangement.**

8.16 In relation to the approved residential development to the north, it is also relevant to note that the proposed extension in this case would match the same (north) building line of the main warehouse and would not project further north towards the approved residential dwellings (ref. 20/02905/REM).

8.17 Given the separation distances, along with the proposed screening (as detailed further in section iv.), it is not considered that the proposed development would have a significant impact on neighbouring amenity, in terms of loss of light, outlook or increased sense of enclosure.

#### Noise Impacts

8.18 Policy 26 of the Local Plan requires proposals for the upgrading of commercial premises to demonstrate no additional noise impact on nearby residential uses. There is an existing residential development to the west of the site, a use which is considered to be sensitive to commercial noise. As noted above, there is also a residential development under construction to the north of the site.

- 8.19 The proposed extension is to facilitate additional storage space and does not include any additional workshop space, which is contained within the existing warehousing contained within the existing building. In terms of noise and the impact on residential amenity, the submitted Noise Impact Assessment finds that noise from additional HGV movements, car traffic and delivery activities is predicted to be similar to existing permitted operational conditions, and therefore any impact would be negligible.
- 8.20 In addition, the noise generated from the operation of the proposed development would be below existing background sound levels and is predicted to have a low impact on local sensitive receptors. This includes noise from forklift reversing alarms and vehicle movements. The report suggests additional best practice measures to further control noise such as using 'non-tonal' reversing alarms and a 'Quiet Delivery System' which can include measures such as keeping doors closed, switching off engines, personnel awareness of noise management measures and appropriate manual handling practices.
- 8.21 Noise from the proposed future plant at the site has also been considered within the noise report. The details in the report show that noise levels would also be within acceptable limits.
- 8.22 The Council's Environmental Protection Officer (EPO) is in agreement with the findings of the noise report. Full implementation of, and compliance with, the noise report is recommended to be secured by condition. In addition, it is recommended that a condition is applied to ensure the new extension is only used during the same hours as the rest of the building (7am - 6pm Monday to Friday, 7am - 1pm Saturdays and closed Sundays and Bank Holidays).
- 8.23 Whilst it is clear that the building would become closer to the properties on The Pitcroft, including the removal of the bund on the western edge of the site, the EPO agrees that the majority of the noise generating activity would occur in the delivery yard on the east side of the building and is considered to be similar to the existing activity level of the site, and the building itself provides a noise barrier to properties to the west.
- 8.24 Given the consideration of the points above, it is considered that the proposals would not be create a harmful noise impact on the neighbouring residential properties.
- 8.25 To summarise, having considered that potential impact of both the physical works to the building and the operations undertaken with it, it is considered that the scheme would not have a harmful impact on residential in terms of outlook, light, sense of enclosure or noise.

#### iv. Landscaping

- 8.26 The proposed landscaping scheme for the site relates mostly to the western edge of the site to provide screening to the western elevation of the proposed extension.
- 8.27 At present, the western edge of the site includes an approximately 2.3m high bund extending along the boundary. There is existing vegetation on the bund which provides some screening to the existing building when viewed from The Pitcroft. The site is bounded by a security fence approximately 2.35m in height with trees being located between the fence and the bund, adding further screening. The mix of vegetation types and heights add to the effect of the screening.

- 8.28 Residents have expressed concern about the loss of the bund and the vegetation upon it, mostly in terms of appearance but also in relation to ecology, the latter of which is discussed separately below.
- 8.29 In relation to appearance, the applicants have provided details of the landscape proposals that might otherwise be secured via condition. The proposals include increased tree and other lower-level planting along the western boundary of the site (as show in plans 1906-PP-300 Rev C and 21012-HNW-XX-00-DR-A-1021 Revs P02/03). The proposed landscaping would enhance the retained landscaping following the **partial** removal of the bund in order to maintain a strong visual boundary in this location. **It is proposed to retain approximately one third of the existing bund, the section closest to the western boundary. The purpose of this is to maintain the root protection zone of the existing mature trees behind the western chain link fence and to maintain an element of screening. At the 15 June meeting members requested clarification on how the retained eastern bank, angled at 60 degrees, would be stabilised. The applicant proposes to achieve this by using a coir matting geotextile reinforcement method, which uses coir fibre, jute net and jute thread to create reinforcement blocks to support the bund. The information states that typical applications of these blocks include erosion control, re-vegetation, stream bank stabilisation, soil erosion control, river embankments and landscaping. Full details are recommended to be secured by condition.**
- 8.29a **The applicants have since commissioned a new tree survey. The applicants advised that this was due to concerns about ash dieback. It is now proposed that as well as the loss of 2 trees to accommodate the proposed extension, 1 to accommodate the soakaway and one Class U tree, 17 ash trees would also be removed from northern boundary due to ash dieback found. This would result in the retention of 29 existing trees (13 to north, 9 to west and 7 to south of the existing building). The Council's arboriculturist believes the ash trees are currently healthy but agrees that if suitable replacements can be provided, the felling of the ash trees, which would be susceptible to future disease, would be acceptable.**
- 8.30 ~~The submitted planting plan (1906-PP-300 Rev C) shows 15 new native trees along the boundary including 5no. Field Maple (Acer Campestre), 5no. Black Alder (Alnus Glutinosa) and 5no. Rowan (Sorbus Aucuparia).~~ **An updated planting plan (1906-PP-300 Rev F) has been provided in light of this. It shows 34 new native trees along the boundary (previously 15 new trees were proposed) including 13no. Field Maple (Acer Campestre), 11no. Black Alder (Alnus Glutinosa) and 10no. Rowan (Sorbus Aucuparia). These would be of a standard (semi-mature) size at the time of planting, with a girth size of 20-25cm and a minimum height of 4.5m. The eventual heights would be up to 15m for the Rowan trees, up to 18m for the Field Maple trees and 20m for the Black Alder trees. The new thicket planting would be made up of a mix of 478 native plants, covering a total area of 478 m<sup>2</sup> (1 plant per m<sup>2</sup>) with heights ranging from 60 - 100cm. Whilst the applicant considered that there is potential for further tree/shrub planting on the grass verge between the chain link fence and the knee-rail fence fronting The Pitcroft (site boundary), they considered it preferable that this is maintained for publicly available amenity/dog-walking purposes.**

**8.30a** In terms of the resulting soil from the removed bund area, it is understood from the site visit that some soil may be redistributed to the end of the existing bund. Details would need to be secured via the recommended landscaping condition (16) as this information is not provided with the application at present. The remaining topsoil would need to be removed from site in the appropriate manner, with informative 2 recommended to address this.

8.31 In terms of the maintenance of the planting, the applicant proposes measures including weed control, watering and replacement of tree which dies within the first 5 years. This can be secured by condition, **as recommended by condition 16.**

8.32 Overall it is considered that the planting proposed, along with the maintenance measures indicated, are sufficient to maintain a good level of quality screening of the proposed extension to retain the sense of a green boundary to the western edge of the site and ensure an acceptable appearance of the site.

#### v. Ecology

8.33 In relation to the proposed extension and the resultant loss of the existing bund and vegetation upon it, as discussed above, the Council's Environmental Strategy officer does not object to the loss of this area. In order to protect any nesting birds or hedgehogs, conditions are recommended to ensure works are undertaken outside of the respective nesting periods and use the correct methodology. Any future lighting scheme would also need to be submitted and approved by the Local Planning Authority to ensure no disturbance to bats. A condition is recommended to secure this.

8.34 In terms of ecological enhancements, it is recommended that conditions are imposed to require the provision of bird and bat boxes on the building and the provision of a hedgehog house to be made within the grounds.

**8.34a** It is noted that members had queries about further biodiversity gains at the 15 June meeting. The applicant has already agreed to make the above ecological enhancements to the scheme. As indicated elsewhere in this report, the applicant has considered additional tree/shrub planting on the grass verge beyond the chain link fence towards the knee-rail fence which forms the site's western boundary but they considered it preferable to maintain this area for publicly available amenity/dog-walking purposes. It is considered by officers that the proposals achieve the correct balance between providing ecological enhancements whilst retaining an area of publicly accessible space which residents have expressed a preference for retaining.

## vi. Drainage

- 8.35 It is understood that the surface water run-off generated at the site as existing is drained via soakaway. The proposal for drainage in relation to the extension is to drain the surface water run-off created by the additional roof area through gutters and downpipes to a new soakaway, to be located immediately north of the proposed extension, with the rest of the site's surface water continuing to drain to the existing soakaway. The Drainage Strategy provided with the application states that the new soakaway has been designed to cater for the 100 year storm event including an allowance of +40% for climate change. It is proposed to provide a geocellular soakaway tank of dimensions ~~5.0m x 9.0m x 0.8m~~ **4.0m x 11.25m x 0.8m, the location of which is shown on plan 21012-HNW-XX-00-DR-A-1011.**
- 8.36 This proposal is considered acceptable in principle by the Council's drainage engineer. Historic monitoring of the site indicates that the ground would be suitable for soakaways in this location. Additional infiltration testing and groundwater monitoring is advised by the Council's drainage engineer to support the detailed design, but the drainage officer is satisfied that this additional information to support the drainage scheme can be secured via condition. **Condition 6 is recommended to ensure that the proposed soakaway will not adversely impact on the existing soakaway, to ensure all features can operate appropriately.**

## vii. Highways impact

- 8.37 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.38 **The Transport Assessment for this application states that there are typically 3 HGV deliveries per day.** The application is supported by trip generation data which suggests that the proposed extension will result in an increase in daily movements, from 195 to 245, an increase of 50. WSCC as the Local Highways Authority does not consider this to be a significant material intensification of movements to or from the site, when compared with the existing level of trip generation. In addition, they do not consider there to be any visibility concerns with the existing point of access.
- 8.39 Parking provision and turning arrangements would remain unaffected by the proposed development, with 54 car parking spaces and 7 HGV spaces retained. WSCC Parking Standards for B8 Uses (now Class E) require one car parking space per 100 sqm of floorspace, which for a development of this size would set a requirement of at least 45 car parking spaces. Therefore, the existing level of parking provision is considered sufficient for the proposed development.
- 8.40 Cycle parking provision would remain unchanged, with 18 cycle parking spaces available outside, and secure informal cycle parking available within the building. This level of cycle parking provision is in accordance with WSCC Parking Standards for a development of this size.
- 8.41 As such, it is considered that the proposed development would not have a significant impact in terms of highways safety, amenity or traffic generation.

## Other Matters

8.42 Conditions are recommended to address the other considerations related to this application, as below:

- A Construction Environment Management Plan to be submitted and approved to minimise disruption during construction. It is considered that this condition would adequately secure measures relating to air quality from construction dust, along with the management of other construction activities, without the need for a standalone Construction Air Quality Assessment which may result in duplication. This approach has recently been adopted by Planning Appeal Inspectors (APP/L3815/W/22/3291594 Land south of Church Road and APP/L3815/W/21/3280933 Land at Flat Farm).
- A lighting scheme to be submitted and approved to ensure that any external lighting does not disrupt nearby properties.
- Land contamination conditions in order to enable a phased risk assessment and if necessary, remediation of the site to be carried out, in addition to a condition requiring compliance with the geo-environmental desk-based report.

**8.42a Clarification is provided on matters of land contamination following the 15 June meeting. As the Council's Environmental Protection Officer has noted, the original warehouse incorporates gas protection measures within the foundation design. These measures included a gas collection system and impermeable gas membrane within the floor design. The applicant advised that the proposed extension would be designed so that these measures are not compromised through the Technical Design Stage, ensuring that the combined existing building and proposed extension meets statutory obligations including Building Regulations. A condition is recommended requiring additional site investigation works to be carried out at the site (conditions 9-11 refer). A further condition is also recommended requiring the extension to be designed so that it does not obstruct the gas protection measures present in the existing building and that appropriate mitigation measures are incorporated into the proposed extension (condition 8 refers). Finally, the existing gas venting trench to the west of the existing bund is to be retained and would be unaffected by this proposal, compliance with which is recommended to be secured via condition (condition 6 refers).**

**8.42b To provide further clarification in relation to a comment at the 15 June committee, the existing bund consists entirely of excess topsoil and contains no membrane associated with the former use of part of the site for landfill. Informative 2 reminds the applicant of the need to dispose of any waste soil (within the existing bund or elsewhere on the site) at an appropriately licensed waste site.**

## Conclusion

8.43 Based on the above considerations, it is considered the proposal complies with development plan policies and provisions of the NPPF and therefore the application is recommended for approval subject to conditions.

## Human Rights

8.44 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 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) The development hereby permitted shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. **This should include details of the proposed soakaway and any impact on the existing soakaway.** The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. The extension shall not be occupied until the complete surface water drainage system serving the extension has been implemented in accordance with the agreed scheme.

Reason: These details are necessary pre-commencement to ensure that the site is adequately drained.

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,

- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction.

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

**5) No development shall commence until plans of the site showing details of the proposed finished floor level of the extension and proposed ground levels, including the ground level and height of the retained bund and any new bunding resulting from redistributed soil from the existing bund, have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.**

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



**6) Prior to the commencement of the development hereby permitted, full details showing the exact position of the proposed soakaway in relation to the location of the existing venting trench and the existing soakaway shall be submitted to and approved by the Local Planning Authority to ensure that all features can operate appropriately (including taking account of existing and proposed tree roots), features will not overlap and the new soakaway is sited to minimise the loss of any vegetation. Thereafter, the soakaway shall be installed and maintained in accordance with the approved details.**

**Reason: In the interests of amenity and public safety and to ensure all features can function appropriately.**

**7) Prior to the commencement of the development hereby permitted, full details of the method as to how the existing bund will be reinforced and landscaped to ensure its long-term stability shall be submitted to and approved by the Local Planning Authority. Thereafter, the works shall be undertaken and maintained in accordance with the approved details.**

**Reason: In the interests of amenity and to ensure the long-term stability of the feature.**

**8) Prior to the commencement of the development hereby permitted, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:**

- **details showing how the extension will be designed so as not to obstruct the gas protection measures present in the existing building,**
- **details showing how the extension will be constructed so as not to obstruct, damage or any way compromise the gas protection measures present in the existing building, and**
- **details of the gas protection measures proposed to be incorporated in the extension and how these measures will work tie in with the gas protection measures in the existing building.**

**Thereafter, the works shall be undertaken and maintained in accordance with the approved details.**

**Reason: In the interests of amenity and public safety and to ensure all features can function appropriately.**

**9) As the submitted geo-environmental desk study report produced by Hydrock dated 29 Oct 2021 (ref 20288-HYD-XX-XX-RP-GE-0001) identifies contaminant linkages that require further investigation, no development shall commence until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.**

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

10) If the Phase 2 report submitted pursuant to **condition 9** identifies that site remediation is required then no development shall commence until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

11) If pursuant to **conditions 9 and 10** a contamination land remediation scheme is required the extension hereby permitted shall not be first occupied until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

12) Prior to first use of the extension hereby permitted, ecological enhancements shall be provided in accordance with a scheme that shall first have been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include the following measures:

- a bat box to be installed on the building facing south/south westerly positioned 3-5m above ground.
- a bird box to be installed on the building or tree within the application site
- a hedgehog nesting box to be included on the site.

Thereafter, the development shall be undertaken in accordance with the approved details which shall thereafter be retained in perpetuity.

Reason: in the interest of protecting and enhancing biodiversity

13) Notwithstanding the provision of the Town and Country Planning (General permitted development) Order 2015, as amended, there shall be no external lighting provided within the site other than in accordance with a scheme that shall first be submitted to and be approved in writing by the Local Planning Authority. Any submitted scheme shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation. The lighting scheme shall take into consideration the presence of bats in the local area and shall minimise potential impacts to any bats using trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional lighting sources and shielding.

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

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

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

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

15) During construction of the development hereby permitted, the following ecological protection measures shall apply:

- no works to the trees or vegetation clearance on the site shall be undertaken within the bird breeding season (1st March - 1st October) unless otherwise agreed in writing by the Local Planning Authority ~~in which case the site shall also be assessed by a suitably qualified Ecologist before any works take place (within 24 hours of any work).~~

- Any brush piles, compost and debris piles on site which could provide shelter areas and hibernation potential for hedgehogs shall only be removed outside of the hibernation period (mid-October to mid-March inclusive). These piles must undergo soft demolition. If any small mammals including hedgehogs are found, relocation away from the construction area into surrounding suitable habitats shall be undertaken.

- **Prior to vegetation clearance of the bund, the site shall be assessed by a suitably qualified Ecologist before any works take place (within 24 hours of any work).**

Reason: in the interest of protecting and enhancing biodiversity

**16) 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 be in general accordance with Planting Plan (1906-PP-300 Rev F dated 08/09/2021) and Landscape Management Plan (MP/600 dated November 2021) and include details of any redistributed soil removed from the existing bund. The details shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition, all existing trees and vegetation 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. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.**

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

17) The development hereby permitted shall be constructed and thereafter used and maintained in strict accordance with the Noise Impact Assessment ref 20288-HYD-ZZ-XX-RP-Y-1001 (date 13/09/2021) unless otherwise agreed upon in writing by the Local Planning Authority.

Reasons: in the interests of residential amenity.

18) 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.

19) The premises shall not be used except between the hours of:

07.00 and 18.00 Monday to Friday

07.00 and 13.00 on Saturdays

and at no time on Sundays, bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

## Decided Plans

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

| Details                    | Reference                        | Version        | Date Received     | Status          |
|----------------------------|----------------------------------|----------------|-------------------|-----------------|
| <b>PLAN -</b>              | <b>1906_PP_300</b>               | <b>REV F</b>   | <b>06.07.2022</b> | <b>Approved</b> |
| PLAN -                     | 21012-HNW-XX-00-DR-A-1160        | REV P04        | 19.05.2022        | Approved        |
| PLAN -                     | 21012-HNW-XX-00-DR-A-1021        | REV P04        | 19.05.2022        | Approved        |
| <b>PLAN -</b>              | <b>21012-HNW-XX-00-DR-A-1011</b> | <b>REV P01</b> | <b>06.07.2022</b> | <b>Approved</b> |
| <b>PLAN -</b>              | <b>21012-HNW-XX-00-DR-A-1010</b> | <b>REV P07</b> | <b>06.07.2022</b> | <b>Approved</b> |
| PLAN - location plan       | 21012-HNW-XX-00-DR-A-1000        | REV P03        | 21.12.2021        | Approved        |
| PLAN - PROPOSED ELEVATIONS | 21012-HNW-XX-00-DR-A-1020        | REV P05        | 21.12.2021        | 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) The applicant should ensure that section 5.2 of the geo-environmental desk study report produced by Hydrock dated 29 Oct 2021 (ref 20288-HYD-XX-XX-RP-GE-0001) relating to waste classification of soil within the existing bund and elsewhere

on the site is complied with in order to ensure this material is disposed of to an appropriately licensed waste site. This is a matter of licensing rather than planning.

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

3) When submitting lighting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone (to be specified for the circumstances) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" issued by the Institute of Lighting Professionals.

4) This permission is granted under the Town and Country Planning Act 1990 as amended and the applicant is advised to consult the legal owner of the tree prior to any works being carried out.

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

These make it an offence to:

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

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

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

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

6) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird

intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

7) The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the council's expectations and requirements for Surface Water Drainage Proposals. If pre-commencement surface water conditions are applied to the application this document should be used for any subsequent Discharge of Conditions Applications.

For further information on this application please contact Joanne Prichard on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R4H3CEERJ7Y00>

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## Chichester District Council Planning Committee

**Wednesday 07 September 2022**

### Report of the Director Of Planning and Environment Services Schedule of Planning

#### Appeals, Court and Policy Matters

**between 22-07-2022 - 16-08-2022**

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

**Note for public viewing via Chichester District Council web site**

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

\* = Committee level decision

#### 1. NEW APPEALS (Lodged)

| Reference/Procedure   | Proposal   |
|---|--|
| <a href="#"><u>21/03037/FUL</u></a>   |  |
| <b>Birdham Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><br><b>Written Representation</b> | Houseboat Karibuni Chichester Marina Birdham Chichester West Sussex PO20 7EJ<br><br>Replacement of Berth 30 Houseboat Karibuni with a Bluefield Houseboat and installation of H column cored and grouted anchoring system. |
| <a href="#"><u>22/00073/FUL</u></a>   |  |
| <b>Oving Parish</b><br><br><b>Case Officer: Emma Kierans</b><br><br><b>Written Representation</b>   | Land At 1 New Cottages Coach Road (South) Shopwhyke Oving Chichester West Sussex PO20 2BG<br><br>Proposed 2 storey detached 2 bedroom dwelling.  |

## 2. DECISIONS MADE

| Reference/Procedure   | Proposal   |
|---|--|
| <a href="#">20/00379/CONCOU</a>   |  |
| <p><b>Birdham Parish</b></p> <p><b>Case Officer: Shona Archer</b></p> <p><b>Informal Hearings</b></p>   | <p>Plot 13 Land North West Of Premier Business Park<br/>Birdham Road Appledram West Sussex</p> <p>Appeal against BI/47</p> |
| <p><b>Appeal Decision: APPEAL DISMISSED - NOTICE MODIFIED</b></p>   |  |
| <p>" Appeal A1 Ref: APP/L3815/C/18/3218777 Plot 12, Land North West of Premier Business Park, Birdham Road, Birdham, Chichester, West Sussex PO20 7BU ... The appeal is dismissed and the enforcement notice is upheld with a correction and variation ... Appeal A2 Ref: APP/L3815/W/18/3198239 Land rear of Premier Business Park, Plot 12, Birdham, Chichester PO20 7BU ... The appeal is dismissed. Appeal B3 Ref: APP/L3815/C/21/3285443 Land at Plot 13, north west of Premier Business Park, Birdham Road, Chichester, West Sussex PO20 7BU ... The appeal is dismissed and the enforcement notice is upheld with corrections and variations. Appeal B4 Ref: APP/L3815/W/18/3218768 Plot 13, Land South West of Premier Business Park, Birdham Road, Appledram PO20 7BU ... The appeal is dismissed. Appeal C1 Ref: APP/L3815/C/18/3218782 Plot 14, Land North West of Premier Business Park, Birdham Road, Chichester, West Sussex PO20 7BU ... The appeal is dismissed and the enforcement notice is upheld with corrections and variation ... Appeal C2 Ref: APP/L3815/W/18/3198240 Plot 14, Land rear of Premier Business Park, Main Road, Birdham, Chichester PO20 7BU ... The appeal is dismissed.....The sites subject of these appeals are adjacent to one another.....The appeals were made by a number of individuals. However, the three sites have been purchased by the appellant .....The intention of Mr Knight is to residentially occupy plot 14 with his family, keep his horses in the stables at plot 13 and for his father, Mr Steven Knight, to residentially occupy plot 12. ... The enforcement notices in appeals A1, B1, B2 and C1 did not require the removal of the close boarded fence on the boundary of the site closest to the neighbouring Business Park as it was not identified on the plans attached to those notices. It is unclear when the fence was erected, or by whom. Nevertheless, it was discussed in full at the hearing and it was agreed that the close boarded fence to be removed is that fronting the access track and closest to plots 12 and 14. I note that the kennel building and kennel run have been removed from the site subject of appeal B3 such that the enforcement notice has been complied with in that regard. ....I note that some of the post and rail fences shown on the plans attached to the enforcement notices subject of appeals A1 and C1 have been replaced with close boarded fences. I shall remove reference to "close boarded" and "post and rail" on the enforcement notices to reflect those changes. As all these matters were discussed and agreed at the hearing, no injustice will be caused to the appellant or Council in making these corrections. Appeals A2, B4 and C2 relate to planning applications for residentially occupied caravans and associated operational development. ....if these appeals were allowed it would relate to the development on the site on the date of application. In the case of appeals A2 and C2 that would mean that</p> |  |

**Appeal Decision: APPEAL DISMISSED - NOTICE MODIFIED**  
**- Continued**

any planning permission would relate to the development on plots 12 and 14. In the case of appeal B4, the use of the land described in the application has ceased.... The Council have indicated that they are not certain that the occupants of the caravans are gypsies or travellers as defined in the Glossary to the planning policy for traveller sites.... understand that the occupiers were accepted as being gypsies or travellers for the purposes of the planning application on their previous site outside Chichester District. On the basis of the discussions at the hearing I am satisfied, on the balance of probability, that the occupants of the site are gypsies or travellers. Appeal B3 on Ground (b)...The appellant suggests that the reference to tarmac in the description of the breach of planning control and in the requirements of the notice is incorrect. They suggest the hardsurfacing is constructed of scalplings....I conclude that the appeal under ground (b) should succeed to that extent and I shall amend the enforcement notice to refer to scalplings rather than tarmac. Appeals A1, B3 and C1 on Ground (a) and Deemed Planning Applications Appeals A2 and C2 against the refusal of planning permission ... The area around the appeal sites comprises predominantly fields enclosed by hedges and woodland with sporadic development, appeal sites from the surrounding area are significantly restricted, although the site can be seen in views across the field from the public footpath between Birdham Road and Lock Lane. The sites comprise three pitches within a wider field that was developed with pitches for gypsy and traveller occupation, a smallholding and some open spaces. The other gypsy and traveller pitches and smallholding were subject of other enforcement notices. Some of these enforcement notices have been complied with; others are in the process of being complied with. ... The remainder of the field, once the other development is removed, is likely to be open. The site is some distance from the harbour and there isn't intervisibility between the site and water. Nevertheless, development has been introduced into what would otherwise be an open field. Light from the caravans and any outside lighting would affect the dark night sky,... I consider that the developments individually and cumulatively result in harm to the AONB... I note that there are similar forms of development within the AONB, principally holiday caravan sites and the boats in Chichester Marina and canal. However, these are established uses and boats,... I conclude that the developments, both individually and cumulatively, have resulted in harm to the landscape and scenic beauty of the Chichester Harbour AONB. ... They would not comply with ... the Birdham Neighbourhood Plan ... In addition, the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB. ... the appeal sites are close to the services and facilities provided in Birdham and with good access to the main road and public transport, providing access to the wider range of services and facilities in Chichester and Wittering. ...The appeal sites are located within 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA).... I note that the appellant has agreed pay a contribution toward mitigation of recreational disturbance within the SPA ... They have submitted calculations relating to the nitrogen budget, that the Council have indicated are likely to be considered accurate. The appellant has agreed the purchase of an additional plot to allow tree planting as mitigation. However, these have not been finalised and are not subject of legally binding agreements or consultation with Natural England. ... The Council accept that they do not have a five year supply of deliverable caravan pitches to meet the needs

of gypsies and travellers. There is an unmet need for 35 pitches. They are in the process of carrying out a Gypsy and Traveller Accommodation Assessment (GTAA) and Pitch Deliverability Assessment (PDA). ... I understand that the appellant occupies Plot 14 with his wife and four children. ... They were able to move onto the site during the lockdowns caused by Covid.. ... A permanent planning permission for occupation of these plots by this family would ensure a base for the family and security. ... The best interests of children are a primary consideration in considering this appeal. ... The appeal has been made on the basis of permanent occupation of the appeal site, but I am aware that a temporary or personal planning permission would be possible. ... However, there are specified exceptions, including where the land is within an AONB or protected under the Birds and Habitats Directives such as an SPA. I note that alternative sites would be identified in the DPD and that should be adopted and some alternative sites provided within three or five years. However, the need within the district is substantial and there is no certainty that any sites would be available to the appellant and his family within that timescale. Consequently, temporary and/or personal permissions would not be appropriate in this instance. Planning balance ... The Council have been unable to provide for the needs of gypsies and travellers in the district and there is a considerable unmet need. ... I have taken account of the best interests of the children as a primary consideration in this appeal. These material circumstances carry significant weight in the planning balance. However, the material circumstances identified do not outweigh the harm I have found to the AONB. On that basis, I consider that it is not necessary to carry out the appropriate assessment that would otherwise be required into the effect of the development on the SPA. I conclude that on balance the development does not accord with the development plan. Material considerations, including the best interests of children that is a primary consideration in this appeal, do not outweigh that conflict so my decision must be taken in accordance with the plan. The appeal on ground (a) therefore fails. Appeals A1, B3 and C1 on Ground (g) An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed. ... A period of 12 months would allow more time for the appellant to find alternative accommodation for his family. However, I do not accept that a further two months is necessary to enable removal of the operational development as that could be arranged within the 12 month period and removed relatively quickly. ... I conclude that the appeals under ground (g) should succeed and the period for compliance with the enforcement notices should be increased to a consistent 12 months...."

| Reference/Procedure  | Proposal   |
|--|--|
| <a href="#"><u>17/00356/CONMHC</u></a>   |  |
| <b>Birdham Parish</b><br><b>Case Officer: Shona Archer</b><br><b>Informal Hearings</b> | Plot 12 Land North West Of Premier Business Park<br>Birdham Road Appledram West Sussex<br><br>Without planning permission, change of use of the Land to the storage of a caravan and a highway maintenance vehicle used for white line painting. |
| <b>Appeal Decision: APPEAL DISMISSED - NOTICE UPHeld</b>                               |  |
| As above   |  |
| <a href="#"><u>17/00362/CONMHC</u></a>   |  |
| <b>Birdham Parish</b><br><b>Case Officer: Shona Archer</b><br><b>Informal Hearings</b> | Plot 14 Land North West Of Premier Business Park<br>Birdham Road Appledram West Sussex<br><br>Without planning permission change of use of the land to use as a residential caravan site.  |
| <b>Appeal Decision: APPEAL DISMISSED - NOTICE MODIFIED</b>                             |  |
| As above   |  |
| <a href="#"><u>17/00361/CONMHC</u></a>   |  |
| <b>Birdham Parish</b><br><b>Case Officer: Shona Archer</b><br><b>Informal Hearings</b> | Plot 13 Land North West Of Premier Business<br>Park Birdham Road Appledram West Sussex<br><br>Without planning permission, change of use of the Land to the storage of a caravan and a diesel fuel oil tank.                                     |
| <b>Appeal Decision: APPEAL DISMISSED</b>   |  |
| As above   |  |

| Reference/Procedure   | Proposal   |
|---|--|
| <a href="#">21/01920/PA16A</a>  |  |
| <p><b>East Wittering And Bracklesham Parish</b></p> <p><b>Case Officer: Calum Thomas</b></p> <p><b>Written Representation</b></p>   | <p>Car Park Northern Crescen East Wittering West Sussex</p> <p>Proposed 15.0m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.</p> |
| <b>Appeal Decision: APPEAL DISMISSED</b>  |  |
| <p>"... The appeal site lies within an area of mixed character, and is immediately adjacent to a car park, located to the rear of a shopping parade. This arrangement provides an open setting around the appeal site. the surrounding area is predominantly characterised by single- and two-storey properties, which give the locality a domestic scale. Street furniture along Northern Crescent is generally slim and modest in height, being to a large extent limited to road signs. ....The development would appear bulkier and significantly taller than any other built forms and features in the area, including the nearest street lamps. The monopole would be sited within proximity to trees, but these would offer little screening. ...the proposal would unduly stand out as a prominent addition highly visible above nearby dwellings, built development and trees, which would add clutter to the street scene, and detract from the character and appearance of the surrounding area. The appeal is supported by a sequential approach to site identification, which includes a number of discounted options ....Having regard to the available information, it is for example unclear whether the appellant has explored the possibility of erecting equipment on an existing building. Limited evidence has also presented to explain how the search for sites was carried out or how sites were selected for further consideration. Furthermore, the reasons provided to discount some of the sites are very brief, ....Whilst the colour of the equipment could be addressed by a suitably worded condition, this would not address the unacceptable harm which the development would cause to the surrounding area, although it is accepted that the largely residential nature of the locality may represent a constraint, there is insufficient information before me to demonstrate that there are no suitable alternatives to the appeal site. The Framework supports advanced, high quality and reliable communications infrastructure, which are considered essential for economic growth and social well-being. However, the siting and appearance of the development would cause unacceptable harm to the surrounding area, and I am not satisfied that the evidence before me demonstrates that there are no less harmful suitable alternatives to the appeal site. ...."</p> |  |
|   |  |

| Reference/Procedure   | Proposal   |
|---|--|
| <a href="#"><u>21/00300/FUL</u></a>   |  |
| <b>Loxwood Parish</b><br><br><b>Case Officer: Robert Young</b><br><br><b>Written Representation</b>   | Land At Loxwood Hall West Guildford<br>Road Loxwood Billingshurst West Sussex RH14 0QP<br><br>Erection of a detached dwelling. |
| <b>Appeal Decision: APPEAL DISMISSED</b>  |  |
| <p>“...The Appellant argues that Alfold Bars is a settlement within its own right and therefore, that development in the appeal site location is in accordance with policy 2. However, the appeal site is, as a matter of fact, outside of any of the listed settlements within the CLP and is not within any defined settlement boundary. As such, policy 2 does not apply to the appeal proposal. Policy 45 is the relevant policy as it applies to all sites outside of those defined settlement boundaries. Whilst the appeal scheme would make a limited contribution to local housing needs in general, there is no evidence to suggest that it would make a contribution to a specific need arising in the proposed location, nor, that it would require the countryside location to meet this need, nor that such a need could not be met within a settlement elsewhere. In this respect, the appeal scheme conflicts with policy 45 and it is therefore not acceptable in principle, in accordance with the development plan. ... the proposed development also does not relate well to the buildings which surround it, nor do its scale, siting, design and materials have only a minimal impact on the surrounding character. ... The Appellant has not identified any particular sites which make up the 5YHLS which would become undeliverable within the 5 year period and has not submitted detailed supporting evidence to counter the Council’s assessment that it does have a 5YHLS. However, for the reasons outlined above there are no material considerations which suggest the appeal should be determined other than in accordance with the development plan.... the proposal would subdivide the plot for Loxwood Hall West and would therefore encroach into the space surrounding it, which would erode its outstanding and dominant character. The appeal scheme would create an incongruous tighter spatial pattern with a smaller sized plot. Whilst the other dwellings in the vicinity are also markedly smaller in scale than Loxwood Hall West and East, they have spacious plots with generous gaps between dwellings. The appeal scheme would infill an area between Loxwood Hall West and two other dwellings, creating a more regular, formal and built-up frontage which is more typical of a suburban area, and which would be wholly out of character with the Loxwood Hall vicinity and out of keeping with the wider sporadic, spacious rural character of the area.... As such, the appeal scheme would have an adverse effect on the character and appearance of the area, and it would cause harm to the significance of Loxwood Hall East and West, an undesignated heritage asset. The scheme would result in a single additional home towards local need, which is a limited public benefit. However, the adverse impact on the character and appearance of the area and the harm to the significance of the undesignated heritage asset clearly outweigh that benefit. Therefore, the appeal scheme does not accord with policies 33 and 45 of the CLP, policy 10 of the Loxwood Neighbourhood Plan (LNP) and the Framework. Water neutrality and nutrient pollution were raised as issues in respect of the appeal scheme itself. However, since the appeal is dismissed on grounds other than nutrient neutrality, there needs to be no determination in respect of the particular circumstances of the appeal scheme. For the reasons stated above, the appeal proposal is contrary to the relevant policies of the Development Plan, would be out of keeping with the character and appearance of the area, and it would cause harm to the significance of an undesignated heritage asset. This harm is not outweighed by the limited public benefits arising from the proposed development. The appeal is accordingly dismissed.”</p> |  |



| Reference/Procedure   | Proposal   |
|---|--|
| <a href="#"><u>21/02547/DOC</u></a>   |  |
| <p><b>Oving Parish</b></p> <p><b>Case Officer: Jeremy Bushell</b></p> <p><b>Written Representation</b></p>  | <p>Former Portfield Quarry And Uma House Shopwhyke Road Shopwhyke Chichester West Sussex PO20 2AD</p> <p>Discharge of condition 3 (foul water disposal) from planning permission O/19/02030/FUL.</p> |
| <b>Appeal Decision: APPEAL DISMISSED</b>  |  |
| <p>“...The appeal site is part of the Shopwhyke strategic allocation on the eastern side of Chichester. Policy 16 in the Chichester Local Plan applies a number of criteria for development, including the provision of infrastructure for adequate wastewater conveyance and treatment to meet strict environmental standards. There is no dispute that the appeal site is within the catchment of the Apuldrum Wastewater Treatment Works (WwTW). However, the wording of policy 16 indicates that there is no expectation that the allocation will necessarily drain to this particular WwTW. Indeed, policy 12 in the LP seeks to ensure that development proposals in the catchment of Apuldrum have no adverse impact on the water quality of Chichester Harbour. ... The Apuldrum WwTW discharges into Chichester Harbour, where there are a number of designated sites of international importance to wildlife. The Council’s evidence indicates that having regard to the environmental constraints, by 1 January 2021 there was no spare capacity at the Apuldrum WwTW and this remained the situation at 1 January 2022. ... The Joint Position Statement by the Environment Agency and Southern Water (2018) indicates that major developments outside the settlement boundary of Chichester are expected to drain to alternative WwTWs, including Tangmere. This would include the appeal site. ... Notwithstanding the above, the Appellant’s case is that the site should discharge to Apuldrum. The justification for this is that it is within the catchment of that WwTW and that the development would result in no net increase in foul water flows when compared with the past uses. I am concerned about the assumptions relating to the historic employment level on which they rely. ... The previous use was as offices and open storage. It appears that foul water and some surface water runoff drained to 2 or 3 cess pits on the site and that these were emptied between 2 and 4 times a year, with the contents being conveyed by tanker to Apuldrum WwTW. ... My main concern about this is that the calculation relies on the maximum potential level of employment for the Use Class B1(a) and B8 uses, which would amount to some 400 employees. This is not the relevant measure when comparing the past level of wastewater generated by the site with the future level from the housing development. ... I agree with the Appellant that some employees would have probably travelled by other means. However, on the above evidence that would have had to mean that most of the 400 employees travelled by non-car modes. This seems to be rather unlikely in view of the location of the site. ... The Appellant’s representations give little comfort that this does provide a realistic assessment of the actual, as opposed to the hypothetical, level of employment. ... In the circumstances, I do not consider that the historic flows in the 2020 Technical Note can be relied upon. Without this information I am unable to conclude with any confidence that there would be no net increase in foul flows resulting from the appeal development. I acknowledge that Southern Water is satisfied on the matter and that the Environment Agency has raised no objection. However, I am the decision maker in this case and taking a precautionary approach I cannot conclude that the appeal proposal would not have a likely significant adverse effect on the protected habitats of Chichester Harbour. ... About a year ago permission was granted to discharge to Tangmere WwTW. It is difficult to understand why such a recent proposal was made without any technical</p> |  |



**Appeal Decision: APPEAL DISMISSED - continued**

assessment or costings. The Appellant claims it would threaten the viability of the scheme which already has a non-policy compliant level of affordable housing. However, I have no viability evidence before me to reach a judgement on whether that would be the case or not. ... I conclude that the appeal proposal is not acceptable and would conflict with policies 12 and 16 in the LP..."

| Reference/Procedure   | Proposal   |
|---|--|
| <a href="#">19/03112/FUL</a>  |  |
| <p><b>Sidlesham Parish</b></p> <p><b>Case Officer: Calum Thomas</b></p> <p><b>Informal Hearings</b></p>   | <p>Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW</p> <p>Change of use of land to rear of dwelling for siting of residential caravans for 7 no. pitch Gypsy Traveller site with associated development (hard standing fencing and 3 no. utility buildings).</p> |
| <b>Appeal Decision: APPEAL ALLOWED</b>  |  |
| <p>"... The Council's first reason for refusal states that as the site is located a significant distance from key services and facilities found within recognised settlements it is therefore in an unsustainable location. ... The fact that the appeal site is not in a defined settlement, does not necessarily mean that it is located in an area with poor accessibility, as suggested in the Council's reasons for refusal....</p> <p>In this case, having regard to the nature of Sidlesham, the appeal site has better accessibility to some services than others. Whilst Sidlesham has limited facilities, there is a reasonable level of accessibility to public transport and to the major road in the area giving access to Chichester and Selsey....I conclude that the appeal site is in a suitable location in terms of access to services and facilities and the development proposals would in this regard, comply with the PPTS and LP Policy 36. The PPTS in paragraph 25 requires that sites in rural areas respect the scale of and do not dominate the nearest settled community. ....has around 500 dwellings with a population of approximately 1300 people. It is not disputed that the appeal proposals would not dominate the wider settled community on this basis. However, the Council argues that Appeal A, the 7-pitch scheme, creates a risk of perceived dominance within the area around Chalk Lane. ....Appeal A would increase the number of residential plots on Melita Nursery, to a total of 15. Numerically this number would not in my view dominate the number of dwellings in the immediate area. Furthermore, due to the enclosed nature of the appeal site, such intensification would not be visible to anyone passing along Chalk Lane. I accept that there would be some increase in activity, through vehicle movements etc. However, the lane also gives access to several commercial activities. The likely increase in traffic on this quiet lane would not be significant. ,, In this context, I am not persuaded that Appeal A would result in an overdominance of gypsy and traveller pitches in the immediate area. ....</p> |  |

A proposal for 7 additional pitches would result in increased activity which would have the potential to lead to increased noise and disturbance impacting negatively on the tranquil character of the area,... the Council explained that they were concerned about increased traffic noise and disturbance from the day-to-day activity of additional residential uses. ... In my view, any increase in noise would be very low level and would be spread out across the day. In the context where there are existing commercial premises alongside residential uses, I do not consider that the increase in activity and noise would be of such a level or frequency to cause harm to the tranquil character of the area. ... At the hearing, the Council explained that they are trying to achieve well designed high quality spacious development and that this approach is evident in adjacent approvals for pitches on land to the north at 5 Melita Nursery and 6 and 7 Melita Nursery. Comparing the appeal scheme with other approved plots on the nursery site, I find that the three pitches proposed would not be significantly smaller. I do not therefore agree that the pitches appear cramped. The appeal site is bounded by a combination of conifer hedgerow and 1.8- metre-high close boarded fencing. The hedgerow within the site is proposed to be retained. ... A grassed area with trees forms part of the garden area to the existing dwelling giving the site a green appearance on entering. Each pitch is proposed to include a small, grassed amenity area though much of each pitch would be laid to hardstanding. ... Included within the appeal site is an area of paddock used for the grazing of horses. This is retained in the 3-pitch scheme. Not only would it add to the green nature of the site it would also provide an area for children to play. It is proposed that 1.8-metre-high panel fencing be provided to separate the individual pitches. At the hearing it was discussed that this could be amended to a lower height fence, different style of fence or part fence/hedgerow to maintain privacy for the occupants but also to soften the hard appearance of fencing. A scheme of boundary treatments could be required through the imposition of an appropriate condition. In light of the above, whilst I accept that minimal landscaping is provided for each pitch, the design of the scheme provides an acceptable layout which is not overly cramped, and which would cause no significant harm to the character of Melita Nursery. The appeal site lies in Flood Zone 1, an area with the least likelihood of flooding. I understand however that there are some localised surface water drainage issues. The appellant advises that hardstanding areas would have a permeable sub base, soakaways would be installed, the site would be connected to mains sewers and water butts could be provided. The condition put monitoring to establish the highest annual groundwater levels and winter percolation testing.. ... Whilst this condition may be one imposed on all residential development; I am not persuaded it is necessary for this type of development especially as the hardstanding areas would be permeable in any case. ... concern has also been raised regarding the failure of the proposed layout to facilitate the movement of wildlife between the pitches or within the wider surrounding area. LP Policy 49 and also section 15 of the Framework, seek to enhance biodiversity. I am advised that bats are known to be present in the locality of the appeal site but that as no trees are proposed to be removed, it is unlikely that the proposal would result in the loss of habitat or roosts. The Council argue that the isolated areas of grass provide limited opportunities for insects and small wildlife upon which bats and larger species rely. 47. It is notable that the site has hedgerow boundaries which provide a continuous wildlife corridor. Furthermore, the paddock area, whilst used for horse grazing could be

enhanced to improve its biodiversity. I am also mindful that other measures could be introduced to promote wildlife such as bird or bat boxes and infilling gaps in existing hedgerows. ... As part of the evidence base for the emerging Local Plan, an updated GTAA (2018) has been prepared. ... it identifies a need for a further 66 pitches from 2018-2023. At the hearing the Council advised that since 2018 they had provided 27 pitches out of the 66 required. A revised estimate covering the period up to March 2026 suggests a current need for 35 pitches in the District. On this basis the Council agreed that they cannot demonstrate a 5-year supply. I have been made aware that the Council has appointed consultants to assist them in preparing a Gypsy and Traveller Development Plan Document (DPD). The Council are taking a proactive approach to delivery and an assessment is underway to determine the opportunities in the borough for intensification and reconfiguration of existing sites as well as new sites. It is notable that the two appeals before me propose the intensification of an existing site. ... The emerging local plan is some way off, with the Regulation 18 consultation anticipated to take place in late 2022 with its submission for Examination in 2023. A similar timeframe is in place for the DPD. It will therefore be at least 2 years before sites are allocated and then available for occupation. There is an unmet need for Gypsy and Traveller sites in the District and no 5 year supply of sites, as required by PPTS. ... Even if there was a 5-year supply of sites in the borough, and sufficient sites had been allocated in the Local Plan, Policy 36 of the Local Plan allows for additional sites provided they meet the policy criteria. As both Appeal A and Appeal B comply with the development plan and national policies, and there are no other considerations that indicate otherwise, planning permission should be granted. The proposals would represent sustainable development as sought by the NPPF and the PPTS.

"Cost Decision"... Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. ... Members of the Planning Committee did not undertake a site visit. ... There is no requirement for the Committee to visit a site and whilst they could have resolved to defer the application for a visit to be made, the Members felt they had enough information, as well as their own local knowledge of the area, to make a decision. This does not constitute unreasonable behaviour. The Council Officer report and the Statement of Case submitted with this appeal, refer to the Framework and also the PPTS. It is clear that regard was had to both documents. In refusing planning permission, the Members came to different conclusions and attached different levels of weight to these documents than Officers. ... Whilst Members took

the view that the site was unsustainable, contrary to my conclusion, their position has been substantiated. I have no evidence that, in coming to their decision, the Council did not have regard to the NPPF and the PPTS. ... It is not disputed the appeal site lies within the settlement. It is accepted that the services and facilities in the village are limited, ... The proposal would therefore comply with criteria 1 of the policy. I agree with the appellant that the reference in the Council's first reason for refusal to 'recognised settlements' misinterprets this policy. ... In terms of the consideration of and application of Policy 36, I find unreasonable behaviour. Reason for refusal 2 refers to an uncharacteristic increase in noise and disturbance resulting from the development causing harm to the tranquil character of the countryside. ... I have no evidence before me about the tranquil nature of the area and why it is worthy of such protection. At the hearing the Council explained that their main concern related to traffic noise and general activity from residential uses.

... I conclude that the Council has failed to substantiate its second reason for refusal.

... In respect to the matter of perception of dominance, the Committee heard from the Parish Council who provided figures of the number of gypsy pitches in the area which it thought to be correct. ... Members will have had regard to the comments of third parties in coming to their decision. However, these figures were not verified. The Council therefore relied on vague and inaccurate assertions. It is also unclear to me why the Council considered that the proposal would give a 'perception of dominance'. The Council have failed to explain how the scheme would impact on dominance, and why or how dominance would be 'perceived'. ... The reason for refusal refers to a high-density development however no assessment or explanation is given to the existing densities, comparisons with other approved plots, what density would be acceptable, are any standards being applied. ... I conclude that the Council relied on vague and inaccurate assertions and failed to substantiate its first reason for refusal.

... I note from the Committee report that the Drainage Engineer concluded that should the application be approved, conditions should be imposed requiring further details to be submitted. He did not recommend that due to the lack of information provided, the scheme be refused. The Council have failed to substantiate why this matter could not have been dealt with by condition. ... This forms unreasonable behaviour. The wording of the drainage condition put forward by the Council requires winter ground water monitoring. ... The Council argues that this condition as drafted is necessary due to the scale of the development in this case, 7 pitches, which is considerably greater than the 3 pitches allowed on appeal at Keynor Lane. ... However, given that the site is in Flood Zone 1, I do not consider it reasonable to expect this to have been undertaken. ... The imposition of a condition that is unnecessary is a form of unreasonable behaviour as defined in the PPG. The applicant also argues that the Council failed to consider a temporary permission ... I acknowledge that there is no requirement for members to consider a temporary permission. The appeal proposal was speculative and personal circumstances of any occupants were not presented to support the scheme. It was therefore not unreasonable for the Council not to consider a temporary condition. ... The applicant put forward several arguments to support the substantive grounds in the application for costs. Whilst I have not agreed with all of them, taken as a whole, I find that unreasonable behaviour has been demonstrated, resulting in the appellant incurring unnecessary or wasted expense, as set out in PPG. A full award of costs is justified. ..."

| Reference/Procedure   | Proposal  |
|---|---|
| <a href="#"><u>20/01470/FUL</u></a>   |   |
| <p><b>Sidlesham Parish</b></p> <p><b>Case Officer: Calum Thomas</b></p> <p><b>Informal Hearings</b></p> | <p>3 Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW</p> <p>Change of use of land to mixed use for siting of residential caravans for 3 no. pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings) on land forming part of 3 Melita Nursery -part retrospective.</p> |
| <b>Appeal Decision: APPEAL ALLOWED</b>  |   |
| As above  |   |

| Reference/Procedure   | Proposal   |
|---|--|
| <a href="#">21/02354/ELD</a>  |  |
| <b>Bosham Parish</b><br><br><b>Case Officer: Alicia Snook</b><br><b>Written Representation</b>  | Land West Of Walton House Main Road Bosham PO18 8QB<br><br>Use of the land for the storage of boats, boat trailers and sundry items. |
| <b>Appeal Decision: APPEAL ALLOWED</b>  |  |
| <p>"The appeal is allowed and a certificate of lawful use or development is issued, in the terms set out below in the Formal Decision. ... The main issue is whether the Council's refusal to grant a certificate of lawful use for the existing use of the land for the storage of boats, boat trailers and sundry items (the use) was well founded. ... the appellant has provided two statutory declarations of her own, two from an individual who stores boats on the land as well as an affidavit. ... The Council then has very little evidence to dispute the appellant's version of events. ... These do not lack detail and I do not accept they are insufficiently precise or unambiguous as a consequence. Indeed, I afford this sworn evidence considerable weight. Whilst the photographs provided potentially concern a more recent period in time, the absence of older or date stamped photographs does make the appellant's version of events less than probable given the sworn statements and weight I have afforded to them. For the same reasons the aerial photographs, given there are tree canopies obscuring parts of the site, does not cast doubt in my mind. The photographs before me therefore do not provide contradictory evidence. ... the Council's refusal to grant a certificate of lawful use or development in respect of the use of the land for the storage of boats, boat trailers and sundry items was not well-founded and that the appeal should succeed. ... . The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is considered to be lawful."</p> |  |
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### 3. IN PROGRESS

| Reference/Procedure   | Proposal   |
|---|--|
| <a href="#"><u>20/03034/OUT</u></a>   |  |
| <b>Birdham Parish</b><br><br><b>Case Officer: Jane Thatcher</b><br><b>Informal Hearings</b>                   | Land And Buildings On The South Side Of Church Lane Birdham West Sussex<br><br>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) |
| <a href="#"><u>21/03407/PA3Q</u></a>  |  |
| <b>Boxgrove Parish</b><br><br><b>Case Officer: Sascha Haigh</b><br><b>Written Representation</b>              | Eartham Quarry Eartham West Sussex PO18 0FN<br><br>Change of use of agricultural building to 2 no. dwellinghouses (Class C3).  |
| <a href="#"><u>21/03343/FUL</u></a>   |  |
| <b>Chichester Parish</b><br><br><b>Case Officer: Sascha Haigh</b><br><b>Written Representation</b>            | Forbes Place, Flat 23 King George Gardens Chichester PO19 6LF<br><br>Altering of non-load bearing partitions and ceiling, removal of boiler and addition of 1 no. roof-light.  |
| <a href="#"><u>21/03344/LBC</u></a>   |  |
| <b>Chichester Parish</b><br><br><b>Case Officer: Sascha Haigh</b><br><b>Written Representation</b>            | Forbes Place, Flat 23 King George Gardens Chichester PO19 6LF<br><br>Altering of non-load bearing partitions and ceiling, removal of boiler and addition of 1 no. roof-light.  |
| <a href="#"><u>20/00040/CONENG</u></a>  |  |
| <b>Chichester Parish</b><br><br><b>Case Officer: Mr Michael Coates-Evans</b><br><b>Written Representation</b> | Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex<br><br>Appeal against CC/154  |



| Reference/Procedure  | Proposal  |
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| <a href="#"><u>* 20/01854/OUT</u></a>  |   |
| <b>Chidham &amp; Hambrook Parish</b><br><br><b>Case Officer: Andrew Robbins</b><br><b>Informal Hearings</b><br><b>21-Sep-2022</b><br><b>Chichester City Council</b><br><b>North Street Chichester</b><br><b>PO19 1LQ</b> | Chas Wood Nurseries Main Road Bosham PO18 8PN<br><br>Outline permission for 26 no. dwellings with access, public open space, community orchard and other associated works (with all matters reserved except for access).                                      |
| <a href="#"><u>20/03320/OUTEIA</u></a>   |   |
| <b>Chidham &amp; Hambrook Parish</b><br><br><b>Case Officer: Jane Thatcher</b><br><b>Public Inquiry 18-Aug &amp; 23 Aug – 2Sept 2022 Multiple Venues</b>   | Land East Of Broad Road Broad Road Nutbourne West Sussex<br><br>Outline planning application (with all matters reserved except access) for up to 132 dwellings and provision of associated infrastructure.  |
| <a href="#"><u>20/03321/OUTEIA</u></a>   |   |
| <b>Chidham &amp; Hambrook Parish</b><br><br><b>Case Officer: Jane Thatcher</b><br><b>Public Inquiry 18-Aug-2022 &amp; 23 Aug – 2Sept 2022 Multiple Venues</b>  | Land North Of A259 Flat Farm Main Road Chidham West Sussex<br><br>Outline planning application (with all matters reserved except access) for up to 68 no. dwellings and provision of associated infrastructure.   |
| <a href="#"><u>20/03378/OUT</u></a>  |   |
| <b>Chidham &amp; Hambrook Parish</b><br><br><b>Case Officer: Andrew Robbins</b><br><b>Informal Hearings</b>  | Land At Flat Farm Hambrook West Sussex PO18 8FT<br><br>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. |
| <a href="#"><u>20/03125/OUT</u></a>  |   |
| <b>Earnley Parish</b><br><br><b>Case Officer: Jeremy Bushell</b><br><b>Public Inquiry</b><br><b>14-Jun-2022</b><br><b>Bracklesham Barn</b>   | Land South Of Clappers Lane Clappers Lane Earnley West Sussex<br><br>Outline Application for the erection of up to 100 dwellings with associated access, landscaping and public open space. All matters reserved other than access.                           |

| Reference/Procedure  | Proposal  |
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| <a href="#"><u>22/00137/FUL</u></a>  |   |
| <b>Earnley Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><br><b>Written Representation</b>                        | Russ Autos 132A Almodington Lane Almodington<br>Earnley Chichester West Sussex PO20 7JU<br><br>Demolition of B2 workshop and erection of 1 no. live/work unit.                            |
| <a href="#"><u>21/03163/FUL</u></a>  |   |
| <b>East Wittering And Bracklesham Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><br><b>Written Representation</b> | Hanneys West Bracklesham Drive Bracklesham PO20 8PH<br><br>Replacement dwelling, garaging and associated works (alternative scheme to planning permission EWB/20/03303/FUL)               |
| <a href="#"><u>21/03282/FUL</u></a>  |   |
| <b>East Wittering And Bracklesham Parish</b><br><br><b>Case Officer: Emma Kierans</b><br><br><b>Written Representation</b> | Land South Of Tranjoeen Ashcroft Place<br>Bracklesham Lane Bracklesham Bay West Sussex<br><br>Proposed vehicle crossover (means of access to a highway Class B).                          |
| <a href="#"><u>* 21/02509/FUL</u></a>  |   |
| <b>Fishbourne Parish</b><br><br><b>Case Officer: Martin Mew</b><br><br><b>Written Representation</b>                       | Black Boy Court Main Road Fishbourne PO18 8XX<br><br>Creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping.  |
| <a href="#"><u>21/02553/FUL</u></a>  |   |
| <b>Fishbourne Parish</b><br><br><b>Case Officer: Joanne Prichard</b><br><br><b>Written Representation</b>                  | Bethwines Farm Blackboy Lane Fishbourne PO18 8BL<br><br>Change of use of land to provide facility for 'doggy day care', including the provision of 3 no. portakabins and perimeter fence. |
| <a href="#"><u>22/00142/FUL</u></a>  |   |
| <b>Fishbourne Parish</b><br><br><b>Case Officer: Jane Thatcher</b><br><br><b>Written Representation</b>                    | Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL<br><br>Re-grading of existing agricultural land to create natural grass and wetlands.                             |

| Reference/Procedure  | Proposal  |
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| <a href="#"><u>22/00575/PA3R</u></a>   |   |
| <b>Fishbourne Parish</b><br><br><b>Case Officer: Jane Thatcher Written Representation</b>  | Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL<br><br>Prior Approval - Change of use of existing agricultural building to storage use (B8).  |
| <a href="#"><u>* 19/00445/FUL</u></a>  |   |
| <b>Funtington Parish</b><br><br><b>Case Officer: Martin Mew Written Representation</b>   | Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex<br><br>Relocation of 2 no. existing travelling show people plots plus provision of hard standing for the storage and maintenance of equipment and machinery, 6 no. new pitches for gypsies and travellers including retention of hard standing. |
| <a href="#"><u>19/02939/FUL</u></a>  |   |
| <b>Funtington Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><b>Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ</b> | Old Allotment Site Newells Lane West Ashling West Sussex<br><br>Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.  |
| <a href="#"><u>20/00234/FUL</u></a>  |   |
| <b>Funtington Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><b>Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ</b> | Land West Of Newells Lane West Ashling PO18 8DD<br><br>Change of use of land for the stationing of 4 no. static caravans and 4 no. touring caravans for a Gypsy Traveller site, including parking, hard standing and associated infrastructure.   |
| <a href="#"><u>20/00534/FUL</u></a>  |   |
| <b>Funtington Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><b>Informal Hearings 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY</b>  | Land South Of The Stables Scant Road East Hambrook Funtington West Sussex<br><br>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   |
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| <a href="#"><u>20/00950/FUL</u></a>  |  |
| <b>Funtington Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><br><b>Informal Hearings 31-Jan-2023</b><br><b>Chichester City Council</b><br><b>North Street Chichester</b><br><b>PO19 1LQ</b> | Field West Of Beachlands Nursery Newells Lane<br>West Ashling West Sussex<br><br>Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.                 |
| <a href="#"><u>20/00956/FUL</u></a>  |  |
| <b>Funtington Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><br><b>Informal Hearings 31-Jan-2023</b><br><b>Chichester City Council</b><br><b>North Street Chichester</b><br><b>PO19 1LQ</b> | Field West Of Beachlands Nursery Newells Lane<br>West Ashling West Sussex<br><br>Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.            |
| <a href="#"><u>20/03306/FUL</u></a>  |  |
| <b>Funtington Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><br><b>Informal Hearings 31-Jan-2023</b><br><b>Chichester City Council</b><br><b>North Street Chichester</b><br><b>PO19 1LQ</b> | Land To The West Of Newells Farm Newells Lane<br>West Ashling West Sussex<br><br>The stationing of caravans for residential purposes together with the formation of hardstanding and utility/dayrooms ancillary to that use for 3 no. pitches. |
| <a href="#"><u>20/00109/CONTRV</u></a>   |  |
| <b>Funtington Parish</b><br><br><b>Case Officer: Shona Archer</b><br><br><b>Informal Hearings 31-Jan-2023</b><br><b>Chichester City Council</b><br><b>North Street Chichester</b><br><b>PO19 1LQ</b> | Field West Of Beachlands Nursery Newells Lane<br>West Ashling West Sussex<br><br>Appeal against Enforcement Notice FU/80   |
| <a href="#"><u>18/00323/CONHI</u></a>  |  |
| <b>Funtington Parish</b><br><br><b>Case Officer: Sue Payne</b><br><b>Written Representation</b>  | West Stoke Farm House Downs Roa West Stoke<br>Funtington Chichester West Sussex PO18 9BQ<br><br>Appeal against HH/22   |

| Reference/Procedure  | Proposal  |
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| <a href="#"><u>18/00323/CONHI</u></a>  |   |
| <b>Funtington Parish</b><br><br><b>Case Officer: Sue Payne</b><br><b>Written Representation</b>  | West Stoke Farm House Downs Road West Stoke<br>Funtington Chichester West Sussex PO18 9BQ<br><br>Appeal against High Hedge Remedial Notice HH/25                        |
| <a href="#"><u>20/00288/CONENG</u></a>   |   |
| <b>Funtington Parish</b><br><br><b>Case Officer: Tara Lang</b><br><b>Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ</b>    | Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD<br><br>Appeal against Enforcement Notice FU/77   |
| <a href="#"><u>21/00152/CONTRV</u></a>   |   |
| <b>Funtington Parish</b><br><br><b>Case Officer: Shona Archer</b><br><b>Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ</b> | Land West Of Newells Farm Newells Lane West Ashling West Sussex<br><br>Appeal against Enforcement Notice FU/87  |
| <a href="#"><u>20/00288/CONENG</u></a>   |   |
| <b>Funtington Parish</b><br><br><b>Case Officer: Shona Archer</b><br><b>Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ</b> | Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD<br><br>Appeal against Enforcement Notice FU/89   |
| <a href="#"><u>19/01400/FUL</u></a>  |   |
| <b>Loxwood Parish</b><br><br><b>Case Officer: Martin Mew</b><br><b>Written Representation</b>  | Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS<br><br>Erection of a detached dwelling following demolition of free-standing garage. |

| <b>Reference/Procedure</b>   | <b>Proposal</b>  |
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| <a href="#"><u>21/00992/FUL</u></a>  |  |
| <b>Oving Parish</b><br><br><b>Case Officer: Joanne Prichard</b><br><br><b>Written Representation</b>             | Littlemead Business Centre Tangmere Road Tangmere PO20 2EU<br><br>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. |
| <a href="#"><u>21/00077/FUL</u></a>  |  |
| <b>Plaistow And Ifold Parish</b><br><br><b>Case Officer: Sascha Haigh</b><br><b>Written Representation</b>       | Oxencroft Ifold Bridge Lanefold Loxwood RH14 0UJ New entrance gate at Oxencroft (retrospective).   |
| <a href="#"><u>21/01697/PA3Q</u></a>   |  |
| <b>Plaistow And Ifold Parish</b><br><br><b>Case Officer: Rebecca Perris</b><br><br><b>Written Representation</b> | Premier Treecare & Conservation Ltd Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ<br><br>Prior notification for the change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration.                |
| <a href="#"><u>21/03123/FUL</u></a>  |  |
| <b>Plaistow And Ifold Parish</b><br><br><b>Case Officer: Sascha Haigh</b><br><b>Written Representation</b>       | Little Wephurst Walthurst Lane Loxwood RH14 0AE<br><br>Replacement dwelling following demolition of an existing dwelling.  |
| <a href="#"><u>20/00414/CONHH</u></a>  |  |
| <b>Plaistow And Ifold Parish</b><br><br><b>Case Officer: Sue Payne</b><br><b>Public Inquiry</b>                  | Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ<br><br>Appeal against Enforcement Notice PS/71.   |
| <a href="#"><u>20/00182/CONCOU</u></a>   |  |
| <b>Plaistow And Ifold Parish</b><br><br><b>Case Officer: Sue Payne</b><br><b>Written Representation</b>          | The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ<br><br>Appeal against PS/70  |

| Reference/Procedure  | Proposal  |
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| <a href="#"><u>20/02785/ELD</u></a>  |   |
| <b>Sidlesham Parish</b><br><br><b>Case Officer: Emma Kierans</b><br><b>Written Representation</b>      | Jardene Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW<br><br>Use of building 3 for B1 and B8 purposes.   |
| <a href="#"><u>21/01963/PA3Q</u></a>   |   |
| <b>Sidlesham Parish</b><br><br><b>Case Officer: Robert Young</b><br><b>Written Representation</b>      | 11 Cow Lane Sidlesham Chichester West Sussex PO20 7LN<br><br>Prior approval of proposed change of use of an existing agricultural building former piggery building to 1 no. dwelling.   |
| <a href="#"><u>20/02077/FUL</u></a>  |   |
| <b>Southbourne Parish</b><br><br><b>Case Officer: Maria Tomlinson</b><br><b>Written Representation</b> | Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ<br><br>Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.   |
| <a href="#"><u>21/02238/FULEIA</u></a>   |   |
| <b>Southbourne Parish</b><br><br><b>Case Officer: Jane Thatcher</b><br><b>Written Representation</b>   | Gosden Green Nursery 112 Main Road Southbourne PO10 8AY<br><br>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). |
| <a href="#"><u>21/03665/FUL</u></a>  |   |
| <b>Southbourne Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><b>Informal Hearings</b>         | Land East Of Priors Orchard Inlands Road Nutbourne Chichester West Sussex PO18 8RJ<br><br>Construction of 9 no. dwellings.  |
| <a href="#"><u>* 20/00047/FUL</u></a>  |   |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><b>Written Representation</b>     | Hopedene Common Road Hambrook Westbourne PO18 8UP<br><br>Change use of land to a single private gypsy pitch with associated hardstanding and day room.  |

| Reference/Procedure   | Proposal  |
|---|---|
| <a href="#"><u>20/00785/FUL</u></a>   |   |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><br><b>Informal Hearings 02-Aug-2022</b><br><b>Chichester District Council East Pallant House PO19 1TY</b> | <b>Meadow View Stables Monks Hill Westbourne PO10 8SX</b><br><br>Change of use of land for use as extension to Gypsy caravan site for the stationing of 6 additional caravans, including 3 pitches, each pitch consisting of 1 no. mobile home, 1 no. touring caravan and a utility building together with laying of hardstanding |
| <a href="#"><u>* 20/01569/FUL</u></a>   |   |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Andrew Robbins</b><br><b>Informal Hearings 18-Oct-2022</b><br><b>Chichester City Council North Street Chichester PO19 1LQ</b>  | <b>Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG</b><br><br><i>Erection of 1 no. dwelling and associated landscaping.</i>   |
| <a href="#"><u>20/03164/FUL</u></a>   |   |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Calum Thomas</b><br><b>Informal Hearings 05-Oct-2022</b><br><b>St Johns Church Hall</b>  | <b>Land East Of Monk Hill Monks Hill Westbourne West Sussex</b><br><br>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.  |
| <a href="#"><u>21/02159/FUL</u></a>   |   |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Martin Mew</b><br><b>Written Representation</b>  | <b>Land Adjacent To 15 The Shire Long Copse Lane Westbourne West Sussex</b><br><br>Erection of 7 no. dwellings, access, landscaping and associated works.   |
| <a href="#"><u>21/00169/CONDWE</u></a>  |   |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Tara Lang</b><br><b>Public Inquiry 29-Nov-2022</b><br><b>Chichester District Council East Pallant House PO19 1TY</b>           | <b>Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex</b><br><br>Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/59  |



| Reference/Procedure   | Proposal  |
|---|---|
| <a href="#"><u>21/00169/CONDWE</u></a>  |   |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Tara Lang</b><br><b>Public Inquiry 29-Nov-2022</b><br><b>Chichester District Council</b><br><b>East Pallant House PO19</b><br><b>1TY</b> | Land South West Of Racton View Marlpit Lane Hambrook<br>Westbourne West Sussex<br><br>Appeal against creation of a dwellinghouse and two annex<br>buildings subject to Enforcement Notice WE/58 |
| <a href="#"><u>21/00169/CONDWE</u></a>  |   |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Tara Lang</b><br><b>Public Inquiry 29-Nov-2022</b><br><b>Chichester District Council</b><br><b>East Pallant House PO19</b><br><b>1TY</b> | Land South West Of Racton View Marlpit Lane Hambrook<br>Westbourne West Sussex<br><br>Appeal against creation of a dwellinghouse and two annex<br>buildings subject to Enforcement Notice WE/57 |
| <a href="#"><u>21/00169/CONDWE</u></a>  |   |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Tara Lang</b><br><b>Public Inquiry 29-Nov-2022</b><br><b>Chichester District Council</b><br><b>East Pallant House PO19</b><br><b>1TY</b> | Land South West Of Racton View Marlpit Lane Hambrook<br>Westbourne West Sussex<br><br>Appeal against creation of a dwellinghouse and two annex<br>buildings subject to Enforcement Notice WE/54 |
| <a href="#"><u>21/00169/CONDWE</u></a>  |   |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Tara Lang</b><br><b>Public Inquiry 29-Nov-2022</b><br><b>Chichester District Council</b><br><b>East Pallant House PO19</b><br><b>1TY</b> | Land South West Of Racton View Marlpit Lane Hambrook<br>Westbourne West Sussex<br><br>Appeal against creation of a dwellinghouse and two annex<br>buildings subject to Enforcement Notice WE/53 |
| <a href="#"><u>21/00169/CONDWE</u></a>  |   |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Tara Lang</b><br><b>Public Inquiry 29-Nov-2022</b><br><b>Chichester District Council</b><br><b>East Pallant House PO19</b><br><b>1TY</b> | Land South West Of Racton View Marlpit Lane Hambrook<br>Westbourne West Sussex<br><br>Appeal against creation of a dwellinghouse and two annex<br>buildings subject to Enforcement Notice WE/52 |

| Reference/Procedure  | Proposal   |
|--|--|
| <a href="#"><u>13/00163/CONWST</u></a>   |  |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Shona Archer</b><br><b>Public Inquiry 18-Oct-2022</b><br><b>Chichester District Council</b><br><b>East Pallant House PO19</b><br><b>1TY</b> | The Old Army Camp Cemetery Lane Woodmancote<br>Westbourne West Sussex<br><br>Appeal against WE/40, WE/41 and WE/42   |
| <a href="#"><u>13/00163/CONWST</u></a>   |  |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Shona Archer</b><br><b>Public Inquiry 18-Oct-2022</b><br><b>Chichester District Council</b><br><b>East Pallant House PO19 1TY</b>           | The Old Army Camp Cemetery Lane Woodmancote<br>Westbourne West Sussex<br><br>Appeal against WE/40, WE/41 and WE/42   |
| <a href="#"><u>13/00163/CONWST</u></a>   |  |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Shona Archer</b><br><b>Public Inquiry 18-Oct-2022</b><br><b>Chichester District Council</b><br><b>East Pallant House PO19</b><br><b>1TY</b> | The Old Army Camp Cemetery Lane Woodmancote<br>Westbourne West Sussex<br><br>Appeal against WE/40, WE/41 and WE/42   |
| <a href="#"><u>19/00176/CONT</u></a>   |  |
| <b>Westbourne Parish</b><br><br><b>Case Officer: Shona Archer</b><br><b>Fast Track Appeal</b>  | 4 The Paddocks Common Road Hambrook Westbourne<br>Chichester West Sussex PO18 8UP<br><br>Appeal against Enforcement Notice WE/55 - removal of TPO'd trees without an application for tree works. |
| <a href="#"><u>21/03424/FUL</u></a>  |  |
| <b>Wisborough Green Parish</b><br><br><b>Case Officer: Sascha Haigh</b><br><b>Written Representation</b>   | Howfold Barn, Howfold Farm, Newpound Lane<br>Wisborough Green RH14 0EG<br><br>Erection of 1 no. custom/self build dwelling - alternative to permission WR/20/01036/PA3Q.                         |

#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

#### 5. CALLED-IN APPLICATIONS

| Reference | Proposal | Stage |
|-----------|----------|-------|
|           |          |       |

#### 6. COURT AND OTHER MATTERS

| Injunctions           |                          |   |
|-----------------------|--------------------------|---|
| Site                  | Breach                   | Stage   |
| Birdham Farm, Birdham | Of 4 Enforcement Notices | Injunction granted in August 2020 and varied in January 2021 for occupiers to clear the land of all fixtures and fitting and caravans, leave the land and restore the land to agricultural use.<br><br>All have left apart from 3 plots which remain in occupation.<br>Advice sought from counsel to initiate Contempt of Court proceedings for breach of the Injunction. |

| Court Hearings |        |       |
|----------------|--------|-------|
| Site           | Matter | Stage |
|                |        |       |

| Prosecutions                    |                              |   |
|---------------------------------|------------------------------|---|
| Site                            | Breach                       | Stage   |
| Oakham Farmhouse, Oving         | Breach of Enforcement Notice | First hearing at Crawley Magistrates' Court in June 2022. No plea entered as the defendants stated to the court, they now understand what is required and will comply. Case adjourned to 1 September for case to be withdrawn (if compliance achieved) or to proceed with plea to be entered. |
| Crouchlands, Lagoon 3, Plaistow | Of Enforcement Notice        | Papers with counsel for advice on some aspects of potential prosecution   |

## 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 22-07-2022 and 16-08-2022

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

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

\* - Committee level decision.

#### 1. NEW APPEALS

| Reference/Procedure  | Proposal   |
|--|--|
| <a href="#">SDNP/21/01971/FUL</a><br>Lurgashall Parish Council<br><br>Case Officer: Derek Price<br><br><b>Written Representation</b> | Abesters Quell Lane Lurgashall GU27 3BS - Erection of replacement gates. |

#### 3. CURRENT APPEALS

| Reference/Procedure   | Proposal   |
|---|--|
| <a href="#">SDNP/21/04858/FUL</a><br>Kirdford Parish Council<br><br>Case Officer: Beverley Stubbington<br><br><b>Written Representation</b> | 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. |

| Reference/Procedure   | Proposal  |
|---|---|
| <p><a href="#">SDNP/21/04110/LDE</a><br/>Lynchmere Parish Council<br/>Case Officer: Louise Kent</p> <p><b>Written Representation</b></p>  | <p>1 Stone Pit Cottages Marley Combe Road Camelsdale<br/>Linchmere GU27 3SP - Existing lawful development - rear garden cabin.</p>  |
| <p><a href="#">SDNP/21/03816/FUL</a><br/>Funtington Parish Council<br/>Case Officer: Lauren Cripps</p> <p><b>Written Representation</b></p>   | <p>Birchwood Lye Lane East Ashling PO18 9BB - Conversion of the stable for ancillary residential accommodation for disabled mother.</p>   |
| <p><a href="#">SDNP/21/03068/LIS</a><br/>Fittleworth Parish Council<br/>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>                                   | <p>Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.</p>   |
| <p><a href="#">SDNP/21/04109/FUL</a><br/>Lurgashall Parish Council<br/>Case Officer: Lauren Cripps</p> <p><b>Written Representation</b></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><a href="#">SDNP/21/00910/FUL</a><br/>Rogate Parish Council<br/>Case Officer: Rebecca Perris</p> <p><b>Written Representation</b></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><a href="#">SDNP/20/02935/CND</a><br/>Harting Parish Council<br/>Case Officer: Derek Price</p> <p><b>Informal Hearing</b><br/><b>28/02/2023</b><br/>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> |

| Reference/Procedure   | Proposal   |
|---|--|
| <p><a href="#">SDNP/21/03067/HOUS</a><br/>Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p> | <p>Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.</p>  |
| <p><a href="#">SDNP/21/03527/FUL</a><br/>Tillington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p><b>Written Representation</b></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><a href="#">SDNP/21/05908/HOUS</a><br/>Lodsworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></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><a href="#">SDNP/21/04454/HOUS</a><br/>Lurgashall Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Householder Appeal</b></p>      | <p>Smugglers Cottage Jobsons Lane Windfall Wood Common Lurgashall GU28 9HA - Erection of garden outbuilding.</p>   |
| <p><a href="#">SDNP/18/00609/BRECO</a><br/>Rogate Parish Council</p> <p>Case Officer: Steven Pattie (EX SDNPA)</p> <p><b>Written Representation</b></p> | <p>Land South of Harting Combe House Sandy Lane Rake Rogate West Sussex - Appeal against Enforcement Notice RG/37</p>  |
| <p><a href="#">SDNP/19/00386/COU</a><br/>Fittleworth Parish Council</p> <p>Case Officer: Sue Payne</p> <p><b>Written Representation</b></p>             | <p>Douglaslake Farm Little Bognor Road Fittleworth Pulborough West Sussex RH20 1JS - Appeal against FT/11</p>  |

**4. VARIATIONS TO SECTION 106 AGREEMENTS**

**5. CALLED-IN APPLICATIONS**

| <b>Reference</b> | <b>Proposal</b> | <b>Stage</b> |
|------------------|-----------------|--------------|
|                  |                 |              |

**6. COURT AND OTHER MATTERS**

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

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

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

**7. POLICY MATTERS**