

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 10 August 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 - 10)

The minutes relate to the meeting of the Planning Committee on 6 July 2022.

3 **Urgent Items**

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

5 **CDC Draft Local Validation List Report** (Pages 13 - 57)

The Planning Committee are asked to consider the attached report and make the proposed recommendation.

Recommendation:

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

PLANNING APPLICATIONS - AGENDA ITEMS 6 TO 9 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 6 **SY/21/02895/FUL - The Boulevard, 3 New Parade, High Street, Chichester, PO20 0QA** (Pages 59 - 66)
Retention of canopy to shopfront.
- 7 **SY/22/00138/FUL - The Boulevard Land, Adjacent 3-4 New Parade, High Street, Selsey, PO20 0QA** (Pages 67 - 77)
Modification of pergola and continued use of external area for customer seating used in connection with the Boulevard Restaurant.
- 8 **CC/21/03657/FUL - Solent Wholesale Carpet Company Ltd, Barnfield Drive Chichester, PO19 6UX** (Pages 79 - 107)
Construction of a new extension to the existing building.
- 9 **BO/21/03586/FUL - Dairy and Calf Barn Building, Taylors Lane. Bosham, PO18 8EN** (Pages 109 - 130)
Change use of 2 no. redundant farm buildings to 2 no. live/work units.
- 10 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 131 - 153)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 11 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 155 - 160)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 12 **Schedule of Contraventions** (Pages 161 - 189)
The Planning Committee is asked to consider the quarterly schedule which updates the position regarding planning enforcement matters.
- 13 **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
- 14 **Exclusion of the Press and Public**
There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
5. How applications are referenced:
 - a) First 2 Digits = Parish
 - b) Next 2 Digits = Year
 - c) Next 5 Digits = Application Number
 - d) Final Letters = Application Type

Application Type

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

Committee report changes appear in bold text. Application Status

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

CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 6 July 2022 at 9.30 am

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

Members not present: Mrs J Fowler

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Mr T Whitty (Divisional Manager for Planning Policy), Mr R Young (Development Management (Applications)), Mr J Brown (West Sussex County Council Highways) and Mrs F Baker (Democratic Services Officer)

251 **Chairman's Announcements**

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

The Chairman informed the Committee that Mr Whitty would be supporting the Committee as Ms Steven was unfortunately unable to attend.

Apologies were received from Cllr Judy Fowler

252 **Approval of Minutes - TO FOLLOW**

Cllr Oakley asked that further clarification could be provided to the minute item 242 and the angle at which the bund would be cut.

With the additional clarification the minutes of the meeting held on 15 June 2022 were agreed as a true and accurate record.

253 **Urgent Items**

There were no urgent items.

254 **Declarations of Interests**

Mr Barrett declared a personal interest in;

- Agenda Item 7 – CH/21/02873/FUL – As the CDC External Appointment to the Chichester Harbour Conservancy

Mr Brisbane declared a personal interest in;

- Agenda Item 5 – CC/22/01046/FUL – Member of Chichester Conservation Area Advisory Committee
- Agenda Item 6 – CC/22/01047/ADV – Member of Chichester Conservation Area Advisory Committee

Mrs Johnson declared a personal interest in;

- Agenda Item 7 – CH/21/02873/FUL – Member of West Sussex County Council
- Agenda Item 8 – D/21/00997/FUL – Member of West Sussex County Council
- Agenda Item 9 – NM/20/02989/FUL – Member of West Sussex County Council

Mr Oakley declared a personal interest in;

- Agenda Item 7 – CH/21/02873/FUL – Member of West Sussex County Council
- Agenda Item 8 – D/21/00997/FUL – Member of West Sussex County Council
- Agenda Item 9 – NM/20/02989/FUL – Member of West Sussex County Council

Mrs Sharp declared a personal interest in;

- Agenda Item 5 – CC/22/01046/FUL – Member of Chichester City Council
- Agenda Item 6 – CC/22/01047/ADV – Member of Chichester City Council
- Agenda Item 7 – CH/21/02873/FUL – Member of West Sussex County Council
- Agenda Item 8 – D/21/00997/FUL – Member of West Sussex County Council
- Agenda Item 9 – NM/20/02989/FUL – Member of West Sussex County Council and a Member of the Chichester District Cycle Forum

Although not a member of the Planning Committee Mr Moss had registered to speak as the ward member for Agenda Item 7 and declared the following personal interests;

- Agenda Item 7 – CH/21/02873/FUL – as the CDC appointed member of the Chichester Harbour Conservancy
- Agenda Item 7 – CH/21/02873/FUL – his sister-in-law was a neighbour of the applicant.

255 CC/22/01046/FUL - 48 East Street Chichester West Sussex PO19 1HX

The Chairman explained Agenda Item 6 – CC/22/01047/ADV would be included within the presentation, a separate vote would be taken after the Committee had made their deliberations.

Mr Young presented the report to the Committee.

He outlined the site location and confirmed the building was located within the Chichester Conservation Area. For context Mr Young showed the Committee photos of other shops within the vicinity.

Mr Young informed the Committee that the outside of the building would be painted in black and there would be some 'infilling' undertaken to create a continuous shop frontage. He explained the proposed signage was respectful of the Conservation Area and confirmed there would be no illuminated signage.

There were no representations.

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

In response to concerns regarding the shop frontage; Mr Young acknowledged the comments made. He explained the application sought to clad the central column in timber, and then hand paint it in black, which would blend in well with the wider location.

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

Resolved; **permit**, subject to the conditions and informatives set out in the report

**Members took a five-minute break.*

256 **CC/22/01047/ADV - 48 East Street Chichester West Sussex PO19 1HX**

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

Resolved; **permit**, subject to the conditions and informatives set out in the report

257 **CH/21/02873/FUL - The Granary Barn Steels Lane Chichester West Sussex**

Mr Young presented the report to the Committee. He drew attention to the Agenda Sheet which set out additional supporting information from the applicant.

Mr Young highlighted the site location and neighbouring properties. He confirmed the land the property was on, was in the ownership of the applicant. He outlined the curtilage of the property and highlighted the brick and flint wall.

Mr Young informed the Committee that the application included the proposal for one parking space.

Mr Young highlighted the shutter features on the property and explained these would be shut when the property was not in use. The roof light would have a blind

installed to prevent light spillage. He showed the internal floor and highlighted the original beams which had been maintained as part of the development. Mr Young showed pictures of the property and drew attention to the staddle stones which the property was built on.

There was no requirement for nitrate mitigation as the applicant had proposed to install a bio bubble. Mr Young confirmed Natural England had raised no objection.

The following representations were received;

Chidham & Hambrook Parish Council – statement read by Cllr Garrett
Mr Garrett – Objector
Mr Iain Macpherson – Objector
Mr Karl Seddon – Objector (Statement read by Mrs Fiona Baker)
Mr Peter Scot MBE – Supporter (Statement read by Mrs Fiona Baker)
Mr Jeremy Cox – Supporter (Statement read by Mrs Fiona Baker)
Mr David James-Cheesman – Supporter (Statement read by Mrs Fiona Baker)
Mrs Sandra James – Applicant
Cllr Adrian Moss – Ward Member

The Chairman invited Mr Whitty to clarify some comments made during the representations.

Mr Whitty clarified that no enforcement notice had been served on the property. In addition, he confirmed the issue of Permitted Development rights were not relevant to the application and should be disregarded. He drew the Committee's attention to paragraph 8.44 (p.41) which set out further detail regarding permitted development.

On the issue of a previous application being refused, Mr Whitty explained there was a principal difference in that the curtilage of the previous application extended out into field.

In response to concerns of recreational disturbance, Ms Golding drew the Committee's attention to paragraph 8.41 (p.41) and confirmed that a contribution of £490 had been received.

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

On the issue of what weight is afforded to which policy; Mr Whitty confirmed the Chichester Harbour Conservancy Management Plan was a material consideration, however, he explained that the Local Plan was the superior document. Mr Whitty informed the Committee that in officer opinion there was no conflict between the policies.

Mr Whitty confirmed that a 'change of use' application was not required for the drainage pipe.

With regards to Policy 46; Mr Whitty confirmed Policy 46 was the correct policy to consider. The application was putting an existing building to further use, providing a low-key tourism facility. There was no significant impact on the landscape. He

advised the Committee that they did not need to consider whether a 'need' had been met when considering whether the application was acceptable under policy 46.

Mr Whitty explained that 'Class Q', which allowed the conversion of agricultural buildings, did not apply in an AONB.

With regards to the materials used; Mr Whitty informed the Committee that it was standard practice in the conversion of old agricultural buildings to include a percentage of new materials.

With regards to limiting the proposed rental period; Mr Whitty informed the Committee this was not possible and would be an unreasonable condition. With regards to the dark skies, Mr Whitty drew the Committee's attention to Condition 7 of the report (p.44) which required a blackout blind to be fitted and closed from dusk till dawn.

On the matter of 'precedence' being set; Mr Whitty clarified that there would be no precedence set as the conversion of the building was permitted through the Local Plan.

Mr Whitty informed the Committee that an Inspectors Judgement letter did not create policy.

Mr Whitty confirmed there was no evidence to suggest the site was at risk from flooding.

In a vote the Committee agreed to support the report recommendation to **permit with S106**, subject to the conditions and informatives set out in the report.

Resolved; **permit with S106**, subject to the conditions and informatives set out in the report

** Members took a 15-minute break.*

258 **D/21/01013/FUL - Donnington Manor Farm Selsey Road Donnington**

Mr Young presented the report to the Committee. He showed the site layout and outlined the buildings already located on and the highlighted the nearest property; 2 Ivy Cottages which was where the applicant currently resided.

Mr Young drew the Committee's attention to the proposed area of land for the new development. He confirmed the site was located outside the settlement boundary.

The proposal was for a one and half storey chalet style bungalow, with a link to garaging and office. Mr Young confirmed there would be new landscaping provided as part of the application, he showed the proposed elevations and floor layout. He explained officers were concerned the proposal and its design was out of keeping with the surrounding countryside.

Mr Young informed the Committee the application was in open countryside and was not designated for development. He explained the applicant already lived on the main farm site had not put a satisfactory case forward for the essential need to live on site. Mr Young informed the Committee the farm was operational, but there were also a number of diversified businesses on site including wild camping and dog walking.

There was no objection from WSCC Highways and an electric vehicle charging point would be installed as part of the development.

Mr Young explained the recommendation was to refuse the application and drew the Committee's attention to page 63, which set out the reasons for refusal.

The following representations were received;

Mr John Brown – Supporter
Mr Robert Brown – Supporter
Cllr Adrian Moss – CDC Ward Member
Cllr Penny Plant – CDC Ward Member

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

On the matter of Ivy Cottages; Mr Whitty confirmed the Historic Buildings Advisor had visited the site and advised that modifications could be sensitively made with planning application.

With regards to additional conditions; Mr Whitty informed the Committee that a personal condition (i.e., attached to the applicant) could not be included however, a condition to restrict the occupation of the house to an agricultural work could be attached.

In response to concerns regarding policy application; Mr Whitty clarified that officers had tested the application against policy criteria and in doing so found the application did not meet many of the required criteria. He advised that whilst policy was not made by the granting or refusing of applications, the interpretation of policy in making the decision did.

With regards to the ownership of other buildings on the land; the Chairman allowed the applicant to clarify the boundary of the blue line, they confirmed that neither Donnington Manor nor North End Cottage were in their ownership.

Mr Whitty confirmed there was no 'tie' on Ivy Cottage.

With regards to whether there was an alternative location on site; Mr Whitty advised the Committee this would have been considered as part of the application process.

With regards to negotiating on the size of the proposed development site; Mr Whitty reminded the Committee they were not there to negotiate; it was their responsibility to take a decision on the application presented to them.

Mr Whitty advised the Committee that if they chose to permit the application it would be cited as precedent on similar future applications. However, if the Committee felt that the complexities of the site necessitated the need for the applicant to reside on site and grant the application outside of Policy 37, the application could be advertised as a departure from Local Plan Policy for a period of three weeks, it would then be brought back to Committee for decision.

Cllr Bowden proposed the application be deferred for a site visit.

Cllr Brisbane seconded the proposal.

In a vote the Committee rejected the proposal.

In a vote the Committee refused to support the report recommendation.

Cllr Bowden proposed the application be deferred to allow officers the necessary time to readvertise as the application as a departure from Local Plan Policy, due to the complexities of the diversification and the need for someone to be on site at all times. During the deferment the Committee asks officers to further negotiate the extent of the curtilage of the dwelling with the applicant.

Cllr Sharp seconded the proposal.

In a vote the Committee voted in favour of the proposal to **defer**; for the reasons set out above.

Resolved; **defer**, for the reasons set out above.

259 **NM/20/02989/FUL - Land South Of Lowlands North Mundham West Sussex**

Ms Bell presented the report to the Committee. She drew attention to the Agenda Update Sheet which included some additional correspondence from the applicant.

Ms Bell explained the application was deferred from the Committee meeting held on 8 September 2021 and went over the reasons for the deferral. She drew the Committee's attention paragraph 6.17 (page 89 - 90) of the report which set out the additional comments received from WSCC Education who had removed their objection following a recent revision in pupil projections and now supported the application.

Since the deferral of the application there had been some changes; the Council now had a five-year housing land supply and First Homes had been included within the application.

Ms Bell highlighted the site location and informed the Committee the site was 8.44 hectares, located between the settlement of North Mundham and Hunston. She highlighted the different areas of the application and drew attention to the grade 2

properties near the site. In addition, she clarified where the site was in relation to the Lowlands development site.

Ms Bell explained the overhead cables seen in photos had permission to be buried.

The site fell within the boundaries of both Hunston and North Mundham Parish Councils. The housing and open spaces would be located within North Mundham Parish Council, and the ecological mitigation area would be located within Hunston Parish Council.

She explained the application was a hybrid application which sought full planning permission for 66 dwellings and associated development including parking, open space, an equipped play area and SUDs; and outline planning permission with all matters reserved except for access to the east of the site for open space and the provision of a new 3.5m footway/cycleway.

Ms Bell highlighted the site layout and identified where different aspects of the development would be located. She highlighted the affordable housing units which included the first homes.

The Committee were shown proposed elevations.

Ms Bell informed the Committee that all houses would be installed with air source heat pumps. Solar panels would be installed on 17 dwellings and 80% would have Electric Vehicle charging points.

As part of the S106 agreement the outdoor space would be transferred to North Mundham Parish Council for future maintenance, this would not include the SUDs.

The following representations were received;
Mr Tim Russell – North Mundham Parish Council
Mrs Joan Foster – Hunston Parish Council (statement read by Mrs Fiona Baker)
Ms Amanda Sutton – Agent

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

With regards to further upgrades along the footpath 188 to Hunston; Ms Bell explained the footpath crossed land which fell outside the application site, was in third party ownership and not relevant to the application. Officers had met with Public Rights of Way Officers who had requested a substantial upgrade which could not be justified in planning terms.

On the issue of GP provision; Ms Bell informed the Committee that a CIL element would be paid for medical provision.

With regards to the lack of capacity in the Southern Water Network; Ms Bell informed the Committee that a preoccupation condition had been recommended. In addition, Ms Bell explained, the Lowland site was owned by the same developer, who was already in discussion with Southern Water regarding requirements.

Discharge conditions regarding wastewater were also proposed as part of the recommendation.

On the matter of the ageing population; Ms Bell highlighted the six bungalows which would be developed at the southern end of the site.

In response to concerns regarding the coalescence between the two settlements; Ms Bell highlighted the area of land which would be retained as open space in perpetuity, which would help prevent the coalescence between North Mundham and Hunston.

Whilst not a planning matter, Ms Bell informed the Committee the maintenance of the open space land would be for a period of 15 years, with a £200,000 contribution proposed by the applicant. She drew the Committee's attention to p.113 which set out the proposed legal agreement.

On the matter of road safety and risk assessment; Mr Brown informed the Committee that a stage one road safety audit had been undertaken on the access as part of the Lowlands application. Additional information had been submitted by the transport consultant for the application, this information confirmed the auditor was satisfied with the safety assessment undertaken.

With regards to visibility; Mr Brown confirmed that the access to the development was in accordance with the 85 percentile of recorded road speeds.

On the matter of the queue risk assessment; Mr Brown informed the Committee the transport assessment for the application had considered a 'worse case scenario' of 250 dwellings. WSCC have reviewed the evidence and are satisfied with the assessment undertaken.

With regards to Solar Panels; Ms Bell explained officers assessed the application against the criteria set out in the IPS, which requires a minimum of 19% fabric first. The applicants have proposed 21.3% fabric first, in addition through the solar and air source heat pumps the applicant is proposing a further 52% in renewable energy. The total being offered by the applicant was significantly higher than what was set out in the IPS. She agreed an informative could be added which would allow the occupant on 'first sale' to choose whether to add Solar Panels.

With regards to bus stops; Mr Whitty explained that neither a condition nor informative could be attached. However, the Council could contact WSCC, and Stagecoach to ask for further bus stops outside the meeting.

On the matter of the pumping station; Ms Bell highlighted where the pumping station would be located, she explained the design would be completed under the Utilities Permitted Development Rights.

On the issue of removing permitted development rights from the bungalows; Mr Whitty agreed a condition could be included to remove the permitted development rights from the six bungalows.

In a vote the Committee agreed to support the report recommendation to **defer for S106 then permit**, subject to the conditions and informatives set out in the report, plus the additional condition and informatives.

Resolved; **defer for S106 then permit**, subject to the conditions and informatives set out in the report, plus the additional condition and informatives.

**Members took a five-minute break*

** Cllr Johnson and Cllr McAra left the meeting at 14.03*

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

The Chairman drew the Committee's attention to the Agenda Update sheet which included an update on High Court Matters.

In response to a question regarding the 666 number of houses quoted on p.139 in the Inspectors letter; Mr Whitty informed the Committee he would look into this further outside the meeting.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

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

There were no late items.

263 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 2.10 pm

CHAIRMAN

Date:

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)

Chichester District Council

PLANNING COMMITTEE

10 August 2022

The Local List – Information required to support a valid planning application

1. Contacts

Report Author:

Fjola Stevens, Divisional Manager Development Manager
Telephone: 01243 534734. Email: fstevens@chichester.gov.uk

2. Recommendation:

2.1 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

3. Background

- 3.1. The Local List sets out Chichester District Council's (CDC) policy on the information which must be provided in support of all planning application types within Chichester District, outside of the South Downs National Park (SDNP), for the Council to determine their validity. The South Downs National Park Authority (SDNPA) has separate Local Requirements to CDC which are applicable within the SDNP. The CDC Local List includes the mandatory national requirements as specified within the Town and Country (Development Management Procedure) Order (DMPO) and additional information reasonably necessary to enable the Council to determine the application.
- 3.2 The National Planning Policy Framework (NPPF) at paragraph 44 states that "Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question." The need for an update to date local list of validation requirements is reiterated in the National Planning Practice Guidance (NPPG) which states that "A local list should be reviewed at least every 2 years" (Paragraph: 043 Reference ID: 14-043-20140306). The importance of consultation is also recognised within the NPPG, which states "Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation." (Paragraph: 044 Reference ID: 14-044-20140306).

- 3.3 The Council's current Local List was last reviewed in October 2020, and therefore a new list will be required in October 2022, after which it would not be possible to rely on the current list for the validation of applications.
- 3.4 The revised List has been amended to address new and emerging issues such as Water Neutrality and Nitrate Neutrality. For example:
- A water neutrality statement is required for relevant development within the Sussex North Water Resource Zone,
 - Additional requirements for information required in Nutrient Neutrality Statements
- 3.5 The documents required for a range of applications may now include:
- Affordable Housing Statement
 - Air Quality Assessment
 - Biodiversity and Ecological Assessments (including Nutrient Neutrality Statements)
 - Community Infrastructure Levy & S106 Planning Obligations
 - Flood Risk Assessment
 - Flood Risk Sequential and Exception Tests
 - Drainage Assessments
 - Heritage Statement
 - Interim policy statement justification
 - Land Contamination Assessment
 - Lighting Assessment
 - Noise Assessment
 - Odour Assessment
 - Plans, Drawings & Photos
 - Retail Sequential Test & Impact Assessment
 - Structural Survey
 - Sustainable Construction and Design Statement
 - Transport Assessment, Statements & Road Safety Audits
 - Travel Plan
 - Parking Assessment
 - Tree Survey & Method Statement
 - Ventilation/Extraction Statement
 - Water Neutrality Statement

4. Outcomes to be achieved

- 4.1. Agreement and adoption of this document will:
- Provide improved information for developers and applicants involved in the submission of planning applications,
 - Speed up the validation process,
 - Assist planning and other services officers, consultees and interested parties in assessing planning applications by ensuring all the relevant issues are adequately addressed within the submitted application, and

- Speed up decision making for applications affected by Water Neutrality or Nitrate Neutrality issues,

5. Proposal

- 5.1 The proposal is that the document is agreed for consultation so that it has weight in the planning process and can be used to inform the Council's requirements for the validation of planning applications.

6. Alternatives considered

- 6.1 That the current list is not updated. This will result in the Council not being able to identify and require the additional supporting information required to determine an application at the validation stage, leading to delays in the consideration and determination of applications.

7. Resources and Legal Implications

- 7.1 There are no significant resource implications arising from the approval of this document as a document for the purpose of validating planning applications.

8. Consultation

- 8.1 To date the document has not been subject to consultation. A 4-week public consultation period is proposed, and this will include consultation with all statutory and non-statutory consultees, parish councils, ward members and planning agents who regularly submit planning applications to CDC. In addition, a press statement will be released and publicised on social media to make residents and members of the public aware of the document.

9. Community Impact and Corporate Risks

- 9.1 The impact on the local community is expected to be positive as the document will ensure that customers are clear on the information required alongside and application and delays during the validation process whilst further information is sought will be reduced.
- 9.2 There are no corporate risks.

10. Other Implications

Are there any implications for the following?		
If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the		✓

report have any implications for increasing or reducing crime and disorder?		
Climate Change Are there any implications for the mitigation of or adaptation to climate change? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		✓
Human Rights and Equality Impact This document expands on the requirements of the National Planning Policy Framework and the National Planning Practice Guidance.		✓
Safeguarding The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk?		✓

11. Appendix

- 11.1 Appendix 1 – The Draft Local List 2022 – Information required to support a valid planning application.

12. Background Papers

- 12.1 None

Chichester District Council



The Local List

Information required to support a valid planning application

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1. Introduction

This document sets out Chichester District Council's (CDC) policy on the information which must be provided in support of all planning application types, for the Council to determine their validity. The South Downs National Park Authority (SDNPA) has separate Local Requirements to CDC. Any application made within the South Downs National Park (SDNP) area must comply with the [SDNP Local List of Requirements](#).

Further guidance on information requirements, design and access statements and the standard application form is set out in nationally produced advice, within the [National Planning Practice Guidance](#) (PPG) and the Town and Country Planning (Development Management Procedure) Order 2015 ([DMPO](#)) as amended.

2. The Framework

The information required to make an application valid comprises:

- mandatory national information specified in the [DMPO](#), including a design and access statement where one is required;
- the standard application form; and
- information to accompany the application as specified by the local planning authority in its local list of information requirements

This information is necessary to enable the Council to validate an application for planning permission and listed building consent to start the determination process.

3. Information requirements

The Council will take a proportionate approach to information in support of applications. Applicants will be asked only to provide supporting information that is relevant, necessary, and material to the application. However, in seeking to take a proportionate approach that does not place unnecessary burden upon applicants at the beginning of the process, where an application is accompanied by documentation that purports to cover the relevant issues below it will likely be accepted by the Local Planning Authority (LPA) as valid. This does not however suggest that the material contained within is sufficient to determine the application and in cases where further information is required officers will seek further information from the applicant/agent or may refuse the application. In certain circumstances, where the information is significantly deficient the LPA may treat the application as subsequently invalid, until such time as appropriate material has been submitted.

Any supporting information should add to the Council's understanding of the development scheme submitted for determination. The information requested and provided should help to explain the nature of the proposed development, its anticipated impacts – positive and negative – and any measures proposed to mitigate any anticipated adverse impacts. The [National](#)

[Planning Policy Framework \(NPPF\) and the Planning Practice Guidance \(PPG\)](#) provides further guidance on matters relating to applications.

4. Validation of applications

The validation process is an effective check that the applicant has met the statutory requirements for a valid application. This Local List of requirements has been prepared by the Council to clarify what information is usually required for applications of a particular type, scale, or location. If the Council is satisfied it has received an application that complies with both the mandatory national requirements specified in the [DMPO](#) and the published local list, the Council will proceed to validate and determine the application.

The process of validating planning applications is essentially an administrative one. The information submitted will be assessed during the determination process, not the validation process. Provided the application submitted meets the requirements set out in the [DMPO](#), encompassing the mandatory national requirements and published Local Requirements; it will be registered as a valid application.

The Council will seek information necessary for a decision to be made and will not require a level of detail to be provided that is unreasonable or disproportionate to the scale of the proposal. Not all the information in the Council's published Local List will be necessary in every case. Where an application is not accompanied by the information required by the Council in its Local List, the applicant should provide a short, written justification with the application as to why it is not appropriate in the particular circumstances.

For larger or more complex schemes, or proposals in sensitive areas, applicants should seek to agree information requirements with the Council prior to submission, through pre-application discussions so that, where possible, the information sought is proportionate to the nature of the scheme. Some other statutory consultees also provide pre-application advice, separate to the LPA. Full details can be found on their respective websites.

If an application submitted lacks the necessary information specified in the [DMPO](#) or in the Local List, the Council will, in general, be entitled to invalidate the application. The Council will request in writing any additional information required to make the application valid and will take no further action until it has been received.

5. Notification of validity

Once an application has been received, accompanied by all the necessary information, it will be validated as soon as reasonably practicable. Notification will be given to the applicant in writing, confirming the validity of the application and the start date of the statutory period for determination.

Normally, the Council aims to complete this process within 3 – 5 working days from the date of receipt.

6. Applications for outline planning permission

Applications for outline planning permission must identify those matters reserved for future consideration. However, where the Council receives an application for outline planning permission but is of the opinion that more information is required and the application ought not to be considered separately from all or any of the reserved matters, the Council will, in accordance with Article 5(2) of the [DMPO](#) notify the applicant within one month of the receipt of the application that it is unable to determine it unless further details are submitted. This should not, however, be confused with applications where inadequate information is submitted, or a published information requirement has not been submitted.

7. Pre-application advice

The Council encourages applicants to seek advice prior to the submission of all types of application. Pre-application advice aims to guide applicants through the process and to ensure they are aware of the information requirements. This can help minimise delays later in processing the application. Such advice may also identify whether other consents or additional information may be required. Information regarding the Council's pre-application advice service may be found on the [Chichester District Council Planning website](#). The SDNP Authority operates their own pre-application advice service for proposals that fall within the SDNP, details of which are available on their website. For other specialist pre-application advice such as highways, you should contact the appropriate Authority.

8. Chichester District Council Local Requirements list

In order for an application to be valid it must satisfy both the National and Local requirements. This document sets out both parts of the validation requirements:

- **Part I** contains compulsory requirements for the submission of an application, including some matters that are required by law and other information that Chichester District Council considers necessary in all cases.
- **Part II** contains additional information (local requirements), which Chichester District Council considers may be necessary with certain application types or locations.

PART I - NATIONAL REQUIREMENTS

Planning applications may be submitted either as an online application or in 'hard copy'. Online applications can be made via the [Planning Portal](#) and planning application forms can also be downloaded from the [Planning Portal](#).

The [national requirements](#) for planning applications state that all applications for planning permission **MUST** include:

1. The completed application form

The standard application form requires applicants to supply information on a range of issues, tailored to the type of application. Applicants **MUST** answer **ALL** questions.

2. The correct fee

Most planning applications incur a fee and these are described in the [Statutory Instrument 2012 No. 2920](#) (as [amended](#)). The Planning Portal includes a [fee calculator](#) for applicants.

The Council's preferred methods of payment for applications are:

- online via the Council's [planning payment page](#), or
- over the telephone by calling our Customer Service Centre on 01243 534734.

3. Ownership and agricultural holdings certificates

All applications for planning permission must include a signed certificate of ownership stating the ownership of the property (for this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the un-expired term of which is not less than 7 years). There are 4 types of certificate (A, B, C or D) which should be used as set out below:

A = If you are the sole owner

B = If any part of the application goes outside land in your sole ownership

C = If you do not know the names of all the owners

D = If you do not know the names of any of the owners

Agricultural Holdings Declaration

This certificate is required (and must be signed) whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application. The certificate is required all applications except applications for reserved matters, discharge, or variation of conditions, works to trees, or express consent to display an advertisement.

4. Ownership notice

If the applicant is not the sole owner of the application site a notice that the application is being submitted to all owners of the application site, other than the applicant, must be completed and served in accordance with Article 13 of the [DMPO](#). Site owners are freeholders and leaseholders with at least seven years of the leasehold left unexpired. A copy of the notice should be served by the applicant on each of the individuals identified in the relevant certificate.

In the event you need to serve notice on an 'owner' of the site, please use Notice No. 1.

In the event you do not know some, or any, of the 'owners' of the site and have to publish details of the application in a local newspaper, please use Notice No. 2.

5. The location plan

ALL applications other than those relating to the variation of a condition to an existing permission **MUST** include a location plan based on an up-to-date map. This should be at an identified standard metric scale (typically 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 sized paper). Plans should identify sufficient roads (normally two) and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear. It must also show the direction of North. Any plan from or based upon Ordnance Survey data must be annotated with the appropriate licence number or marked as surveyed if the plan has been drawn from a survey of the site.

The application site should be clearly edged with a **red line**. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings.

A **blue line** should be drawn around any other land owned by the applicant, that is close to or adjoining the application site.

6. Other plans or drawings

Plans necessary to describe the subject of the application are a national requirement. Details of the plans required to describe the proposal are set out in more details within Part II (Local Requirements).

7. Design and access statement

A Design and Access Statement must accompany applications for both outline and full planning permission for:

- 1) Major development: 10 or more dwellings or creation in excess of 1000 sq. m of non-residential floor space,
- 2) Applications for development in a conservation area, where the proposed development consists of:
 - one or more dwellings; or
 - a building or buildings with a floor space of 100 square meters or more,
- 3) Applications for listed building consent.

A Design and Access Statement accompanying a planning application must include

- a) The design principles and concepts that have been applied to the development
- b) How issues relating to access have been dealt with.

And should:

- a) Explain the design principles and concepts that have been applied to the development
- b) Demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account
- c) Explain the approach adopted as to access and how policies relating to access are relevant
- d) State what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
- e) Explain how any specific issues that might affect access to the development have been addressed.

A Design and Access Statement accompanying an application for listed building consent must include an explanation of the design principles and concepts that have been applied to the proposed works, and how they have taken account of:

- a) The special architectural or historic importance of the building;
- b) The particular physical features of the building that justify its designation as a listed building; and
- c) The building's setting.

Unless the proposed works only affect the interior of the building, Design and Access Statements accompanying applications for listed building consent must also explain how issues relating to access to the building have been dealt with. They must explain the applicant's approach to access, including what alternative means of access have been considered, and how relevant Local Plan policies have been taken into account.

A single Design and Access Statement may be provided alongside a joint application for planning and listed building consent provided it meets both sets of requirements.

Guidance

The statutory requirements for a design and access statement are set out in [Article 9](#) of the DMPO and [Article 3A](#) of the Planning (Listed Building and Conservation Areas) Regulations 1990 (as amended).

In respect of the design and access regard should be had to access for a fire appliance and supply of water for firefighting in compliance with B5 of Approved document B.

8. Environmental Impact Assessment

Environmental Impact Assessment (EIA) is needed for certain types of development; these are usually but not always major developments. Information can be found in:

[The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)

You can seek a formal opinion (*a screening opinion*) from the Local Planning Authority as to whether an EIA is needed before you submit your planning application. If an EIA is needed you can also ask the Authority to advise upon what the EIA should contain (*a scoping opinion*). If you decide not to ask for either a screening or scoping opinion before you submit your planning application, the Local Planning Authority will carry out screening and scoping when we receive your application but please be aware that this may lead to delays if an EIA is found to be needed.

All EIA applications should be accompanied by an Environmental Statement (ES) in accordance with Schedule 4 of the Regulations. Where an application is submitted without an ES but is deemed to require an ES, the Council will notify the applicant within 3 weeks of receipt of the application. Thereafter the applicant has 3 weeks (unless a longer period is agreed in writing with the applicant) to confirm in writing if an ES will be submitted, or that a screening direction will be sought from the Secretary of State in accordance with Regulation 11.

In accordance with Regulation 20, the Council must suspend consideration of the application until the ES, with the appropriate notices and certificates, is submitted. Alternatively, where an application is required to provide an ES and this is not submitted, the application will be deemed to be refused in accordance with Regulation 11.

PART II - LOCAL REQUIREMENTS

Chichester District Council requires that additional information, known as the Local Requirements, is submitted with a planning application, where necessary. Applicants are advised to seek advice on the need for such information before submitting an application. The information requirements are set out below and the key references are the [Chichester Local Plan: Key Policies 2014-2029](#) and the [National Planning Policy Framework](#) (NPPF).

The [National Planning Practice Guidance](#) (NPPG) provides further guidance on the implementation of the Framework.

1. AFFORDABLE HOUSING STATEMENT

Affordable Housing is an important Council priority. The requirement to provide affordable housing applies to all residential developments resulting in a net increase of 6 units or more in the designated rural area and 11 units or more within the Settlement Boundary. The Council would normally require affordable housing to be provided on site. Within the rural area, affordable housing may, in exceptional circumstances, be provided through off-site provision facilitated by a financial contribution, paid before completion of the development.

The designated rural area for the purposes of Affordable Housing is designated by Section 157(1) of the Housing Act 1985 as shown on the [map for Chichester District](#) on the Council's website

When required

A statement is required for all applications for residential development resulting in a net increase of:

- 1) 11 units or more within the Settlement Boundary, and
 - 2) 6 units or more within the designated rural area,
- with the exception of applications for reserved matters where there are no proposed changes to the amount, mix or tenure of the dwellings development.

Information required

Relevant applications should be accompanied by a statement which specifies:

- the number, size, tenure and mix of dwellings and proposed Registered Provider (RP) for Affordable Housing, and
- the number, size and mix of market housing units proposed.

The Council is committed to delivering the full requirement for affordable housing, however in the event that none or a lower level of provision for affordable housing is made on site, full justification must be submitted.

Guidance

Further information can be found in the NPPF, the Council's Housing and Economic Development Needs Assessment (HEDNA), Policy 34 of the Local Plan, and the [Planning Obligations and Affordable Housing Supplementary Planning Document](#). Regard should also be had to any requirements set out within a [Neighbourhood Plan](#) for the area.

2. AREA OF OUTSTANDING NATURAL BEAUTY (AONB) STATEMENT

In accordance with the NPPF great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's which alongside National Parks and other designated landscapes have the highest status of protection in relation to these issues. Applications should be accompanied by a statement that demonstrates how the special features of the AONB have been considered in the design process.

When required

- 1) For all development within the AONB (except applications for listed building consent and lawful development certificates)
- 2) For all major and minor development (except changes of use and alterations to buildings where no additional floor space is proposed) where the site lies outside of a settlement boundary and within 500m of the AONB

What is required

An AONB impact assessment shall be provided which demonstrates how the proposal would conserve and enhance the natural beauty of the landscape. The statement must demonstrate how the proposal would;

- Meets the requirements set out in the Joint AONB Supplementary Planning Document (SPD) particularly in respect of
 - a. Design, appearance and materials
 - b. Scale and mass (including comparisons of extension and proposed footprint and silhouette)
 - c. Boundary treatments and landscaping
 - d. Fenestration and prevention of light spill to maintain dark skies
 - e. Renewable technologies, and
- Meets the requirements of the Chichester Harbour Management Plan, including Planning Principals
- Protect the flora and fauna which is a special quality of the AONB and result in biodiversity gains, or
- Is justified as an exception to the above

Guidance

Statements should be informed by the policies and principles set out in the Chichester Harbour Management Plan (2019-2024 Third Review), the Chichester Harbour AONB Landscape

Character Assessment (2019), and the Landscape Character Appraisal (April 2019). These, and other documents that may be relevant, produced by the Harbour Conservancy are available [online](#).

3. AIR QUALITY ASSESSMENT

The Council has designated four Air Quality Management Areas (AQMA) (one of which lies within the SDNP) including the A27 Stockbridge roundabout; Orchard Street, Chichester and St Pancras, Chichester. These are areas where health based EU limit values and National Objectives for nitrogen dioxide are not achieved. Air quality must be considered for development proposals likely to generate trips that will affect the AQMAs and for applications proposing plant in locations where their emissions have potential to impact on human health through breach of the Objectives.

When required

An air quality assessment is required when:

- 1) development is likely to generate air quality impact in an area where air quality is known to be poor, (eg. introduce receptors to an area within or close to an AQMA); or
- 2) development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or lead to a breach of EU legislation (including that applicable to wildlife). These are generally major developments - particularly those that significantly increase traffic volumes in the vicinity of the site and/or in or affecting the AQMAs.
- 3) development is proposed within the Southern Gateway area of Chichester such that it will alter the streetscape/topography in a way that is likely to 'trap' pollution and give rise to a new AQMA
- 4) plant (i.e boiler plant including solid fuel and district heating systems) and/or industrial premises are proposed which has potential to impact on air quality through emissions to atmosphere.

Further information about the need for air quality assessments is provided in the Institute of Air Quality Management (IAQM) document Land-Use Planning & Development Control: Planning for Air Quality January 2017 – section 6 in particular Tables 6.1 and 6.2.

Information required

Air quality assessments should be proportionate to the nature and scale of the proposed development. They should assess the predicted concentration of pollutants of concern at appropriate dates and sensitive locations, the predicted change in air quality and the spatial impact of the change. Sensitive locations may include elements of the proposed development, existing buildings and land uses within the vicinity of the proposed development, or within the wider area.

If significant impacts or significantly increased exposures are shown to be likely, measures to prevent or minimise impact should be proposed and may be required as a condition of any

permission granted. Sections 6.18 – 6.23 of the IAQM document listed above outlines the expected contents of an air quality assessment.

Guidance

Further information is available in the [Planning Practice Guidance \(PPG\) March 2014](#), paragraph 181 of the [NPPF](#) and the emerging [Air Quality and Emissions Mitigation Guidance for Sussex \(2019\)](#) which is likely to become adopted guidance in 2020.

4. BIODIVERSITY AND ECOLOGICAL ASSESSMENTS

The planning authority has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of species protected by law which includes the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and the Badgers Act 1992, as well as priority species for biodiversity set out under S41 of the Natural Environment and Rural Communities Act 2006.

Likely impacts can be categorised as both on-site and off-site impacts. The requirements for each are set out below.

4A. ON-SITE IMPACTS

When required

- 1) Greenfield and rural developments, particularly where the proposal affects an area of priority habitat – please see appendix 2 of the following document [Guidance on Ecological Surveys and Planning Applications](#) for a list of priority habitats
- 2) Conversions and the demolition of buildings where there is a reasonable expectation that protected species such as nesting birds and bats may be present,
- 3) Proposals within or adjacent (within 400m) to Local Wildlife Sites or SSSI sites,
- 4) Any other proposal where there is a reasonable likelihood of impacting on protected or priority species, and

Information required

When required all applications must be accompanied by:

- Preliminary Ecological Appraisal (PEA) including an ecological data search from the Sussex Biodiversity Record Centre, and
- completed [Protected Species Survey Checklist](#)

When a Preliminary Ecological Appraisal has been carried out and it has identified the need to carry out further surveys i.e. Emergence Survey for Bats, it will be necessary to submit;

- Preliminary Ecological Appraisal (PEA) including an ecological data search from the Sussex Biodiversity Record Centre,,

- all secondary surveys identified as necessary within the PEA, and
- completed [Protected Species Survey Checklist](#)

Where a proposed development is likely to affect protected or priority species, the applicant must submit a Preliminary Ecological Appraisal and any additional surveys recommended by the preliminary appraisal, as well as any mitigation strategies and proposals for long term maintenance and management.

The appraisal should be undertaken by competent persons with suitable protected species licences, qualifications and experience, membership within the Chartered Institute of Ecology and Environmental Management (CIEEM) and must be carried out at an appropriate time of day and month of the year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available. The survey should be informed by the results of a data search with the [Sussex Biodiversity Records Centre](#). The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and in what numbers (may be approximate)
- Map their distribution and suitable habitat both on the proposal site and, where appropriate in the surrounding area
- State any constraints on the scope of the survey.
- Identify any further surveys required, and undertake these
- Where required provide mitigation measures to ensure protected species are not harmed
- Provide enhancements to improve biodiversity across the site.

The appraisal should identify and describe potential development impacts likely to harm the protected/priority species or their habitat, including the structures or places which they may use for shelter or protection. These should include both direct and indirect effects both during and after construction. They should also include the potential impact on [local ecological networks](#). Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered
- How adverse effects will be avoided wherever possible
- How unavoidable impacts will be mitigated or reduced
- How impacts that cannot be avoided or mitigated will be compensated

All applications within 400m of the boundary of the Medmerry SSSI must provide sufficient information for the planning authority to undertake a Habitats Regulations Assessment. If an Appropriate Assessment is required then this will be assessed against the Features of Interest for which the Solent Maritime SAC is designated. All applications within 1000m of the boundary of the Medmerry SSSI must provide sufficient information to be screened for impacts on Medmerry compensatory habitat.

For further guidance please refer to the Council's [Guidance on Ecological Surveys and Planning Applications](#). The Chartered Institute of Ecology and Environmental Management also has a [series of guidance documents](#) including the [CIEEM Guidelines for Preliminary Ecological Appraisal](#).

4B. OFF-SITE IMPACTS: DESIGNATED NATURE AND HABITAT SITES

Mitigation of recreational disturbance

There are a number of Internationally Designated Sites within the plan area these include Chichester and Pagham Harbours and Ebernoe Common. Development likely to affect these sites through recreational disturbance will require suitable mitigation of the impact of the development.

Policy 50 and 51 of the Chichester Local Plan set out how new residential development has an in combination effect on protected bird species of Chichester and Langstone Harbours SPA and Pagham Harbour SPA. Chichester and Langstone Harbour SPA forms part of the Solent Recreational Mitigation Partnership which delivers the Bird Aware Solent Scheme. Pagham Harbour SPA is covered by a similar scheme run by Chichester and Arun districts. Developers pay a fixed contribution per net new dwelling as compensation to the schemes.

When required

All development resulting in a net increase of dwellings within:

- 1) 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA), or
- 2) 3.5km of the Pagham Harbour SPA.

The Local Plan contains a map showing where policy 50 and 51 apply.

Information required

A statement to acknowledge the need to mitigate a scheme is required. The statement should include;

- a commitment to provide mitigation via a financial contribution to Bird Aware Solent (for Chichester & Langstone Harbours SPA) or to joint scheme of mitigation (for Pagham Harbour SPA)
- Where there is a identified standalone impact on the SPAs (for larger residential schemes) along with a contribution to the schemes a package of bespoke mitigation measures onsite may need to be included to avoid any significant effect on the SPA.

It will be necessary for the financial contribution to the mitigation schemes to be accompanied by a Unilateral Undertaking, or to enter into a S106 Planning Obligation, during the course of the application. A template unilateral undertaking can be provided upon request.

Further information and guidance for planning on recreational disturbance of Birds in Special Protected Areas (SPAs) in the Chichester Local Plan area can be found [online](#).

Indirect impacts on Special Areas of Conservation (SAC) designated for bat species

For SAC sites designated for bats including Ebernoe Common, The Mens, and Singleton and Cocking Tunnels the South Downs National Park Authority (SDNPA) have identified areas of potential impacts up to 12km from the site. Some of these areas extend into the Chichester Local Plan area. In these locations an assessment will need to be made on the potential impact on Barbastelle and Bechstein's bat species. Where an impact on the species is identified a Habitat Regulations Assessment will need to be undertaken and information will need to be provided by the applicant for this.

When required

- 1) Developments including new buildings, any development affecting trees and/or hedgerows, and any development leading to an increase in external lighting levels, if located within a 12km buffer of Singleton and Cocking Tunnels SAC
- 2) All developments within 200m of an identified bat flight-line originating from The Mens SAC or Ebernoe Common SAC. Maps of the flight-lines can be found in a [report](#) published by the Sussex Wildlife Trust.
- 3) All developments within 12km of an SAC where records of Bechstein's or Barbastelle bats exist within 500m of the site

Guidance

The local planning authority as the competent authority will undertake the necessary Habitat Regulations Assessment, however it is the responsibility of the applicant to ensure that sufficient information is submitted for the assessment to be completed.

For SAC sites designated for bats including Ebernoe Common, The Mens, and Singleton and Cocking Tunnels the South Downs National Park Authority have identified areas of potential impacts up to 12km from the site. Some of these areas extend into the Chichester Local Plan area. In these locations an assessment will need to be made on the potential impact on Barbastelle and Bechstein's bat species.

Where an impact on the species is identified a Habitat Regulations Assessment will need to be undertaken and information will need to be provided by the applicant for this. Further information on the buffer zones surrounding the SACs can be found within the [South Downs National Park Local Plan](#).

Natural England also offers an advice service for developers and applicants available via their [website](#).

Impact of nitrates upon the Chichester and Langstone Harbours designated sites

There is a likely significant effect on several internationally designated sites (Special Protection Areas, Special Areas of Conservation and Ramsar sites) across the Solent area, including Chichester and Langstone Harbour. Following an assessment by Natural England it has been established that more than 3000ha of the harbour is in an unfavourable declining condition and one of the reasons for decline is water quality. Achieving nutrient neutrality is one way to address the impact of new development upon the designated sites at Chichester Harbour.

Natural England has published a practical methodology guidance note on how to calculate nutrient budgets and options for mitigation if necessary. Where appropriate, development proposals must demonstrate how they achieve nitrate neutrality in accordance with Natural England's latest guidance on achieving nutrient neutrality for new housing development.

When required

A nutrient neutrality statement must be submitted with any application for:

- 1) Residential developments resulting in a net gain in the number of dwellings, and
- 2) Commercial development resulting in an increase in overnight stays where wastewater would discharge to Appledram, Bosham or Thornham Wastewater Treatment Works (WwTW) or to a means of non-mains drainage within the Chichester Harbour fluvial catchment.

Note: There may be cases where planning applications for new commercial or industrial development or changes in agricultural practices could result in the release of additional nitrogen into the system. In these situations, a case-by-case approach will be adopted.

Information required

The statement must include

- The calculated nitrogen budget,
- Details of any necessary mitigation,
- **Detailed management scheme,**
- **Details of proposed monitoring.**

This information will be used by the local planning authority to carry out an appropriate assessment as the competent authority. If insufficient information is provided to inform the appropriate assessment the application will be refused.

Guidance

The statement must be carried out in accordance with the methodology contained within Natural England's [Advice for Development Proposals](#) (March 2022). Natural England has also provided a [Nitrogen Budget Calculator](#), a [Nutrient Neutrality Mitigation Principles](#) document, and a [Summary Non-technical Advice Note](#).

The statement is necessary for all types of development that would result in a net increase in population served by a wastewater system, such as new homes, student accommodation, tourism attractions and tourist accommodation. This includes self-service and serviced tourist accommodation such as hotels, guest houses, bed and breakfasts and self-catering holiday chalets and static caravan sites. It also includes applications for which prior approval is sought for residential uses under Article 3, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development Order) 2015, as amended.

Please note that if an application is received for prior approval and the development would likely have a significant effect on a designated site then in accordance with the Habitat Regulations the proposal would not benefit from permitted development and therefore any application for prior approval would be refused.

To check whether the wastewater from your development would drain to the Appledram, Bosham or Thornham WwTW please refer to the Council's [Surface Water and Foul Drainage SPD](#). To check whether your site lies within the Chichester Harbour fluvial catchment please refer to the [Map for the Solent Catchment](#).

5. COMMUNITY INFRASTRUCTURE LEVY (CIL) / S106 PLANNING OBLIGATIONS DRAFT HEAD(S) OF TERMS

5A. CIL

Following the introduction of the CIL [Charging Schedule](#) in February 2016 a planning application will not be valid unless the CIL Form 1 [Additional Information Requirements Form](#), and CIL Form 2 [Assumption of Liability Form](#) are, where required, completed. The forms enable the Council to determine CIL liability and therefore must be submitted even if the applicant considers the proposal to be exempt from CIL.

When required

- 1) Residential development that involves the creation or conversion to one or more dwelling(s).
- 2) The creation/ conversion to residential annexe(s)
- 3) Residential extensions which involve the creation of 100 square metres or more of gross internal floorspace
- 4) All-purpose built student housing
- 5) New retail development.

Information required

Proposals must include a completed [Additional Information Requirement Form](#) to assist the Council in determining CIL liability. This requires details of residential floor space and the existing

use of the site. A completed [Assumption of Liability Form](#) is also required to enable us to contact the person(s) assuming liability for CIL.

For further information on CIL or assistance in providing the above information please visit the Chichester District Council Website [CIL Pages](#) or the [Planning Portal](#).

5B. S106 DRAFT HEADS OF TERMS STATEMENT

When required

A draft heads of terms for a Section 106 obligation should accompany all applications where it is necessary for the developer to enter into legal obligation to provide certain contributions or facilities that would not be provided by the payment of CIL. Examples include (but are not restricted to):

- 1) Affordable Housing Provision (see Section 1 of Part II to these requirements)
- 2) On-site infrastructure
- 3) Off-site, site specific highway improvement works necessary as a result of the development
- 4) Improvements to the A27 where the infrastructure is excluded from the CIL charging schedule (known as the Regulation 123 List)
- 5) Recreational Disturbance affecting the Special Protection Areas
- 6) Nitrate Neutrality Mitigation Scheme**
- 7) Water Neutrality Mitigation Scheme**

Information required

- Heads of terms in accordance with the Council's [Planning Obligations and Affordable Housing Supplementary Planning Document](#).
- Details of solicitors acting on behalf of those entering in to the agreement

6. FLOOD RISK ASSESSMENT

Planning applications for development sensitive to, and on sites at risk of, flooding should be accompanied with a Flood Risk Assessment (FRA) in accordance with paragraph 103 of the [NPPF](#).

When required

Development proposals:

- 1) with a site area of 1ha or greater in Flood Zone 1,
- 2) all proposals for development (including extensions), in Flood Zones 2 and 3,
- 3) any development other than minor development in a designated critical drainage area (as notified to the LPA by the Environment Agency), and

- 4) where the Lead Local Flood Authority (LLFA), Environment Agency, and/or other bodies have indicated that there may be a drainage problem.

Information required

The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. Maps of flood zones are available from the [Environment Agency](#). In addition, the [National Planning Practice Guidance](#) and [Flood Risk Assessment for Planning Applications](#) provide guidance on how to write a flood risk assessment and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.

Please also see further information on the [Chichester District Council Website](#) and [NPPF Chapter 10](#). Flood zone areas can be identified via the [Environment Agency - National Flood Risk Map](#). The Environment Agency also publishes [standing flood risk advice](#), and the Lead Local Flood Authority publishes policy guidance for surface water management.

7. FLOOD RISK SEQUENTIAL AND EXCEPTION TESTS

7A. SEQUENTIAL TEST

The Sequential Test is, in effect, a sieving process designed to ensure that development comprising of vulnerable uses, such as residential development is steered away from areas at higher risk of flooding.

Flood zone areas can be identified via the [Environment Agency - National Flood Risk Map](#). You can also find out whether the site has a history of flooding by contacting the Environment Agency. Details of this service are available [online](#).

When required

Applications for operational development where the proposals would be located within flood zones 2, 3a or 3b (excluding changes of use) or areas at risk from surface water or groundwater flooding in relation to:

- 1) hospitals,
- 2) residential institutions, and
- 3) a net increase in dwellings or mobile homes

Information required

Information must be submitted to demonstrate that there are no other available sites at a lower probability of flooding that could accommodate the proposed development. The information should take in to account all other potential development sites within the Chichester Plan Area.

Guidance from the Environment Agency on how to carry out a sequential test is available [online](#).

7B. EXCEPTION TEST

When required

If, following the application of a Sequential Test, it is not possible to locate the development in a lower flood risk zone or area with reduced flood risk; an Exception Test will be required.

Information required

If required, the Exceptions Test will be required to demonstrate that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

Guidance from the Environment Agency on how to carry out an exception test is available [online](#).

Further information about the requirement for sequential and exception tests may be found in the [NPPF](#) (Section 10, Paragraphs 100-102) and the [National Planning Practice Guidance](#).

8. DRAINAGE ASSESSMENTS

8A. FOUL SEWERAGE ASSESMENT

When required

- 1) for all new residential or commercial development where it is not intended to connect to mains drainage, and
- 2) all applications for a net increase of dwellings that would drain to Appledram Waste Water Treatment Works (WWTWs) via a public sewer, or
- 3) all applications for a net increase of 5 or more dwellings that would drain to any other public sewer and WWTW.

Information required

Where any application for development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then further details of the method of storage, treatment and disposal will be required.

Where connection to the mains sewer is not practical, the foul/non-mains drainage assessment will be required to demonstrate the alternative means of disposal are satisfactory. Guidance on what should be included in a non-mains drainage assessment is given in the [NPPG](#) and [Building Regulations Approved Document Part H](#) and in BS 6297:2007.

For all developments draining to the Appledram WwTW the statement should include a Drainage Impact Assessment demonstrating the existing and proposed level of waste. If the proposed exceeds the existing, it will be necessary to include a mitigation strategy and details of alternative foul drainage.

Where connection to the public sewer is proposed a capacity check to demonstrate that there is sufficient capacity within the sewer to accommodate the waste from the development proposal must be included. The capacity check is available from Southern Water.

When preparing the assessment, regard should be had to the Council's [Surface Water and Foul Drainage Supplementary Planning Document](#); in particular the flow charts on pages 7 and 8.

8B. SURFACE WATER DRAINAGE STRATEGY

In order to deliver the growth sustainably and in a timely manner, the proper management of surface water is essential to ensure there is no net increase in flood risk on or off-site.

When required

A surface water drainage strategy will be required for:

- 1) all development of 5 or more dwellings or 1,000sqm of commercial floor space (all of which require surface water drainage schemes)
- 2) all applications for operational development within flood risk zones
- 3) all applications for operational development on sites which have a known history of flooding

Information required

This should include details of how surface water runoff from the site is to be controlled and managed. The drainage strategy should ensure that the design of all surface water drainage systems follows the hierarchy of preference for different types of surface water drainage systems as set out in Approved Document H of the Building Regulations and the Sustainable Drainage System (SuDS) Manual produced by CIRIA (Construction Industry Research and Information Association). The proposed drainage system is to be informed by all available data, such as geological maps and ground water monitoring.

This means that the developer must first consider the discharge of surface water into an infiltration device (eg. soakaway, basin, swale, permeable paving etc.). The drainage strategy must include the consideration of the suitability of these features and should demonstrate that infiltration will not pose a risk to groundwater quality.

If this is not achievable then the drainage strategy should demonstrate how attenuated flows into a watercourse could be achieved at an agreed run off rate. If no suitable watercourse is available, then attenuated flows into a surface water sewer at an agreed rate is the third option. Surface water in any development, must not be discharged into the foul sewer system.

When preparing the drainage strategy regard should be had to the Council's Surface Water and Foul Drainage Supplementary Planning Document and the [West Sussex Lead Local Flood Authority Policy for the Management of Surface Water](#). In addition, the council has created a Surface Water Drainage Proposal Checklist document available on the Council's [website](#). The

document is designed to outline the council's expectations and requirements for surface water drainage proposals. To avoid pre-commencement conditions relating to surface water drainage, detailed surface water drainage proposals in line with the requirements of this checklist should be submitted with an application. If a pre-commencement surface water condition has been imposed on a permission the document explains what information will be required with an application to discharge the condition.

Note: Where an application may affect the flow of an existing watercourse, such as culverting of or discharging to a watercourse, applicants are advised to contact the Environment Agency (for main rivers) or Lead Local Flood Authority (for Ordinary Watercourses) for additional requirements that may be needed to satisfy permits / consents.

8C. SURFACE WATER DRAINAGE STATEMENT

In order to deliver the growth sustainably and in a timely manner, the proper management of surface water is essential to ensure there is no net increase in flood risk on or off-site.

When required

A surface water drainage statement will be required for:

- 1) all development of between 1 and 4 dwellings or less than 1,000sqm of commercial floor space
- 2) change of use of land

Information required

The statement should include details of how surface water runoff from the site is to be dealt with. The drainage statement should ensure that the design of all surface water drainage systems follows the hierarchy of preference for different types of surface water drainage systems as set out in Approved Document H of the Building Regulations and the Sustainable Drainage System (SuDS) Manual produced by CIRIA (Construction Industry Research and Information Association).

This means that the developer must first consider the discharge of surface water into an infiltration device (eg. soakaway, basin, swale, permeable paving etc.). If this is not possible, in order of priority, surface water should either discharge to 1. a local watercourse or 2. a surface water sewer

Note: Where an application may affect the flow of an existing watercourse, such as culverting of or discharging to a watercourse, applicants are advised to contact the Environment Agency (for main rivers) or Lead Local Flood Authority (for Ordinary Watercourses) for additional requirements that may be needed to satisfy permits / consents.

9. HERITAGE STATEMENT

When Required

This includes historical, archaeological features and scheduled ancient monuments.

A Heritage statement is required for the following development which would:

- 1) be within the curtilage of, or directly affecting, a Listed Building
- 2) be within an area of recognised archaeological importance
- 3) be within a Conservation Area
- 4) be within the setting of a Conservation Area,
- 5) directly affect or be within the setting of a scheduled monument, and
- 6) directly affect or be within the setting of a Registered Historic Park or Garden.

Information required

For the majority of relevant proposals this would be included in a Design and Access Statement, but if one is not submitted a separate Heritage Statement may be required, for instance where a householder development is proposed in the curtilage of a listed building. Applicants are required to provide a description of the “significance of the heritage assets affected and the contribution of their setting to that significance”. The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. Applicants are advised to discuss proposals with either a planning officer or the historic buildings adviser officer before any application is made; pre-application advice may be sought via [this link](#). The following is a guide to the sort of information that may be required for different types of application.

Any statement will normally require:

- an explanation of the history and character of the heritage asset,
- a schedule of works that affect the heritage asset,
- a statement of justification explaining why the works are proposed and identifying any public benefits (this should include a development appraisal where appropriate);
- a statement of significance describing both the overall significance of the asset/s and the constituent parts, with special emphasis on the parts directly affected;
- an assessment of the impact of the works on the significance of the asset, both overall and with special emphasis on the parts directly affected, along with a mitigation strategy explaining how harm to significance will be avoided or minimised, with any harm weighed against any public benefits;
- a specialist assessment where any features of special historic, archaeological, architectural and artistic interest may exist;
- a structural report by an engineer familiar with heritage assets, which identifies defects and proposes remedies, when works include significant elements of demolition or rebuilding.

In forming a statement regard should be had to the requirements of Chapter 16 of the NPPF (February 2019).

10. INTERIM POLICY STATEMENT JUSTIFICATION

From the 15 July 2020 Chichester District Council anticipates that it will no longer be able to demonstrate a 5 year housing supply. An interim policy statement for new housing development has been prepared to provide guidance on the most sustainable locations for new development within the Chichester Local Plan Area to ensure the continued housing delivery until such a time that the Local Plan Review 2016-2035 Preferred Approach (LPR) document can be adopted.

When required

For all applications relying upon the Interim policy statement to justify residential development outside of the settlement boundary where new housing would not normally comply with the development plan it will be necessary to demonstrate how the proposal meets the guidance contained within the interim policy statement

Information required

A statement must be submitted which demonstrates how the proposal would accord with all requirements contained within the Interim Policy Statement for the Housing Development published by the Council.

Guidance

The Interim Policy Statement and background information is available on the Council's [website](#).

11. LAND CONTAMINATION ASSESSMENT

Former industrial and commercial uses of land may have led to land contamination being present. New developments can result in land contamination if not adequately controlled. Even apparently benign land uses such as agricultural sites or storage units might give rise to potential land contamination.

Failure to deal adequately with land contamination during the development management process could cause harm to human health, ground water, surface water, property and the wider environment. Gaseous and liquid contaminants might affect a distant site as they may be mobile in the soil environment.

When required

For all applications where:

- 1) the development includes ground works and a previous use of the site or a nearby site may have introduced land contamination to the soil and/or water environment,
- 2) a sensitive land use is proposed i.e. housing (including change of use or prior notification applications), private gardens, allotments, schools or nurseries, and/or
- 3) a potentially polluting land use is proposed.

Information required

Applications should be supported by a desk study report (including a site walkover and conceptual site model) which concludes with a preliminary risk assessment. This information will enable the LPA to understand if further more detailed investigation is required or whether any proposed remediation is a satisfactory risk management strategy and good for the lifetime of the site.

Unless this initial assessment clearly demonstrates that the risk from land contamination, is at an acceptable level, or can be reduced to an acceptable level, further site investigations and risk assessment will be needed.

For major developments the further investigations and proposed mitigation strategy should be provided with the application. For small scale proposals permission may be granted subject to conditions requiring further investigation if necessary.

If applicants would like to know if a proposed development site might be affected by land contamination, a request can be made to the Environmental Management team at the Council for relevant information. A charge will be made for this service, see details on our [website](#) for more information.

Please note however the responsibility for securing a safe development rests with the developer and /or landowner.

Regard should be had to paragraphs 170, 178 and 179 of NPPF (February 2019) and further advice and information is available in DCLG Planning Practice Guidance on [Land affected by contamination](#).

12. LIGHTING ASSESSMENT

Chapter 15 of the National Planning Policy Framework (July 2021) refers to conserving and enhancing the natural environment and states at paragraph 185 that planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The planning system is the principal control of unwanted light where no other effective controls exist.

When required

Will be required to accompany all applications for:

- 1) All development that includes external lighting systems within sensitive areas (such as conservation areas, listed buildings and Areas of Outstanding Natural Beauty) and within or adjoining residential areas
- 2) Any major residential or commercial development where a receiver of light might be adversely affected, including neighbouring properties or the countryside (for the protection of wildlife).

- 3) Proposals for floodlights and sports/playing pitches
- 4) Proposals for lasers, search lights, beams of light and illuminated advertisements.

Information required

A written scheme should be prepared by an independent competent person and submitted alongside applications to enable the effects of such lighting to be fully considered.

For categories 1 to 3 above then it is expected that the written scheme will include a description of the lighting requirement referring to relevant standards; the layout and composition of the scheme; isolux diagrams showing the showing the predicted luminance in both the horizontal and the vertical plane (at a height of 3.5 metres); the periods of operation for the lighting; a description of the area where the lighting is to be installed detailing any sensitive receivers. The report shall provide the information in relation to sky glow (max %), light intrusion into windows (lux) luminaire intensity in candelas and building luminance as an average in candelas / metre squared as appropriate to the application.

For category 4 listed above a specific assessment will be required for the type of application to be agreed at pre-app enquiry phase.

See also the Institution of Lighting Professionals; [Guidance for the reduction of obtrusive light](#).

13. MINERAL INFRASTRUCTURE STATEMENT / MINERAL RESOURCE ASSESMENT

Sand (sharp, soft and silica) and gravel, brick making clay, building stone (sandstone) and chalk are regarded as economically important minerals in West Sussex. Therefore, in accordance with the adopted Joint Minerals Local Plan (JMLP) produced by WSCC it is important that they are protected from sterilisation by surface development. The JMLP identifies Mineral Safeguarding Areas (MSA's). To ensure effective consultation with the Minerals Planning Authority (WSCC) and to ensure safeguarded mineral resource areas are protected from non-mineral development, Mineral Consultation Areas (MCAs) have been defined based upon the safeguarded areas. If a development site falls within an identified MCA a mineral resource assessment may be required to demonstrate that the proposal would safeguard minerals.

13A Mineral Infrastructure Statement

When required

1) Required for major development (except within the curtilage of existing development, reserved matter applications or amendments to existing permissions) within a Minerals Consultation Area containing minerals infrastructure

Information required

A minerals infrastructure statement should address the following matters:

- The distance of the proposal from the safeguarded site
- Any existing screening from buildings or vegetation
- Identification of pre-existing conditions such as background noise, light, odours, vibration, dust and other emissions
- The potential for the site to deliver suitable mitigation including the identification of the means by which the development has introduced layout, design and other mitigation measures to mitigate potential effect on and from the safeguarded site
- Confirmation of pre-application consultation/engagement with the minerals infrastructure operator
- Where appropriate, a full assessment of issues such as noise and light

13B Mineral Resource Assessment

When required

1) Major development (except within the curtilage of existing development or amendments to existing permissions) within a Minerals Consultation Area containing safeguarded minerals resources

Information required

A minerals resource assessment should be proportionate to the size of the site and the scarcity of the mineral and may include the following:

- An assessment of the geological information about the site
- Site investigations/borehole data; • Consideration of other locations that are outside the MSA
- Assessment of whether the proposal can be modified to avoid sterilisation
- Assessment of the potential for the use of the mineral in the proposed development and whether it is feasible and viable to extract the mineral resource ahead of the development
- An explanation of the viability of prior extraction and how it will be carried out
- Discussions with potential 'users' of the mineral
- Building Stone - an assessment of quarries, historic buildings using the stone and alternative supplies of the stone.

Guidance

For further information about the safeguarding of minerals please refer to Policy M9 and M10 of the [West Sussex Joint Minerals Local Plan 2018](#) and the [Minerals and Waste Safeguarding Guidance March 2020](#). The West Sussex County Council [Annual Monitoring Report](#) (AMR) contains the latest list of safeguarded sites.

14. NOISE ASSESSMENT

Chapter 15 of the National Planning Policy Framework refers to conserving and enhancing the natural environment. Paragraph 185 states planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

When required

- 1) When there is an alteration to a site with existing industrial or commercial use. Alteration can take many forms including introduction of a new noise source such as fixed plant, a change to the layout or a change to working hours.
- 2) When there is a new development for an industrial or commercial use.
- 3) Where a noise sensitive use is proposed near to an industrial use, a commercial use, a waste site, a mineral site, a road, railway or aerodrome.

The impacts of the sound levels need to be considered on both the internal and external spaces.

An assessment should normally be carried out by a qualified acoustician who is registered with the Institute of Acoustics (IOA) and/or the Association of Noise Consultants (ANC).

Information required

The following matters should be detailed within a Noise Assessment:

- The existing (baseline) noise environment
- Information about noise-sensitive receptors
- Information about the proposed (or existing) source
- The likely noise impacts upon the sensitive receptor
- Proposed mitigation measures
- Residual noise impacts following mitigation.

As well as providing numerical information about the source and the context, appropriate descriptions of both should be provided. For example a description of the noise from a source should include: the distance of the noise source from the receptor, the time of day the noise occurs, the duration and number of noise incidents, the frequency content of the noise and whether it has any tonal or impulsive characteristics.

Noise survey and assessment methodologies should be clearly set out and accord with relevant British Standards. **Regard should be had to the [Planning Noise Advice Document: Sussex \(September 2021\)](#) produced and adopted by Councils across Sussex.**

Further guidance may be obtained from the following sources:

- National Planning Policy Framework
- Planning Practice Guidance: Noise.
- BS 4142:2014 Methods for rating and assessing industrial and commercial sound.
- BS8233:2014 Guidance on sound insulation and noise reduction for buildings
- ProPG: Planning & Noise

15. ODOUR ASSESSMENT

Odour is an aesthetic and subjective form of air pollution which may impact on the general amenity of an area and/or human health. The NPPF (para 120) seeks to prevent such effects from occurring.

When required

- 1) For any new development that proposes an odorous or potentially odorous process or use (i.e. intensive livestock rearing, sewage treatment works, coffee roasters, cooked food manufacture and composting activities) when any of the following applies:
 - a. in proximity to odour sensitive properties,
 - b. the proposal is an expansion or intensification of an existing use and/or
 - c. there is/are an already odorous process affecting the area.

Information required

The odour assessment methodology should be as detailed in the [Institute of Air Quality Management's Guidance](#) on the assessment of odour for planning (May 2014¹). Section 3 of the Guidance details the content of an assessment suitable for planning purposes.

Applications should be supported by such information, in the form of a risk assessment, as to allow determination of the likely impact of the odour, to include; the frequency of occurrence, intensity, duration and offensiveness likely to impact at the nearest sensitive receptors. Methods to manage and control odour emissions should also be detailed and subject to risk assessment.

An odour management plan might subsequently be required by condition.

Where the application is for a restaurant, café or public house use and any large commercial kitchen (hospital, residential home etc) then it is not likely that a formal odour assessment will be required and applicants should turn to Section 25 of this document.

16. PLANS, DRAWINGS & PHOTOS

Plans and photos are essential to assess the proposal and the impact of development. The following plans will be required:

- **Block plan** (scale 1:500 or 1:200) – to show the footprint of the proposal and detailing any changes to the existing boundary treatment. A block plan need not be provided where the information is only a duplication of that clearly visible and identifiable on the location plan. Written dimensions to boundaries can be included to assist with the understanding of the development and its relationship to neighbouring properties.
- **Existing and proposed elevation drawings** (scale 1:100 or 1:50) – as necessary to clearly show the proposed works in relation to what is already there. Where a proposed elevation adjoins another building or is in close proximity to it, the drawings should show the relationship between the two buildings.
- **Existing and proposed floor plans** (scale 1:100 or 1:50) – as necessary to clearly show the proposed works in relation to what is already there. Where applicable, these should highlight any existing walls or buildings that are to be demolished.
- **Existing and proposed site sections, finished floor and site levels** (scale 1:100 – 1:50) – where the proposal involves a change in ground level or sloping sites.
- **Roof plans** (drawn to an identifiable scale – can be shown on block plan) – where the roof design is not simple single, dual or mono pitches, to clearly show the proposed works in relation to what is already there. The roof plans should include the position of any rooflights/solar panels/flues as appropriate.
- **Photos showing the site and its surroundings** – this should include photos taken of;
 - a) key views of the location of the proposed development within a site,
 - b) the boundary treatments adjacent to the proposal,
 - c) the relationship with the neighbouring properties/land, and where relevant
 - d) the streetscene.An annotated plan showing the location of each photo must be included.

Every plan and drawing submitted must include the following:

- Scale
- Scale bar
- Paper size
- North point (except elevation drawings)

17. PLANNING STATEMENT

When required

- 1) For all major development
- 2) When otherwise advised via pre-application advice provided by the Council

Information required

The planning statement should:

- Identify the context and need for a proposed development, and
- Include an assessment of how the proposed development accords with relevant national and local planning policies, including neighbourhood plans

18. STRUCTURAL SURVEY AND CONVERSION METHOD STATEMENT

Understanding the structural condition of a building is important when assessing whether a building can be converted to a different use without significant alteration. This is particularly important for historic buildings and buildings in the rural area which are subject to applications to change their use to one for which they were not originally designed or constructed to accommodate.

When required

Applications for:

- 1) Conversion of a current or former agricultural buildings to other use(s),
- 2) Conversions of any other type of building to a use for which the building was not originally designed/constructed, and
- 3) Alterations to a historic building

Information required

A structural survey setting out the structural condition of the building which should include:

- An appraisal of the structural stability of the building
- A schedule of the work that is required to convert the building
- A method statement for carrying out the work
- Plans detailing the repairs and alterations required

The survey should be carried out by an independent specialist consultant.

19. RETAIL SEQUENTIAL TEST AND IMPACT ASSESSMENT

When required

A Sequential Test is required for applications for main town centre uses including retail, leisure, entertainment facilities, offices; and arts, culture and tourism development (as defined in the [NPPF Annex 2 Glossary](#)) that are not in an existing centre and are not in accordance with an up-to-date Local Plan

An Impact Assessment is required for applications for over 2,500 m² of retail, leisure and/or office development outside town centres, which are not in accordance with an up-to-date Local Plan

Information required

The NPPF sets out overall approach to economic development, focussing on town and district centres. See also policies 3, 27, 28, 29 and 45 [Chichester Local Plan: Key Policies 2014-2029](#) and Section 7 of the [NPPF](#).

Further guidance about the need for, and required content of, retail sequential tests and impact assessments may be found within the [NPPG](#).

20. SUSTAINABLE CONSTRUCTION AND DESIGN STATEMENT

All development should achieve high environmental standards, be appropriately designed for the site and its setting, and adaptable for long-term use and appropriate mitigation and adaptation initiatives should be incorporated into new developments to address the potential impact of climate change. Development should also utilise sustainable design and construction techniques, for example, energy conservation and efficiency, water efficiency, reducing waste, re-using materials and recycling materials to ensure the most efficient use of limited resources. Policy 40 of the Chichester Local Plan states how sustainable design and construction measures should be considered by developers in the planning process.

When required

For all new residential and commercial development, including replacement dwellings, it will be necessary to demonstrate how the sustainable design and construction measures outlined in policy 40 of the Chichester Local Plan have been considered and incorporated into the proposed development.

Information required

A Sustainable Design and Construction Statement which addresses all of the requirements of policy 40 of the Chichester Local Plan must be submitted.

The statement should be proportionate to the scale of the development; however as a minimum it must demonstrate that the following have been considered:

- Achieving a maximum consumption of 110l of water per day per person (optional standard within Part G of the Building regulations)
- Complies with building for life standards or equivalent replacement
- Include sustainable design and materials including the use of re-used or recycled materials. This could include the use of nationally and internationally recognised rating or assessment systems, the percentage of recycled materials to be used and for the largest applications, an assessment of the embodied carbon.

- Minimise energy consumption and maximise amount of energy supplied from renewable resources to meet the remaining requirement, including the use of energy efficient passive solar design principles where possible. The carbon reduction compared to building regulations baseline (target rates) through fabric improvements should be quantified and then the carbon reduction due to the use of renewable technologies should be separately calculated.
- Data should be provided to demonstrate the overall percentage improvement over building regulations minimum, and this should be in the region of a 20% improvement. The following data should be provided, preferably in tabulated form:
 - a) The baseline emissions (in kgCO₂/year) if only the Target Emission Rate under building regulations (2013) were to be achieved
 - b) The reduction in CO₂ emissions from energy efficiency [fabric first] measures
 - c) The reduction in CO₂ emissions specifically from any deployment of zero and low carbon technologies
 - d) The total reduction (b+c)
 - e) Remaining emissions (a-d)
 - f) Overall percentage reduction from the baseline $((d/a)*100)$
- Provide measures to adapt to climate change, including sustainable drainage systems
- Protect and enhance the Historic and built environment Deliver improvements to biodiversity and green infrastructure
- Maintain tranquillity and local character
- Provide electric vehicle charging points in line with WSCC parking standards

Guidance

Please note for proposals relying on the interim policy statement to provide housing that would otherwise not accord with the development plan the required overall percentage improvement above building regulations is greater, and this should be addressed within the justification required under section 9 of this local validation list.

21. TRANSPORT ASSESSMENTS, STATEMENTS AND ROAD SAFETY AUDITS

These documents are methods of assessing and mitigating the potential negative transport impacts of development in order to promote sustainable development.

21A Transport Assessments and Transport Statements

When required

A Transport Assessment is required for:

- 1) Residential development of more than 80 units.

- 2) Commercial Development falling within use class B1 (Business) resulting in over 2500m² floor space.
- 3) Non-residential institution developments where proposals include an increase of 1000m²,
- 4) Development for schools that will generate a significant intensification (i.e. new or amalgamated schools)

A Transport Statement is required for:

- 1) Residential development of up to 50 - 80 units.
- 2) Commercial Development falling within use class B1 (Business) resulting in 1500m² – 2500m² floor space.
- 3) Non-residential institution developments where proposals include an increase of 500 m² –
- 4) 1000m²
- 5) Development for schools where increased pupil and staff numbers are anticipated

Information required

Both Transport Assessments and Transport Statements should include:

- Illustration of the accessibility to the site by all modes of transport,
- Demonstration of the likely modal split of journeys to and from the site.
- Details of proposed measures to improve access by public transport, walking and cycling to reduce the need for parking associated with the proposal and mitigate transport impact.
- A Design Audit of highway works proposed. Which should state the design guidance used (e.g. Design Manual for Roads and Bridges, Manual for Streets, etc.), how the design complies with this guidance and identifying any departures from any standards. Further guidance can be found in the Transport evidence bases in plan making, (March 2015) published by the Department for Communities and Local Government.
- A Stage 1 Road Safety Audit (only necessary if required under WSCC Safety Audit policy).

Guidance

Please see West Sussex County Council Transport Assessment Methodology (June 2007) and information contained in (now archived) DfT document Guidance on Transport Assessment - March 2007 for guidance.

Current information about transport statements and assessments is also available within [the NPPG](#) and the [Design Manual for Roads and Bridges Volume 5](#) and Paragraph 109 of the National Planning Policy Framework (February 2019).

Details of WSCC guidance and policies relating to development management, Highways and Transport, including Transport Assessments can be found [online](#).

21B Road Safety Audit and Designers Response

When required

For all 'major' planning applications that include any of the following:

- 1) Alteration to an existing highway,
- 2) Intensification of use of an existing access. Intensification is generally defined as 50 or more vehicle movements per day. However it is recommended that clarification is sought from WSCC where a proposal involves the intensification of an existing access as other issues such as collision data, visibility and geometry would need to be considered.
- 3) Formation of a new access,
- 4) Off-site highway improvements,
- 5) New residential estate roads where a through route is created, where a bus route is created or where the road serves access to a school or other major community or retail facility.

('major' applications are defined as residential development of 10 units or more or 0.5 ha or more when the numbers are unknown and commercial development of 1,000 sq.m or more or 1 ha or more);

- 6) For all other planning applications that include proposals that do not meet recognised standards. The need for a safety audit will be assessed by West Sussex County Council officers. Of particular interest will be visibility, geometry and junction location. Safety Audits will not normally be required, for minor applications, if guidance set out in Manual for Streets or Design Manual for Roads & Bridges is achieved.

Safety Audits must be undertaken in compliance with GG119, Road Safety Audit. A Designer's Response must accompany any Road Safety Audit.

Objective:

Submission of a Road Safety Audit is a County Council (as Highway Authority) Policy requirement and sets out the County Council's procedure for the consideration of developer proposals requiring the support of a Road Safety Audit. This Policy supports national guidance set out in GG119 and is required to preserve the safety of all road users using the public highway. WSCC require the procedures set out in GG119 to be followed subject to the departures set out in the Policy. This Policy highlights the importance of the Road Safety Audit process in support of a planning application and identifies when an Audit is required and the process involved. This Policy will not relate to works being proposed on Trunk Roads or those falling under the responsibility of Highways England. Guidance for Road Safety Audit requirements on such roads should be sought directly from Highways England.

The objective of the County Council's Policy is to ensure that the road safety implications of all Highway Schemes required to support development, including those subject to future adoption by the County Council, are fully considered for all road users of the highway, as well as those working on the highway, and to ensure that proposals are compliant with current statutory regulations.

This will help to reduce safety risks on the highways of West Sussex for all those who use them.

The Road Safety Audit Policy on the West Sussex County Council Road Agreements web page explains the procedure for developer proposals requiring a Road Safety Audit.

22. Travel Plans and Travel Plan Statements

When required

A Travel Plan Statement is required for:

- 1) sites where a *Transport Statement* is required.

A full Travel Plan is required for:

- 1) sites where a *Transport Assessment* is required.

The thresholds for Travel Plan Statements and full Travel Plans are contained within West Sussex County Council's Development Travel Plans Policy (see below)

Information required

Full Travel Plans should include:

- Background information about the site including any relevant travel information (e.g. staff travel surveys)
- A nominated Travel Plan Co-ordinator (including contact details)
- Details of the measures, information, and incentives that will be introduced to encourage use of non-car modes and car sharing. (N.B. for residential developments each dwelling should be offered a £150 voucher which can be used as a contribution towards a new bicycle, cycle training, a bus or rail season ticket, or membership of a Car Club etc).
- Details of any measures and incentives that will be introduced to reduce the need to travel in the first place
- Details of how the Travel Plan will be monitored (in accordance with the TRICS UK Standard Methodology)
- A target to achieve a 12-hour weekday vehicle trip rate that is either 10% lower (rural areas) or 15% lower (urban areas) than is predicted in the accompanying Transport Assessment for a 'no Travel Plan' scenario.
- A commitment to achieving this target with the agreed monitoring period (usually 5 years from initial occupation for workplaces and 5 years from an agreed occupation level for residential sites).
- Details of the remedial/enforcement action that will follow if the target is not achieved. (N.B. for residential developments this should consist of a second offer of £150 travel vouchers to each dwelling).

Travel Plan Statements should include:

- Background information about the site including any relevant travel information (e.g. staff travel surveys)
- A nominated Travel Plan Co-ordinator (including contact details)
- Details of the measures, information, and incentives that will be introduced to encourage use of non-car modes and car sharing. (N.B. for residential developments each dwelling should be offered a £150 voucher which can be used as a contribution towards a new bicycle, cycle training, a bus or rail season ticket, or membership of a Car Club etc).
- Details of any measures and incentives that will be introduced to reduce the need to travel in the first place
- Details of how the Travel Plan will be monitored (e.g. through questionnaire surveys)
- A commitment to the setting a modal shift target based on the outcomes of the initial travel survey.
- A commitment to achieving the target within 5 years of occupation.

Guidance

The County Council has developed a range of tools, incentives, and publicity material for inclusion in Travel Plans and Travel Plan Statements. For full details of what to include in this plan please refer to West Sussex County Council Highways directly on planninghighways@westsussex.gov.uk.

A copy of West Sussex County Council's Development Travel Plans Policy is available upon request from planninghighways@westsussex.gov.uk. The County Council has also produced guidance for developing Travel Plan Statements.

The following national and local guidance should also be referred to:

The Travel Plans, Transport Assessments and Statements section of the National Planning Practice Guidance and section 9 of the [NPPF](#) (February 2019).

23. PARKING ASSESSMENT

The West Sussex County Council's [Guidance on Parking at New Developments \(2019\)](#) has been adopted by this Chichester District Council. As part of any planning submission for new residential, commercial and other forms of development (except domestic extensions and minor business development) details of existing and proposed parking spaces on site need to be provided.

When required

A Parking Assessment is required for all planning applications:

- 1) for a net increase of 11 dwellings or more, or
- 2) for creation in excess of 1000 sq. m of non-residential floor space

where there is an increased requirement for vehicle parking and/or where existing vehicle parking arrangements are changing.

Information required

The parking assessment shall provide:

- the existing and proposed parking provision
- sizes of parking spaces/garages
- justification of how the proposal meets the parking requirements for the development
- details of cycle stores (the location, elevations and materials to be used should form part of the application)

See also the WSCC Car Parking Demand Calculator and associated Maps available on the WSCC [website](#).

24. TREE SURVEY/ARBORICULTURAL IMPLICATIONS & METHOD STATEMENT

When required

An arboricultural impact appraisal (AIA) is required for any new building work (including construction of access drive, patios and the laying of drains/services) that comes **within 15 metres** of:

- 1) A tree the subject of a tree preservation order, either within the application site or on adjoining land, or
- 2) A tree that lies within a conservation area.

Information required

For all applications (including outline applications) the AIA must include a tree survey and finalised tree retention/removal plan. Retained trees and root protection areas should be shown on the proposed layout. In line with the recommendations of BS5837:2012, the AIA is required to be produced by a suitably qualified/experienced arboriculturalist.

The AIA should demonstrate how the identified tree constraints have informed the design of the development. It should also identify all possible conflicts between the proposed development and existing trees on site. At this stage, it is essential to consider the direct impacts of the development proposed and any related activity, including the laying of drains and services, site construction access, contractor's vehicle parking, storage of materials, and changes in ground levels (see BS5837-2012).

An Arboricultural method statement (AMS) will be required where work will be within the root protection area of protected trees. An AMS sets out information regarding the measures needed to protect the trees shown to be retained and schedules of any necessary tree work. It should also detail how the possible conflicts identified in the AIA are to be addressed and include a tree protection plan setting out the measures for protecting the trees during the whole development

process (e.g. protective barriers/fences, ground protection measures, existing and proposed finished ground levels). Further information can be found in BS5837-2012.

25. VENTILATION/EXTRACTION STATEMENT

When required

Any application where commercial ventilation or extraction equipment is to be installed. Such equipment is often associated with uses such as

- 1) Restaurants and cafes
- 2) Drinking establishments
- 3) Hot food takeaways
- 4) General business
- 5) General industrial

Information required

The statement should provide information on potential noise, odour or vibrational impact on neighbouring properties. A specialist consultant should prepare the statement.

26. WATER NEUTRALITY STATEMENT

When required

Any application for development that would result in an increase in water demand within the **Sussex North Water Resource Zone**. This does not apply to householder development, with the exception of swimming pools and annexes.

Information required

The statement should provide details of how the proposal would achieve water neutrality, including;

- Water budget for any existing use on the site,
- Water budget for the proposed development,
- Details of the proposed on-site water efficiency measures,
- Details of any offsetting measures (off-site), and
- Management and monitoring scheme.

Guidance

Please refer to the map showing the [Sussex North Water Resource Zone](#) to check if your development would be affected. Further guidance from Natural England is available in their published [Position Statement](#), [Advice Note](#), and [Frequently Asked Questions](#) documents. Any updates to the guidance will be published on the Council's [Water Resources in Northern Chichester District](#) webpage.

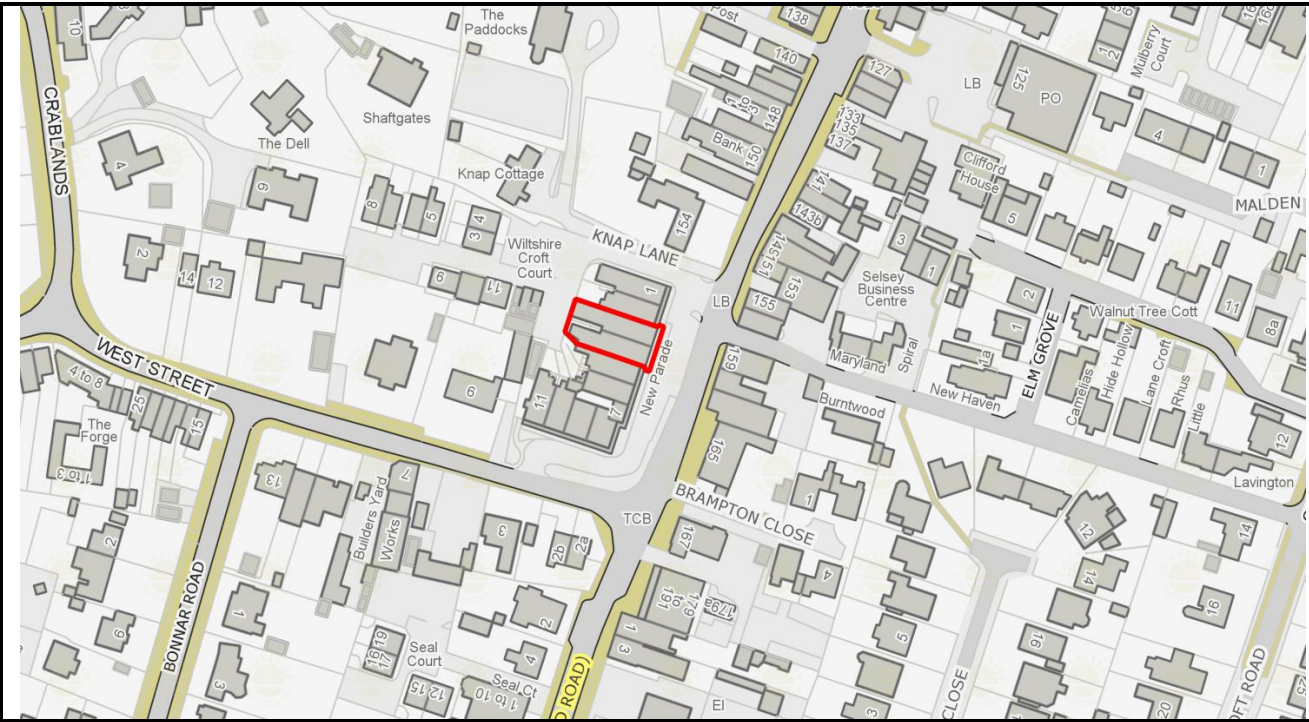
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Parish: Selsey	Ward: Selsey South
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SY/21/02895/FUL

Proposal	Retention of canopy to shopfront.		
Site	The Boulevard 3 New Parade High Street Selsey Chichester West Sussex PO20 0QA		
Map Ref	(E) 485252 (N) 93100		
Applicant	Mr Adam Christmas	Agent	Mr Matthew Pickup

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the Selsey town centre along the High Street. The site is a restaurant with an existing outdoor seating area to the front. The restaurant occupies units 3 & 4 of New Parade. There is a mix of commercial businesses and residential properties in the surrounding area.
- 2.2 The restaurant has had an outdoor seating area for a number of years. It comprises a small area to the front of the restaurant with timber decking and approximately 5 tables and chairs within the enclosed area.
- 2.3 In June 2021 a canopy structure was built over the existing seating area to provide shelter. The seating area measures 14m long and 2.1m wide and the canopy structure is 2.7m at its highest point.

3.0 The Proposal

- 3.1 This retrospective application seeks to retain the canopy to the shopfront.
- 3.2 The canopy is a lean-to structure that extends from the face of the building's east elevation by 2.6m. A mono pitched corrugated sheet metal canopy is constructed on a timber frame and rafters that have been stained brown. The canopy is 2.7m high where it joins the building and reduces to 2.3m at its lowest point.

4.0 History

93/01604/FUL	PER	New garage and store on land at rear of New Parade.
97/02785/FUL	PER	Extend and infill existing shopfront.
05/00211/FUL	PER	Ground floor rear extension.
21/02892/FUL	REF	Modification and retention of pergola and continued use of area inside the pergola for customer seating used in connection with the Boulevard Restaurant.
22/00138/FUL	PDE	Modification of pergola and continued use of external area for customer seating used in connection with the Boulevard Restaurant.

SY/00050/86A	PER	1 no. internally illuminated projecting clock.
SY/00186/91A	PER	1 no. internally illuminated projecting clock with wrought iron wall mounting bracket, dial-white with black hour mark numerally.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Selsey Town Council object to this application on the basis that the size, mass and construction protrudes outside of its boundary and contravenes Policy 1 of Selsey Town Councils Neighbourhood Plan 2021.

6.2 Third party objection comments

1 third party representation of objection has been received concerning the following matters:

- a) The previous large umbrellas/parasols were more in keeping with the setting
- b) The corrugated metal roof is not in keeping with the surrounding area
- c) The canopy extends beyond the boundary width of the shop of both sides

6.3 Third party support comments

5 third party representations of support have been received concerning the following matters:

- a) The outside seating and canopy enables people to sit outside while being sheltered from the elements all year round.
- b) The canopy is in keeping with the area and contributes to a vibrant community feeling on New Parade. It is an improvement to the look of the high street.
- c) The restaurant has been an important Selsey landmark for many years. The new restaurant frontage is attractive and well suited to seaside town
- d) The structure is incredibly useful and thoughtful in times of health uncertainty. The structure promotes care to the family's who use it.
- e) The council should support local business through this difficult time.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Selsey Neighbourhood Plan was made on the 22nd June 2021 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 33: New Residential Development
Policy 47: Heritage

Selsey Neighbourhood Plan 2021

Policy 001: Design

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in late 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 The revised National Planning Policy Framework was published in 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 Sections 1 (Introduction), 2 (Achieving sustainable development), 6 (Building a strong, competitive economy), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

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

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 heritage assets

Assessment

i. Principle of development

8.2 The application site lies within the Selsey Settlement Boundary Area. Policy 2 of the Chichester Local Plan includes a presumption in favour of sustainable development within settlement boundaries. Therefore, installing a canopy over an existing outdoor seating area in connection with an established business, the economic benefits of which are an important material consideration, is acceptable in principle subject to other material considerations.

ii. Design and impact upon character of the surrounding area

- 8.3 Policy 47 of the Local Plan identifies that planning permission will be granted where Development respects distinctive local character and sensitively contributes to creating places of a high architectural and built quality. Policy 001 of the Selsey Neighbourhood Plan states that new development should recognise the distinctive character of the Parish and materials in any new development should complement the established vernacular in the use of natural, local resources and colours.
- 8.4 This application seeks to retain the shopfront canopy. The site is in a prominent position within the High Street. The units along New Parade consist of a mix of retail, restaurant and hot food takeaway. The units all have a flat roof canopy that continues in a line across the shop fronts. The proposed canopy appears as a natural continuation of the line of these shopfront canopies. Therefore, it is considered that the canopy is in terms of size and position is in keeping with New Parade and the surrounding area.
- 8.5 The decked seating area has not been increased in size. A concern has been raised by the Selsey Town Council and a third party that the development encroaches outside of the application site. However, when comparing images on Google street view 2009 to 2022, it is evident that the sides of the canopy and the posts to the front are within the application site. If the canopy does overlap the boundary, it would only be very minimal. In its current position, it is not considered to impact on the safe movement of pedestrians on the front pavement. Furthermore, it would not have an adverse impact to the visual amenity of the area.
- 8.6 The timber posts and joists have been stained dark brown. The use of natural materials complies with Policy 001 of the Selsey Neighbourhood Plan. The corrugated metal roof sheeting could be improved, however on balance it does not result in such significant harm to the street scene, visual amenity or character of the surrounding area to warrant a refusal of permission.
- 8.7 The canopy was constructed to allow for 'all weather' outdoor seating in response to COVID restrictions. The area has allowed customers to have the option to sit outside. It is considered that the outdoor seating area supports the local small business and local economy. Paragraph 81 of the NPPF is supportive for such development and states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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.
- 8.8 Overall, the proposal is considered to comply with Policy 47 of the Chichester Local Plan which states that any proposed development must respect distinctive local character and paragraph 130 of the NPPF which states that planning decisions should ensure developments function well and add to the overall quality of the area.

iii. Impact upon amenity of neighbouring properties

8.9 The National Planning Policy Framework 2021 paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.

8.10 The site is located in close proximity to existing restaurant and other commercial premises and therefore it is not considered that the development would result in any additional impact on neighbouring amenity.

iv. Impact upon Heritage Assets

8.11 Policy 47 of the Local Plan states that development must conserve and enhance the special interest and setting of conservation areas. Although the site is not within the Selsey Conservation Area it is near to the boundary and the impact on the setting of the conservation area should be assessed. As required by S. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It is considered that due to the scale and design of the proposal that it would not detract from the setting of the conservation area. The proposal would therefore be acceptable in this respect.

Conclusion

8.12 Based on the above it is considered that the restaurant canopy is acceptable in respect of its size, materials, appearance, and siting within an established retail/hot food area. The proposal would not result in any substantive adverse impacts upon the street scene, local visual amenities or on the character of the surrounding area, including the setting of the conservation area. The proposal is therefore considered to comply with the relevant national and local planning policy and therefore the application is recommended for approval, subject to conditions set out below.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be 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.

2) The development hereby permitted shall be retained in its size, design, and position in accordance with the materials specified within the application form and plans, 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.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Existing/Proposed Elevations - Canopy (A3)	DLS-047-PL-04		05.10.2021	Approved
PLAN – LOCATION, BLOCK, PROPOSED SITE, FLOOR PLANS AND CANOPY	DLS-047-PL-03-A		14.07.2022	Approved

INFORMATIVES

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

For further information on this application please contact Emma Kierans on 01243 534734

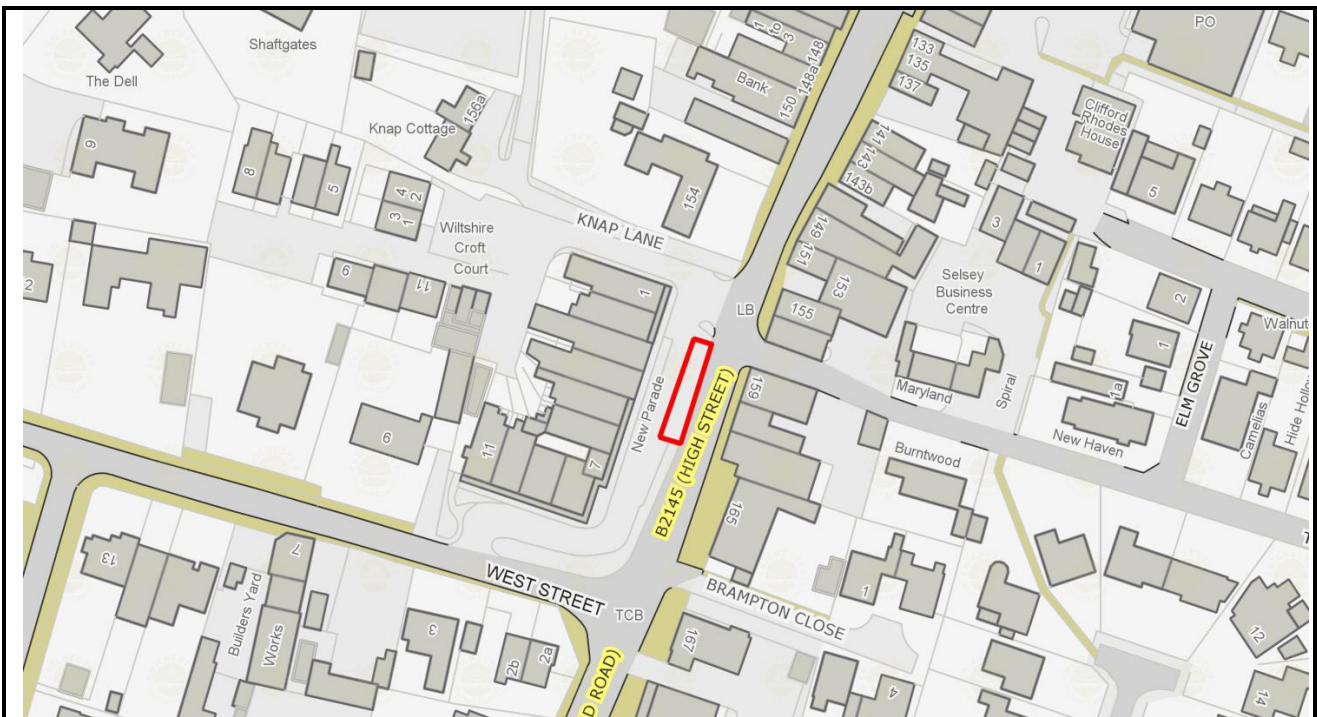
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R07702ERFZY00>

Parish: Selsey	Ward: Selsey South
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SY/22/00138/FUL

Proposal	Modification of pergola and continued use of external area for customer seating used in connection with the Boulevard Restaurant.		
Site	The Boulevard Land Adjacent 3-4 New Parade 3 New Parade High Street Selsey Chichester West Sussex PO20 0QA		
Map Ref	(E) 485252 (N) 93100		
Applicant	Mr Adam Christmas	Agent	Mr Matthew Pickup

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

- 1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the Selsey town centre along the High Street. The site is a rectangular shaped piece of land that lies immediately opposite the Boulevard Restaurant to the east. There is an intervening access road between the restaurant and the site. The restaurant occupies units 3 & 4 of New Parade. There are a mix of commercial retail units and residential properties in the surrounding area.
- 2.2 The application site was converted to an outdoor seating area in June 2021 where the area was enclosed with timber boarding, a timber pergola structure was constructed, and tables and chairs sited within the enclosed area. The site measures 20m long and 3.8m wide.
- 2.3 The land previously accommodated approximately 6 vehicle parking spaces. The land is within the ownership of the applicant.

3.0 The Proposal

- 3.1 The proposal seeks retrospective consent for the change of use from a parking area to an outdoor seating area in connection with The Boulevard restaurant.
- 3.2 The proposal seeks planning permission to modify the pergola by removing the timber posts, panelling and joists above 0.8m in height from ground level.
- 3.3 The timber boarding on the southeastern elevation would be removed from the black railings that are sited upon a low brick boundary wall. The railings and wall were existing and would be retained as they were previously. The timber boarding on the northeast elevation would be reduced to 750mm to match the remaining timber boarding on the north western and southwestern elevations.

4.0 History

93/00546/FUL	PER	Re-align existing road to an increased width. Re-site external table area to 3 New Parade. Amend car park.
93/01604/FUL	PER	New garage and store on land at rear of New Parade.
97/02785/FUL	PER	Extend and infill existing shopfront.
05/00211/FUL	PER	Ground floor rear extension.

21/02892/FUL	REF	Modification and retention of pergola and continued use of area inside the pergola for customer seating used in connection with the Boulevard Restaurant.
21/02895/FUL	PCO	Retention of canopy to shopfront.
SY/00050/86A	PER	1 no. internally illuminated projecting clock.
SY/00186/91A	PER	1 no. internally illuminated projecting clock with wrought iron wall mounting bracket, dial-white with black hour mark numerally.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Selsey Town Council (STC) objects on the grounds that the size and mass of the eating area is out of keeping with the area as it is visible from the Conservation Zone and is therefore contrary to policy 001 of the Selsey Neighbourhood plan, Policy 47 of the Chichester Local Plan and 8b and 130 of the NPPF.

STC also wishes to object on the loss of parking which impacts the main High Street where cars that have been pushed out of the designated parking area are now parking in the main High Street, in front of other businesses and residents and causing congestion within the main highway for bus routes and amenities.

STC wishes to draw the planning department's attention to the inaccurate report by WSCC highways.

WSCC Highways may not be aware of previous applications concerning the construction and modification of the garages behind the restaurant which has led to a loss of spaces as these are used by staff in the preparation of services (applications 02/03184/COU, 01/03030/FUL, 00/01058/FUL, 99/02650/FUL). These spaces will be shown on a map - but will not be in use for customers.

Furthermore, STC would also like to point out that the landowner, not the current applicant who is the lease holder, had entered into an agreement with CDC under a Section 106 agreement (DX 30340) to allocate part of the car parking spaces to a housing development to the rear of the site (Wiltshire Croft Court) which compromised of the use of six spaces. So, the number of 14 quoted is not an accurate statement as others, including business users of shops use the spaces.

Part of the Section 106 agreement also prohibited the restaurant from further development which would result in the loss of parking. Section 6 stipulates that parking shall be maintained and used solely for such purpose and shall not at any time be used for other purpose whatsoever.

Therefore, STC believes the applicant would be in breach of previously agreed planning regulations.

6.2 WSCC Highways

This proposal is for the modification and retention of pergola for the continued use of area for customer seating. The site is located on High Street, a B-classified road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided consultation advice for this site for similar application SY/21/02892/21, raising no objections. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways content.

The applicant proposes to retain an existing outdoor seating area in connection with The Boulevard restaurant, which has been in use since June 2021. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout/placement of the pergola within the vicinity of the site. Therefore, there is no evidence to suggest the nearby road network/existing site arrangement is operating unsafely or that the proposal would exacerbate an existing safety concern.

The pergola is situated within private land and does not encroach into publicly maintained highway. Six parking spaces have been lost as a result of the outdoor seating area. However, the site benefits from 14 parking spaces to the north of the site. In addition, the site is situated in a sustainable location close to regular bus service connections and within walking distance of nearby public car parks.

In regard to on-street parking, there are comprehensive parking restrictions in place on the nearby road network that prohibit vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the loss of six car parking spaces would result in a highway safety concern, nor give rise to a parking capacity issue. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

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.

7.0 **Planning Policy**

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Selsey Neighbourhood Plan was made on the 22nd June 2021 and forms part of the Development Plan against which applications must be considered.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 47: Heritage

Selsey Neighbourhood Plan

Policy 001: Design

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in late 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 The revised National Planning Policy Framework took effect in 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 Sections 1 (Introduction), 2 (Achieving sustainable development), 6 (Building a strong, competitive economy), 9 (Promoting sustainable transport), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

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

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 highway safety and parking
- iv. Impact upon amenity of neighbouring properties
- v. Impact upon heritage assets

Assessment

i. Principle of development

8.2 The application site lies within the Selsey Settlement Boundary Area. Policy 2 of the Chichester Local Plan includes a presumption in favour of sustainable development within settlement boundaries. Therefore, the provision of an outdoor seating area in connection with an existing restaurant is acceptable in principle subject to other material considerations. In addition, the proposal would support the ongoing operation of an existing business within the commercial centre of a settlement hub, the economic benefits of which are an important material consideration.

ii. Design and impact upon character of the surrounding area

8.3 Policy 47 of the Local Plan identifies that planning permission will be granted where Development respects distinctive local character and sensitively contributes to creating places of a high architectural and built quality. Policy 001 of the Selsey Neighbourhood Plan states that new development should recognise the distinctive character of the Parish.

8.4 The seating area was created in June 2021. A previous application was refused on 23 November 2021 to modify and retain the pergola and for the continued use of area inside the pergola for customer seating used in connection with the Boulevard Restaurant. The reason for refusal was:

The proposed pergola, by reason of its prominent siting, considerable scale and mass and its poor detailed design including use of low quality materials would result in a development of poor quality that would have a significant adverse and detrimental impact upon the visual amenities and character of the area, while also not take the opportunities available for improving the character and quality of the area. The proposal is therefore contrary to Policy 47 of the Chichester Local Plan, Paragraphs 8b and 130 of the NPPF which states that planning decisions should ensure developments are visually attractive as a result of good architecture and Policy 001 of the Selsey Neighbourhood Plan which states that development should recognise the distinctive character of the Parish, and this proposal is not in keeping with the High Street and the street scene.

8.5 This application seeks to retain the seating area and remove the pergola structure including the removal of the timber boarding along the south eastern elevation and reduce the height of the boarding enclosure on the north east elevation to match the height of the remaining timber enclosure and the brick wall.

8.6 The site is in a prominent position within the High Street. The removal of the pergola, timber boarding on the south east elevation and reduction in height of the timber boarding enclosure is considered to address the harmful impact on the visual amenity and character of the area.

8.7 The restaurant has an existing seating area to the front of the building. It is considered that this additional seating area is in keeping with the restaurant, the parade of shops, hot food takeaways and the character of the surrounding area.

8.8 It is noted that the remaining structure would be under 1m in height. A means of enclosure under 1m adjacent to the highway would be permitted development under Schedule 1, Part 2, 'Minor operations', Class A 'gates, fences, walls etc of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

8.9 The additional seating area was created in response to COVID restrictions. The area has allowed customers to have the option to sit outside. It is considered that the outdoor seating area supports the local small business and local economy. Paragraph 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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.

8.10 Overall, the proposal is considered to comply with Policy 47 of the Chichester Local Plan which states that any proposed development must respect distinctive local character and paragraph 130 of the NPPF which states that planning decisions should ensure developments function well and add to the overall quality of the area.

iii. Impact upon highway safety and parking

8.11 The proposal to retain the seating area would result in the loss of 6 parking spaces along New Parade.

8.12 To the north west of New Parade there is a parking area that serves residential accommodation and the retail units of New Parade. There are 9 car parking spaces along the northern boundary that have been conditioned to be used for shoppers/restaurant customers in a previous planning permission (reference 97/00194/FUL) these are still available for that use. There are also a further 6 parking spaces within this area that are for the sole use of the occupiers of Wiltshire Croft Court. There are a further 5 parking spaces along the north boundary of the access road that are available for use for customers of The Boulevard. In total, there are 14 available parking spaces for customers of the shops along New Parade and The Boulevard Restaurant.

8.13 It is considered that due to the location of the seating area within the Selsey high street, an area well connected to public transport, nearby public car parks and 'on street' parking at New Parade, the development would not result in severe harm to the highway network. In addition, the access road would remain unobstructed by the seating area and allow adequate means of access and internal circulation along New Parade. The development is therefore compliant with Policy 39 of the local plan.

iv. Impact upon amenity of neighbouring properties

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

8.15 The site is located within the vicinity of the existing restaurant and other commercial premises and therefore it is not considered that the development would result in any additional impact on neighbouring amenity.

v. Impact upon Heritage Assets

- 8.16 Policy 47 of the Local Plan states that development must conserve and enhance the special interest and setting of conservation areas. Although the site is not within the Selsey Conservation Area it is near to the boundary and the impact on the setting of the conservation area should be assessed. As required by S. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.17 The previously proposed pergola structure was considered to be harmful to the character of the conservation area due to its scale, appearance and prominent position. However, the proposed use of the area for seating compared to parking would not result in any impacts that would detract from the character and appearance of the conservation area.
- 8.18 It is considered that the proposal to remove the pergola structure would address the harmful impact. The low timber enclosure would be modest within the setting and the materials and colour of the timber boarding enclosure is considered to be sympathetic to the character of the conservation area.
- 8.19 The size and appearance of the seating area itself is not considered to result in a harmful impact on the setting of the conservation area as the appearance would not be significantly different from the previous parking area. Therefore, the development is considered to be compliant with Policy 47 of the Local Plan and Policy 001 of the Selsey Neighbourhood Plan that states that new development should recognise the distinctive character of the Parish.

Conclusion

- 8.20 Based on the above it is considered that the outdoor seating area and modified enclosure is acceptable due to the size and materials of the timber boarding enclosure and the siting of the seating area within an established retail/hot food area. The proposal would not result in any adverse impacts on highway safety, street scene, visual amenity, character of the surrounding area or on the setting of the conservation area, and it would support an existing business. The proposal therefore complies with the relevant national and local planning policy and therefore the application is recommended for approval, subject to conditions set out below.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be 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.

2) Within three months of the date of this permission, the existing pergola and the timber boarding attached to the existing railings shall be removed and the resultant materials cleared from the site, in accordance with the details agreed by the Local Planning Authority.

Reason: In the interest of the visual amenity of the area.

3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, 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.

4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or any other statutory instrument amending, revoking and re-enacting the Order, the outdoor seating area outlined in red in the approved plan DLS-047-PL- 01-A hereby permitted shall only be used in connection with The Boulevard restaurant outlined in blue.

Reason: To ensure the use of the seating area does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - LOCATION + BLOCK PLANS PROPOSED SITE + FLOOR PLANS - PERGOLA	DLS-047-PL- 01-A		20.01.2022	Approved
PLAN - PROPOSED ELEVATIONS - PERGOLA	DLS-047-PL- 02-B		20.01.2022	Approved

INFORMATIVES

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

For further information on this application please contact Emma Kierans on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R67NIIER10R00>


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Parish: Chichester	Ward: Chichester East
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CC/21/03657/FUL

Proposal	Construction of a new extension to the existing building.		
Site	Solent Wholesale Carpet Company Limited Barnfield Drive Chichester PO1 6UX		
Map Ref	(E) 487205 (N) 105975		
Applicant	Solent Wholesale Carpets Co. Ltd	Agent	Jamie Hanna

RECOMMENDATION TO PERMIT



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

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. 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.

2.2 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 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 113m³ storage, yet the tank proposed is only 1m³, 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 1m³ 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 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 1 no. 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.

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.**
- 8.29a **The applicants have since commissioned a new tree survey due to evidence of ash dieback to the trees to the northern edge of the site. 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).**
- 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 m² (1 plant per m²) 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.**
- 8.31 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.

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.

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 This 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. 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 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, 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.

Reason: in the interest of protecting and enhancing biodiversity

16) During the first planting season following first use or completion of the extension hereby permitted, the approved landscape scheme shall be fully implemented and thereafter maintained in strict accordance with the Planting Plan (1906-PP-300 Rev C dated 08/09/2021) and Landscape Management Plan (MP/600 dated November 2021) unless otherwise agreed upon 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.

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
PLAN -	1906_PP_300	REV F	06.07.2022	Approved
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
PLAN -	21012-HNW-XX-00-DR-A-1011	REV P01	06.07.2022	Approved
PLAN -	21012-HNW-XX-00-DR-A-1010	REV P07	06.07.2022	Approved
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) 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>

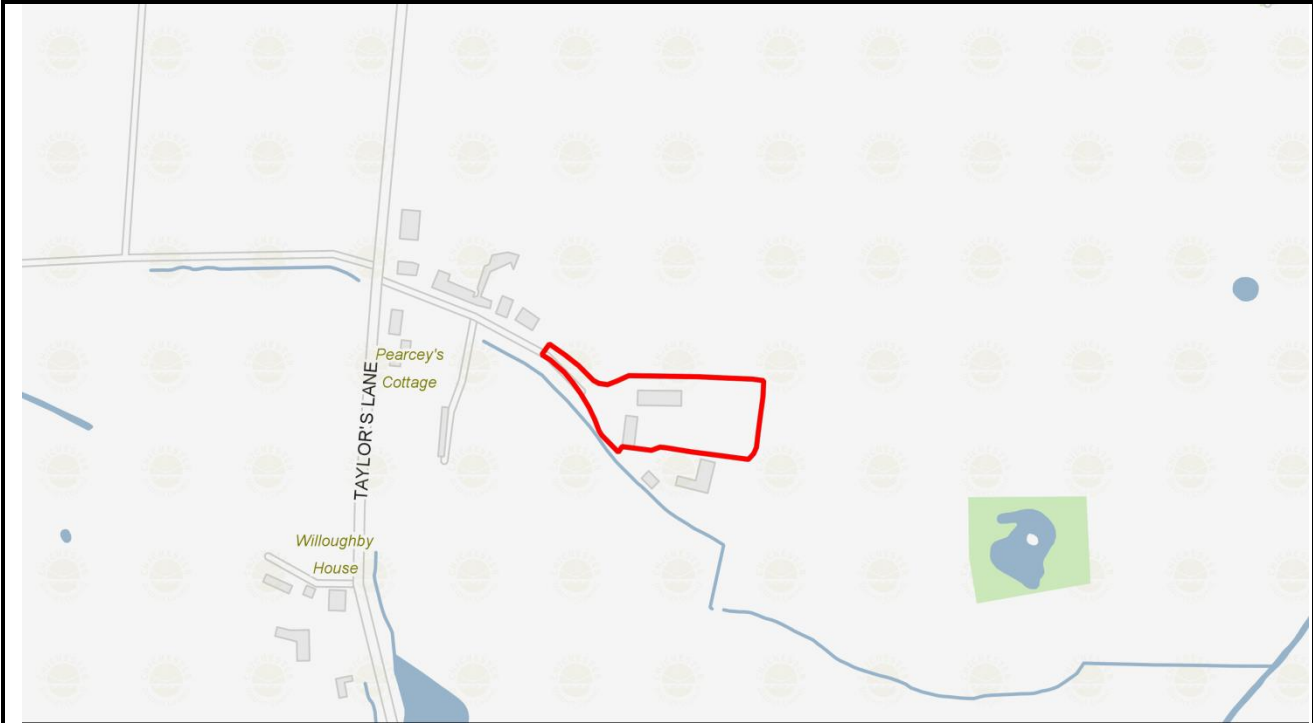
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Parish: Bosham	Ward: Harbour Villages
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BO/21/03586/FUL

Proposal	Change use of 2 no. redundant farm buildings to 2 no. live/work units.		
Site	Dairy And Calf Barn Buildings Taylors Lane Bosham PO18 8EN		
Map Ref	(E) 481399 (N) 103150		
Applicant	Mrs S Shalit	Agent	Mrs Elizabeth Lawrence

RECOMMENDATION TO DEFER FOR S106 THEN PERMIT



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

1.1 Red Card: Cllr Moss Exceptional level of public interest

2.0 The Site and Surroundings

- 2.1 The application site is located to the east side of Taylors Lane, within the rural parish of Bosham and the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The site lies within a loose cluster of agricultural buildings and residential properties, immediately north-west of Petworth Barns, a former agricultural barn, now converted into a dwelling in 2004. The wider surroundings comprise, flat, open agricultural land interspersed with several small clusters of further agricultural buildings and dwellings.
- 2.2 The site comprises two agricultural buildings, known as the Dairy and Calf Budlings, which were constructed during the 1940's as cattle buildings out of brickwork with metal sheet roofing. The buildings are simplistic in form, with a fairly domestic style fenestration and are of solid construction. The site also comprises of associated hardstanding, and shares its existing vehicular access with Petworth Barns, which is located to the west of the side, with a post and rail fence with metal five-bar gate. There are also several well-established trees to the west of the agricultural buildings.
- 2.3 The character of the wider area is rural; however, the agricultural buildings are set within a loose cluster of residential dwellings, against the backdrop of an existing converted (and subsequently) extended agricultural building.

3.0 The Proposal

3.1 The proposal seeks planning permission for the change of use of the Dairy and Calf buildings into two live work units. The existing buildings have a combined floor area of approximately 393 square metres (sqm), comprising the Dairy's floor area of 130 sqm and the Calf's floor area of 262sqm. The proportion of the live/work split is show in the table below.

	Dairy Building	Calf Building
Living Accommodation	70sqm (53.8%)	126sqm (48.22%)
Commercial (work) space	60 sqm (46.2%)	136sqm (51.78%)

3.2 The proposal work element would comprise uses falling within Use Class E (Commercial, Business and Service), but restricted further in order to minimise the impacts upon the character of the area. The following categories within Class E are therefore sought:

- E(c)(i) Financial services,
- E(c)(ii) Professional services (other than health or medical services), or
- E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes

4.0 History

There is no planning history relating to the Dairy and Calf Barn Buildings

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Bosham Parish Council objects to this application. The barns are situated in the rural area of CHAONB. This is not an expectation site and the countryside need or a suitable sewage system has been demonstrated. The conversion to domestic accommodation would cause harm to this protected area by way of increased human activity

6.2 Chichester Harbour Conservancy

Objection:

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. This application contravenes the Joint Chichester Harbour AONB SPD, and AONB guidance AONB PP01, PP04, PP05, PP06, and PP09. The site is located within a countryside location within the AONB. The proposal for the Change of Use to residential development on previously used agricultural land would physically change the character of the site within the countryside area, creating a remote enclave of two dwellings which would be out-of-place and unnecessary with this countryside location within the visually

important AONB protected national landscape. - Lack of land-use justification in the unnecessary provision of dwellings in the countryside (no exception case justified as required by AONB PP06) - Visible impact on the AONB landscape from the activity associated with two live/work dwelling units (domestic garden and associated items, domestic and live/work employment vehicular traffic, etc.) - Waste water sewerage systems arrangements not demonstrated or land drainage capacity proven - Wildlife disturbance mitigation contribution measure (Solent Bird Aware Initiative) required

6.3 Natural England

Further Comments 06.07.2022

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

Original Comments 26.01.2022

No Objection Subject to Securing Appropriate Mitigation

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

6.4 WSCC Local Highway Authority

No changes to the access point are proposed. While no trip generation figures have been provided consideration has to be given to the existing use of the site as agricultural use which could have generated its own trips. Live work units do not typically generate trips to of the same quantum compared to a development that was wholly commercial.

Given the scale of commercial floorspace involved it would not be anticipated that a development such as this would result in the site, or access point onto the adopted highway network, being used significantly more intensively in highways terms when compared to the existing use.

Based on the submitted plans and aerial photography it seems reasonable that this quantity of parking can be accommodated formally / informally on the hardstanding area within the red edge of the plan.

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

6.5 CDC Economic Development

Further Comments 23.03.2022 (Officer Summary)

The information provided regarding potential demand is sufficient, and it is agreed there is likely to be plenty of business in need of this type of workspace. It is important to ensure the workspace is retained, and not lost to residential. It is unlikely intensive commercial use in this location would be appropriate.

Original Comments 11.03.2022

The Economic Development Service does neither supports nor objects to this application.

The loss of this employment and commercial space would be a loss to the overall offer of this village location and the district. Generally, we would not support the loss of this employment land use/ commercial space. Although, we do support the principal of live/work units this is something that would provide employment space, potentially creating a couple of businesses with a number of job opportunities.

Any introduction of non-commercial use in this location needs careful consideration. A full range of alternative commercial operations should be explored and presented before any change of use to residential is considered. Although, it is appreciated that the type and number of commercial uses would be limited in this particular location.

Nonetheless, for example, demand for storage space in the UK remained robust in recent years and the sector is well placed to deal with the impact of COVID19. The sector may be more resilient, as previous economic downturns have presented opportunities. This includes demand from smaller retailers expanding their online presence and requiring space for additional stock, businesses requiring more space for equipment and increased demand as house sales picked up. Demand for workshop, warehousing and storage facilities appears to be high in Chichester with nearby sites in Funtingdon and Terminus Road at capacity.

As far as we can ascertain there has been no extensive investigation into alternative commercial uses for the site. Furthermore, it would good see to what interest there has been for a live/work unit on this site. This would help to ascertain the viability and longevity of the use at this location.

6.6 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.

Should any works be required to T01, these shall be scheduled to avoid times when bats would be present (April-October). Should the tree require significant works such as removal of limbs with cavities, further survey would be required to confirm whether a bat roost is present, to enable a licence application.

Should either tree offering low bat roost potential be proposed for removal, the trees shall be section-felled under ecological supervision to ensure no bats are present and harmed. The boundary vegetation on site is 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 vegetation (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity.

A condition should be used to ensure this.

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).

Barn Owls

Due to the presence of barn owls within a nest box in B01, mitigation has been proposed within the Preliminary Bat Roost and Ecological Impact Assessment (Oct 2021). We are happy with the proposed mitigation and a condition should be used to ensure this takes place. If barn owls are present on site, then no works can take place between March September or any time while the barn owls are nesting.

Reptiles

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

Water Voles

All materials shall be stored at least 5.0 m from the ditch, with all fuels, paints, chemicals or other liquids at least 10.0 m in suitably bunded containers. Should any resurfacing of the adjacent track be required, debris mesh and silt barriers shall be installed to prevent any debris reaching the ditch.

Hedgehogs

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

Nutrient Neutrality

Following submission of the Nutrient Neutrality Management Plan (Dec 2020) the proposal will cause an increase in nitrogen of 1.35 kg/N/yr. Due to this increase we require that mitigation has been proposed with 0.17ha of land on site being planted as a wildflower meadow. This should be secured within the S106 agreement in perpetuity for 85 years.

Recreational Disturbance

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.

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.

6.7 CDC Drainage

The site of the two buildings is wholly within flood zone 1 (low risk) and we have no additional knowledge of site being at risk of flooding. We have considered the proposal, and we are satisfied that it should not have a significant impact on flood risk or surface water drainage. Therefore, we have no objection to the proposal, and require no conditions should permission be granted

6.8 Third party objection comments

No third-party representations of objection have been received

6.9 Third party support comments

One letter of support has been received concerning

- Support scheme to convert buildings
- Greenhouses are undesignated heritage assets
- Should retain character of windows
- Retain post and rail fencing and hedges
- Sensible scheme
- Put buildings to good use
- Retain character

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Bosham Neighbourhood Plan was made on the 22 November 2016 and forms part of the Development Plan against which applications must be considered.

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

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings 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

Bosham Neighbourhood Plan

- P2 - Criteria for housing development
- P3 - Commercial and Economic Development
- P4 - Community facilities
- P5 - Neighbourhood Plan Policies
- P6 - Landscape and the Environment
- P7 - Ecology, Wildlife and Biodiversity
- P8 - Flood and Drainage
- P9 - Transport and Highways

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 late 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 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 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) and 15 (Conserving and enhancing the natural environment). In addition, the relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance
- CHC Chichester Harbour AONB Management Plan (2014-2029), including Planning Principles
 - PP01
 - PP05
 - PP06
 - PP08
 - PP09

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

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

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

Assessment

i. Principle of development

8.2 The application site lies outside of a defined settlement boundary, within the designated countryside and within the Chichester Harbour AONB. The proposal seeks the conversion of two former agricultural buildings, to provide two live/work units.

8.3 As the proposal involves the re-use of an existing building, within the countryside, the principle of development would be considered under Policy 46 of the Local Plan, which provides support for the conversion or reuse of buildings in the countryside, outside Settlement Boundaries, subject to compliance with the six criteria set out within the policy. The supporting text of Policy 46 (Para 19.26-19.33) advises the conversion of rural buildings helps to sustain the communities and aid economic diversification, whilst confirming there is a preference to reuse existing building, over the creating the need for new building. It also acknowledged the conversion for residential use is likely to have a more significant impacts, with economic or commercial uses encouraged before residential uses are considered. Moreover, it supports opportunities of appropriate diversification, through employment uses which can help to breathe life into old, derelict buildings. Consideration has been given to each of the six criteria of Policy 46:

1) The building is structurally sound and is capable of conversion for employment uses without the need for significant extension, alteration, or rebuilding.

8.4 The buildings are structurally sound and is capable of conversion, with the buildings being constructed out of rendered/painted brickwork, with metal sheet roofing and timber window and doors. The proposal seeks limited physical alterations to the existing fabric of the building, with works concerning revisions to the fenestration. It is appreciated internal works would be required to divide the space into the proposed live/work accommodation; however, this is to be expected and would not amount of significant alterations or rebuilding and would not go beyond what would be acceptable under this policy.

2) It has been demonstrated that economic uses, including live/work units, have been considered before residential and are unviable.

8.5 The proposal seeks a live/work unit and therefore complies with this criterion. The proposed split is considered sufficient to ensure that the commercial space would accommodate an active economic use.

3) The proposal is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses.

8.6 The Dairy and Calf Barns lie within a separate parcel of land, which is surrounded a larger parcel of agricultural land and therefore the proposed conversion would not prejudice any nearby agricultural activities. The buildings have not been in agricultural use for a considerable period, and it is unlikely they would be brought back into such use, given their proximity to nearby residential dwellings, including Petworth Barns.

4) The form, bulk and general design of the building is in keeping with its surroundings and the proposal and any associated development will not harm its landscape character and setting.

8.7 This criterion will be addressed in the following section below; however, the conversion works seeks minimal alteration to the form of the existing buildings, thus would have a minimal impact upon the surrounding landscape character. The buildings have been a feature of the local landscape for a considerable period (approximately 80 years) are therefore form part of the character and setting of the area. The formation of residential curtilages is likely to result in some change to the existing character; however, this is not considered to be unduly harmful as it would be read in conjunction with the existing curtilage of Petworth Barns and has been sensitively designed, with appropriate boundary treatments and planting.

5) For residential, including holiday use, the proposal would involve the re-use of a traditional building of architectural or historic merit;

8.8 The Dairy and Calf barn are unlikely to be considered of any particular architectural or historic merit; however, there are nevertheless traditional buildings of some notable age and a long-standing feature of the landscape and therefore the proposal is considered to comply with this criterion.

6) The proposal will not damage the fabric or character of any traditional building or the historic character and significance of the farmstead and in the case of a Heritage Asset, whether designated or not, the proposal will not damage the architectural, archaeological, or historic interest of the asset or its setting

8.9 The conversion works seek modest and respectful alterations to the existing building, which is not of any notable historic character. The works have not impact upon the significance of a farmstead of heritage asset, and the scope of the works would not impact upon any archaeological deposits or historic interests.

8.10 The proposal is therefore considered to comply with the six criteria, set out within Policy 46 of the Local Plan.

- 8.11 As explored fully below, the proposal is considered to maintain the tranquillity and character of the area, and whilst located outside of an existing settlement, it is an appropriate reuse of an existing building, providing a low-key and flexible employment options within the district.
- 8.12 Finally, the proposal is required to demonstrate compliance with Policy 43 of the Local Plan, which concerns development within the Chichester Harbour AONB. The policy sets out five criteria, which a proposal is required to meet, with the aim of the policy to protect the natural beauty and distinctive features of the AONB, whilst also limiting development to that which reinforces and response to, rather than detracts from the special qualities of the AONB. Criterion 5 of Policy 43 requires proposal to comply with the policy aims of the Chichester Harbour AONB Management Plan, including the relevant Planning Principles listed in paragraph 7.6 above.
- 8.13 In assessing the principle of this application, PP06 is relevant as it concern the conversion of existing building, inside and outside of settlements. The proposal is considered to comply with the 6 criteria set out within PP06, which are required to be met for the conversion of an existing building to be considered justified and appropriate. The following section will detail fully how the proposal complies with Policy 43, including the Planning Principles.
- 8.14 In light of the above, the proposal is considered to comply with the requirements of Policy 46 and 43 of the Local Plan and PP06 of the Chichester Harbour AONB Management Plan and Policy 1 of the Bosham Neighbourhood Plan and can be considered acceptable, in principle subject to the further material considerations set out below.

ii. Design and impact upon character of the surrounding AONB

- 8.15 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.
- 8.16 Policy 43 concerns development within the Chichester Harbour AONB, and requires proposal to meet the five criteria listed within the policy, whilst also ensuring proposals protect the natural beauty and distinctive features of the AONB and limiting development to that which reinforced and response to, rather than detracts for the special qualities of the AONB
- 8.17 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
- 8.18 Planning Principle 01 reaffirms the importance of the Chichester Harbour AONB, and its primary purpose to conserve and enhance the natural beauty of the area. It advises, The Conservancy will oppose any application that, in its opinion, is a major change or will cause material damage to the AONB or which will constitute unsustainable development.

- 8.19 Paragraph 85 advises 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements' and that 'in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable'.
- 8.20 The Dairy and Calf barns are located to the east side of Taylors Lane, within a loose cluster of agricultural buildings and residential dwellings, and are read in conjunction with Petworth Barns, a former agricultural barn which is now converted to a residential dwelling and latterly extended. The surrounding landscape is flat, consisting of farmland to the north, east and south with long views of the buildings and neighbouring properties possible across the adjoining fields. There are a number of existing boundary treatments, including hedgerows and several established trees which help to filter views of the buildings.
- 8.21 The character of the area remains predominantly rural, but there is clear evidence of residential activity within the locality, including vehicle movements. One of the benefits of live/work units includes working where you live, reducing the need to commute to your place of work and potential vehicle movements. It is likely there will be some movement through potential deliveries, but this is not unusual for many residential properties, and it is unlikely the proposed commercial activities would result in a significant number of deliveries in any event. The resultant employment uses are unlikely to result in a significant number of visitors, to the extent that it would result in significant harm to the character of the area or the safety of the road network. In addition, it is important to consider the is likely to be or have been in the past vehicle movements associated with the previous agricultural and storage uses of the buildings.
- 8.22 The physical works to convert the buildings are modest, with limited physical intervention sought to the external appearance. The roof and walls of the building are to remain unchanged, besides for additional and enlarged window and doors openings. The existing rooflights are to be removed in the interests of reducing light pollution in accordance with PP09 (Dark Skies) and to mitigate the additional windows proposed within the elevations of both buildings. In addition, solar PV panels are proposed on the southern roof plane of the Calf building, which would be appropriately sited within the roof slope.
- 8.23 The proposed residential curtilage, associated with each live/work unit would be modest, and contained within the existing associated yard/grassed area of both buildings, thus would not result in any further erosion upon the undeveloped countryside and would be contained within an area which already appears to be reasonably well maintained. The curtilage would adjoin that of Petworth Barns to the south, which although clearly defined, does not appear overly domesticated in its appearance and much like the proposed development if laid to lawn with hedgerow and tree planted boundaries. There are no physical boundary treatments proposed, with native hedgerows utilised instead to divide the outdoor space. As part of the nitrogen mitigation a large wildflower meadow is proposed to the east of the buildings, which, once established, would provide an attractive addition to the landscape, enhancing the current grassed area and it would help to soften the more formal residential curtilages close to the buildings. Finally, the vehicle parking and bin storage would be located to the west of the site, within the existing area of hardstanding, with the bin storage discretely positioned between the two buildings.

- 8.24 In considering the above, the physical alterations and formation of residential curtilage and wildflower meadow is considered to remain in keeping with the rural character of the surrounding landscape and Chichester Harbour AONB.
- 8.25 The proposed commercial elements of the scheme, includes uses which fall within Use Class E (Commercial, Business and Service) and restricted further as set out above. The proposed limited uses are considered to be suitable for this rural location, as they are unlikely to give rise to an unacceptable impact upon the character and tranquillity of the area. The proposal has purposely sought least disruptive uses, rather than more intensive a manufacturing uses, for example, due to the rural location of the site and proximity to residential dwellings. As such, whilst there may be some localised perception of the employment uses, it would not to an extent that would adversely impact the character or rural tranquillity of the site, particularly when consider the existing nearby residential uses and the former agricultural and domestic uses of the barns.
- 8.26 Understandably, the proliferation of domestic paraphernalia which often occurs with commercial and residential uses would have an impact upon the character of the area, particularly if larger amounts of external storage were proposed. As such, several safeguarding conditions have been recommended. The conditions would secure appropriate storage provision on the site, for example for the storage of cycles and refuse, as well as the prevention of outside storage, to ensure the visual amenities of the area are adequately protected.
- 8.27 Consequently, taking the above considerations into account, the proposal would result in the appropriate and sympathetic reuse of two existing buildings, by providing mixed live/work uses, contributing to the flexible employment options within the district. Whilst the proposal would be partially visible from wider views, within the AONB, the modest physical alterations, in combination with a backdrop of existing residential development ensures the proposal would not result in an unduly prominent form of development within this protected landscape. The type and level of commercial floorspace is unlikely to result in an intensive use, which could adversely impact the level of tranquillity of the area, and whilst there would clearly be an increased level of activity, though both commercial and residential uses, it would be proportionate to the scale of the live/work units. Finally, the improved landscaping, including larger wildflower meadow, provision of on-site parking and turning which define a modest curtilage for both buildings, help to minimise the visual impact of the development, ensuring the proposal does not result in further encroachment into the undeveloped countryside. Therefore, the proposal is considered to comply with Section 2, 6 and 12 of the NPPF, Policies 33, 43 and 47 of the Local Plan, Planning Principles 06, 08 and 09 of the Chichester Harbour AONB Management Plan, Policies 3 and 6 of the Bosham Neighbourhood Plan.

iii. Impact upon amenity of neighbouring properties

- 8.28 Paragraph 130 of the NPPF states that planning decisions should create places that offer 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 light.

8.29 There would be an appropriate level of separation between the buildings and the neighbouring dwellings, to ensure the proposal would not have an unacceptable impact on the amenities of the neighbouring properties. It is considered that the proposed commercial use of the buildings would not give rise to an unacceptable increase in noise or disturbance, nor a significant intensification in traffic movements. Therefore, the proposal would retain an acceptable living environment of the neighbouring properties, and the occupants of the tourism accommodation, and would accord with the contents of Policy 33 of the Local Plan and Section 12 of the NPPF.

iv. Impact upon highway safety and parking

8.30 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.

8.31 The proposal would utilise a gated access, via a tarmac and gravel track off Taylors Lane, which is also shared by an existing residential dwelling. The proposal would provide adequate onsite parking and turning for the scale of development, utilising an existing area of concrete hardstanding. The provision of an electric vehicle charging point, would contribute towards sustainable modest 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 Local Plan.

v. Ecological considerations

8.32 Policy 49 of the Chichester Local Plan and Policy 7 of the Bosham Neighbourhood Plan require 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.

8.33 The proposal would retain all existing trees and hedgerows, and also proposes native hedgerows to the north, east and southern boundaries, as well as between the two separate residential curtilages and six native trees. In addition, a larger wildflower meadow is proposed, to the east of the buildings, which once established would, together with the native hedgerow and tree planting, contribute to the overall biodiversity enhancement of the site.

8.34 The Council's ecology officers have reviewed the supporting ecology surveys and are satisfied with the findings and recommendations of the reports, subject to securing the mitigation and measure via condition. In addition, several enhancements, including bat and bird boxes have also been suggested, which have been incorporated into the suggested condition. Therefore, subject to compliance with the recommended conditions the proposal would adequately safeguard and enhance the biodiversity of the site in accordance with national and local planning policies.

vi. Drainage

8.35 The site is within flood zone 1 which is low risk of flooding, which is an appropriate location for residential development. The proposed change of use of the building, is not considered to material impact the existing surface water drainage for the site, therefore the council's drainage officers have raised no objection to the proposal no require any further information secured via condition.

vi. Sustainability

8.36 The proposal has been accompanied by a sustainability statement, which indicates the applicants' intentions to improve the existing fabric of the building, including internally insulating all external walls, and existing roof structure. The provision of insulation above the existing concrete flooring, which would be set below a new screed and the replacement of all existing doors and windows. In addition, the proposal includes a combination of solar panels (shown on the proposed elevations) air source heat pumps and a mechanical ventilation heat recovery system, which will contribute further towards the reduction in emissions. An electric vehicle charging point and secure cycle parking will also be secured for both live/work units, to promote the use of alternative modes of transport. Finally, the proposal will comply with the 110 litres per person per day water use, through the provision of dual flushing toilets, low use shower heads and the provision of water butts or tanks to store surface water. Therefore, subject to compliance with the measures indicated above, the proposal would result in a sustainable for of development.

vi. Nutrient neutrality

8.37 The proposal comprises new overnight accommodation, served by a Package Treatment Plant 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.

8.38 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).

8.39 To assist the LPA with its appropriate assessment, the application has been accompanied by a nitrogen mitigation proposal, which details the additional nitrogen resulting from the proposed development (1.51 kg of Nitrogen per year) and a Nitrate Mitigation Proposal which details the proposed offsite mitigation. The mitigation involves the conversion of the grassland from lowland grazing to wildflower meadow which would reduce nitrogen runoff by 1.67kg per year, which is slightly greater than the 1.51kg required to be offset. The mitigation proposal details how the existing grassland will be prepared for seeding with a suitable wildflower-only seed mix such as Emorsgate EM2F - Standard General-Purpose Wildflowers, sown at the recommended rate of 1.5g/m². It also details the ongoing management of the wildflower meadow.

- 8.40 The proposed mitigation, including the initial preparation and sowing, and the ongoing managing of the wildflower meadow has been tested via an AA in consultation with Natural England, who have confirmed in their comments that they raise no objection to the proposal, subject to securing the proposed mitigation.
- 8.41 As the proposed mitigation lies on land within the applicant's ownership, the use of a planning condition is considered appropriate to secure the provision of and the ongoing management of the wildflower meadow.
- 8.42 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, and therefore the proposal would comply with policy 49 of the CLP and section 15 of the NPPF.

vii. Recreational disturbance

8.43 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area 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 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.

8.44 The following contribution shall be obtained via the S106 agreement:

1 x 2-bedroom property (£563)
1 x 3-bedroom property (£735) + Monitoring and Obligation fee (£100)
Total = £1398.00

8.45 Subject to the completion of a Unilateral Undertaking, securing the required recreational disturbance fee of £1398.00 the proposal would comply with Policy 50 of the CLP and the requirements of the Habitat and Protected Species Regulations 2017, and the proposal would be acceptable in this respect.

Conclusion

- 8.46 In considering the above, the proposal would result in the appropriate and sympathetic reuse of two existing barn buildings, by providing mixed live/work uses, contributing to the flexible employment options within the district. The proposal would result in a high-quality development, which would be sympathetic to the surrounding protected landscape of the Chichester Harbour AONB. The proposal would not result in any adverse impacts upon the tranquillity of the AONB, and would not result in harm to the environment, highways safety or biodiversity.
- 8.47 The proposal therefore accords with the relevant local and national planning policy and associated guidance. Having also had regard to all other material considerations it is recommended that, subject to the conditions set out below, permission is granted.

Human Rights

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

RECOMMENDATION

DEFER FOR S106 THEN PERMIT subject to the following conditions and informatives:-

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

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

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

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

3) (1) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or any other statutory instrument amending, revoking and re-enacting the Order, the workspace of the live/work unit, as labelled on drawing number 2020.12.11 Rev B and 2020/12/02 Rev B not be used for any purpose other than for purposes within Class E E(c) (i, ii and iii), E(e) and E(g) (i, ii and iii) and for no other purpose (including any other purpose in Class E only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

(2) The residential floorspace of the live/work units, as labelled individually on plan number 2020.12.11 Rev B and 2020/12/02 Rev B shall not be occupied other than by occupiers of the business floorspace or any resident dependants.

Reason: To ensure that the employment use of the building is safeguarded and not lost through the sub-division of the building. Furthermore, that the live-work units are occupied for the purposes of live-work only and shall not be used as a single residential use or any other use(s), in accordance with Policy 46 of the Chichester Local Plan 2014 and the expectations of paragraph 80 of the National Planning Policy Framework 2021

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

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

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

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

6) Notwithstanding the details submitted the development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. 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 the biodiversity of the site.

7) No part of the development hereby permitted shall be first occupied until at least one Electric Vehicle (EV) charging point has been provided, per live/work unit in accordance with plans and details that shall first be submitted to and agreed in writing by the Local Planning Authority. Thereafter the Electric Vehicle Charging point shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies.

8) No part of the development hereby permitted shall be first occupied until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

9) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented

- a) The integration of one bat box/brick into each of the live/work units hereby approved, or the provision of a bat box within a tree sited within the grounds of the development proposal. The bat box shall face a south/south westerly and positioned 3-5m above ground.
- b) The integration of one bird box into each of the live/work units hereby approved or within a tree sited within the grounds of the development proposal.
- c) The provision of hedgehog nesting boxes within the site.

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

10) The following ecological mitigation measures shall be always adhered to during construction:

- a) Due to the potential for bats within the existing hedgerows to be retained, a buffer around the existing hedgerows shall be maintained during the course of the development. The buffer shall be clearly marked with a temporary fence and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time.
- b) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March inclusive and shall undergo a soft demolition.
- c) If any works need to take place to the trees or for vegetation clearance on the site, they should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).
- d) All materials shall be stored at least 5.0 m from the ditch, with all fuels, paints, chemicals, or other liquids at least 10.0 m in suitably bunded containers.
- e) Any resurfacing of the adjacent track, debris mesh and silt barriers shall be installed to prevent any debris reaching the ditch.

Reason: In the interests of protecting biodiversity and wildlife

11) The development hereby permitted shall be carried out in strict accordance with the Preliminary Bat Roost and Ecological Impact Assessment (18.10.2021) and the methodology and mitigation recommendations it details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting biodiversity and wildlife.

12) The development hereby permitted shall be carried out in strict accordance with the Sustainability Statement, prepared by RJCA Chartered Architects (15.07.2022) and the sustainability measures it details, unless otherwise agreed in writing by the Local Planning Authority.

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

13) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no materials shall be stacked, stored or deposited in the open on the site at any time.

Reason: To ensure that the visual appearance of the area is not adversely affected.

14) Prior to the first occupation of the live/work units hereby approved, the development shall have fully implemented the required nitrogen mitigation, in strict accordance with the Nutrient Budget Assessment (16.05.2022) and drawing no. 2020.12.13 (Proposed soft landscaping). That is to say, the wildflower meadow shall be provided in accordance with the specification details within the nutrient budget assessment in the location as shown of the aforementioned drawing, and thereafter retained and maintained in accordance with the management schedule, in perpetuity for the purpose of achieving nitrogen neutrality for the lifetime of the development.

Reason: In the interest of ensuring the proposal is nitrate neutral and does not result in an increased nitrate level within the Chichester Harbours.

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

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

16) No deliveries in association with the business uses of the development hereby approved shall be taken to or despatched from the site outside of the hours of 08:00 and 18:00 hours Monday to Saturday and on Public Holidays.

Reason: To safeguard the amenities of the neighbouring properties in this rural location.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Bosham Barns Tree Planting Plan	2020/17/13		23.03.2022	Approved
PLAN - SITE LOCATION PLAN (A3)	001		05.01.2022	Approved
PLAN - PROPOSED SITE LAYOUT & BLOCK PLAN (A3)	2020/17/00	B	05.01.2022	Approved
PLAN - PROPOSED CALF BARN FLOOR AND ROOF PLANS (A3)	2020/17/02	B	05.01.2022	Approved
PLAN - PROPOSED CALF BARN ELEVATIONS (A3)	2020/17/03		05.01.2022	Approved
PLAN - PROPOSED DAIRY BARN FLOOR AND ROOF PLANS (A3)	2020/17/11	B	05.01.2022	Approved
PLAN - PROPOSED DIARY BARN ELEVATIONS (A3)	2020/17/12	A	05.01.2022	Approved

INFORMATIVES

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

For further information on this application please contact 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=R443AHERIX800>

Chichester District Council Planning Committee

Wednesday 10 August 2022

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

Appeals, Court and Policy Matters

between 17-06-2022 - 21-07-2022

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

Note for public viewing via Chichester District Council web site

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

* = Committee level decision

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
<u>* 20/01569/FUL</u>	
Westbourne Parish Case Officer: Martin Mew Informal Hearings	Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG Erection of 1 no. dwelling and associated landscaping.
<u>21/03135/FUL</u>	
Wisborough Green Parish Case Officer: Calum Thomas Written Representation	Land Adjacent To 1 Newfields Newpound Wisborough Green RH14 0AX Change use of land to private gypsy and traveller caravan site consisting of 1 no. pitch.
Reference/Procedure	Proposal
<u>21/03603/FUL</u>	
Wisborough Green Parish Case Officer: Emma Kierans Written Representation	Goose Cottage Durbans Road Wisborough Green RH14 0DG Change of use of outbuilding to Use Class E(g) with additional 2 no. parking bays and associated works.

2. DECISIONS MADE

Reference/Procedure	Proposal
<u>20/02899/FUL*</u>	
<p>Birdham Parish</p> <p>Case Officer: Calum Thomas</p> <p>Written Representation</p>	<p>Houseboat Water Gypsy Chichester Marina Birdham Chichester West Sussex PO20 7EJ</p> <p>Installation of a replacement houseboat at Berth No. 16 of Chichester Canal.</p>
<p>Appeal Decision: APPEAL ALLOWED</p>	
<p>“...The appeal is allowed, and planning permission is granted for "Installation of a replacement houseboat at Berth No. 16 of Chichester Canal" The appeal site lies within the Chichester Harbour AONB and within a stretch of the Chichester Canal, which is occupied by a mixture of traditional and contemporary houseboats of varying sizes. Birdham Neighbourhood Plan identifies Chichester Canal as one of the key heritage sites within the Parish, and Policy 1 therefore seeks to conserve or enhance its local distinctiveness, character and historic importance. The structure would be characterised by its modern design and would be larger than the previous houseboat. Nevertheless, it would appear of a similar size and style to other houseboats which have been approved by the Council along the canal in recent years. This, together with the use of a muted palette of colours and materials, would ensure that the proposed structure does not detract from its surroundings or appear unduly prominent within its wider landscape setting. Whilst Planning Principle 19 has been included since the determination of the planning application, I note that the appeal development has nevertheless been subject to a detailed assessment by CHC, who raised no objection to the proposal. Concerns have also been raised in respect of the light pollution. However, the structure would be sited within an existing complex where, as shown on Map L of the Chichester Harbour Management Plan (2019- 2024), existing night time lighting levels are high. The design of the replacement boat would not increase levels of light pollution in this area significantly. For the foregoing reasons, the development would not cause unacceptable harm to the character and appearance of the surrounding area, and would conserve and enhance the landscape and scenic beauty of the Chichester Harbour AONB. I am also satisfied that the setting of the Chichester Canal and Lock would be preserved..”</p>	

Reference/Procedure	Proposal
21/00833/FUL	
<p>Birdham Parish</p> <p>Case Officer: Andrew Robbins</p> <p>Written Representation</p>	<p>Chichester Marina Birdham Chichester West Sussex PO20 7EJ</p> <p>Demolition of three workshops/sheds for the comprehensive redevelopment of the South-West area of the marina comprising four purpose built buildings including marine related workshops, offices, storage, reprovision and extension of the retail (chandlery) and a cafe/restaurant together with an additional 23 car parking spaces, boat parking and storage and appropriate landscaping - Variation of Condition 3 of planning permission BI/12/00475/FUL - Class use variation on buildings A to D allowing greater flexibility in the use of the existing business units, to enable retention and creation of employment opportunities.</p>
Appeal Decision: APPEAL DISMISSED	
<p>"... The Appellant seeks greater flexibility to allow the units to be used for nonmarine related purposes. It indicates that its other marina enterprises do not have similar restrictions and that in a competitive environment a greater diversity of offer is necessary. It considers that marine-related enterprises no longer necessarily require a waterside location and that in the absence of demand, much of the floorspace is, or will become, vacant. the Chichester Harbour Management Plan ... identifies their importance to the local economy and the historic environment of the harbour, which is one of the special qualities of the AONB. The concern is that the prosperity of such businesses is cyclical and that once they cease to operate, they may never return. no evidence has been provided to be satisfied that there is a general long-term trend to move away from a location that has traditionally provided a home to such uses.It is appreciated that the Council's Economic Development Officer supports the establishment of a gin distillery here, but it does not appear that there has been any attempt to attract a marine-based occupier. The other vacancy is unit D5, which has only been empty since March 2022. ... The proposal as it stands would allow any of the units to be operated as B2, B8 and E class1 uses without any marketing at all.. ... The proposed condition would allow a wide range of uses that have no connection to Chichester Harbour, the waterside or the AONB. I conclude that the condition is reasonable and necessary and that its variation as proposed would be detrimental to the local economy and fail to conserve the character of the Chichester Harbour AONB. This would be contrary to policy 43 in the LP and policy 23 in the NP, which seem to me to be the most important policies in this case. The proposal would also fail to accord with the policy and principles in the MP and the SPD, which are material considerations to which I give significant weight in this case.. ... "</p>	

Reference/Procedure	Proposal
<u>19/02579/FUL</u>	
<p>Chichester Parish</p> <p>Case Officer: Martin Mew</p> <p>Informal Hearings</p>	<p>Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex</p> <p>Change use of land to travellers caravan site consisting of 4no. pitches each containing 1no. mobile home, 1no. touring caravan, 1no. utility dayroom; play area and associated works.</p>
Appeal Decision: APPEAL ALLOWED	
<p>" Appeal A1 Ref: APP/L3815/C/21/3267980 and Appeal A2 Ref: APP/L3815/C/21/3267981 - The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). Appeal A1 is made by Mrs Leanne Strudwick and appeal A2 is made by Mrs Krystle Gibbs against an enforcement notice issued by Chichester District Council. The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land to use as a residential mobile home/caravan site.Appeal B Ref: APP/L3815/W/20/3255630 – The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission The development proposed was described as “the change of use of land to a travellers caravan site consisting of 4 no. pitches each containing 1 no. mobile home; 1 no. touring caravan, 1 no. utility dayroom; play area & associated development.” ...Appeal C Ref: APP/L3815/W/21/3276752 - The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission. The development proposed was described as “the change use of land to a travellers caravan site consisting of 3 no. pitches, each containing 1 no. mobile home; 1 no. touring caravan; 1 no. utility dayroom; play area and associated development.”Application and Appeals B and C - I note that gypsy and traveller sites are commonly located in the countryside outside settlements. Given the proximity of this site to Fishbourne, it is not away from the settlement.. ... Given the topography, there are very limited glimpsed views of the site from the public footpath and A27, including longer range views from the direction of Chichester. Those views are restricted by the trees and hedgerows around the field,. ... My attention has been drawn to the potential coalescence of the settlements of Chichester and Fishbourne. This site is located between the two settlements and I understand a very substantial development of approximately 1,600 homes plus commercial developmentthere will be landscaping around the edge of that development that will contribute to a landscape buffer</p> <p>I conclude that the development respects the intrinsic character and beauty of the landscape... Policy 2 of the LP [that] seeks to restrict development outside settlements to that which requires a countryside location or meets an essential local rural need. there are a lack of sites within the district, such that the need for such accommodation could comprise an essential local rural need... I consider that the additional noise on the site is not sufficient to cause material harm to the living conditions of neighbouring occupiers. As a result, it does not conflict with relevant criteria of Policy 36 of the LP The proposed and existing landscaping adds considerably to the amount of planting in and around the site. ... results in a benefit to ecology and biodiversity in the area. ... I have not found any conflict with development plan policies on appeals B and C, I do not need to consider these matters further in relation to those appeals. Appeals A - For the effect of the development on the SPA for which there is insufficient mitigation proposed in this appeal, I conclude that on balance the development does not accord with the development plan. The appeals on ground (a) and the applications deemed to have been made under section 177(5) of the 1990 Act as amended therefore fail. Appeals B and C - For the above reasons and taking into account all other matters raised, I conclude that the change of use of land to a travellers’ caravan site consisting of three or four pitches each containing 1 no. mobile home, 1 no. touring caravans, 1 no. utility dayroom, play area & associated development would comply with the development plan and the</p>	

appeals should succeed subject to the conditions set out in the schedules to this decision. **Appeals A 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. This ground falls to be determined as I have concluded that the ground (a) appeal should be dismissed and will uphold the notice on that basis. However, as explained above, in allowing appeals B and C and granting planning permission for the development, section 180 of the Act would apply. The conditions require further information be submitted If that is not submitted and approved in accordance with the condition, or the site occupied other than in accordance with other conditions, the enforcement notice would remain extant..... If the families were required to move from this site they would need to find alternative accommodation or would be homeless. On this basis,I consider a period of 12 months would be reasonable to allow time to find alternative pitches, particularly considering the best interests of the children. For these reasons, I conclude that the appeal under ground (g) should succeed and I will vary the requirements of the notice to allow a period of 12 months for compliance.... enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended. **Appeal B** - The appeal is allowed and planning permission is granted for the change of use of land to a travellers' residential caravan site consisting of 4 no. pitches each containing 1 no. mobile home; 1 no. touring caravan, 1 no. utility dayroom; play area & associated development **Appeal C** - The appeal is allowed and planning permission is granted for the change use of land to a travellers' residential caravan site consisting of 3 no. pitches, each containing 1 no. mobile home; 1 no. touring caravan; 1 no. utility dayroom; play area and associated development

"COSTS DECISION"... The application for a partial award of costs is allowed in the terms set out below. ... I consider that the Council failed to correctly apply Policy 36 of the LP and the planning policy for traveller sites insofar as they relate to the developments' relationship with settlements, services and facilities. That was unreasonable. In having to respond to this issue, the appellants have incurred unnecessary or wasted expense in the appeal process. ... Given their conclusions on the intrinsic character and beauty of the landscape, it was not unreasonable of the Council to suggest that the proposal conflicted with Policies 45 and 48 of the LP or the Framework.Consequently, I will not award costs against the Council relating to this matter. ... It is perfectly proper for the committee to have delegated the reasons back to Officers to determine. ... I consider that the actions of the Council were not unreasonable in this regard... The decision to call the application to committee appears to be based on the strength of objections that the local member considered to be well-founded. That was not unreasonable. ... I conclude that the Council have not acted unreasonably, except in the manner in which they dealt with the issue as to whether the development is in a suitable location in terms of access to services and facilities. I will award costs solely in relation to that issue.

Reference/Procedure	Proposal
20/02009/FUL	
<p>Chichester Parish</p> <p>Case Officer: Martin Mew</p> <p>Informal Hearings</p>	<p>Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex</p> <p>Change use of land to travellers caravan site consisting of 3 no. pitches each containing 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom; play area and associated works (Resubmission of CC/19/02579/FUL).</p>
Appeal Decision: APPEAL ALLOWED	
As above	

Reference/Procedure	Proposal
21/02110/FUL	
<p>Chichester Parish</p> <p>Case Officer: Martin Mew</p> <p>Written Representation</p>	<p>23 Lavant Road Chichester PO19 5RA</p> <p>Redevelopment of the site with creation of 5 no. flats and parking, landscaping and associated works. (Variation of condition 2 for permission CC/20/03226/FUL - amendments to rear roof slope to create a concealed roof terrace).</p>
Appeal Decision: APPEAL DISMISSED	
<p>"...The roof form of the permitted scheme is relatively simple and includes two hipped elements at the rear, which create a valley between the two sections. This is however disrupted by the unauthorised roof terrace, which effectively cuts into the roof profile of the new building and appears as an incongruous and contrived feature. The resulting built form is not well designed and does not relate well to the overall architectural coherence of the host building, thus causing harm to the character and appearance of the area. Whilst it is sited to the rear elevation of the building, the roof terrace is nevertheless highly noticeable when viewed from neighbouring properties and is also visible within the public realm, notably along Plainwood Close. I note that there are examples of concealed terraces and balconies within proximity to the appeal site, but these appear to have been carried out without disrupting the roof form of the host building. Despite the separation distance between the appeal development and neighbouring properties, the roof terrace represents an unneighbourly arrangement, as it increases the perception of overlooking and loss of privacy which would be experienced by the occupiers of no 63 Plainwood Close in particular. This would negatively impact on their enjoyment of their property and rear garden area. Furthermore, the size of the roof terrace would increase the potential for increased noise and disturbance at a high level, which would also be detrimental to the living conditions of other residents. For the foregoing reasons, the appeal scheme adversely affects the character and appearance of the area and fails to preserve the living conditions of neighbouring residents, having regard to privacy, noise and disturbance. "</p>	

Reference/Procedure	Proposal
21/02193/DOM	
<p>Chichester Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Fast Track Appeal</p>	<p>21 Worcester Road Chichester PO19 5DW</p> <p>Demolishment of existing garage replaced with proposed single and two storey front and side extension, incorporating new garage, with alterations to fenestration.</p>
Appeal Decision: APPEAL DISMISSED	
<p>“... The main issue is the effect of the proposal on the character and appearance of the host property and its surroundings. ... Worcester Road forms a loop and is the main distributor in this part of the wider estate. Several culs-de-sac lead off the road. The layout was designed in a manner such that the entrances to most of the culs-de-sac are generously wide and landscaped, so as to convey the distinct impression of spaciousness. Like most dwellings fronting Worcester Road, the appeal property is well set back from the road, which adds to the perception of pleasant spaciousness experienced in this part of the estate. ... The dwelling would be considerably lengthened, with the extension’s projected ridge at the same height as the original dwelling. Whilst openings and pattern of fenestration would match those of the existing dwelling, the finished building would appear disproportionately long and visually unbalanced, and the outcome would be a significant visual incursion of a bulky extension materially impinging upon the sense of spaciousness currently experienced at the junction. The side extension would also stand noticeably proud of the front building line of those dwellings behind it in Durham Gardens. From within the cul-de-sac, the side extension would be seen as projecting intrusively, narrowing and impinging upon the sense of space currently perceived at the mouth of the cul-de-sac. I therefore conclude that the proposed extensions would harm the character and appearance of the host property and its surroundings. ”</p>	

Reference/Procedure	Proposal
<u>20/00380/CONTRV</u>	
Chichester Parish Case Officer: Sue Payne Informal Hearings	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Appeal against creation of hardstandings and siting of mobile homes without planning permission.
Appeal Decision: APPEAL DISMISSED - NOTICE UPHELD	
Appeal Decision as above - <u>19/02579/FUL & 20/02009/FUL</u>	
Reference/Procedure	Proposal
<u>22/00112/DOM</u>	
Earnley Parish Case Officer: Emma Kierans Fast Track Appeal	Blackthorn Barn 101B First Avenue Almodington Earnley PO20 7LQ Raise roof height by 1.55m to provide rooms in roof (resubmission of E/21/00118/DOM).
Appeal Decision: APPEAL ALLOWED	
<p>“...The appeal is allowed I therefore conclude that the proposed development would not harm the character and appearance of the host property or its surroundings. Accordingly, I find no conflict with the provisions of those policies which I consider to be the most relevant, namely policies 33, 45 & 48 of the Chichester Local Plan (CLP) directed to design, the control of development in the countryside and the protection of the natural environment. I conclude that the development would not result in harm to the living conditions of neighbouring residents. Accordingly, the proposal satisfies the provisions of criterion 6 of CLP policy 33, requiring proposals to respect neighbouring amenity...”</p>	
<u>21/03279/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Fast Track Appeal	Land South Of Tranjoeen 1 Field Maple Bracklesham Lane Bracklesham Bay West Sussex Proposed vehicle crossover (means of access to a highway Class B).
Appeal Decision: APPEAL DISMISSED	
<p>“...The appeal is dismissed. The works as a whole have given rise to significant alterations to the previously pleasant rural scene and to my mind constitutes a visual intrusion. The works subject of this appeal have contributed in part to the harmful changes in the local scene.I therefore conclude that the development has and would contribute to a significant and harmful erosion of the rural qualities of its surroundings. Accordingly, a clear conflict arises with those provisions of policies 45 & 48 of the Chichester Local Plan which seek, amongst other things, to ensure that development proposals respect the local landscape character and do not result in an adverse impact on the tranquil and rural character of the area...”</p>	

Reference/Procedure	Proposal
<u>21/03313/DOM</u>	
<p>East Wittering And Bracklesham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Fast Track Appeal</p>	<p>Coromandel Longlands Road East Wittering Chichester West Sussex PO20 8DD</p> <p>Construction of a single attached garage to the western side of the approved 2 bedroom chalet bungalow currently being constructed.</p>
Appeal Decision: APPEAL ALLOWED	
<p>“...The appeal is allowed I therefore conclude that the proposed garage would sit comfortably within its visual and spatial context. Accordingly, I find no conflict with those provisions of policies 2 and 33 of the Chichester Local Plan directed to ensure that new development is designed appropriately for its surroundings. Nor do I consider that the proposal conflicts with those provisions of the National Planning Policy Framework referred to by the Council...”</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>20/03034/OUT</u>	
Birdham Parish Case Officer: Jane Thatcher Informal Hearings	Land And Buildings On The South Side Of Church Lane Birdham West Sussex Erection of 25 no. dwellings comprising 17 open market and 8 affordable units with access, landscaping, open space and associated works (all matters reserved except for access and layout)
<u>20/00379/CONCOU</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearings	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Appeal against BI/47
<u>17/00362/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearings	Plot 14 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission change of use of the land to use as a residential caravan site.
<u>17/00361/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearings	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission, change of use of the Land to the storage of a caravan and a diesel fuel oil tank.
<u>17/00356/CONMHC</u>	
Birdham Parish Case Officer: Shona Archer Informal Hearings	Plot 12 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission, change of use of the Land to the storage of a caravan and a highway maintenance vehicle used for white line painting.

Reference/Procedure	Proposal
<u>21/02354/ELD</u>	
Bosham Parish Case Officer: Alicia Snook Written Representation	Land West Of Walton House Main Road Bosham PO18 8QB Use of the land for the storage of boats, boat trailers and sundry items.
<u>20/00040/CONENG</u>	
Chichester Parish Case Officer: Mr Michael Coates-Evans Written Representation	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Appeal against CC/154
<u>* 20/01854/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearings 21-Sep-2022	Chas Wood Nurseries Main Road Bosham PO18 8PN Outline permission for 26 no. dwellings with access, public open space, community orchard and other associated works (with all matters reserved except for access).
<u>20/03320/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry 18-Aug-2022 Multiple Venues	Land East Of Broad Road Broad Road Nutbourne West Sussex Outline planning application (with all matters reserved except access) for up to 132 dwellings and provision of associated infrastructure.
<u>20/03321/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry 18-Aug-2022 Multiple Venues	Land North Of A259 Flat Farm Main Road Chidham West Sussex Outline planning application (with all matters reserved except access) for up to 68 no. dwellings and provision of associated infrastructure.

Reference/Procedure	Proposal
<u>20/03378/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearings	Land At Flat Farm Hambrook West Sussex PO18 8FT Outline Planning Permission With Some Matters Reserved (Access) - Erection of 30 dwellings comprising 21 market and 9 affordable homes, access and associated works including the provision of swales.
<u>20/03125/OUT</u>	
Earnley Parish Case Officer: Jeremy Bushell Public Inquiry	Land South Of Clappers Lane Clappers Lane Earnley West Sussex Outline Application for the erection of up to 100 dwellings with associated access, landscaping and public open space. All matters reserved other than access.
Reference/Procedure	Proposal
<u>22/00137/FUL</u>	
Earnley Parish Case Officer: Calum Thomas Written Representation	Russ Autos132A Almodington Lane Almodington Earnley Chichester West Sussex PO20 7JU Demolition of B2 workshop and erection of 1 no. live/work unit.
<u>21/01920/PA16A</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Car Park Northern Crescent East Wittering West Sussex Proposed 15.0m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.

Reference/Procedure	Proposal
<u>* 21/02509/FUL</u>	
Fishbourne Parish Case Officer: Martin Mew Written Representation	Black Boy Court Main Road Fishbourne PO18 8XX Creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping.
<u>21/02553/FUL</u>	
Fishbourne Parish Case Officer: Joanne Prichard Written Representation	Bethwines Farm Blackboy Lane Fishbourne PO18 8BL Change of use of land to provide facility for 'doggy day care', including the provision of 3 no. portakabins and perimeter fence.
<u>21/03215/DOM</u>	
Fishbourne Parish Case Officer: Rebecca Perris Fast Track Appeal	Westfield Mill Lane Fishbourne PO19 3JN Remodel and alteration works including first floor rear extension and front and rear dormer windows to existing roof accommodation
<u>22/00142/FUL</u>	
Fishbourne Parish Case Officer: Jane Thatcher Written Representation	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL Re-grading of existing agricultural land to create natural grass and wetlands.
<u>22/00575/PA3R</u>	
Fishbourne Parish Case Officer: Jane Thatcher Written Representation	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL Prior Approval - Change of use of existing agricultural building to storage use (B8).

Reference/Procedure	Proposal
<u>* 19/00445/FUL</u>	
Funtington Parish Case Officer: Martin Mew Written Representation	Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex Relocation of 2 no. existing travelling show people plots plus provision of hard standing for the storage and maintenance of equipment and machinery, 6 no. new pitches for gypsies and travellers including retention of hard standing.
<u>19/02939/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 - TBC	Old Allotment Site Newells Lane West Ashling West Sussex Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.
<u>20/00234/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 - TBC	Land West Of Newells Lane West Ashling PO18 8DD Change of use of land for the stationing of 4 no. static caravans and 4 no. touring caravans for a Gypsy Traveller site, including parking, hard standing and associated infrastructure.
<u>20/00534/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	Land South Of The Stables Scant Road East Hambrook Funtington West Sussex Change of use of land to use as a residential caravan site for 2 no. gypsy families and construction of 2 no. ancillary amenity buildings, including the laying of hardstanding, erection of boundary wall.
<u>20/00950/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 - TBC	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.

Reference/Procedure	Proposal
<u>20/00956/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 - TBC	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.
<u>20/03306/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023- TBC	Land To The West Of Newells Farm Newells Lane West Ashling West Sussex The stationing of caravans for residential purposes together with the formation of hardstanding and utility/dayrooms ancillary to that use for 3 no. pitches.
<u>20/00109/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 -TBC	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/80
<u>18/00323/CONHI</u>	
Funtington Parish Case Officer: Sue Payne Written Representation	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ Appeal against High Hedge Remedial Notice HH/25
<u>18/00323/CONHI</u>	
Funtington Parish Case Officer: Sue Payne Written Representation	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ Appeal against HH/22
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Tara Lang Informal Hearings 31-Jan-2023 - TBC	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD Appeal against Enforcement Notice FU/77

Reference/Procedure	Proposal
<u>21/00152/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 - TBC	Land West Of Newells Farm Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/87
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 - TBC	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD Appeal against Enforcement Notice FU/89
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew Written Representation	Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.
<u>21/00300/FUL</u>	
Loxwood Parish Case Officer: Robert Young Written Representation	Land At Loxwood Hall West Guildford Road Loxwood Billingshurst West Sussex RH14 0QP Erection of a detached dwelling.
<u>21/02547/DOC</u>	
Oving Parish Case Officer: Jeremy Bushell Written Representation	Former Portfield Quarry And Uma House Shopwhyke Road Shopwhyke Chichester West Sussex PO20 2AD Discharge of condition 3 (foul water disposal) from planning permission O/19/02030/FUL.
<u>21/00077/FUL</u>	
Plaistow And Ifold Parish Case Officer: Sascha Haigh Written Representation	Oxencroft Ifold Bridge Lanefold Loxwood RH14 0UJ New entrance gate at Oxencroft (retrospective).

Reference/Procedure	Proposal
<u>21/01697/PA3Q</u>	
Plaistow And Ifold Parish Case Officer: Rebecca Perris Written Representation	Premier Treecare & Conservation Ltd Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Prior notification for the change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration.
<u>20/00182/CONCOU</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Written Representation	The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Appeal against PS/70
<u>20/00414/CONHH</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Public Inquiry	Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Appeal against Enforcement Notice PS/71.
<u>* 19/03112/FUL</u>	
Sidlesham Parish Case Officer: Calum Thomas Informal Hearings	Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW Change of use of land to rear of dwelling for siting of residential caravans for 7 no. pitch Gypsy Traveller site with associated development (hard standing fencing and 3 no. utility buildings).
<u>20/01470/FUL</u>	
Sidlesham Parish Case Officer: Calum Thomas Informal Hearings	3 Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW Change of use of land to mixed use for siting of residential caravans for 3 no. pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings) on land forming part of 3 Melita Nursery -part retrospective.

Reference/Procedure	Proposal
<u>21/01963/PA3Q</u>	
Sidlesham Parish Case Officer: Robert Young Written Representation	11 Cow Lane Sidlesham Chichester West Sussex PO20 7LN Prior approval of proposed change of use of an existing agricultural building former piggery building to 1 no. dwelling.
<u>20/00301/CONMHC</u>	
Sidlesham Parish Case Officer: Sue Payne Written Representation	M & Y Fruit Limited 82A Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG Appeal against Enforcement Notice SI/77.
<u>20/02077/FUL</u>	
Southbourne Parish Case Officer: Maria Tomlinson Written Representation	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.
<u>21/02238/FULEIA</u>	
Southbourne Parish Case Officer: Jane Thatcher Written Representation	Gosden Green Nursery 112 Main Road Southbourne PO10 8AY Erection of 29 no. (8 no. affordable and 21 no. open market) new dwellings, public open space, landscaping, parking and associated works (following demolition of existing buildings).
<u>21/02363/DOM</u>	
Southbourne Parish Case Officer: Rebecca Perris Fast Track Appeal	Slipper Mill Cottage 53 Slipper Road Southbourne PO10 8BS Installation of 3 no dormers.
<u>21/03665/FUL</u>	
Southbourne Parish Case Officer: Calum Thomas Informal Hearings	Land East Of Priors Orchard Inlands Road Nutbourne Chichester West Sussex PO18 8RJ Construction of 9 no. dwellings.

Reference/Procedure	Proposal
<u>* 20/00047/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Written Representation	Hopedene Common Road Hambrook Westbourne PO18 8UP Change use of land to a single private gypsy pitch with associated hardstanding and day room.
<u>20/00785/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings	Meadow View Stables Monks Hill Westbourne PO10 8SX Change of use of land for use as extension to Gypsy caravan site for the stationing of 6 additional caravans, including 3 pitches, each pitch consisting of 1 no. mobile home, 1 no. touring caravan and a utility building together with laying of hardstanding
<u>20/03164/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings 05-Oct-2022	Land East Of Monk Hill Monks Hill Westbourne West Sussex Change of use of land to 1 no. private gypsy and traveller caravan site consisting of 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom and associated development.
<u>21/02159/FUL</u>	
Westbourne Parish Case Officer: Martin Mew Written Representation	Land Adjacent To 15 The Shire Long Copse Lane Westbourne West Sussex Erection of 7 no. dwellings, access, landscaping and associated works.
<u>13/00163/CONWST</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry 18-Oct-2022 Chichester District Council East Pallant House PO19 1TY	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42

Reference/Procedure	Proposal
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/52
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/58
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/57
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/54
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/59
<u>19/00176/CONT</u>	
Westbourne Parish Case Officer: Shona Archer Fast Track Appeal	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP Appeal against Enforcement Notice WE/55 - removal of TPO'd trees without an application for tree works.

Reference/Procedure	Proposal
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Tara Lang Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/53

4. VARIATIONS TO SECTION 106 AGREEMENTS

None

5. CALLED-IN APPLICATIONS

None

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Farm, Birdham	Of 4 Enforcement Notices	Papers with counsel to advise on potential Contempt of Court proceedings for breach of the High Court Injunction. 3 plots remain in occupation, the others have left.

Court Hearings		
Site	Matter	Stage
Oakham Farmhouse, Oving	Breach of Enforcement Notice	First hearing at Crawley Magistrates' Court adjourned for Defendants to achieve compliance with EN. No pleas entered. Next hearing on 1 September 2022 at Crawley Magistrates' Court for pleas unless compliance is achieved before then.

Prosecutions		
Site	Breach	Stage
Crouchlands Farm, Loxwood	Of part of 1 Enforcement Notice	Papers with counsel to advise on viability of initiating prosecution proceedings for the breach of EN

7. POLICY MATTERS

None

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South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 17/06/2022 and 21/07/2022

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.

2. DECIDED

Reference/Procedure	Proposal
SDNP/20/04086/HOUS Bury Parish Council Case Officer: Jenna Shore Written Representation	Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store
Appeal Decision: APPEAL DISMISSED	
<p>...The appeal site has previously been subject to a number of alterations and extensions which have to some extent eroded the historic significance of the barn as a former agricultural structure and key component of a larger farmstead. However, this would be exacerbated by the construction of the proposed garage and cycle store which, due to its excessive footprint and scale, represent a significant addition within the curtilage of the listed barn. ...The new addition would moreover appear as an overtly domestic feature, which would encroach into what largely remains an undeveloped area, and detract from the agricultural character of its immediate surroundings. As a result, the appeal structure would harmfully erode the ability to understand and appreciate the special interest of the listed building and the former farmstead as a whole, which would not only be detrimental to the significance of Cokes Barn, but also Cokes Cottage and Cooke's House, as derived from their setting. ...However, the structure would remain visible from neighbouring properties. Furthermore, there is no certainty that the vegetation would remain in place for the lifetime of the development, especially as it could disappear for a number of reasons, such as disease, weather or accidental damage. Given the above, the proposal would fail to preserve the special architectural and historic interest of Cokes Barn, but also the significance of Cokes Cottage and Cooke's House, as derived from their setting. ...The trees situated on the appeal site contribute to the verdant and rural character of the Conservation Area, and it is noted that the new building would be constructed within relative proximity to existing trees. As no specimen are proposed to be removed, there needs to be some certainty, prior to the grant of planning permission, that the proposal would not compromise the longevity and wellbeing of existing specimen, which could otherwise have a detrimental effect on the character and appearance of the surrounding area. For this reason, I consider that the matter could not be satisfactorily addressed through the imposition of a condition"</p>	

Reference/Procedure	Proposal
SDNP/20/04087/LIS Bury Parish Council Case Officer: Jenna Shore Written Representation	Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store
Appeal Decision: APPEAL DISMISSED	
As above.	

Reference/Procedure	Proposal
SDNP/21/01877/FUL Fittleworth Parish Council Case Officer: Beverley Stubbington Written Representation	Rew Cottage Hesworth Common Lane Fittleworth RH20 1EW - Retrospective planning application for the retention of the realigned access road together with the replacement gates.
Appeal Decision: APPEAL DISMISSED	
<p>" ...The appeal is dismissed. ... The main issue is the effect of the development on the character and appearance of the area. ...The appeal site forms part of a small cluster of buildings located on the southern edge of Hesworth Common, It sits in proximity to the Grade II listed Hesworth Cottage, and Hesworth Farm on the opposite side of the lane,The appellants are therefore seeking planning permission retrospectively for the realignment and widening of the track, with a view to relocate the principal access to Rew Cottage.....This, together with the installation of a set of electronically operated gates, has resulted in the creation of an overtly suburban entrance, which detracts from the character of the locality. Additionally, the proposed planting along the southern side of the track would further emphasise the formalisation of this residential entrance and would appear at odds with the openness which characterises this area. The works have fundamentally eroded the agricultural character of the site, and cause unacceptable harm to the wider area and the landscape character of the South Downs National Park. It follows that the works have also compromised the setting of the historic farmstead, to the detriment of the significance of the listed buildings.. ... Very limited evidence has been presented to explain the unauthorised works, and why the former access arrangements were no longer suitable.The appeal scheme fails to preserve the setting of the historic farmstead, to the detriment of the significance of the listed buildings. Furthermore, the development fails to conserve and enhance the landscape and scenic beauty of the South Downs National Park, to which I ascribe great weight, No public benefits which outweigh the identified harm. ... "</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p>SDNP/21/04858/FUL Kirdford Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Former Cricket Pavilion The Old Coach House Hawkhurst Court Kirdford Billingshurst West Sussex RH14 0HS - Retrospective planning application for the conversion of a former cricket pavilion into a holiday let.</p>
<p>SDNP/20/05011/FUL Ebernoe Parish Council</p> <p>Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>Bittlesfield Ebernoe Road Balls Cross Ebernoe GU28 9JU - Demolition of 1 no. existing dwelling, garage and outbuildings, replaced with 1no. detached dwelling and 1no. detached garage/storage including access, driveway, parking and amenity space.</p>
<p>SDNP/21/04110/LDE Lynchmere Parish Council</p> <p>Case Officer: Louise Kent</p> <p>Written Representation</p>	<p>1 Stone Pit Cottages Marley Combe Road Camelsdale Linchmere GU27 3SP - Existing lawful development - rear garden cabin.</p>
<p>SDNP/21/03816/FUL Funtington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Birchwood Lye Lane East Ashling PO18 9BB - Conversion of the stable for ancillary residential accommodation for disabled mother.</p>
<p>SDNP/21/03068/LIS Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.</p>
<p>SDNP/21/04109/FUL Lurgashall Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Land Adjoining Sods Farm High Hamstead Lane Lurgashall Petworth West Sussex GU28 9EX - Erection of new hardstanding area to allow vehicular access to site.</p>

Reference/Procedure	Proposal
<p>SDNP/21/00910/FUL Rogate Parish Council Parish</p> <p>Case Officer: Rebecca Perris</p> <p>Written Representation</p>	<p>Land North East of Paddock Lodge London Road Hill Brow Rogate West Sussex - 1 no. dwelling with associated work and extension of driveway.</p>
<p>SDNP/20/02935/CND Harting Parish Council</p> <p>Case Officer: Derek Price</p> <p>Informal Hearing 10/01/2023 South Downs Centre Memorial Hall</p>	<p>Three Cornered Piece East Harting Hollow Road East Harting West Sussex GU31 5JJ - Change of use to a mixed use of the land comprising the keeping and grazing of horses and a gypsy and traveller site for one family. (Variation of conditions 1, 2, 3 and 4 of planning permission SDNP/16/06318/FUL- To make the permission permanent,non personal to increase the number of mobile homes by one to change the layout.)</p>
<p>SDNP/21/03067/HOUS Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.</p>
<p>SDNP/21/03527/FUL Tillington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Field South East of Beggars Corner Halfway Bridge Lodsworth West Sussex - Erection of timber stable building and change of use of the land for the keeping of horses for private use.</p>
<p>SDNP/21/05908/HOUS Lodsworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Oakleaves School Lane Lodsworth GU28 9DH - Extension of existing bungalow to provide first floor accommodation and construction of a new garage building.</p>

Reference/Procedure	Proposal
<u>SDNP/21/04454/HOUS</u> Lurgashall Parish Council Case Officer: Beverley Stubbington Householder Appeal	Smugglers Cottage Jobsons Lane Windfall Wood Common Lurgashall GU28 9HA - Erection of garden outbuilding.
<u>SDNP/18/00609/BRECO</u> Rogate Parish Council Case Officer: Steven Pattie (EX SDNPA) Written Representation	Land South of Harting Combe House Sandy Lane Rake Rogate West Sussex - Appeal against Enforcement Notice RG/37
<u>SDNP/19/00386/COU</u> Fittleworth Parish Council Case Officer: Sue Payne Written Representation	Douglaslake Farm Little Bognor Road Fittleworth Pulborough West Sussex RH20 1JS - Appeal against FT/11

4. VARIATIONS TO SECTION 106 AGREEMENTS

None

5. CALLED-IN APPLICATIONS

None

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

None

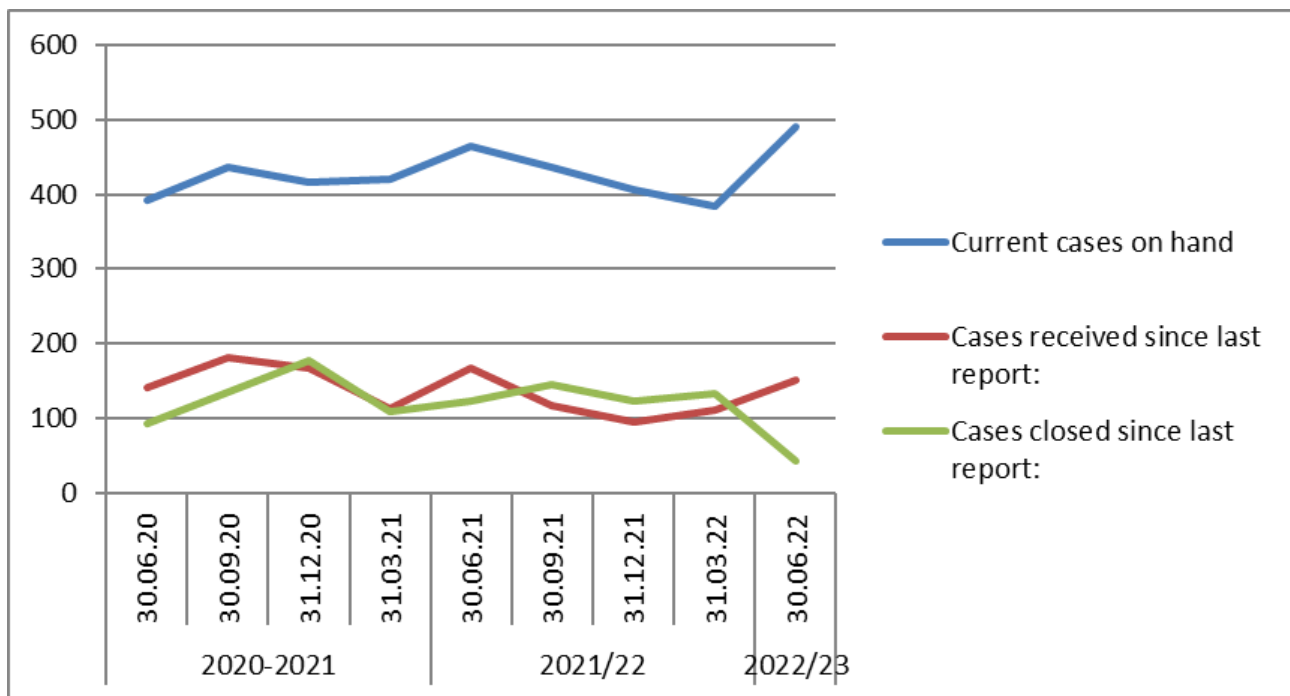
**PLANNING COMMITTEE
(Wednesday 10 August 2022)
SCHEDULE OF OUTSTANDING CONTRAVENTIONS**

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

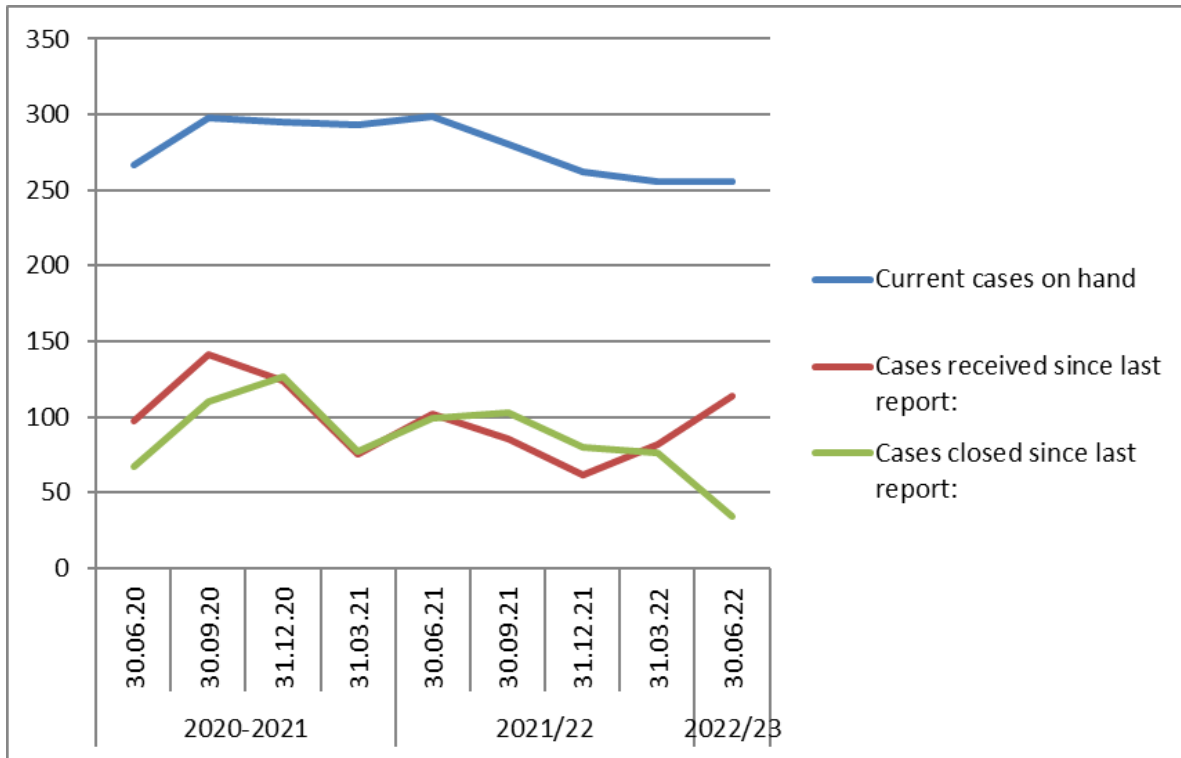
2. Statistics as of 30 June 2022

Case Numbers:	CDC	SDNP	Total
On hand as at last report:	256	128	384
Cases received since last report:	114	36	150
Cases closed since last report:	34	9	43
Current number of cases on hand:	336	155	491
Number of "On hand" cases awaiting compliance with an EN or the outcome of an appeal/application	97	27	124
Total Number of Active Cases	239	128	367

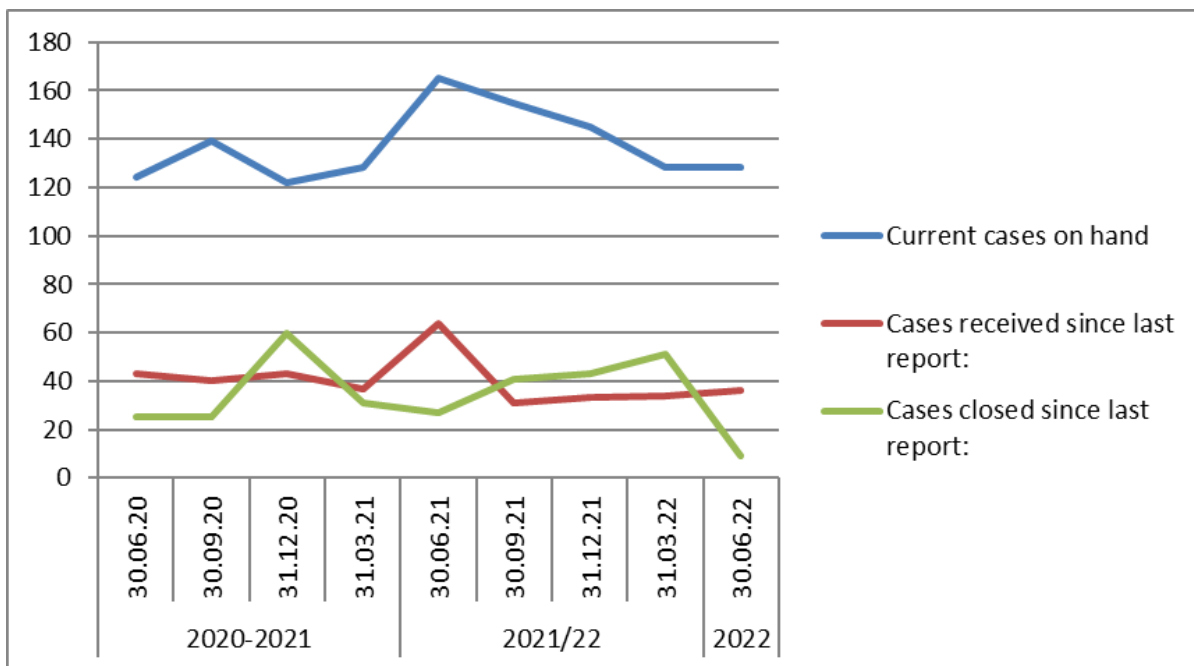
CDC and SDNP



CDC



SDNP



3. Performance Indicators are for CDC area only as this information is not available for cases within the South Downs National Park:

- a. Time taken to initial visit from date of complaint:
 - High with 2 days (21 Cases) 75%
 - Medium within 10 days (78 Cases) 100%
 - Low within 20 days (219 Cases) 100%

- b. Time taken to notify complainants of action decided from date of complaint:
- | | |
|----------------------------------|------|
| High within 9 days (22 Cases) | 100% |
| Medium within 20 days (82 Cases) | 86% |
| Low within 35 days (229 Cases) | 100% |

4. Notices Served.

<u>Notices Served:</u>	Jan-Mar 2022	
	CDC	SDNP
Planning Contravention Notice	1	
Enforcement Notices	2	
Breach of Condition Notices		
Stop Notices		
Temporary Stop Notices	1	
Section 215 Notices		
Section 225A Notices		
High Hedge Remedial Notices		
Tree Replacement Notice		
Total	4	

If Members have any specific questions on individual cases, these should be directed to the contact officer:

Shona Archer, Enforcement Manager (01243 534547)

OUTSTANDING CONTRAVENTIONS – SOUTH DOWNS NATIONAL PARK

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BURY/SDNP/ 17/00096/ SEC215 (Sue Payne)	Sydenham Cottage West Burton Road West Burton Pulborough	Untidy land	19.03.18	S215 Notice S215/29/BY/24 issued. No complied with. 18.09.19 – Crawley Magistrates - total fine of £660; victim’s surcharge of £66 and costs of £1769.39. The courts imposed a Collection Order 28.10.19 – site visit – non-compliance 03.04.20 – witness statement to Legal Team for prosecution 23.06.20 – Property is a Building at Risk. 16.07.20 –CDC Historic Building Advisor [HBA] to assess the property; repairs notice is pending 19.10.20 –confirmation of ownership and occupancy sought. 20.01.21 – letter to be sent to Owner about a Repairs Notice 22.04.21 – Matter sits with SDNPA and HBA to consider what action should be taken to safeguard the building 27.09.21 – as above 07.01.22 – Visit in Spring 2022 to assess condition 17.02.22 –fabric of building appears to have deteriorated 18.07.22 – No change since 4 th April 2022
FIT/SDNP/17/ 00755/COU (Tara Lang)	Lithersgate Common Bedham Lane Fittleworth	Without planning permission change of use of the Land to a BMX cycle track	28.11.18	EN FT/10 issued 23.03.20 – Appeal dismissed with variation to compliance period in step (ii) to removing the bunds in 12 months New compliance date 23.03.21 22.12.20 – Use had ceased. Works delayed due to Covid 22.04.21 – Owner working towards compliance 19.07.21 – Work to comply with the EN underway. 30.09.21 – Works of compliance ongoing; progress slow as track is being removed by hand 13/04/22 – Ongoing Works of compliance 25.07.22 – Site visit needed to check whether compliance has been achieved

FIT/SDNP/19/00386/COU (Sue Payne)	Douglaslake Farm Little Bognor Road Fittleworth	Unauthorised use of agricultural buildings for a toilet hire company and a marquee company	28.06.21	EN FT/11 issued Awaiting decision of appeal – Written Representation Appeal site visit scheduled for 10 th August 2022 has been cancelled and is to be re-scheduled.
FUNT/SDNP/21/00490/OPDEV (Shona Archer)	Bermuda Southbrook Road Funtington	Without planning permission, construction of a timber building and the laying and formation of a hardstanding	29.09.21	EN FU/91 issued Compliance date 10.02.22 Planning application SDNP/22/00670/FUL received for the timber building – pending consideration
HART/SDNP/18/00587/TPO (Tara Lang)	Three Cornered Piece Hollow Road East Harting	Breach of condition – occupation	19.06.19	BCN HT/28 issued Compliance due 19.09.19 15.10.19 - BCN considered not to have been complied with. 24.10.19 –No demonstrable evidence of non-compliance 18.06.20 – site visit revealed that authorised persons do not live on site. Prosecution instructions to be prepared 20.01.21 – case with Legal Services 21.04.21 – Temporary pp has expired 26.06.21 – Prosecution withdrawn due to lack of evidence 20.07.21 – case review held 24.09.21 – Updated witness statements sent to legal 13/04/22 – Enforcement action held in abeyance pending s78 appeal
HART/SDNP/20/00600/OPDEV (Tara Lang)	Three Cornered Piece Hollow Road East Harting	Without planning permission, the erection of brick pillars and gates	01.07.19	EN HT/29 issued. Compliance date 12.11.19 Works of compliance have not been carried out. 13/04/22 – Enforcement Notice HT/29 to be withdrawn following advice from legal. Further EN to be served

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
HART/SDNP/18/00587/TPO (Tara Lang)	Three Cornered Piece Hollow Road East Harting	Breach of condition – of appeal decision conditions 2	08.06.21	BCN HT/30 issued Compliance date 08.09.21 30.09.21 - prosecution proceedings in abeyance pending the outcome of the appeal against refusal of SDNP/20/02935/CND.
HART/SDNP/18/00228/BREC ON (Tara Lang)	North Marden Farm East Marden Road North Marden	Without planning permission, construction of two buildings in the approximate positions shown and marked “East Barn” and “West Barn” on the attached plan.	11.05.2022	EN HT/32 issued Compliance date 22.06.2023 25.07.22 Variation to the enforcement notice issued Period for compliance extended to 22.06.2024 in recognition of the amount of work required to be undertaken
LURG/SDNP/20/00539/OPDEV (Mike Coates-Evans)	Land North of Blind Lane Lurgashall	Without planning permission, the erection of an agricultural building	27.01.21	EN LG/17 issued Appeal dismissed against SDNP/20/03482/APNB New compliance date 14.03.22 22.06.22 – application SDNP/22/00098/FUL Refused 27.07.22 – expediency of enforcement action to be considered
LURG/SDNP/20/00539/OPDEV (Mike Coates-Evans)	Land North of Blind Lane Lurgashall	Building works in the construction of an agricultural building	27.01.21	SN LG/18 issued Takes effect on 31.01.21
LURG/SDNP/20/00647/GENER	Smugglers Cottage, Jobsons Lane,	Unauthorised erection of an outbuilding	27.07.2022	LG/21 issued 27.07.2022, takes effect on 07.09.2022

	Windfallwood Common			
NC/SDNP/20/00225/COU	Land at Copygrove Copse, Valentine's Lea, Northchapel	Without planning permission, the material change of use of the land to a mixed use for forestry and leisure purposes	27.07.2022	NC/16 issued on 27.07.2022, becomes active on 07.09.2022
ROG/SDNP/18/00609/BRECON (Steven Pattie)	Land South of Harting Combe House Sandy Lane Rake Rogate	Without planning permission, stationing of a shepherds and use of a wooden building for the purposes of human habitation	05.08.21	EN RG/37 issued Awaiting appeal decision – Written Representation
TILL/SDNP/18/00733/COU (Mike Coates-Evans)	Land South East of Beggars Corner Halfway Bridge Lodsworth	Without planning permission the erection of a timber field shelter	08.01.20	EN LD/16 issued Appeal lodged – Written representations 02.09.20 – Appeal dismissed 02.04.21 - application for smaller building to be made 06.10.21 – application SDNP/21/03527/FUL refused. 22.10.21 - Need for further action to be considered 18.01.22 – letter before action sent 27.07.22 – site visit needed to update records before proceeding

OUTSTANDING CONTRAVENTIONS – CHICHESTER DISTRICT CASES:

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/15/00194/CONTRV (Shona Archer)	Land North West of Birdham Farm, Birdham Road,	Without planning permission the stationing of a mobile home for the purposes	06.05.15	EN BI/23 and BI/24 issued The Appeals were dismissed and the EN's upheld. Compliance date: 2 August 2018 Injunction granted by the High Court

	Chichester	of human habitation		<p>08.01.21 – As a result of COVID the injunction order was amended administratively by the Justice to read - 1) that the Defendants shall cease the use of the site for residential purposes and remove all caravans, mobile homes, portable toilets etc. by 31 March 2021.</p> <p>2) The Defendants shall remove all hard-core, tracks, fences, stables, cabling etc. and restore the land to its agricultural use by 30 April 2021.</p> <p>A failure of the Defendants legal representation and High Court handling of their attempt to extend the time they could stay on the land resulted in no legal alteration of the Court Order and so the dates remain as stated above.</p> <p>22.09.2021 – a letter was delivered to the remaining families</p> <p>22.10.21 – Three families continue to occupy the land.</p> <p>16.12.21 – site visit/photographs taken. Three families remain</p> <p>13.01.22 – statement drafted and discussed with Solicitor.</p> <p>13.04.22 – waiting for legal to advise</p> <p>27.07.22 – barrister appointed and officers working on final statement</p>
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road Chichester	Without planning permission erection of a stable building	10.08.15	<p>EN BI/29 issued with compliance date of 21.12.15</p> <p>Following the outcome of the Inquiry, compliance to remove the stables is 2 August 2018</p> <p>As serial BI/15/00194/CONTRV</p>
BI/15/00139/ CONSH (Shona Archer)	Access track and hardstanding - land North West of Premier Business Park, Birdham Rd	Without planning permission excavation, deposit of hardcore and erection of gates and fences	21.09.15	<p>EN BI/30 issued</p> <p>As serial BI/15/00194/CONTRV</p>
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park	Without planning permission, change of use of the land to a	03.03.16	<p>EN BI/31 issued</p> <p>As serial BI/15/00194/CONTRV</p>

	Birdham Road	mixed use as a residential caravan site, for the storage of caravans and the keeping of horses		
BI/17/00356/ CONMHC (Shona Archer)	Plot 12 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/44 issued Hearing 21.06.22 22.07.22 – appeal dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act 22.07.23 – Site to be vacated
BI/17/00361/ CONMHC (Shona Archer)	Plot 13 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/41 issued Hearing 21.06.22 22.07.22 – appeal dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act 22.07.23 – Site to be cleared
BI/17/00362/ CONMHC (Shona Archer)	Plot 14 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/42 issued Hearing 21.06.22 22.07.22 – appeal dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act 22.07.23 – Site to be vacated
BI/17/00357/ CONMHC (Tara Lang)	Plot 15 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to a mixed use of agriculture, a residential caravan site and animal boarding and rescue centre	22.11.18	EN BI/43 issued. Compliance date 03.07.19 01.04.20 – Breach remains 22.07.20 – prosecution papers compiled 20.01.21 – some structures removed but stables and MH remain on the land 22.04.21 – Mobile home has been removed 16.12.21 – Full compliance not yet achieved 13.04.22 – wooden buildings remain on the land 27.07.22 – LPA has been informed that land has been sold. Site visit required to check status of the land.

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/18/00240/ CONCOU (Shona Archer)	Land east of Birdham Farm Birdham Road Birdham	Without planning permission, change of use of the land to a general storage use	23.01.19	EN BI/45 issued Compliance date 06.06.19 17.10.19 – Meeting on site with the landowner. 8.1.20 – no application made but use of land continues. The owner considers that the LPA wrongly issued the notice 22.10.20 – letter to be sent to owner explaining evidence of ongoing offence and that the LPA proposes commencing prosecution of the offence 20.01.21 – land use reduced but vehs remain on the land. 17.02.21 – Prosecution papers under review by Legal Services 21.10.21 – on Legal Services advice, further site visit and photo evidence to be provided 16.12.21 – photographs taken of site. 13.04.22 - Prosecution statement required as use continues 25.04.22 – prosecution statement sent to legal 27.07.22 – Legal opinion awaited
BI/20/00379/ CONCOU (Shona Archer)	Plot 13 Land North West of Premier Business Park Birdham Road Chichester	Without planning permission, the erection of a wooden barn/stable, a kennel and kennel run and a close boarded fence/ gates and concrete and tarmac hard standings	13.10.21	EN BI/47 issued Hearing 21.06.22 22.07.22 – appeal dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act 22.07.23 – Site to be cleared
CC/15/00064/ CONLB (Sue Payne)	13 Parchment Street Chichester	Without Listed Building Consent the installation and fitting of 3 no. upvc double glazed windows	18.10.17	LBEN CC/138 issued Appeal lodged – Public Inquiry on 30.10.18 at City Council 26.02.19 – Appeal dismissed with variation. Costs awarded to the Council and repayment plan agreed 03.04.20 – site visits delayed due to COVID 19.10.20 – costs are prohibitive. Owner made aware of

				<p>potential prosecution January 2021 - Owner proposed unacceptable amended design April 2021 – No communication from owner. July 2021 – No immediate risk to the LB but matter to be reviewed to bring it to a conclusion September 2021 – No works carried out November 2021 – No response to letter requesting a SV 04.04.22 – Advice from legal sought 18.07.22 – Expediency test undertaken. No further action is to be taken and a report authorised. The LBEN remains against the property and potential purchasers will bear the burden of undertaking compliance with the requirements of the notice. REMOVE FROM NEXT LIST</p>
CC/18/0018 1/ CONLB (Sue Payne)	24 Washington Street Chichester	Without planning permission the installation of upvc double glazed windows to the upper and first floor in the rear elevation	11.12.19	<p>LBEN CC/149 issued Compliance date 22.07.20 09.10.20 –no works undertaken due to COVID/loss of job 07.01.21 – the works remain outstanding due to costs 04.04.22 – the works remain outstanding; property may be sold due to the financial burden. Requirements to comply with the notice would pass to new owners. 18.07.22 – Expediency test undertaken. No further action is considered an appropriate response in this case. The LBEN remains in force on the property and potential purchasers will be responsible for ensuring compliance with the requirements of the notice. REMOVE FROM NEXT LIST</p>
CC/21/00033/ CONENF (Sue Payne)	Land North West Of Newbridge Farm Salthill Road Fishbourne Chichester	excavation/digging, hardsurfaces and hardcore and introduction of caravans	18.12.20	<p>TSN/73 notice issued Notice ceases to be in effect on 15.01.21 18.01.21 – Prosecution papers drafted 18.07.22 – Await appeal decision from PINS in relation to the EN (CC/151) and refused planning applications. 27.07.22 – Planning permission granted for use of land as a caravan site. REMOVE FROM NEXT LIST</p>

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CC/20/00380 / CONTRV (Sue Payne)	Land North West Of Newbridge Farm Salthill Road Fishbourne Chichester	Without planning permission, the material change of use of the land to use as a residential mobile home/caravan site	05.01.21	EN CC/151 issued Hearing 10.05.22 27.07.22 – Planning permission granted for use of land as a caravan site. REMOVE FROM NEXT LIST
CC/21/00033 / CONENF (Sue Payne)	Land North West Of Newbridge Farm Salthill Road Fishbourne Chichester	Building operations – excavation/digging of trenches, hard surfaces, erection of buildings/structures and bringing on further mobile homes or caravans	05.01.21	SN CC/152 issued Notice effective as of 09.01.21 27.07.22 – Planning permission granted for use of land as a caravan site. REMOVE FROM NEXT LIST
CC/20/00040 / CONENG (Mike Coates-Evans)	Land North West Of Newbridge Farm Salthill Road Fishbourne	Without planning permission a material change of use of the land to a mixed use comprising the stationing of a mobile home for the purpose of human habitation, the stationing of a items and operation of a waste collection business		27.04.22 – EN CC/152 issued Compliance date: 7 February 2023 Appeal lodged – written reps submitted. Await decision of PINs

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EWB/22/00068/ CONTRV (Shona Archer)	Land South Of Tranjoeen Bracklesham Lane Bracklesham Bay	Engineering operations, services, hardstanding and stationing of a caravan	24.03.22	TSN/87 issued The notice ceases to be in effect 14.04.22 13.04.22 – the land has become occupied. 29.07.22 – TSN no longer controls the use of the land. REMOVE FROM NEXT LIST
FU/18/00323/ CONHI (Sue Payne)	Land south of West Stoke Farm West Stoke Funtington	High Hedge Remedial Notice	22.11.21	HHRN HH/25 issued Appeal lodged – Written Representation
FU/17/00310/ CONCOU (Tara Lang)	Cutmill Depot Newells Lane West Ashling	Without planning permission, change of use of land to use as a residential caravan site	27.09.18	EN FU/67 issued Appeal lodged – Written Representations 21.07.20 – notice upheld, compliance varied to 8 months New compliance date 21.03.21 19.07.21 – Letter sent to landowner to arrange a site visit to check compliance with enforcement notice 06.09.21 – Site visit showed compliance not achieved 30.09.21 - Prosecution held in abeyance as owners intend to appeal the refusal of 21/01003/ELD 13.01.22 - No appeal lodged 13.04.22 – Planning applications made for a means of enclosure, stationing of containers and the wintering of caravans. Also, an ELD for a residential unit of accommodation. The applications are currently invalid. 25.07.2022 – ELD applications have been refused. Application for stationing of containers and wintering of caravans has been returned as invalid. a/w information from owner's agent re: appeal.

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FU/20/00299/ CONENF (Tara Lang)	Land south of The Stables Newells Lane West Ashling	Without planning permission, the erection of stone pillars and walls	27.06.19	EN FU/70 issued Compliance date 07.11.19 24.02.20 Prosecution matrix and witness statement sent to legal for prosecution 17.06.20 – letter sent to owner by legal. If no compliance by 03.08.20 legal will apply to court for a date for prosecution. 15.10.20 – Updated witness statement sent to legal for consideration 19.11.20 – Listed for court at 10.00hrs on 29.01.21 at Brighton Magistrates Court 25.01.21 - The above case has been adjourned to 30/07/2021 at Brighton Magistrates Court at 11:00 19.07.21 –Case has been adjourned pending appeal 01.04.22 - 10:00 at Brighton Magistrates' Court. Case has been adjourned pending outcome of appeal 04.04.22 – removed from court listing until the outcome of appeal against refusal of planning permission: 20/00534/FUL 29.07.22 – Pending appeal outcome
FU/17/00011/ CONBC (Tara Lang)	Land south of Scant Road East Hambrook West Ashling	Without planning permission the construction of two wooden chalet buildings on raised breeze block foundations	12.09.19	EN FU/71 issued Appeal lodged – Hearing – virtual event 25/01/21 29.01.21 - Appeal dismissed New compliance date 29.04.21 19.07.21 – compliance SV scheduled for 22.07.21 18.10.2021 – compliance SV required 18.01.2022 – compliance SV required 21.02.2022 – SV undertaken. EN has not been complied with. Prosecution to be prepared for legal. 25.07.2022 – Prosecution prepared for consideration by legal.

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FU/17/00011/ CONBC (Tara Lang)	Land south of Scant Road East Hambrook West Ashling	Cease all the activity involved in the construction of the wooden chalet buildings	12.09.19	SN FU/72 issued Takes effect on 17.09.19
FU/19/00231/ CONBC (Tara Lang)	3 West Ashling Road Hambrook Funtington	Breach of condition – number of caravans exceeding permission	26.09.19	BCN FU/73 issued. Compliance date 26.12.19 Application (19/02662/FUL) for additional caravans refused 23.07.20 – Non-compliance with BCN 15.10.20 – Further witness statement for the prosecution being completed on request from Legal 19.11.20 – Listed for court 29.01.21 @Brighton 25.01.21 - Court case adjourned to 30/07/2021 30.07.21 – Defendant found guilty in absence - £2500 fine, £1161.95 costs, and £181 victim surcharge 17.01.2022 – SV required 21.02.2022 – SV undertaken to check compliance with BCN. 19.04.22 – Prosecution instructions sent to legal 29.07.22 – Matter rests with legal for consideration
FU/18/00368/ CONBC (Tara Lang)	Land At 6 Oaklands West Ashling Road Hambrook Funtington	Without planning permission, the material change of use of the land to a use for the stationing of a touring caravan, two mobile homes and a motor home for the purposes of human habitation	17.07.20	EN FU/76 issued Compliance date 28.11.20 20.01.20 - site visit required to check on compliance 22.04.21 – EN has been partially complied with. Officers are working with owner to achieve discharge of drainage condition on FU/17/01191/FUL. 18.10.2021 – awaiting discharge of drainage condition. 24.02.22 – Application 21/03330/DOC permitted 13.04.22 – approved drainage tank not installed. 29.07.22 – waiting for agent to confirm drainage arrangements. There is a cesspit on site already.

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FU/20/00288/ CONENG (Tara Lang)	Land West of Newells lane West Ashling	Without planning permission, the carrying out of engineering operations to remove top soil and excavate the ground, followed by the importation of hard-core and gravel to form areas of hardstanding and an access track	28.10.20	EN FU/77 notice issue Appeal lodged Informal Hearing 31 January 2023
FU/19/00294/ CONBC (Tara Lang)	Land East of Tower View Nursery West Ashling Road Hambrook	Breach of conditions – excess number of caravans	19.01.21	BCN FU/78 issued Compliance date 18.07.21 18.10.2021 – letter sent to owner to request site visit to check compliance 15.02.22 – prosecution papers forwarded to Legal Services 22.07.22 – matter rests with legal for consideration
FU/21/00087/ CONBC (Tara Lang)	3 West Ashling Road, Hambrook, Funtington, West Sussex	Breach of conditions – occupation category	08.02.21	BCN FU/79 issued Compliance date 08.08.21 18.10.2021 evidence of occupation of mobile home required to undertake prosecution proceedings 17.01.2022 – no evidence for a prosecution 22.07.22 – focus sits with the excess number of caravans
FU/20/00109/ CONTRV (Shona Archer)	Field west of Beachlands Nursery, Newells Lane Funtington	Without planning permission the change of use of the land to a residential mobile home/caravan site	17.03.21	EN FU/80 issued Appeal lodged – Informal Hearing 31 January 2023

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FU/18/00270/ CONBC (Tara Lang)	Land West of Beachlands Nursey Newells Lane, West Ashling, Chichester, West Sussex	Without planning permission, the material change of use of the Land to use as a residential mobile home site	17.03.21	EN FU/81 issued Compliance date 24.10.21 04.04.2022 – linked appeal in progress with refusal of planning application: 20/00950/FUL Informal Hearing 31 January 2023
FU/18/00270/ CONBC (Tara Lang)	Land West of Beachlands Nursey Newells Lane, West Ashling, Chichester, West Sussex	Without planning permission, the formation of a hardstanding and the installation of a metal container building	17.03.21	EN FU/82 issued Compliance date 24.10.21 04.04.22 – linked appeal in progress with refusal of planning application: 20/00950/FUL Informal Hearing 31 January 2023
FU/21/00010/ CONENG (Tara Lang)	Plot 1 The Old Allotment Newells Lane West Ashling	Without planning permission the change of use of land to use for the parking of motor vehicles, storage and disposal of items and waste	19.08.21	EN FU/83 issued Compliance date 30.12.21 17.01.2022 – sv required to check compliance. 21.02.220 – All rubbish/waste items have been removed from the land. 22.07.22 – use ceased but hardstanding to be removed. Prosecution papers to be prepared
FU/21/00010/ CONENG (Tara Lang)	Plot 1 The Old Allotment Newells Lane West Ashling	The parking of motor vehicles, importation, storage and disposal of household items and waste, creation of hardstandings	19.08.21	SN FU/84 issued This notice takes effect 23.08.21 when all activity specified shall cease.

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FU/21/00152/ CONTRV (Tara Lang)	Land to west of Newells Farm Newells Lane West Ashling	Without planning permission, the material change of use of the land to use as a residential mobile home/caravan site	27.09.21	EN FU/87 issued Appeal lodged – Informal Hearing 31 January 2023
FU/21/00152/ CONTRV (Tara Lang)	Land to west of Newells Farm Newells Lane West Ashling	Cease introduction and stationing of additional mobile homes/caravans and hardcore, ground works and tarmac	27.09.21	SN FU/88 issued This notice takes effect 01.10.21 when all activity specified shall cease Informal Hearing 31 January 2023
FU/20/00288/ CONENG (Tara Lang)	Land west of Newells Lane West Ashling	Without planning permission, the material change of use of the land to use as a residential mobile home/caravan site	08.09.21	EN FU/89 issued Appeal lodged – Informal Hearing 31 January 2023
FU/20/00288/ CONENG (Tara Lang)	Land west of Newells Lane West Ashling	The introduction and stationing of additional mobile homes/caravans and the carrying out of ground works	08.09.21	SN FU/90 issued This notice takes effect 12.09.21 when all activity specified shall cease. Appeal lodged – Informal Hearing 31 January 2023
HN/20/00400/ CONCOU (Sue Payne)	Land east of Farmfield Nurseries Selsey Road Hunston	Without planning permission, the material change of use of the land to a general storage use.	11.03.21	EN HN/28 issued Appeal lodged – Written Representation 11.03.22 – appeal dismissed New compliance date 11.09.22

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HN/20/00400/ CONCOU (Sue Payne)	Land east of Farmfield Nurseries Selsey Road Hunston	Without planning permission the erection of two container buildings	11.03.21	EN HN/30 issued 11.03.22 – appeal dismissed New compliance date 11.06.22 18.07.22 – Witness statement drafted for prosecution following non-compliance with notice. 29.07.22 – Witness statement to be sent to legal services
NM/16/00325/ CONCOM (Shona Archer)	Land at 6 Oakdene Gardens North Mundham Chichester	Without planning permission storage of metal containers and other items	10.01.19	EN NM/28 issued Appeal lodged – Written Representations 03.08.20 – Appeal dismissed New compliance date 03.11.20 Date for compliance varied to 30.04.21 20.07.21 – Contact owner regarding compliance 22.10.21 – SV required to update 13.01.22 – access to site not obtained. Neighbour confirmed that the site has not been cleared. 13.04.22 - Letter to be sent to the tenanted property to request access to garden area for the purpose of taking photographs June – site visit found the compound overgrown but with the items still in situ 29.07.22 – letter to be sent to owner
SDNP/20/0064 9/OPDEV (Mike Coates- Evans)	7 Luffs Meadow Northchapel Petworth	Erection of outbuilding forward of the principal elevation of the dwellinghouse contrary to GPDO conditions	12.07.22	09.05.22 – Instruction sent to legal to prepare draft Notice 12.07.22 – EN NC/15 issued 29.07.22 – EN withdrawn as evidence submitted to show that building had been removed from the land prior to the notice being served. REMOVE FROM NEXT LIST

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O/15/00202/ CONAGR (Tara Lang)	Oakham Farm Church Lane Oving	Without planning permission change of use to a mixed use for agriculture and the storage of caravans, motorhomes/ caravanettes, motor vehicles and shipping containers	03.02.17	EN O/26 issued Appeal dismissed – new compliance date 05.04.18 20.12.19 – A limited number of vehicles remain. Application for retention to be submitted 09.04.20 - planning application submitted 29.05.20 – application 20/00882/FUL refused 18.10.2021 – planning application: 21/02041/FUL submitted 13.04.22 – application is pending determination 25.07.22 – application decision awaited
O/19/00141/ CONHH (Emma Kierans)	Oakham Farmhouse Church Lane Oving	Without planning permission the erection of a fence in excess of 1 meter in height adjacent to a highway	13.02.20	EN O/30 issued Appeal lodged – Written Representations 23.10.20 – Appeal dismissed New compliance date 23.01.21 20.04.21 - compliance check to be carried out 27.04.21 – site visit showed non-compliance 02.07.21 – prosecution papers forwarded to Legal Services 28.09.21 – awaiting update from legal 03.11.21 – authorisation given to prosecute 18.01.22 – awaiting court date 10.03.22 – court hearing at Crawley – 11.00 am - adjourned 13.04.22 – Court Hearing date 12.05.22 Crawley at 3:00pm 22.07.22 – fence to be reduced in height to bring it within limits of permitted development
PS/13/00015/ CONAGR (Shona Archer)	Crouchland Farm, Rickmans Lane, Plaistow	Without planning permission, change of use of the land from agriculture to a commercial biogas plant	15.07.15	EN PS/54 issued Appeal lodged – Public Inquiry originally scheduled for APP/P3800/15/3137735. Appeal part allowed/part dismissed 21.11.17 – Appeal dismissed. Enforcement Notice upheld, 04.12.17 – EA confirmed use and importation and processing of feedstock had ceased.

				<p>17.10.18 – Planning Committee authorised extension to compliance until 21.05.21</p> <p>23.04.21 – Compliance site visit to be made after 21.05.21</p> <p>24.05.21 – site visit identified non-compliance</p> <p>28.06.21 – prosecution papers forwarded to Legal Services</p> <p>13.01.22 – owner states intention to apply to EA for special licence. Legal obtaining w/c from EA before instructing a barrister</p> <p>13.04.22 – letter before action sent to owner and instructions to barrister drafted</p> <p>29.07.22 – barrister has been appointed to consider the case. Owner has a contractor who is looking at EA licencing requirements. A prosecution has been held in abeyance.</p>
PS/18/00088/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the construction of a slurry lagoon, earth bund and fencing	01.11.18	<p>EN PS/67 issued</p> <p>Appeal lodged – Written Representations</p> <p>10.01.20 – appeal decision varied the notice finding that the slurry lagoon and earth bunds were immune from enforcement action. The removal of the fencing was upheld and the compliance period amended</p> <p>New compliance date 10.05.21</p> <p>See PS/13/00015/CONAGR serials</p>
PS/20/00182/ CONCOU (Sue Payne)	Manor Copse Farm Oak Lane Shillinglee	Without planning permission, the erection of a building	25.08.21	<p>EN PS/70 issued</p> <p>Appeal lodged – Written Representation</p>
PS/20/00414/C ONHH (Sue Payne)	Oxencroft, Ifold Bridge Lane, Ifold	Without planning permission, change of use of the land and buildings to a mixed use comprising mobile home/caravan(s) for the purposes of human habitation, B8(storage), forestry and agriculture,	27.04.22	<p>EN PS/71 issued 27.04.2022</p> <p>Appeal lodged – Public Inquiry</p>

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SB/20/00215/ CONTRV (Tara Lang)	Land South East side of Priors Leaze Lane Hambrook	Without planning permission, the laying and compaction of hard core and tarmac chippings over an existing (unmade) track and to create new access tracks and the formation of an earth bank	20.08.20	EN SB/120 issued 03.02.21 – appeal dismissed New compliance date 03.08.21 18.10.2021 – a/w validation and determination of planning application: 21/02082/FUL which will require the retention of the access track 03.02.22 – application refused 08.02.22 – letter before action sent 23.02.22 – application 22/00406/FUL received for Change of use of land for 2 no. travelling showmen plots 04.04.22 – application remains pending consideration 25.07.2022 – application remains pending consideration.
SB/20/00215/ CONTRV (Tara Lang)	Land South East side of Priors Leaze Lane Hambrook	The resurfacing of existing tracks, construction of new access tracks and earth bank	20.08.20	SN SB/121 issued with EB SB/120 Takes effect 24.08.20
SB/21/00030/ CONHI (Sue Payne)	The Cottage Prinsted Lane Prinsted Emsworth	High Hedge Remedial Notice	11.11.21	HHRN HH/24 issued Compliance date 10.03.22 04.04.22 – overall height of the hedge has been reduced to 3.5 metres. The reduction to 3 metres could have resulted in long term damage to the hedge so further reduction required at the end of 2022 to decrease the height to 3 metres. 29.07.22 – to be checked at end of year
SB/19/00103/C ONCOU (Michael Coates-Evans)	Thornham Marina Thornham Lane Southbourne Emsworth	Siting of accommodation pods in marina, change of use to residential purposes	N/A	16/06/2022 – authority to serve an EN Instructions sent to legal

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SI/16/00026/ CONMHC (Steven Pattie)	Zsaras Yard Highleigh Road Sidlesham	Without planning permission the change of use of the land for the stationing of a caravan for the purpose of human habitation	06.11.19	EN SI/71 issued 02.07.20 – appeal dismissed New compliance date 02.01.21 20.04.2021 – Site visited the breach remains. Letter sent to the owner and their agent about prosecution proceedings 20.07.2021 – Correspondence to planning agent regarding the breach 29.07.22 – site visit needed to assess use of land prior to consideration of a prosecution
SI/20/00238/ CONCOU (Shona Archer)	Land Adjacent To Ham Road Keynor Lane, Sidlesham	Untidy Land	26.05.21	SI/76 S215 Notice issued Compliance date 24.09.21 12.10.21 – site visit showed some compliance. Case to be reviewed 13.04.22 – some items remain on the land. 29.07.22 – site to be revisited
SI/20/00301/ CONMHC (Sue Payne)	82A Fletchers Lane Sidlesham	Without planning permission the material change of use of the Land to a residential caravan site	15.06.21	EN SI/77 issued Appeal lodged – Written Representation
SI/21/00038/ CONMHC (Sue Payne)	Land east of Ivy Grange Keynor Lane Sidlesham	Without planning permission change of use of land to the stationing of a mobile home for human habitation	09.08.21	EN SI/78 issued Appeal lodged – Written Representation 01.03.22 – appeal dismissed New compliance date 01.03.23

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STED - SDNP/19/0056 9/BRECON (Mike Coates- Evans)	Stedham Sports Ground, The Street, Stedham	Breach of condition 2 of SDNP/12/02805/FUL – failure to comply with approved plans / materials for parking area and track.	N/A	07/06/2022 – authority to serve a BCN Instructions sent to Legal
ML/SDNP/19/0 0375/BRECON (Mike Coates- Evans)	Wispers, Tittys Hill, Milland	Unauthorised erection of a dwellinghouse	27.07.22	27.07.2022 – EN ML/26 served
SY/19/00067/ CONHH (Sue Payne)	Wayside Chichester Road Selsey	Without planning permission the erection of a wall, railings, entrance gate and piers	04.03.20	EN SY/71 issued Compliance date 15.07.20 17.07.20 – notice not complied with. Letter before action sent 19.10.20 – some works undertaken. January 2021 – discussion with the owner to remedy the breach however restricted by COVID-19 regulations 30.09.21 – Owner has confirmed that no additional works will be undertaken. 18.07.22 – Expediency test undertaken. No further action is proposed. REMOVE FROM NEXT LIST
TG/19/00069/ CONSRV (Sue Payne)	17 Nettleton Avenue Tangmere	Breach of condition - retention of amenity land	09.01.20	BCN TG/21 issued 23.10.20 – Planning appeal dismissed New compliance date 28.01.21 Planning application 20/03130/DOM submitted and refused 09.11.21 – Appeal dismissed New compliance date 09.02.2022 04.04.22 – Lawful position of pp 99/01811/OUT challenged. 29.07.22 – Permission held to be lawful, owner to be advised the LPA will prosecute for non-compliance

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WE/16/00191/ CONCOU (Shona Archer)	Unit 2 Land north of Cemetery Lane Woodmancote	Without planning permission material change of use of the land to a mixed for open storage of vehicles and use as a HGV Operating Centre	24.07.17	EN WE/39 issued Appeal ongoing – Written Representations New compliance date 02.01.2020 7.1.2020 – it is reported that the use is continuing. To be checked on site and prosecution proceedings taken if confirmed 11.6.20 – planning application WE/19/03206/FUL Refused and appeal lodged 23.10.20 – consideration of a prosecution is held in abeyance pending the appeal being determined 30.09.21 – appeal remains in progress 04.01.22 – appeal Dismissed. 13.04.22 – owner considering future use of the land. 29.07.22 – owner is aware of need to comply. Their timescale for doing so will be requested.
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use as a civil engineering contractor's yard	10.04.18	EN WE/40 issued Appeal lodged – Public Inquiry date amended to 14.09.21 Sep 21 - Public Inquiry suspended to due illness of Inspector Jan 22 – Public Inquiry suspended due to illness on appellant's team To be reconvened October 2022
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of land for storage of portable site office cabins, container cabins, portable toilet blocks and commercial vehicles	10.04.18	EN WE/41 issued Sep 21 - Public Inquiry suspended to due illness of Inspector Jan 22 – Public Inquiry suspended due to illness on appellant's team As above

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WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use, storage of skips, building materials, scaffolding, lifting platforms, storage racks, engine parts, commercial vehs, HGV's, redundant vehicles and truck bodies	10.04.18	EN WE/42 issued Sep 21 - Public Inquiry suspended to due illness of Inspector Jan 22 – Public Inquiry suspended due to illness on appellant's team As above
WE/17/00333/ CONMHC (Tara Lang)	Land at Home Paddock Stables Hambrook Hill North Hambrook	Without planning permission, change of use of the land to a mixed us comprising equine and the stationing of a shepherd's hut	27.06.18	WE/44 issued 14.01.20 – Appeal dismissed. New compliance date 14.01.21 22.04.21 – date for compliance deferred to 30.06.2021 19.07.21 – Owner requested additional time to comply 17.01.22 – prosecution papers drawn up 17.02.22 – prosecution papers forwarded to Legal Services 29.07.22 – this matter rests with legal for consideration
WE/17/00403/ CONENG (Tara Lang)	Land South West of Racton View Marlpit Lane Hambrook	Without planning permission, the erection of fencing and entrance gates, wing walls and piers and raised gravel banks containing wooden sleepers	06.08.18	EN WE/46 issued 13.08.19 – appeal dismissed and the notice is upheld New compliance date 13.11.19 10.01.2020 – Works to remove walls/gates/pillars started. 24.07.20 – Works to comply not complete. 21.10.20 – Owner intends to comply with the EN 14.01.21 – Owner confirmed most of the works have been done to comply with the EN. 22.04.21 –Part of the fence remains in situ. 29.07.22 – Public interest in prosecuting the offence to be considered

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
WE/19/00117/ CONMHC (Michael Coates-Evans)	Land North of The Grange Woodmancote Lane Woodmancote	Without planning permission, change of use of the land to the stationing of two mobile homes for the purpose of human habitation	15.01.20	EN WE/47 issued Appeal lodged – Hearing 25.11.20 09.12.20 – enforcement notice upheld with variation New compliance date 09.09.21 09.09.2021 – Residential use has ceased 07.01.22 – Application made for a temporary 3 year use 04.04.22 – invalid application returned 29.07.22 - Site visit required to check compliance
WE/19/00217/ CONCOU (Michael Coates-Evans)	Land West of 4 The Paddocks, Common Road, Hambrook, Westbourne	Without planning permission the material change of use of the land to use as a residential caravan site	03.02.21	EN WE/49 issued Appeal lodged – Hearing 07.09.21 19.01.22 – appeal dismissed. New compliance date 19.07.22 19.07.22 – SV
WE/19/00107/ CONMHC (Michael Coates-Evans)	Land at Jubilee Wood, Bridle Lane, Woodmancote, Hambrook	Without planning permission, the material change of use of the Land to use as a residential caravan site	07.07.21	EN WE/50 issued Appeal Dismissed New Compliance date = 7 December 2022
WE/19/00107/ CONMHC (Michael Coates-Evans)	Land at Jubilee Wood, Bridle Lane, Woodmancote, Hambrook	Without planning permission, the material change of use of the land to a use for recreational purposes	07.07.21	EN WE/51 issued Appeal Dismissed New Compliance date = 7 December 2022
WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the erection of a two storey dwelling house	13.07.21	EN WE/52 issued Appeal lodged – Public Inquiry

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WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the erection of a timber dwelling house (east)	13.07.21	EN WE/53 issued Appeal lodged – Public Inquiry
WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the erection of a timber dwelling house (west)	13.07.21	EN WE/54 issued Appeal lodged – Public Inquiry
WE/19/00176/ CONT (Steven Pattie)	Land west of 4 The Paddocks Common Road Hambrook Westbourne	Tree Replacement Notice	11.08.21	WE/55 issued Compliance date 09.06.22 Appeal lodged
WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the material change of use of the land to residential use two storey dwelling house	06.01.22	EN WE/57 issued Appeal lodged – Public Inquiry
WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the material change of use of the land to residential use timber dwelling house (east)	06.01.22	EN WE/58 issued Appeal lodged – Public Inquiry

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WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the material change of use of the land to residential use timber dwelling house (west)	06.01.22	EN WE/59 issued Appeal lodged – Public Inquiry
WI/18/00100/ CONCOU (Steven Pattie)	Land at Itchenor Park Itchenor Chichester	Without planning permission, change of use of land to the storage of boats, boat hulls, moulds, frames, boat trailers, wooden pallets, metal cages, boxes, magazines and packaging	29.07.19	EN WI/16 issued Appeal lodged – Written Representations 07.09.20 - Appeal is dismissed New compliance date 07.03.21 29.07.22 – compliance achieved. REMOVE FROM NEXT LIST
WW/16/00251/ CONCOU (Steven Pattie)	Land East of Brook House Pound Road West Wittering	Without planning permission, the material change of use of the wooden building to use as a single dwellinghouse	14.01.20	EN WW/49 issued Appeal lodged – Written representation 15.06.21 – Appeal dismissed New compliance date 15.10.21 08.11.21 - Site visit carried out to check compliance. Unable to establish if the breach had ceased as curtains were closed. 17.01.22 - Letter out to owner requesting an accompanied SV and to set out the issues should compliance not have occurred 13.04.22 – Consideration to be given to prosecuting for non-compliance with EN WW/49 29.07.22 – Update on this case is awaited

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