

# Public Document Pack

## JOHN WARD

Director of Corporate Services

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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

The minutes relate to the meeting of the Planning Committee on 15 June 2022.

### 3 **Urgent Items**

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

### 4 **Declarations of Interests (Pages 1 - 2)**

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

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

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

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

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

### 5 **CC/22/01046/FUL - 48 East Street Chichester West Sussex PO19 1HX (Pages**

- 3 - 10)  
Re-paint existing shopfront in Black. Alterations to fenestration.
- 6 **CC/22/01047/ADV - 48 East Street Chichester West Sussex PO19 1HX** (Pages 11 - 20)  
Non-illuminated white acrylic fascia signage lettering to front of building.
- 7 **CH/21/02873/FUL - The Granary Barn Steels Lane Chichester West Sussex** (Pages 21 - 46)  
Retrospective application to regularise the restoration and change of use of granary building to provide holiday accommodation and associated works.
- 8 **D/21/01013/FUL - Donnington Manor Farm Selsey Road Donnington** (Pages 47 - 64)  
Construction of 1 no. Farm Manager's house with landscaping and associated works.
- 9 **NM/20/02989/FUL - Land South Of Lowlands North Mundham West Sussex** (Pages 65 - 127)  
Hybrid planning application comprising of full planning permission for 66 dwellings and associated development, including landscape, highways and parking, and outline planning permission with all matters reserved except access for open space (including informal amenity open space, bandstand and community orchard) and provision of new 3.5m wide footway/cycleway link to West Sussex Alternative Provisions College with reconfiguration of existing car parking spaces and relocation of storage facility.
- 10 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 129 - 156)  
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 157 - 162)  
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 12 **Consideration of any late items as follows:**  
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:
- a) Items added to the agenda papers and made available for public inspection
  - b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting
- 13 **Exclusion of the Press and Public**  
There are no restricted items for consideration.

### NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website

at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.

3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
5. Subject to Covid-19 Risk Assessments members of the public are advised the following;
  - Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages.
  - Where a member of the public has registered to speak, they will be invited to attend and allocated a seat in the public gallery
  - You are advised not to attend any face-to-face meeting if you have any symptoms of Covid.
6. How applications are referenced:
  - a) First 2 Digits = Parish
  - b) Next 2 Digits = Year
  - c) Next 5 Digits = Application Number
  - d) Final Letters = Application Type

#### Application Type

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

#### 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

**CONADV** Adverts  
**CONAGR** Agricultural  
**CONBC** Breach of Conditions  
**CONCD** Coastal  
**CONCMA** County matters  
**CONCOM** Commercial/Industrial/Business  
**CONDWE** Unauthorised dwellings  
**CONENG** Engineering operations  
**CONHDG** Hedgerows  
**CONHH** Householders  
**CONLB** Listed Buildings  
**CONMHC** Mobile homes / caravans  
**CONREC** Recreation / sports  
**CONSH** Stables / horses  
**CONT** Trees  
**CONTEM** Temporary uses – markets/shooting/motorbikes  
**CONTRV** Travellers  
**CONWST** Wasteland

**OBJ** Objection  
**PCNENF** PCN Served, Enforcement Pending  
**PCO** Pending Consideration  
**PD** Permitted Development  
**PDE** Pending Decision  
**PER** Application Permitted  
**PLNREC** DC Application Submitted  
**PPNR** Planning Permission Required S64  
**PPNREQ** Planning Permission Not Required  
**REC** Application Received  
**REF** Application Refused  
**REVOKE** Permission Revoked  
**S32** Section 32 Notice  
**SPLIT** Split Decision  
**STPSRV** Stop Notice Served  
**STPWTH** Stop Notice Withdrawn  
**VAL** Valid Application Received  
**WDN** Application Withdrawn  
**YESTPO** Prepare a Tree Preservation Order

## **Chichester District Council**

### **Planning Committee**

**Wednesday 15 June 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:

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

Parish: Chichester	Ward: Chichester Central
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**CC/22/01046/FUL**

<b>Proposal</b>	Re-paint existing shopfront in Black. Alterations to fenestration.		
<b>Site</b>	48 East Street Chichester West Sussex PO19 1HX		
<b>Map Ref</b>	(E) 486392 (N) 104795		
<b>Applicant</b>	Mr James France	<b>Agent</b>	Mr Francis Nwokedi

**RECOMMENDATION TO PERMIT**



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

1.1 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

2.1 The application site is located to the north side of East Street within the Chichester Settlement Boundary and Chichester Conservation Area. The application site comprises of a four-storey building with retail units at ground floor level. The application site comprises part of a retail unit that has been sub-divided to provide two smaller retail shops, the western retail unit being subject to this application.

## **3.0 The Proposal**

3.1 The proposal seeks full planning consent, for the repainting of the existing timber shop front in Black and alteration to the existing fenestration and infilling of the existing shopfront. The advertisement application (22/01047/ADV) relates to the advertisements connected with the proposed use of the property at 48 East Street.

## **4.0 History**

03/01773/FUL	WDN	Two and four storey redevelopment and conversion of site and alterations to 42-43 and 45-46 East Street, for mixed uses comprising A1 retail, A3 food and drink and residential, together with highway and access works and landscaping.
03/01775/CAC	WDN	Demolition of majority of Shippams factory buildings and adjoining properties, i.e. Sadlers Walk and the Boys Club in Little London.
05/00427/CAC	PER	Demolish front section of former Shippam's factory.
05/00430/FUL	PER106	Comprehensive mixed-use redevelopment, comprising of retail and residential accommodation, together with associated car parking landscape and highway works (after demolition of existing factory and former social club building).
12/03154/ADV	REF	2 no. pod signs and 1 non-illuminated projecting sign.
12/04286/ADV	PER	Two 10mm thick block perspex letters fixed to existing timber fascias (Retrospective).
21/02880/ADV	PER	1 no. non-illuminated fascia sign to front of building to replace existing.



21/02893/FUL	PER	Re-paint existing shopfront in Basalt Grey (retrospective).
21/03145/FUL	WDN	Shopfront repainted with new paint. Alterations to fenestration.
21/03146/ADV	WDN	New illuminated fascia sign to front and rear of building to replace existing.
22/01047/ADV	PDE	Non-illuminated white acrylic lettering to front of building.

## 5.0 Constraints

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

## 6.0 Representations and Consultations

### 6.1 Parish Council

*Further Comments (15.06.22)*

Objection. The acrylic lettering, black paint to the whole shopfront and the application of flat wooden panelling (including to replace the existing stallrisers), would be contrary to the conservation area shop front advertisement design guidance and would harm the traditional character and appearance of the historic city centre conservation area. Appropriate materials and colours should be used, and traditional elements of the shopfront should be retained rather than clad over, in accordance with the design guidance, in order to contribute to, rather than detract from, the special character of this area.

### 6.2 CCAAC

The Committee objects to this Application. Loss of the rendered shopfront division pilasters which unite vertically with the upper floors, and not addressing the set back in the middle of the composition, harm the architectural scheme and rhythm of the overall elevation, which relates to the C19th shop fronts of East Street. Hand painted lettering in compliance with CDC shop-front guidance would be preferable. There is also no street number.

### 6.3 CDC Conservation and Design

Thankyou for consulting Conservation and Design on the applications at the above site. The property is not listed but lies within the Chichester Conservation Area.

The existing shopfront is of no particular interest in its own right, it is modern thick framed timber with two large recessed areas for double doors for the former retail fashion tenant. The proposed replacement shopfront is timber and reasonably well composed with a stallriser and clear transoms and mullions. The detailing on the timber is flatter but the host building is a largely modern iteration of a more traditional overall form so this is not an inappropriate measure in this context. Shopfronts are usually darker colours and black is an appropriate colour for a modern or traditional shopfront and is appropriate in this case. The signage is restrained and non illuminated. The new shopfront has a neutral impact on the Chichester Conservation Area.

Recommendation: Approve with standard conditions

### 6.4 Third party comments

One letter commenting on the following have been received;

- a) The shopfront vertical dividers should be stone coloured, rather than the black painted finish proposed.

## 7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester City at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

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

- Policy 10: Chichester City Development Principles
- Policy 27: Chichester Centre Retail Policy
- Policy 47: Heritage and 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 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 20th July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for 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: Sections 2, 4, 12, 14 and 16. Consideration has been given to paragraph 132 in particular, as this relates specifically to the control of advertisements. 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:
- Chichester District Council Shopfront and Advertisement Design Guidance Note
  - Chichester Conservation Area Character Appraisal
- 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
  - Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## **8.0 Planning Comments**

- 8.1 The main considerations are:
- i. Principle of development
  - ii. Impact upon the character of the conservation area

### Principle of Development

- 8.2 The application site is located within the Chichester settlement boundary, which is a location where the provision of a range of homes, workplaces and social and community facilities is supported by Policy 2 of the Local Plan subject to compliance with other policies of the Development Plan. The site is also located within the Chichester Conservation Area.

### Impact upon the character of the conservation area

- 8.2 S. 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the planning Authority (LPA) to have special regard to the desirability of preserving and conserving the character and appearance of a conservation area. In addition, Policy 47 of the Chichester Local Plan states that permission will only be granted where it can be demonstrated that the proposal conserves or enhances the special interest and settings of the designated heritage assets.
- 8.3 The application relates to the repainting of the existing shopfront by hand and alterations to the existing shopfront including the infilling of the shopfront. It is considered that the hand painting of the shopfront would be acceptable and would be a more traditional and appropriate finish within the City Centre.
- 8.4 The shopfront is proposed to be painted in Black. It is noted that Chichester Shopfront and Advertisement Design Guidance Note states that 'darker colours, but generally not black are preferred as this helps to emphasise the light in the shop and accentuates the products for sale', which has also been highlighted by Consultees and Third Parties. However, the proposed paint colour is considered in this case to be acceptable on balance, given that it would match the existing paint colour of the fascia. Therefore, it is considered that the repainted shopfront would sit comfortably within the street scene and would not result in an unacceptable amenity impact upon the Chichester Conservation Area or the setting of the nearest Listed Buildings. The proposal also includes the infilling of the existing shopfront, plus the installation of Black painted timber cladding to match the existing and alterations to the fenestration.
- 8.5 On balance, it is considered that the proposed treatment to the shopfront would be acceptable and would not adversely affect the character of the street scene, the Chichester Conservation Area or setting of the nearest Listed Buildings. The proposal is therefore considered to accord with Section 72 of the Listed Building and Conservation Areas Act 1990 (as amended), Section 16 of the NPPF and Policy 47 of the Chichester Local Plan.

## Conclusion

- 8.6 Based on the above assessment, it is considered that the proposed hand painted treatment and minor alterations to the shopfront is compatible with the character of the Chichester conservation area and would not adversely impact upon the setting of the nearest listed buildings. It therefore complies with the National and Local Plan policy Development Plan and there are no material considerations that indicate otherwise. To conclude, it is recommended that planning permission should be granted subject to conditions.

## Human Rights

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

## **RECOMMENDATION**

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

- 1) The 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 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.

## **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 - SITE AND LOCATION PLAN	HLP/1302/05		15.05.2022	Approved
PLANS - Plans PLAN - PROPOSED SHOP FRONT ELEVATIONS	HLP/1302/07	REV M	06.06.2022	Approved

## INFORMATIVES

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

For further information on this application please contact Rebecca Perris on 01243 534734

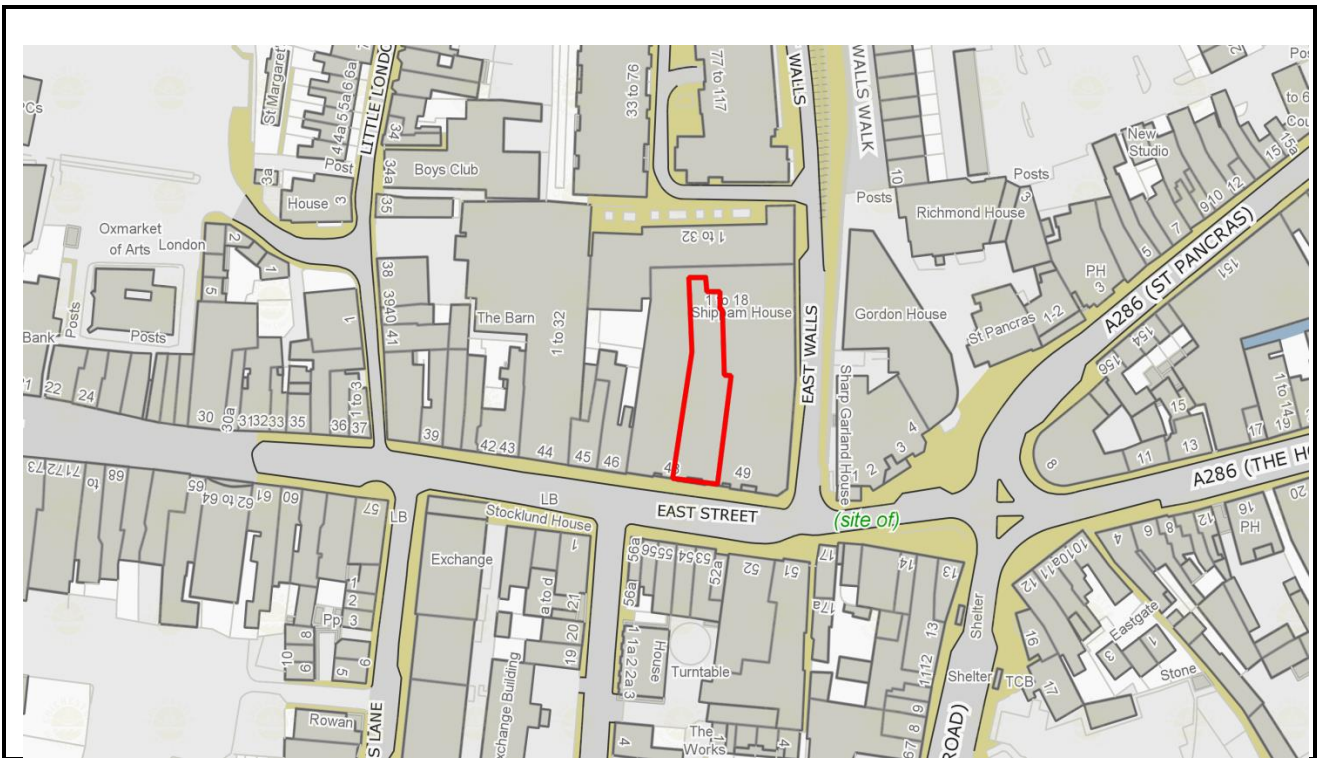
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RADCTAERFPR00>

Parish: Chichester	Ward: Chichester Central
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**CC/22/01047/ADV**

<b>Proposal</b>	Non-illuminated white acrylic fascia signage lettering to front of building.		
<b>Site</b>	48 East Street Chichester West Sussex PO19 1HX		
<b>Map Ref</b>	(E) 486392 (N) 104795		
<b>Applicant</b>	Mr James France	<b>Agent</b>	Mr Francis Nwokedi

**RECOMMENDATION TO PERMIT**



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

1.1 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

2.1 The application site is located to the north side of East Street within the Chichester Settlement Boundary and Chichester Conservation Area. The application site comprises of a four-storey building with retail units at ground floor level. The application site comprises part of a retail unit that has been sub-divided to provide two smaller retail shops, the western retail unit being subject to this application.

## **3.0 The Proposal**

3.1 The advertisement application (22/01047/ADV) relates to the advertisements connected with the retail use of the property at 48 East Street. A full planning application (22/01046/FUL) has also been submitted for the repainting of the shopfront and alteration to the fenestration.

3.2 For planning purposes, an 'advertisement' is defined in section 336(1) of the Town and Country Planning Act 1990 (as amended) as:

"any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements."

3.3 The application follows a previous application, which was withdrawn. The current application involves the installation of a non-illuminated white acrylic fascia sign. The proposed materials have been revised from metal to white acrylic during the course of the application and amended plans have been submitted to reflect this.

## **4.0 History**

03/01773/FUL	WDN	Two and four storey redevelopment and conversion of site and alterations to 42-43 and 45-46 East Street, for mixed uses comprising A1 retail, A3 food and drink and residential, together with highway and access works and landscaping.
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05/00427/CAC	PER	Demolish front section of former Shippam's factory.
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22/01046/FUL	PDE	Re-paint existing shopfront in Black. Alterations to fenestration.

## 5.0 **Constraints**

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

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

*Further Comments (15.06.22)*

Objection. The acrylic lettering, black paint to the whole shopfront and the application of flat wooden panelling (including to replace the existing stallrisers), would be contrary to the conservation area shop front advertisement design guidance and would harm the traditional character and appearance of the historic city centre conservation area. Appropriate materials and colours should be used, and traditional elements of the shopfront should be retained rather than clad over, in accordance with the design guidance, to contribute to, rather than detract from, the special character of this area.

*Further Comments (26.05.22)*

Objection. The proposal to paint much of the shopfront, including the window frames, black (which is not a colour encouraged within the guidance, even just for fascias) and to use metal rather than painted lettering on the fascia, appears to be an attempt to create a much more modern appearance to the frontage, which would be inappropriate and out of keeping, and would harm the character and appearance of the historic city centre conservation area. The proposal is contrary to the relevant advertisement design guidance which aims to preserve or enhance the character and appearance of the historic city centre conservation area.

### **6.2 CCAAC**

The Committee has no objection to this Application in principle. However, the street number is missing. We note that an FUL Application will be required for the change of pilaster colour and frontage infilling as shown on the drawings.

### **6.3 CDC Conservation and Design**

Thankyou for consulting Conservation and Design on the applications at the above site. The property is not listed but lies within the Chichester Conservation Area.

The existing shopfront is of no particular interest in its own right, it is modern thick framed timber with two large recessed areas for double doors for the former retail fashion tenant. The proposed replacement shopfront is timber and reasonably well composed with a stallriser and clear transoms and mullions. The detailing on the timber is flatter but the host building is a largely modern iteration of a more traditional overall form so this is not an inappropriate measure in this context. Shopfronts are usually darker colours and black is an appropriate colour for a modern or traditional shopfront and is appropriate in this case. The signage is restrained and non illuminated. The new shopfront has a neutral impact on the Chichester Conservation Area.

Recommendation: Approve with standard conditions

#### 6.4 Third party comments

One letter commenting on the following have been received;

- a) The proposal is a reasonable proposal in the context of the modern appearance of the property, though it would contravene the Council's guidance on shopfront design in the Conservation area.
- b) The proposal also should refer to the infilling of the west part of the recessed shopfront.
- c) The shopfront vertical dividers should be stone coloured, rather than the black painted finish proposed.

### 7.0 Planning Policy

#### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester City at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

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

- Policy 10: Chichester City Development Principles
- Policy 27: Chichester Centre Retail Policy
- Policy 47: Heritage and 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 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 Planning Policy Framework 2021

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021). Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

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

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

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

7.5 Consideration should also be given to the following section of the NPPF 2021 and sections: Sections 2, 4, 12, 14 and 16. NPPF Para 136, relates specifically to the control of advertisements. It recognises that the quality and character of places can suffer when advertisements are poorly sites and designed. Other relevant paragraphs of the National Planning Practice Guidance relating to general design have also been considered.

The following statutory instrument is also relevant:

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

### Other Local Policy and Guidance

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

- Chichester District Council Shopfront and Advertisement Design Guidance Note (revised June 2010)

- Chichester Conservation Area Character Appraisal (March 2005)

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

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

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

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## **8.0 Planning Comments**

- 8.1 Para 136 of the NPPF 2021 states that advertisements should, be subject to control only in the interests of amenity and public safety, taking into account of cumulative impacts.
- 8.2 Advertisement applications must be considered in accordance with Regulation 3 within Part 1 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. These regulations allow the LPA to consider amenity and public safety; taking into account the development plan, so far as they are material, and any other relevant factors. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural, or similar interest. Factors relevant to public safety include the safety of persons using any highway, whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of any traffic sign, and whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 8.3 The main issues arising from this proposal are set out within Regulation 3 within Part 1 of the Control of Advertisement Regulations are summarised as follows:
- i. Design and Impact upon visual amenity, character of the area and setting of heritage assets;
  - ii. Impact upon public amenity and safety

### Assessment

#### Amenity

- 8.4 Policy 47 of the Chichester Local Plan requires that proposals must conserve and enhance the special interest and setting of Conservation Areas, respect distinctive local character and maintain the individual identity of settlements.
- 8.5 The non-illuminated fascia signage would measure 0.195m in height, 1.4m in width and would project 12mm from the face of the building. The lettering within the signage would be 0.195m in height, which is an appropriate height for the size of the fascia sign. The signage would be positioned within the west section of the existing timber fascia and is considered to be appropriate in size and scale of the height of the fascia.
- 8.6 The signage has been revised during the course of this application, including the alteration of the proposed materials for the signage from metal to white acrylic. The applicant has also advised that the street number will be displayed for the application property, and it is recommended that a condition is imposed to require this. The building features a modern shopfront, and it is considered that the proposal in this context would not be harmful to the character and appearance of the building or the setting of heritage assets.
- 8.7 In combination, the shopfront frame is proposed to be painted in black, the repainted shopfront and alteration to the existing fenestration are the subject of a separate application to be determined and would be compatible with the character of the street scene and Conservation Area.

8.8 Overall, having regard to the above and subject to conditions, it is considered that the in-situ advertisement signage would be appropriate in terms of size, colour, siting, and design, and would not result in visual clutter which would be harmful to the appearance of the Conservation Area or the setting of Listed Buildings within the vicinity.

#### Impact Upon Public Safety

- 8.9 Regulation 3 within part 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) permits the display of advertisements where they do not adversely impact upon the interests of public safety.
- 8.10 Public safety is not confined to road safety and includes all the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air.
- 8.11 The proposed fascia signage is non-illuminated and of a small scale and will have minimal impact on public safety. The size of the signage does not adversely affect the highway or obstruct visibility. Therefore, it is considered that the proposed advertisement signage is considered acceptable in terms of its impact upon public safety.

#### Conditions

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

#### Conclusion

- 8.13 Based on the above assessment of amenity and public safety, the proposed non-illuminated advertisement signage and are acceptable. The proposal is therefore considered to comply with Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and national and local plan policy and is therefore recommended for advertisement consent..

#### Human Rights

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

## RECOMMENDATION

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

Standard Conditions ( specified with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Schedule 2 Regulations 2(1) and the following:

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

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

2) The advertisement hereby permitted shall not be displayed 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: In the interest of protecting the visual amenity and character of the Chichester Conservation Area.

3) Within 6 months of the date of this decision, the street number of the property shall be hand painted, positioned within the left or right corner of the fascia.

Reason: In the interest of the character and appearance of the building and the Conservation Area.

4) Notwithstanding any indication on the approved plans or documents, the signage hereby approved shall not be in any way illuminated. The signage shall remain non-illuminated unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety, and to preserve the special character of the Chichester Conservation Area.

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - SITE AND LOCATION PLAN	001		15.04.2022	Approved
PLANS - Plans PLAN - PROPOSED SHOP FRONT ELEVATIONS	HLP/1302/07	REV M	06.06.2022	Approved

## INFORMATIVE

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

For further information on this application please contact Rebecca Perris on 01243 534734

To view the application, use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RADCTDERFPS00>

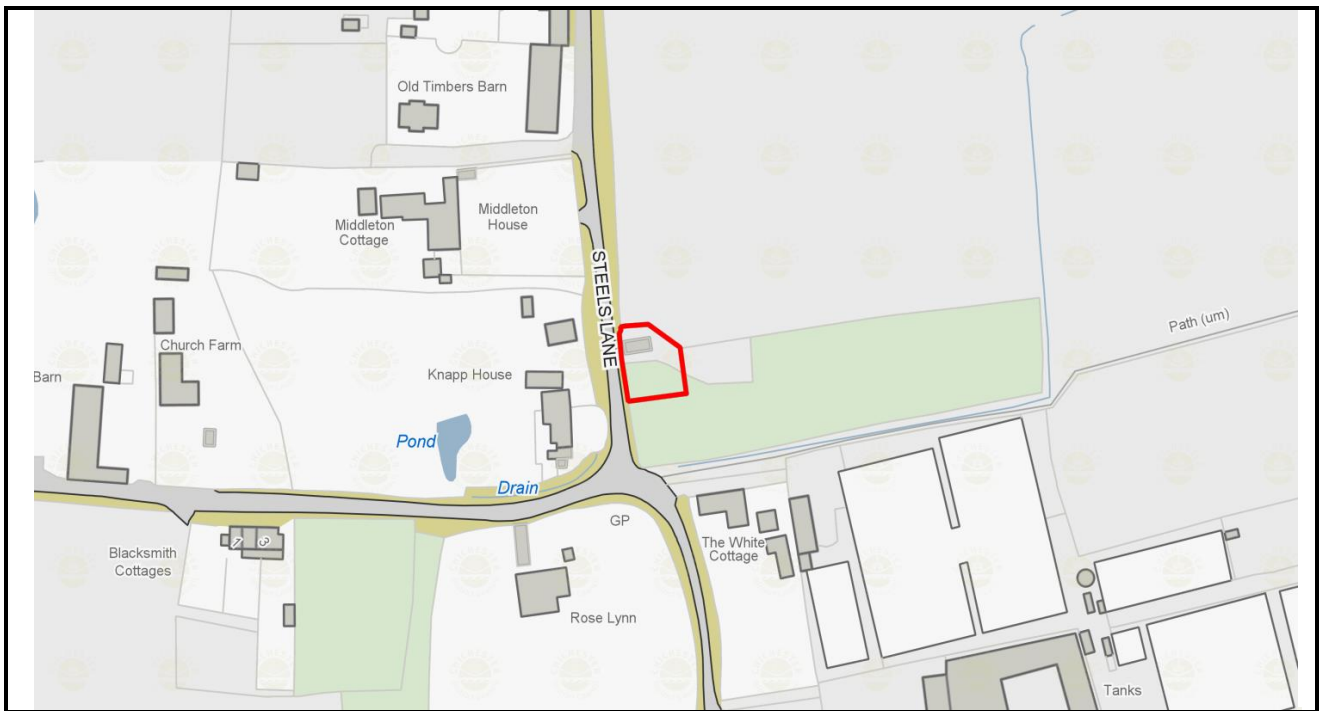


Parish: Chidham & Hambrook	Ward: Harbour Villages
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**CH/21/02873/FUL**

<b>Proposal</b>	Retrospective application to regularise the restoration and change of use of granary building to provide holiday accommodation and associated works.		
<b>Site</b>	The Granary Barn Steels Lane Chidham West Sussex		
<b>Map Ref</b>	(E) 479096 (N) 104044		
<b>Applicant</b>	Ms Sandra James	<b>Agent</b>	

**RECOMMENDATION PERMIT WITH S106**



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

- 1.1 Red Card: Cllr Moss Exceptional level of public interest
- 1.2 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The application site is located to the east side of Steels Lane, within the rural parish of Chidham & Hambrook and the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The site lies within a cluster of residential properties, which are on the west of Steels Lane, the north and south side of Cot Lane and the east side of Chidham Lane. A glasshouse lies beyond the southern boundary of the site, which forms part of Alpha Nurseries, located on Chidham Lane.
- 2.2 The site comprises a Granary building, set on Staddle Stones, which is positioned alongside the northern boundary of the approximately 400 square metre, rectangular shaped parcel of land. The remainder of the site is lawn, with a gravelled parking area and 5-bar gate to the western boundary with Steels Lane. The land to the east of the site, contained within the 'blue line' on the submitted plans lies outside of the application site, and comprises of woodland interspersed with grassland.
- 2.3 The Granary building is an example of a former traditional agricultural building, which overtime fell into disrepair, but has subsequently been refurbished. The refurbishment has already been completed (prior to early 2019), the original corrugated metal roof replaced with plain clay tiles, the weatherboarding replaced with an equivalent shiplap timber cladding and timber windows installed within existing openings, which are set behind functioning, solid timber shutter/doors.
- 2.4 The character of the wider area is rural, with open farmland and Bosham Creek some 400m to the east. However, the Granary building is set within a cluster of residential dwellings, against the backdrop of Knapp House and its detached outbuilding, Middleton House, and Oak Timbers Barn.

## **3.0 The Proposal**

- 3.1 The proposal seeks retrospective consent for the restoration and change of use of the Granary building, associated works, and curtilage to provide holiday accommodation. In addition, consent is sought for a reinforced grass area to enable on-site vehicle turning and a field gate to the southern boundary of the site, to provide access into the adjoining woodland for maintenance.

#### 4.0 History

04/04210/FUL	REF	Change of use of old granary building to 1 no. residential unit and associated works.
05/01803/FUL	WDN	Change of use of old granary building to 1 no. residential unit and associated works.
05/03850/FUL	REF	Change of use of old redundant granary building to 1 no. residential unit and associated works.

#### 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

*Further Comments 18.03.2022*

The Parish Council reiterates the points it has made previously on this application and will not comment further.

*Further Comments 14.01.2022*

Further to the Applicant's latest submitted document, being their response to a communication from the Planning Officer in charge of this file dated 23rd November 2021, we feel it appropriate to request tangible details of the septic tank installed by the builder back in 2017. Assuming that it is a septic tank of a type which is approved for domestic waste if said builder has no paper trail for the purchase, then surely, they could identify the brand of the manufacturer etc. and its model/serial number.

We believe Building Regulations approval is required for any septic tank installation and to date no evidence of such compliance has been submitted

*Further comments 22.11.2021*

The Parish Council considers there are two cases to consider - firstly the restoration and use of the Granary and secondly, associated works to the adjacent land, which is designated agricultural land. As such we have divided our submission accordingly.

#### 1. Retrospective application to regularise the restoration and change of use of granary building to provide holiday accommodation

We have been unable to reach a decision either supporting or objecting to the retrospective use of the Granary as holiday accommodation and would make the following comments:

- The application seems to rest on Permitted Development Rights being granted under Class R. It is not clear to us whether prior approval was given and, if they were, under which Class. In any event, the uses under Class R do not include self-catering holiday accommodation and the building would have had to have been in agricultural use in 2012. This confusion as to the status of PDR is unfortunate. In the absence of this information, we have considered the application as seeking retrospective planning permission.
- Given the location of the site within the AONB we would have expected to see reference to the AONB Planning Principles and an acknowledgement of its special status within the Design and Access Statement. This is contrary to criteria 5 of Local Plan Policy 43: 'to meet the policy aims of the Chichester Harbour Conservancy Management Plan.' We note the comments of the CHC.
- No Environmental Impact Statement has been provided.
- There is scant information about the disposal of wastewater. We would like confirmation that the installation of the septic tank complied with building regulations, details of tanker disposal arrangements and nitrate mitigation measures.
- Although meeting some of the criteria contained in Policies 30 and 46 of the Chichester Local Plan (2014-2029) the building is highly visible within a calm and tranquil landscape with increased recreational activity associated with a holiday let This is contrary to criteria 4 of Policy 43, 1- 2 of Policy 30, criteria 4 of policy 46 and criteria 1-3 of Policy 48.
- We are concerned that approval of the change of use could set a precedent in an area where there are several disused agricultural buildings.
- Should the application for change of use to the Granary be approved we would wish to see a condition attached that there could be no further change of use and no further extensions or alterations to the building.

#### 2. Associated works

We are assuming 'associated works' to be alterations to the area of land adjacent to and within the curtilage of The Granary.

We strongly OBJECT to any changes to this land, which is designated agricultural.

- We see no reason to increase the car parking allocation, given this is a small one-bedroom holiday let. In fact, we would like to see all parking take place off site.

- To protect the environment and adhere to Local Plan Policy 49 on biodiversity there should be no further alterations. These could lead to demonstrable harm to wildlife, habitats, species, flora and fauna.
- We feel it is vital, to protect the special characteristics of the AONB, that this land remains within a classification of agricultural in perpetuity. This will protect it from any development in the future

*Original comments 29.10.2021*

1. Drawing 5 tells of a septic tank situated to the East of the renovated granary. We would like more detail on this installation and whether the tank is "emptiable" or has overflow. If overflow is a built-in feature where does overflow material go to?
2. Drawing 3 refers to "proposed site plan" and shows a significantly larger area of previously installed hard standing which will be replaced and extended in reinforced grass". Given that the Granary is designed to accommodate only 2 persons - logically only requiring a maximum of 2 cars, the proposed expansion of this area seems excessive and potentially not at all in keeping with its historical rural environment. Please clarify.
3. Drawing 2 identified as "Existing Site Plan" shows a much more acceptable and appropriate area for minimal vehicle parking and all in gravel with an appropriate footpath to the side entrance of the Granary. Why is the expansion of this area needed?
4. The current application is retrospective, and we feel covers solely the works done to restore in an appropriate and tasteful way an agricultural barn which is now advertised as holiday let accommodation for 2. This is the change of use now applied for.
5. We consider the balance of the land lying to the East and the South of the remodelled granary to be classified as agricultural land and that classification is not under review at all. Indeed, it is the desire of the Parish Council to see no change of use relating to both the renovated Granary and the land contiguous with it being imposed

## 6.2 Chichester Harbour Conservancy

*Further Comments 26.04.2022 (summarised)*

The proposal has been considered with reference to the Chichester Harbour AONB protected national landscape designation, planning guidance approach as provided in AONB Planning Principle PP01, PP05, PP06, PP08, and PP09. Against these criteria (some being mutually inclusive, some being separate or exclusive), the proposal is found to fail to meet and therefore compromises the policy guidance.

The proposal has a recent planning history which indicates a clear planning appeal determination against domestic occupation of the site due to the impact of human habitation of the building and the land on the character and appearance of the site and the immediate surrounds. The activity pursuant to a tourist accommodation use would have an unacceptable impact on the character and appearance of the AONB.

The positioning of the proposal for the change of use conversion as described for the building would have a localised impact visually on the character and appearance of the site and the immediate surrounds. The scale, design and appearance with suitable construction materials for the conversion would enable the proposal to be provided within its setting without serious visual harm to the wider AONB protected national landscape.

The control of light emission associated with the glazing areas of windows would need to be restrained and proportional to the desire to maintain the character and ambiance of the AONB. This is a significant concern within the CH AONB and to the active Dark Skies protocol.

In matters of ecology, biodiversity, or wildlife habitat, hibernation, foraging, mating, or spawning / nesting / rearing areas, the development proposal in the AONB would be unlikely to have any identifiable harmful impact. The proposal is unlikely to have any significant impact or effect on the AONB in relation to wildlife conservation and protection.

Taking the proposal as described, CHC has no substantive objection to the submitted physical works relating to the conversion. The proposal is generally acceptable within the AONB and has a limited external impact to the wider AONB protected landscape.

There is limited reference to surface water and a foul water drainage. The advice of the NPPF in respect of surface water run-off is that flow rates after the development should be no greater than the existing circumstance. The submission has not established this would be the result given the option for the Change of Use which has not been formally discounted in the application submission. Whilst identifying the Nitrogen Neutrality measures needed and a possible mitigation solution, it does not provide adequate details to address the on-site and local drainage system specifications or alternatively demonstrate the site is within waste-water treatment capacity for the area. (AONB PP01, considerations).

The Change of Use of the structure would result in some visual intrusion from the use, activity and artificial light generated from the glazed areas and any use of associated external outdoor amenity areas. There is no acknowledgement of lighting spill from domestic habitable areas within and to outdoor areas. Measures to limit, restrict, or remove unnecessary night-time illumination would still however need to be provided and enforced. (AONB PP01, PP09, considerations).

It remains the Conservancy's stance that the current proposal, amended/additional details considered, detracts from the aims of the AONB designation. This is through the use and activity sought (and retrospectively operated according to the submission description) as a holiday letting tourism accommodation unit.

*Original comments 03.11.2021 (summarised)*

This application contravenes the Joint Chichester Harbour AONB SPD, and AONB Planning Principles guidance AONB PP01: Protected Landscape, AONB PP06: Conversion of Buildings Inside and Outside of Defined Settlements, AONB PP08: Tourist Accommodation, AONB PP09: Dark Skies. The adopted guidance requires a clear demonstration that no harm is caused to the AONB.

The site is located within a countryside location within the AONB. The proposal for the Change of Use of land and the granary store (retrospectively) to provide a tourist accommodation unit use is out of-place and out of-keeping with this countryside location that lies within the visually important AONB protected national landscape.

- Unnecessary provision of a tourist accommodation unit in the countryside (PP08)
- Increase in light generation from granary building from tourist occupation (PP09)
- Unwarranted domestication of the land & building from tourist parking & circulation areas (PP08)
- Wildlife disturbance mitigation contribution measure (Solent Bird Aware Initiative) required (PP06)
- Waste-water sewerage systems arrangements not demonstrated or land drainage capacity proven (PP05)

### 6.3 Natural England

*Further Comments 16.06.2022 (Summarised)*

No Objection - Subject to Appropriate Mitigation Being Secured

In our previous response (ref 391098, 24 May 2022) we requested further information on the functionality of the proposed reedbed system which was to provide nutrient neutrality mitigation.

Since our last response, additional information has been submitted to demonstrate that nutrient neutrality mitigation is not required for this development, as the discharged concentration of the Bio\_bubble PTP is within the Deductible Acceptable Load (DAL) for the Solent region.

Evidence to support the nutrient removal efficiency and the discharge nutrient concentration of the proposed Bio-bubble PTP has now been submitted. This evidence provides 12 months of data of a functioning Bio-bubble PTP, with recorded average discharge concentrations of approximately 1 mg/L TN and a highest recorded output of 2 mg/L TN.

Following the precautionary tests of the Habitats Regulations Assessment, we recommend that the highest recorded output from the 12-month data set should be sufficient to represent the discharge concentration of the PTP, which was recorded at 2 mg/L TN. As this application is located within a catchment with Deductible Acceptable Loading1 (DAL), a deduction of 2 mg/L TN can be included within the Solent Nutrient Budget Calculator V2.1. By including this deduction, the discharge concentration of the PTP is effectively reduced to 0 mg/L TN, which results in a calculated annual nitrogen load to mitigate of 0 kg TN/year. This proposal as evidenced subsequently does not require nutrient neutrality mitigation.

In addition, Natural England acknowledge that further information has also been provided by the applicant, to support the long-term use of the PTP. This includes a proposed long-term monitoring and management strategy, including annual inspections and an alarm system in case of a malfunction. We recommend that these measures should be appropriately secured in perpetuity if planning permission is to be granted.

*Further Comments 24.05.2022 (Summarised)*

Further Information Required

*Original Comments 09.03.2022 (Summarised)*

No objection.

#### 6.4 WSCC Local Highway Authority

This proposal is for the change of use of granary building to provide holiday accommodation and associated works. This application is retrospective, with the building operating as such since early 2019. The site is located on Steels Lane, an unclassified road subject to national speed limit.

The site is served by an existing vehicular access on Steels Lane. From inspection of local mapping, there are no apparent visibility concerns with the existing point of access on to the maintained highway.

An inspection of collision data provided to WSCC from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely.

As the holiday let has one bedroom, the LHA would expect a parking provision for at least one car parking space for this development. From inspection of the plans, the site benefits from a parking area with space to accommodate one car and on-site turning.

The LHA advises the applicant to consider the inclusion of secure and covered cycle parking to promote the use of sustainable transport methods.

In 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.

#### 6.5 CDC Economic Development

The Economic Development Service supports this application proposal.

The proposed development is intended for use as a holiday let. The economic impact of this development on the overall tourism offer on the district will be negligible. However, there appears to be no research information relating to the business aspect of the proposed development.

We would expect some type of businesses plan commensurate with the proposed holiday let to demonstrate the viability of the development. This will help with the indication of the number of guests and frequency of guests expected based on the research. This research will help to ensure that the applicants have all the information required to assess the feasibility and ongoing viability of the development.



Nonetheless, the EDS supports high quality, tourism facilities, especially on existing sites. Developing the accommodation offer will encourage overnight visitors and increase visitor spend, support other attractions and the local economy. Overnight visitors spend considerably more than day visitors and help to keep towns vibrant and successful.

## 6.6 CDC Drainage

The development is within flood zone 1 (low risk) and according to the application form drains to soakaway, which is the preferred means of draining surface water.

We therefore have no objection to the application

## 6.7 Third party objection comments

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

- a) There are no PD rights within the AONB
- b) The proposal will set a precedent for the conversion of other agricultural buildings
- c) The previous appeal decision
- d) The domestic appearance of the building
- e) Not sustainable, vehicle travel
- f) There is a tennis court to the east of the site during summer months
- g) Omission of reference to Policy 43
- h) Disregard to the planning process
- i) The deteriorated state of the granary, prior to conversion
- j) The plans fail to show applicants ownership of adjacent nursery's
- k) The site plan doesn't show the site boundaries
- l) The applicant has changed site boundaries and undertaken works within the orchard
- m) Loss of character to the building by using clay tiled roof
- n) The window changes the agricultural character of the building
- o) The application should be decided on planning merit
- p) Class R wouldn't be possible as the building was redundant
- q) The changes don't appear to have received building control approval
- r) The instillation of a septic tank has been undertaken without BC/EA approval
- s) Noise pollution
- t) The applicant didn't consult neighbours before commencing works
- u) The current use would fall outside of those permitted by Class R
- v) An environmental Impact Assessment hasn't been provided
- w) The proposal has not demonstrated compliance with Policy 30, 45, 46 and 48.
- x) Urbanisation of the AONB
- y) Reference to a refused application at Thistledown House
- z) Concerns with the soakaway and septic tank
- aa) Wildlife thrives on this part of the peninsula
- bb) The rooflight is not in keeping
- cc) Proper assessment of the ecology of the site

## 7.8 Third party support comments

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

- a) The conversion of the granary is sympathetic
- b) The provision of holiday accommodation is appropriate in this semi-rural location
- c) The conversion is a vast improvement upon an unused building falling into disrepair
- d) Supporting local businesses
- e) Positive addition to the local community
- f) Respectful to the heritage of the area
- g) Improvement to the immediate area
- h) It's a modern use of an interesting agricultural building, that can be enjoyed by those that visit
- i) The barn has become an asset to the Chidham Village

## 7.0 Planning Policy

### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made on the 31 March 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 30: Built Tourist and Leisure Development
- 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

### Chidham and Hambrook Neighbourhood Plan

- Policy EM2 (Special Protection Areas of Chichester Harbour)
- Policy DS1 (Design Standard for new developments)
- Policy DS2 (Parking Standards)
- Policy DS3 (Landscaping for new developments)

### 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 Planning Policy Guidance 2021

- 7.4 The revised National Planning Policy Framework took effect from 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 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:

- 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
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding 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 retrospective consent for the change of use of an existing agricultural building, which commenced in 2019 to provide a one-bedroom unit of tourism accommodation.

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. The Policy 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.

8.4 Consideration has been given below 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.**

As the conversion works to the building have already taken place, it is difficult to form any firm conclusions on the structural integrity of the building prior to the works commencing. However, it is clear from photographs of the building, prior to the works, that it had been neglected for some time, and requiring noticeable level of work to ensure the building would be habitable and watertight.

The conversion works includes the replacement of the corrugated metal sheeting with clay roof tiles, the replacement of the timber cladding with new shiplap cladding, and the instillation of timber windows, with in the existing openings of the building. The chosen materials are sympathetic to the existing structure, with the historic form of the building remaining evident. The use of clay tiles, whilst more domestic in appearance, are nevertheless a traditional roofing material for the locality, and appropriate in terms of their colour, finish and texture and can therefore be considered appropriate. The replacement shiplap cladding, and timber windows set within existing openings, and behind solid timber shutters can again be considered appropriate for the traditional character of the building and its rural setting.

In considering what is 'significant' paragraph 19.32 of the supporting text advises *'the overall aim will be to conserve and enhance the character of the landscape, whilst retaining as far as possible the rural character and appearance of the building itself and the setting within which it is located'*.

Consequently, when considering the above, the Granary can be considered as capable of conversion. Whilst they have included the replacement of both the cladding and roof covering of the building, they have been replaced with sympathetic materials, which do not detract from the appreciation of the heritage of the Granary or the rural character of its wider setting. It has arguably improved its external appearance, from its previously neglected state.

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

The proposal seeks an economic use, in that it seeks to provide year-round tourism accommodation, which can be controlled via planning condition to remain within a suitable tourism use.

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

The Granary is positioned within a separate parcel of land, to the very southwest corner of a larger parcel of agricultural land and would therefore not prejudice any nearby agricultural activities. The building has not been in agricultural use for a considerable period, and notwithstanding its subsequent conversion to holiday accommodation, is unlikely to have been brought back into agricultural use given its size, scale, and traditional form, which would be undesirable for modern farming practices.

**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.**

This criterion will be addressed in the following section below; however, the conversion works to the Granary, and the associated development of the modest amenity space with vehicle parking are acceptable, having regard to the countryside and AONB setting of the development.

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

The proposal complies for with criterion, in that it seeks a tourism use for holiday accommodation, and involved the reuse of a traditional building, of architectural and historic merit, albeit one which is not formally recognised as listed or a non-designated heritage asset.

**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**

The conversion of the Granary has been undertaken respectfully, utilising materials which are in keeping with the traditional character of the Granary, and the rural character of the area. The works have not impacted upon the significance of a farmstead of heritage asset, and the scope of the works would not impact upon any archaeological deposits.

- 8.5 The proposal is therefore considered to comply with the six criteria, set out within Policy 46 of the Local Plan.
- 8.6 In addition, the proposal should be considered under Policy 30 of the local plan, which concerns tourism and leisure development, including tourism accommodation. Policy 30 advises tourism accommodation should be:
- 1) *It is sensitively designed to maintain the tranquillity and character of the area,*
  - 2) *Is located so as to minimise impact on the natural and historic environment, including that of visitors or users of the facility, particularly avoiding increasing recreational pressures on Chichester Harbour AONB and Pagham Harbour and other designated site,*
  - 3) *It provides a high-quality attraction or accommodation; and*
  - 4) *Encourages an extended tourist season*
- 8.7 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 considered to be an appropriate reuse of an existing building, providing a low-key level of accommodation, which is unlikely to result in undue pressure above the Chichester Harbour AONB, Pagham Harbour and other protected site. In addition, the Granary provides a high-quality level of accommodation, due to its sensitive conversion and quality internal finish and it would provide year-round accommodation, albeit one which is likely to be more popular during the busier summer months. The remainder of Policy 30 concerns new tourism building, which is not considered to apply in this instance, as the proposal would involve the reuse of an existing building and therefore complies within the further criteria 1 and 2 is not necessary.
- 8.8 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 7.4 above.
- 8.9 In assessing the principle of this application, PP06 and PP08 are of relevance, as they concern the conversion of existing buildings, inside and outside of settlements and new tourist accommodation respectfully. 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. Similarly, the proposal is considered capable of complying with PP08 and the strict tests for new tourism accommodation within or adjacent to the AONB. The following section will detail fully how the proposal complies with Policy 43, including the Planning Principles.
- 8.10 In light of the above, the proposal is considered to comply with the requirements of Policy 46, 30 and 43 of the Local Plan and PP06 and PP08 of the Chichester Harbour AONB Management 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

- 8.11 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.
- 8.12 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
- 8.13 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
- 8.14 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.
- 8.15 Paragraph 84 of the NPPF 2021 advises planning policies and decisions should enable *'sustainable, rural tourism and leisure developments which respect the character of the countryside'* and 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'*.
- 8.16 The Granary is positioned to the east side of Steels Lane, opposite several existing residential dwellings, and read against the backdrop of these neighbouring properties which continue northwards along Steels Lane. The surrounding landscape is flat, consisting of farmland to the north and east of the site, with long views of the Granary and neighbouring properties possible across the adjoining field and from Harbour Way to the east. The long-range views of the Granary are filtered, to an extent by the approximately 1.2 metre hedgerow which runs along the northern boundary, however the top half of the building remains visible within the landscape.
- 8.17 The character of Steels Lane remains predominantly rural, but there is clear evidence of residential activity, with several gated vehicular accesses, formed by a variety of boundary treatments and Oak Timber Barn which has a wide domestic curtilage, with ornamental planting fronting the road. The Granary, given its modest distance setback from Steels Lane is visible from the road; however, this remains relatively unchanged by the conversion works, except for the more manicured hedgerow and formalised curtilage which has exposed the previously overgrown boundary stone boundary wall and five-bar gate, to reveal a more formalised entrance and appearance to the site.



- 8.18 As set out above, the physical works to convert the Granary are sympathetic to the surroundings, given the appropriate use of materials, which reflect the local vernacular and result in a building which is appropriate in its design and appearance. The fenestration is appropriate, particularly as it utilises existing openings, which are modest in size and set behind solid timber shutters, reducing the visual impact of the glazing, when the building is not in use. The use of the building will nevertheless result in an increase in light emission, or spillage. However, this is not considered to be adversely harmful upon the character of the area, given the Granary is set against the backdrop of existing dwellings, where there is existing light emission. The proposal incorporates a skylight, which can result in vertical light emission, which is typically more harmful and therefore, given the sites location within the AONB, there will be a safeguarding condition added to secure a blackout blind for the skylight, to limit light emission and ensuring the proposals complies with PP09 (Dark Skies).
- 8.19 The use of the Granary for tourism accommodation is unlikely to result in a noticeable intensification of the site nor an unacceptable increase in noise or disturbance, given the small level of accommodation available, which is likely to be most suited to a single person or couple, rather than families. The proposal if permitted would therefore maintain current levels of tranquillity, with a very small increase in vehicle and pedestrian activity. Taking into account the existing cluster of rural dwellings, the granary building would not appear out of keeping with the character of the area or of detriment to the tranquillity of the AONB.
- 8.20 The proposal would form a modest curtilage to the Granary, providing a small lawned area, parking area, and on-site vehicle turning, using reinforced glass rather than hardstanding, retaining a greener and less developed character to the site. The provision of a modest curtilage is considered acceptable, particularly as it incorporates vehicle parking and on-site turning, with the amenity space proportionate to the size of the Granary, and the level of accommodation provided. The amenity space solely includes the land enclosed within the 'red line' of the proposed plans. The proposal includes a new hedgerow, along the eastern boundary of the site, separating it from the wider parcel of agricultural land to the east, ensuring the extent of the cartilage is clearly defined, preventing encroachment into the undeveloped countryside further eastwards, towards the harbour.
- 8.21 There has been concern raised during the public consultation stage in respect of the proliferation of domestic paraphernalia, which may occur because of the tourism use, which could include the need for the storage of cycles for example. As such, a number of safeguarding conditions have been suggested, which 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.

8.22 Consequently, taking the above considerations into account, the proposal would result in the appropriate and sympathetic reuse of an existing building for the provision of tourism accommodation within the wider district. Whilst the proposal would be partially visible from wider views, within the AONB, the level of natural screening, 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 level of accommodation 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, it would be proportionate to the scale of the accommodation.

Finally, the improved landscaping, provision of on-site parking and turning which define a modest curtilage for the Granary, 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 DS1, DS2 and DS3 of the Chidham and Hambrook Neighbourhood Plan.

iii. Impact upon amenity of neighbouring properties

8.23 Paragraph 130 of the NPPF 2021 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.

8.24 There is an appropriate level of separation between the Granary and the neighbouring dwellings, to ensure the proposal would not have an unacceptable impact on the amenities of the neighbouring properties. The proposed use as tourism accommodation would not give rise to an unaccepted increase in noise or disturbance, nor a significant intensification in traffic movements (above more later). 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

8.25 Policy 39 of the Chichester Local Plan requires developments to have safe and adequate access to the public highway and parking needs can be met within the site.

8.26 The proposal would utilise an existing access onto Steels Lane, which is currently served by a five-bar gate. The proposal would introduce the ability to turn on site, and provide sufficient parking for two vehicles on site, although it is likely there would be demand for only a single vehicle, given the level of accommodation. The provision of an electric vehicle charging point, will 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

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

8.28 The proposal would retain the existing hedgerows to the north and west boundaries and proposes a new hedgerow to the east and south boundaries of the site, which would contribute to an overall enhancement for biodiversity, and extend the existing hedgerow network around the site. The provision of bat/bird boxes, which could be easily installed to the Granary, would provide additional habitats within the site. The proposal also seeks to provide a reed-bed, as on-site nitrogen mitigation (above more later) which, in time would also contribute to the overall biodiversity enhancement of the site. Therefore, subject to compliance with the recommended conditions, including a limitation to external lighting, the proposal would adequately safeguard and enhance the biodiversity of the site in accordance with national and local planning policies.

vi. Drainage

8.29 The site is within flood zone 1 which is low risk of flooding. It is indicated the surface water drainage, is dealt with via soak away, which is the preferred means of drainage which would be secured, via the building control process and in any event appears to be operating satisfactorily currently. Given the modest size of the existing building, and the limited runoff it is not considered necessary to obtain further details of the proposed drainage scheme.

8.30 The proposal seeks to incorporate a new Package Treatment Plan (PTP), which would need to be installed in accordance with the relevant building control regulations and should be maintained in accordance with the manufacturer's requirements. A condition has been suggested to secure a maintenance plan for the PTP, which would include frequencies of emptying/inspection to ensure the ongoing operation of the PTP throughout the lifetime of the development. As such, subject to compliance with the suggested condition, the proposal would comply with PP05 of the Chichester Harbour AONB Management Plan.

vi. Nutrient neutrality

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

- 8.32 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).
- 8.33 To assist the LPA with its appropriate assessment, the applicant has submitted a nitrogen mitigation proposal, which details the additional nitrogen resulting from the proposed development (0.77 kg of Nitrogen per year) and a Nitrate Mitigation Proposal which details the proposed offsite mitigation. The mitigation includes the provision of a bio-bubble PTP which removed approximately 88.5% of the nitrogen from the wastewater, plus an on-site reedbed measuring 22.5 square metres (roughly 4.1 by 5.5m in size). This proposal was tested via an appropriate assessment, in consultation with Natural England, who raised no objection to the application, subject to securing the proposed mitigation.
- 8.34 Subsequently, Natural England updated their methodology for calculating the level of nitrogen resulting from new development on the 16 March 2022. It advises that the previous methodology, for previous mitigation proposal is no longer appropriate, consequently requiring the mitigation proposal to be revised and a further AA to be carried out.
- 8.35 An updated nitrate neutrality report (number 4) has been provided, which sets out the proposed development would utilise a new bio-bubble PTP which is a highly efficient way of reducing nitrogen from wastewater, with adequate evidence provided to support the efficiency of the PTP. The highest recorded output from the PTP is 2 mg/L TN.
- 8.36 As the proposal is located within a catchment with Deductible Acceptable Loading<sup>1</sup>(DAL), a deduction of 2 mg/L TN can be included within the Solent Nutrient Budget Calculator V2.1. By including this deduction, the discharge concentration of the PTP is effectively reduced to 0 mg/L TN, which results in a calculated annual nitrogen load to mitigate of 0 kg TN/year. This proposal as evidenced subsequently does not require nutrient neutrality mitigation.
- 8.37 In addition, Natural England acknowledge that further information has also been provided by the applicant, to support the long-term use of the PTP. This includes a proposed long-term monitoring and management strategy, including annual inspections and an alarm system in case of a malfunction. These measures have been secured through the suggested conditions.
- 8.38 Consequently, taking the above considerations into account, the proposal would, subject to a satisfactory consultee reply from Natural England 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

8.39 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.

8.40 The following contribution will be secured through a Unilateral Undertaking.

- 1 x 1-bedroom property (£390) + Monitoring and Obligation fee (£100)

8.41 The contribution of £490.00 has been received, as has the Unilateral Undertaking which secures the contribution, and as such the proposal would comply with Policy 50 of the Local Plan, the requirements of the Habitat and Protected Species Regulations 2017, and PP08 of the Chichester Harbour AONB Management Plan.

vii. Other matters

8.42 A number of third-party comments have been provided, many of which are considered to have been adequately addressed above; however, consideration will now be given to matters raised which are now addressed.

8.43 The planning history for the Granary includes a planning application reference 05/03850/FUL (Change of use of old redundant granary building to 1 no. residential unit and associated works refused permission which was appealed and subsequently dismissed, where the proposal was found to adversely impact upon the AONB. The Inspector's decision is a material consideration in determining this application. However, given the significant passage of time since the appeal decision, (2006) plus the change in both national and local plan policies, less weight can be given to this appeal decision. Specifically, Policy 46 of the local plan, which is a fairly permissive policy in terms of offering support for the conversion of building within the countryside and the lesser extent of the works proposed, the proposal is considered to be acceptable and to comply with the relevant planning policies as outlines above.

8.44 In addition, there has been a significant increase in Permitted Development Rights made available by the General Permitted Development Order 2015 (as amended), which increasingly makes provision for the re-use of existing buildings. The change of use of the Granary, is highly likely to have been possible under Schedule 2, Part 3 Class R (agricultural building to flexible commercial use) of the General Permitted Development Order 2015 (as amended), with the flexible commercial uses including B8 (storage and Distribution), C1 (hotel) and Class E (commercial, business or service). It is of note there is no requirement for the developer to seek Prior Approval under Class R if the building is less than 150 square meters (which the Granary is), with the only requirement being the provide written notification to the LPA of the intended change of use. In addition, the provisions of Class R allow for the formation of a curtilage up to 50 square metres. Therefore, it is highly likely an alternative use for the Granary, including those within Classes B8, C1 and E would have been possible, without obtaining planning permission.

- 8.45 A number of representations refer to the absence of an environmental impact assessment; however, this would not be a requirement for a development of this scale.
- 8.46 Concern has been raised in respects of retrospective nature of the proposal; however, the Town and Country Planning Act 1990 (as amended), makes provision through s73A for a grant of retrospective permission. The retrospective nature of this application would not preclude a favourable recommendation, subject to full compliance with the Development Plan.
- 8.47 A septic tank appears to have been installed on the site, without a grant of planning consent of building control approval; however, the proposal would regularise this by replacing the septic tank with a PTP and would therefore address this issue.
- 8.48 Finally, concern has been raised with regards to the accuracy of the proposed plan, and the ownership of the adjacent nursery. The proposed plans are appropriately detailed to make a full assessment of the planning application, with the extent of the red and blue lines, indicated the application site, and extend of adjoining land within the applicant's ownership, respectfully, clear, and unambiguous.

### Conclusion

- 8.49 The proposed use which has been in operation since 2019 is an appropriate use of a former agricultural building for tourist accommodation, within the countryside. The proposal would result in a high-quality development, which would be sympathetic to both the heritage of the Granary and the surrounding protected landscape of the Chichester Harbour AONB. The proposal would provide quality, year-round accommodation which would contribute, albeit in a modest way, to the growing demand for tourist accommodation within the district. The proposal would not result in any adverse impacts upon the character and tranquillity of the AONB, and or cause harm to the environment, highways safety or biodiversity.
- 8.50 The proposal therefore accords with the relevant national and local planning policy and associated planning 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 Act

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

## **RECOMMENDATION**

**PERMIT WITH S106** subject to the following conditions and informative: -

1) The development hereby permitted shall be 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) Prior to the installation of the package treatment plant hereby permitted, a scheme for the maintenance and management of the system shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, upon the completed construction of the package treatment plant the scheme shall be thereafter retained in perpetuity

Reason: The details are required to ensure the foul drainage system is designed appropriately and properly maintained and managed as soon as it is installed to ensure long-term effectiveness.

3) Within 6 months of the date of this decision covered and secure cycle parking spaces shall 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.

4) Within 6 months of the date of this decision refuse and recycling storage facilities shall 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.

5) Within 6 months of the date of this decision one Electric Vehicle (EV) charging point shall be provided 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.

6) Within 3 months of the date of this decision the following ecological enhancements shall be implemented onsite:

- i. The integration of a bat box into the Granary building, facing a south/south westerly and positioned approximately 3-5m above ground.
- ii. The integration of a bird box into the Granary building

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

Reason: In the interests of securing a biodiversity enhancement.

7) Within 3 months of the date of this decision the rooflight on the southern roof slope of the Granary should be fitted with a blackout blind, which shall be closed between dusk and dawn, and shall be retained and maintained to an operational manner in perpetuity.

Reason: In accordance with dark skies policy, and to preserve the special character of the AONB and tranquil character of the countryside.

8) Within 6 months of the date of this decision a scheme of soft landscape works shall be 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 and a programme for the provision of the soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided; the works shall be retained in perpetuity.

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

9) Within 6 months of the date of this decision the vehicle parking and turning spaces shall have been constructed in accordance with the approved site plan, utilising a grass protection mesh or similar reinforced grass covering. These spaces shall thereafter be retained for their designated use.

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



10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the proposed accommodation shall be used for holiday accommodation only and shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any other purpose in Class C3 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 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). A register of all occupiers, detailing dates, names, and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by the Local Planning Authority. Any occupation of the units by a single party for a consecutive period exceeding 1 month shall be required to provide evidence of their place of primary accommodation.

Reason: To ensure that the accommodation is only used as holiday / tourist accommodation, since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

11) 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.

12) 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.

13) Within 6 months of the date of this decision the development shall have fully implemented the requirements of the Nutrient Neutrality Report (Number 4) and drawing 3D (proposed site plan), including the provision of the bio-bubble PTP which shall be installed to an operational manor for the purposes of adequately treating the wastewater from the development. Thereafter, it shall be retained, maintained, and monitored in accordance with the submitted Sewage Treatment Plant Monitoring & Maintenance Checklist 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.

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - LOCATION PLAN	Drawing 1		07.10.2021	Approved
PLAN - EXISTING SITE PLAN	Drawing 2		07.10.2021	Approved
PLAN - EXISTING/PROPOSED FLOOR PLANS WITH ELEVATIONS	Drawing 4		07.10.2021	Approved
PLANS - Plans PLAN -	Drawing 3	D	08.06.2022	Approved

### INFORMATIVES

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

2) The applicant is reminded that the prior written consent of the Environment Agency, West Sussex County Council as Lead Local Flood Authority and other external organisations may be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 may be required in respect of water and foul discharge off site.

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

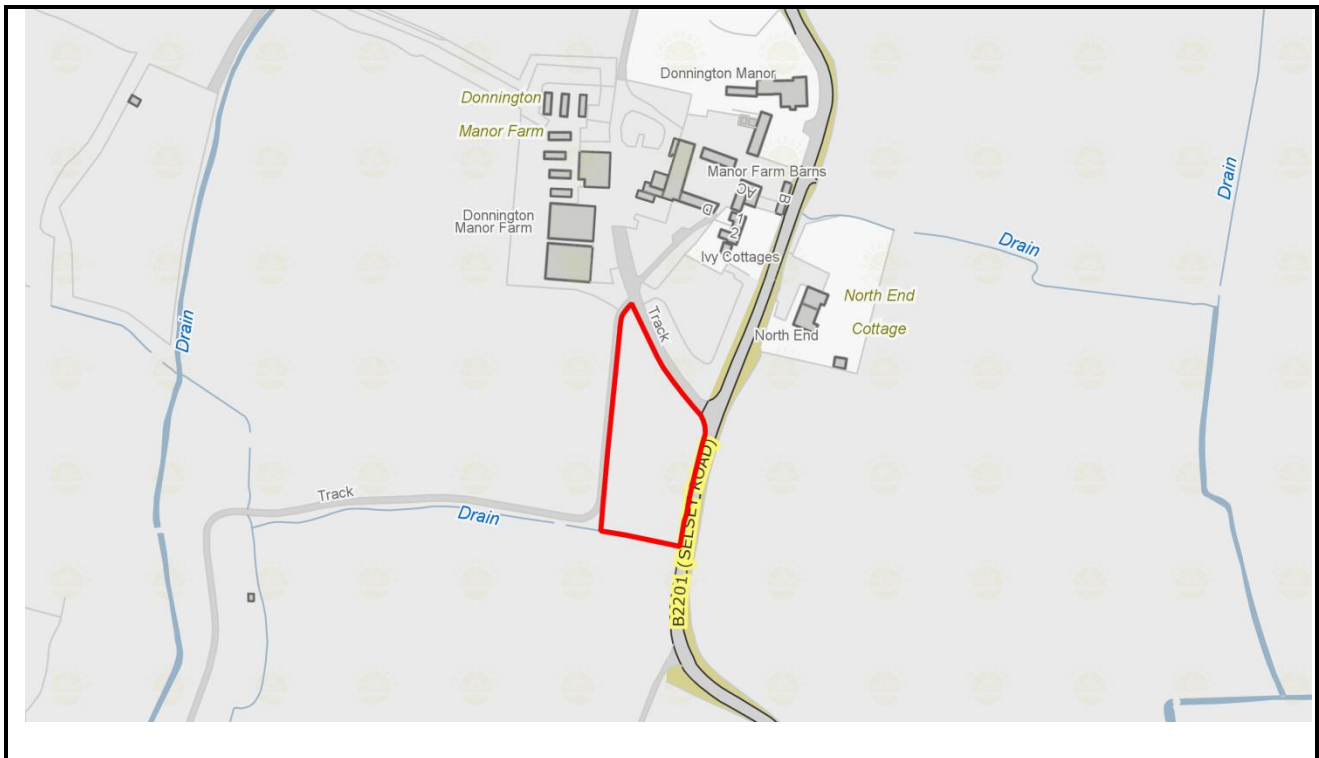
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R03LO2ER0PD00>

Parish: Donnington	Ward: Harbour Villages
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**D/21/00997/FUL**

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

**RECOMMENDATION TO REFUSE**



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

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

## **2.0 The Site and Surroundings**

- 2.1 Donnington Manor Farm is located within the designated countryside, to the south of the Donnington Settlement Boundary and west of the B2201 (Selsey Road). It comprises approximately 360 acres of agricultural farmland, agricultural barns, and storage areas, which comprise the existing, established farming complex. In addition, several diversified developments include a courtyard of offices, other light industrial uses, and dog walking and seasonal camping facilities.
- 2.2 The parcel of land, subject to this application is located to the south of the main cluster of existing agricultural and storage buildings, the existing dwellings on the site (1 and 2 Ivy Cottages) and the main vehicular access from Selsey Road. The parcel of land is broadly rectangular in shape, tapering to the north, and approximately 0.45ha in area. The parcel of land comprises agricultural land; however, it is only the very edge of the wider farmland, separated via an established track and appears to be of lower quality. There is existing tree and hedgerow boundary planting to the south, east, and north of the application site.
- 2.3 The character of the wider area is rural, with open farmland surrounding the site, with Donnington Manor Farm comprising the main cluster of buildings, within this otherwise undeveloped area. There is another cluster of dwellings, approximately 500m further south along Selsey Road.

## **3.0 The Proposal**

- 3.1 The proposal comprises the construction of a one and a half storey chalet style bungalow, with landscaping and associated works. The dwelling would serve as a Farm Manager's house, which would be occupied by the applicant and his partner. The applicant is currently managing the daily operations of the farm and involved in supporting the diversified activities, such as camping and dog walking facilities, which his partner also assists with.
- 3.2 The applicant and his partner currently reside on site, in 2 Ivy Cottages, which is a listed cottage which lies under the ownership of the applicant's father and uncle who own Donnington Manor Farm. The additional dwelling is sought on site to provide additional space for the applicants to manage the business and start a family.

#### 4.0 History

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

#### 5.0 Constraints

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

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

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

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

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

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

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

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

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

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

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

### 6.3 WSCC Local Highway Authority

*Comments 09.07.2021 (Summarised)*

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

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

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

The applicant has provided cycle parking to WSCC specification.

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

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

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

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

#### 6.4 CDC Coastal and Drainage

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

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

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

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

#### 6.5 CDC Environmental Strategy

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

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



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

To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles

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

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

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

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

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

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

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

## 6.7 Third party support comments

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

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

## 7.0 Planning Policy

### The Development Plan

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

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

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

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

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

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

## National Policy and Guidance

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

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

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

## Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD

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

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

## 8.0 Planning Comments

8.1 The main issues arising from this proposal are:

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

### Assessment

i. Principle of development

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

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

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

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

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

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

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

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

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

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

8.10 In addition, 1 and 2 Ivy Cottages are also available and located within the main farming enterprise, with one currently occupied by the applicant and the other by a retired farmworker, who is understood to have a secure tenure of 1 Ivy Cottage. As such, it is considered there is accommodation currently available on site, albeit accommodation which comprises of a modest Grade II listed cottage and detached outbuilding/office.

8.11 It is argued the accommodation is unsuitable for a growing family, with limited ability to extend or adapt the property. It is appreciated any extension to one of both of the cottages would require a sensitive design, and subservient in size and scale to the historic core of the cottages. In this context, following an 'in principle' discussion with the Council's conservation and design officer, officers' are of the view an appropriately designed extension is feasible and could be explored fully by the applicants.

8.12 It is appreciated that an extension to the cottages might not provide a comparable level of accommodation sought by the applicants. However, in this case no essential need has been proven, and it is considered that a suitable extension to the cottages could provide an acceptable level of living space to meet the needs of a growing family.

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

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

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

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

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

8.15 The proposed dwelling would be sited to the south of the main access from Selsey Road, close to the main cluster of buildings associated with the farming enterprise. It would be read in conjunction with the existing commercial building, converted agricultural buildings and storage yard. Therefore, it would not appear as an isolated structure within the countryside, despite introducing built form to the south of the main access road.

- 8.16 The proposed dwelling would be positioned within a large parcel of land, currently benefitting from established tree planting to the east and south boundaries, which provides a good level of screening to the site, filtering views of the site from Selsey Road. In addition, the proposed site plan also indicates further planting would be provided to the north and south boundaries to enhance current levels of screening. The western boundary would remain open, affording long range views across the adjacent field and farmland towards the dwelling, although this is not dissimilar to the long-range views currently possible of the existing complex of agricultural and commercial buildings.
- 8.17 In summary, the proposed dwelling is considered, on balance to be appropriately sited to minimise its impact upon the character and appearance of the countryside, by virtue of its close association with a larger cluster of existing buildings, with existing and proposed landscaping and boundary treatments (details of which could be secured via condition). As such, the proposal can comply with this criterion, in respect of its siting and landscaping; however, officer have reservations in respects of the size and scale of the dwelling and its detailed design. These matters are set out below.
- 8.18 In conclusion, in respect of the principle of the development, it is considered that the applicant has failed to demonstrate that there is an essential need for the provision of the proposed dwelling in the countryside. There is no functional need for a farm manager to live on the farm itself, and in any event, there is an existing dwelling in the farmyard which provides accommodation for a farm worker to meet the desire for a worker to live on the farm.
- ii. Design and impact upon character of the surrounding area
- 8.19 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.
- 8.20 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
- 8.21 As set out above, the proposal would provide a chalet style bungalow, which fails to reflect or respond to the character of the site and would appear at odds with the agricultural and commercial context of the site and also does not respect the local vernacular. The dwelling, whilst simplistic in its placement of windows and use of materials, appears overly domesticated and bulky in appearance, particularly due to the use of the projecting gable detail to the front (north) and rear (south) elevations, the addition of a flat roofed dormer with balcony and the number/placement of rooflights. In addition, the dwelling would result in an unbalanced, top-heavy appearance due to the low eaves line, relative to the high ridge height. It is considered that the design fails to take enhance the quality of the area, and the opportunity to provide a modest dwelling that would respond to the context of the site, reflecting the architectural qualities of the nearby agricultural buildings, more in keeping with the local character, has been missed.

8.22 Consequently, in view of the above, the detailed design approach which would result in an overly domesticated, unbalanced, and incongruous appearance would fail to respond to and respect the character of the application site. It would therefore be contrary to NPPF 2021 Para 130 of the NPPF, and Policies 33 and 47 of the Chichester Local Plan all of which seek to secure high quality design that responds to and respects the site and its surroundings.

iii. Impact upon amenity of neighbouring properties

8.23 Section 12 of the NPPF states inter alia that planning decisions should achieve well designed places create places that offer good design quality a high standard of amenity for existing and future users. In addition, Policy 33 of the Local Plan seeks to protect the amenities of neighbouring properties in terms of their outlook, privacy, or available sunlight and daylight.

8.24 There is an appropriate level of separation between the proposed dwelling and the closest neighbouring properties, including 1 and 2 Ivy Cottages and the two cottages located on the east side of Selsey Road, ensuring that the proposal would not adversely impact upon the amenities of the neighbouring residential properties. Therefore, the proposal in terms of amenity impact outlook and privacy would not conflict with the NPPF and Policy 33 of the Local Plan although there are officer concerns in respect of the design.

Impact upon highway safety and parking

8.25 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.

8.26 The proposal would utilise the long-established access into the farm from Selsey Road, where there is adequate hardstanding on and of the application site to provide vehicle parking and turning. The proposal is not considered to give rise to an unacceptable intensification of the existing access. The provision of an electric vehicle charging point, which could have been secured via condition would contribute towards sustainable 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 adopted Local Plan.

v. Ecological considerations

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



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

vi. Sustainability

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

vii. Drainage

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

vi. Nutrient neutrality

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

8.20 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).

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

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

vii. Recreational disturbance

8.23 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area (SPA) and with the 3.4km zone of the Pagham Harbour SPA where a net increase in dwellings would likely cause harm to the special qualities of the European designated site because of recreational disturbance. In accordance with Policy 50 and 51 of the Local Plan a financial contribution towards the Bird Aware Solent scheme is required to mitigate recreational disturbance as a result of the proposal.

8.24 As the recommendation is to refuse this application, the council has not sought to obtain the require recreational disturbance fee and has sited this as a reason for refusal. However, the council acknowledged this matter could be satisfactorily addresses through the receipt of a signed legal agreement and the requisite fee, which could be addressed during a subsequent appeal again a refusal to grant planning permission.

vii. Other matters

8.25 The National Trust holds a Section 8 covenant over the application site, requiring the applicants to obtain consent from The National Trust to erect a building. This would constitute a private matter, which is not a material consideration in planning terms. Therefore, it would not preclude the local planning authority from granting planning permission. However, it could preclude the applicants from constructing the dwelling, in the event The National Trust refuses to grant consent under its Section 8 covenant.

## Conclusion

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

## Human Rights

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

## **RECOMMENDATION**

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

- 1) The proposal would result in the erection of an additional agricultural workers dwelling, which is not considered essential for the operation of the existing agricultural and related business uses or necessary given that adequate and accessible residential accommodation is already available nearby, in a rural areas outside of any designated settlement boundary. In addition, it would result in a dwelling which is larger than what would be required to meet an essential need (if one was identified). The proposal would therefore constitute an unjustified and inappropriate form of development in the rural area. It would therefore conflict with policies 1, 2 and 37 of the Chichester Local Plan 2014-2029.
- 2) The proposal would result in a poorly detailed, overly domesticated, unbalanced dwelling, which overall would fail to preserve local distinctiveness and would be incompatible with the character of the adjoining farm dwellings and buildings within the main rural site. As such, the proposal would fail to take the opportunities available to improve the overall quality of the area, contrary to Paragraph 130 of the NPPF 2021 and criteria nos.1-5 of Policy 37 plus Policies 33, 37 and 47 of the Local Plan 2014-2029.

- 3) The proposed development lies within the 5.6km zone of influence upon the Chichester and Langstone Harbours Special Protection Area (SPA) and with the 3.5km zone of influence upon the Pagham Harbour SPA where it has been identified that the net increase in residential development results in significant harm to those areas of nature conservation due to increased recreational disturbance. The applicant has failed to make sufficient mitigation against such an impact and, therefore, the proposal is Policy 50 and 51 of the Chichester Local Plan Key Policies 2014-2029. The development would, therefore, contravene the Conservation of Habitats and Species Regulations 2017, the advice of both Natural England and Section 15 of the National Planning Policy Framework and Affordable Housing Supplementary Planning Document July 2016.

## **INFORMATIVES**

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

2) This decision relates to the following plans:

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

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=QQVI8WERG9A00>

Parish: North Mundham	Ward: North Mundham And Tangmere
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**NM/20/02989/FUL**

<b>Proposal</b>	Hybrid planning application comprising of full planning permission for 66 dwellings and associated development, including landscape, highways and parking, and outline planning permission with all matters reserved except access for open space (including informal amenity open space, bandstand and community orchard) and provision of new 3.5m wide footway/cycleway link to West Sussex Alternative Provisions College with reconfiguration of existing car parking spaces and relocation of storage facility.		
<b>Site</b>	Land South Of Lowlands North Mundham West Sussex		
<b>Map Ref</b>	(E) 487149 (N) 102192		
<b>Applicant</b>	Sunley Estates Ltd	<b>Agent</b>	Ms Amanda Sutton

**RECOMMENDATION DEFER FOR SECTION 106 THEN PERMIT**



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

1.1 Parish Objection - Officer recommends Permit

1.2 Officer's Recommendation contrary to Development Plan but in accordance with the Interim Position Statement for Housing

**1.3 This application was deferred at the 8 September 2021 meeting of the Planning Committee for further information on the following grounds:**

- **To request attendance at the Committee by National Highways in respect of the wider cumulative impact of development on the A27 and explain any mitigation proposals.**
- **Information from WSCC Education on lack of school places in the area, including a response to their comment on the Hunston Neighbourhood Plan.**
- **Information from WSCC Highways regarding the local highway impact and a response to their comments on the Hunston Neighbourhood Plan and why this application has a different response.**

**1.4 In the intervening period the Council has also published its 5 year housing land supply position for 2021-2026 (updated position at 1 April 2021) which indicates that the Council benefits from a supply of 5.3 years. Following recent appeals (PINS refs. APP/L3815/W/21/3284653 – ‘Raughmere’, APP/L3815/W/21/3286315 ‘Church Road’ and APP/L3815/W/21/3270721 - ‘Land north of Madgwick Lane, Westhampnett’), the Council now identifies there is a potential housing supply of 3,356 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,350 net dwellings. This results in a surplus of 6 net dwellings which is equivalent to 5.01 years of housing supply.**

**1.5 The government has also published a Government written ministerial statement (June 2021) setting out a requirement for First Homes on sites subject to full or outline planning permission determination after 28 December 2021 (or 28 March 2022 where there has been significant pre-application engagement). The provision of First Homes is therefore also a material consideration for this application.**

## **2.0 The Site and Surroundings**

2.1 The 8.5ha application site is located immediately to the west of the village of North Mundham and within the countryside in policy terms. Part of the eastern boundary of the site immediately abuts the Settlement Boundary of North Mundham, as set out in the adopted Local Plan. Approximately two-thirds of the application site (the eastern portion) lies within the Parish of North Mundham and includes the area of housing and open space. The western portion of the site lies within the Parish of Hunston.

2.2 The application site is located immediately to the south of the former Lowlands Nursery, which itself is located south of the B2166 Lagness Road. The former Lowlands Nursery site has planning permission (ref: 20/01686/FUL) for 39 dwellings, also submitted by the Applicant, Sunley Estates Ltd, and was considered by the Planning Committee in December 2020.

- 2.3 There is existing residential development to the east of the application site, including St Stephens Church, a listed building which is a notable feature from within the site and the grade II listed Pigeonhouse Farm. Agricultural fields surround the remainder of the boundaries. Hunston Copse (SNCI) is located to the south-west of the application site. Vehicular access is proposed from the B2166, utilising the access and internal road proposed in the housing development (the former Lowlands Nursery application ref: 20/01686/FUL) to the north of this site.
- 2.4 The application site itself comprises grassland pasture. Overhead power lines cross over the centre of the site and a foul sewer pipeline runs south-west to north-east across the site. An existing Public Right of Way (PROW) runs through the application site, adjacent to the southern boundary, connecting the villages of North Mundham and Hunston. The site is enclosed on all boundaries by a continuous hedgerow with scattered trees. Drainage ditches flow along the southern, western and part of the northern boundaries of the site. There is also a moat in the north-eastern corner of the site. The site itself is relatively flat in topography but falls to the north of the site towards the existing ditches along the northern boundary.

### **3.0 The Proposal**

- 3.1 The application is a hybrid application which seeks:
- full planning permission for the erection of 66 no. dwellings and associated development, including parking, open space, an equipped area of play, and SuDS (Phase 1), and
  - outline planning permission with all matters reserved except access to the east of the application site for open space (including informal amenity open space, bandstand and community orchard) and the provision of new 3.5m wide footway/cycleway link and reconfiguration of the existing car parking spaces and relocation of storage facility within the West Sussex Alternative Provisions College (Phase 2).
- 3.2 As originally submitted the application included a community hub building (Use Classes E and F) and associated parking (17 spaces) within the outline application area, however following further consideration of this element by North Mundham PC, the Parish Council has decided it no longer wishes to progress with a community hub building in this location. Amended details have also included the addition of a band stand within the eastern open space, amendments to the layout of the southern parcel of bungalows, elevational changes and revisions to the housing mix in line with the Council's Affordable Housing Officer's comments.
- 3.3 The open space area and reconfiguration of car parking and storage facility to facilitate the link on the West Sussex school site have been submitted in outline to enable:
- North Mundham Parish Council to consider the precise layout and specification details for the landscaped area; and
  - West Sussex County Council to decide the specific details of the works required to facilitate the link.
- 3.4 The application comprises 66 residential dwellings occupying 2.44 hectares of the site, 4.33 hectares of open space, 0.62 ha of woodland and community orchard, 0.53 ha as SuDS and 0.19 ha of associated infrastructure (access road and cycle/footpath link into the West Sussex Alternative Provisions College).

- 3.5 The overall housing mix comprises:
- 7 x 1 bed (7 flats)
  - 25 x 2 bed (14 houses, 5 bungalows, 6 flats)
  - 24 x 3 bed (23 houses, 1 bungalow)
  - 7 x 4 bed (7 houses)
  - 3 x 5 bed (3 houses)

- 3.6 In terms of the split between market (70%) and affordable (30%) units, the proposal breaks down as follows:

Unit size	Private (70%)	Affordable (30%)		
		Rent	Shared Ownership	First Homes
1 bed	2	4	0	1
2 bed	17	5	1	2
3 bed	18	4	1	1
4 bed	6	1	0	0
5 bed	3	0	0	0
<b>TOTAL</b>	<b>46</b>	<b>14</b>	<b>2</b>	<b>4</b>

- 3.7 The housing is laid out in two distinct blocks within the centre of the site, with the larger parcel located immediately to the south of the housing proposed in the former Lowlands Nursery application (ref: 20/01686/FUL) and extending over the majority of the central part of the application site. A small parcel of 6 bungalows is located to the south of the main housing parcel, extending to the southern boundary of the site.
- 3.8 The layout of the residential parcels comprises a simple perimeter block structure with most dwellings fronting onto the access road, block paved shared access areas or the cycle/pedestrian link to the north. A few properties front directly onto the open space, with footpath links to shared access areas. The access road through the site has a width of 5.5m reducing to 4.8m where it becomes shared space. The block paved shared access areas have widths varying between 4.8m and 4.1m. No road lighting is proposed, only domestic lighting associated with the dwellings.
- 3.9 The density of the residential component of the development is 27dph. The overall design of the residential is sub-divided into 2 character areas, the Northern Area character area and the southern church view character area. The Northern Area character area is a continuation of that granted under the former Lowlands Nursery application (ref: 20/01686/FUL), with the predominant appearance of the dwellings being traditional materials, presented in a modern vernacular. The fenestration takes a more modern approach, with the size of the glazing and the use of contemporary projected window and porch surrounds. Some of the dwellings will be treated with contemporary tile hanging, or areas of horizontal boarding/Eternit cladding and detailed brick work. The Church View character area proposes a similar palette of materials to the northern area, using a main brick with an alternative feature brick under slate and plain clay tiled roofs and with details including tile hanging and darker muted tones to the window and door framed and soffits and fascia. A more traditional form, however, is proposed for the dwellings in the Church View character area, to reflect their location within the listed church viewing corridor. Building heights within the site are in keeping with the village of North Mundham, with predominately 2 storey dwellings proposed, as well as single storey bungalows to the south.



- 3.10 The grade II\* listed St Stephen church is a notable feature from within the site looking eastwards. Its location, together with that of Pigeon House Farmhouse, a Grade II listed building also to the east, have both been taken into consideration within the layout and design approach for the proposal. To reflect this, to the east of the housing, is proposed an area of public amenity open space with a series of mown paths, a bandstand and a community orchard. To the south of the amenity open space is a SuDS pond and an equipped play space. A 1.8m wide cycle/foot path is proposed through this area.
- 3.11 To the west of the housing, is an Ecological area comprising meadow grassland (as informal open space), SuDS features and an area of native woodland. The SuDS comprise attenuation ponds located within the area of public open space in the east and within the ecological area in the west which are connected by a series of swales, crossed on the western side by two boardwalks. The SuDS are proposed to be attenuated and then discharge into the existing watercourse on the northern boundary.
- 3.12 Following the grant of reserved matters application for the open space and ecological mitigation land and its laying out, it is proposed that the open space area to the east of the application site and the ecological area to the west, but excluding the SuDS attenuation ponds and swales, would be transferred to North Mundham PC, together with a maintenance contribution of £200,000, to be ensure the long-term maintenance and management of these areas for a 15 year period.
- 3.13 Access to the application site is proposed to be an extension to the new 5.5m wide vehicular access road off the B2166 Lagness Road, granted as part of the planning permission for the Former Lowlands Nursery (ref. 20/01686/FUL). The pedestrian/cycle route, proposed as part of the Former Lowlands Nursery application (ref: 20/01686/FUL), would be extended into this application site through a dedicated pedestrian/cycle link in the centre of the northern boundary. The 3.5m wide shared pedestrian/cycle link is then proposed to run adjacent to the northern boundary of the site in both an east and west direction. To the east it is proposed to connect through to Alywin Place, via the West Sussex Alternative Provisions College, and to the west it is proposed to go through the ecological area to the western site boundary, to assist in facilitating future cycle connections towards Hunston. A shared pedestrian/cycle link is also proposed through the public open space on the eastern side of the site. Finally, an existing Public Right of Way (PRoW) runs along the southern boundary of the development connecting the Village of North Mundham with Hunston, which is proposed to be upgraded to a 3m wide Hoggin path.
- 3.14 A total of 173 car parking spaces are proposed for the residential dwellings, comprising 111 allocated spaces (including 30 garages and 12 car ports) and 20 visitor spaces. Cycle parking for the houses would be within garages or garden sheds capable of accommodating 2 bicycles while a communal cycle facility would be provided for the flats.
- 3.15 The existing power lines, which currently run across the site in a north-west to south-east direction, are proposed to be diverted and buried within the 6m wide SSE easement, shown to be retained adjacent to the western side of the residential dwellings. This easement is an extension to that included in the Former Lowlands Nursery site to the north. An on-site sub-station has been approved on the Former Lowlands Nursery site to the north and a connection will be made to this sub-station, to serve the residential dwellings and electric charging points within this application site.

3.16 The foul sewer pipeline which currently runs south-west to north-east across the site is also proposed to be diverted and buried, as part of the development proposals, connecting to the existing outfall position on the eastern boundary.

#### 4.0 History

20/01686/FUL	PER	Erection of 39 no. dwellings and associated development, including landscaping, highways and parking.
20/02328/HDG	NORE	Creation of 2 no. gaps in 2 no. hedgerows (1 and 2), with gaps approximately 5m in length and will be replanted with similar native species once the underground cabling has been installed.
20/02527/HDG	NORE	Creation of 1 no. gap in 1 no. hedgerow (3), with the gap approximately 5m in length and will be replanted with similar native species once the underground cabling has been installed.

#### 5.0 Constraints

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

#### 6.0 Representations and Consultations

##### 6.1 North Mundham Parish Council

##### **Comments received 22/06/2021**

North Mundham Parish Council has been involved in ongoing discussions with Sunley Estates Limited, the applicant and prospective developer of this site.

The Parish Council has agreed that it is ready to accept in principle the transfer of ownership of those parts of the site generally as defined in drawing CB 75 217 902 Proposed land to be transferred to North Mundham Parish Council Substitute plan 28/5/21. The Council notes that this will involve taking ownership of the route of the existing public footpath, the route for a potential footway and cycleway link, and an ecological mitigation area together with spaces designated for native woodland and community use.

Such transfer of ownership will be subject to detailed agreement on items such as boundary treatment and support for maintenance costs in the early years, and provision for access to enable the site Management Company to maintain the SUDS features and attenuation ponds which will remain in the Management Company's ownership and its continuing responsibility.

### **Comments received 11/01/2021**

At its meeting on 5th January 2020, North Mundham Parish Council felt that this application was of a high standard; the well-designed site, the spatial relationship to the existing village and the design and appearance of the dwellings are appropriate to the Parish. It was the view of the Council that the site provided a good mix of housing. Specifically, we would support the proposed mix of market housing with some larger houses, noting that this would add balance to the distribution of housing in the Parish where currently all the smaller and affordable housing is in the North Mundham settlement area.

However, the Council are concerned that this development is a very large single development and combined with the adjoining approved development will result in a total of 105 potential new dwellings in the village. The current lack of clear direction on how many houses the LPA are looking to allocate within the parish has made it extremely difficult for the Council to properly scrutinise whether the size of this development is appropriate in the context of new housing distribution in the parish.

The Parish Council also continues to have concerns in relation to the ongoing issues associated with the wastewater flows in the parish and the lack of capacity at the Pagham Water Treatment Works. The Parish Council is aware that new developments in Arun District Council have already exceeded any spare capacity that may have been available. The Parish Council needs to be reassured that Southern Water will be able to handle the flow from this development, taking into account the known excess flow and flooding in North Mundham during periods of heavy rain.

The Parish Council also highlights traffic issues associated with the B2166. This is already a very busy road and the impact of this development and the developments in Pagham will add even further loading.

However, despite these reservations North Mundham Parish Council resolved to make no objection to this application subject to a condition to covenant the open space to prevent any further building on site in the future and a stringent management plan being put in place. This reflects our concern to ensure that the significant amount of open space within the site is maintained to a high standard and the groundwater drainage management solutions are maintained to a standard that ensures that they work as they have been designed. The Parish Council would request that if this application is permitted it is consulted on the Management Plan.

## 6.2 Hunston Parish Council

Firstly, Hunston Parish Council is extremely concerned that it was not co-consulted on this application, a significant third of this being within the Parish of Hunston.

I am requested to ask that our comments are given the same weight/consideration of those of North Mundham Parish Council given that the application will have a significant affect on the Parish.

Hunston Parish Council objects to this application on the following grounds:

- Approximately one third of this application lies within the Parish of Hunston and yet the Parish Council has not formally been consulted on this application.
- Access to the site is at a narrow point on a busy B road and very close to a blind bend making it dangerous for vehicles turning right out of the proposed development and turning right into the development.
- The development results in further coalescence between North Mundham and Hunston villages.
- The ongoing issues associated with the wastewater flows in both North Mundham and Hunston and the lack of capacity at the Pagham Water Treatment Works given that any spare capacity has already been taken up by developments on Pagham.
- The Flood risk assessment states that part of the site could be at ground level during the wetter winter months. It also indicates that ground and surface water will flow to the north and west of the plot. The field to the West/NW has a small culvert which drains land to the Northwest of the B2145 into the Bremere Rife at Swan Cottage. Any increase in flow of groundwater or surface water from the application site is bound to increase the flow and level of groundwater in the field to the West and thus increase the likelihood on that field flooding and along the B2145 around the area near Hunters Lodge riding stables.
- Although the Parish Council is aware that the developer has agreed to put covenants on the open land/wildlife areas there has been no discussion with Hunston Parish Council on this matter and since much of this area including a substantial part of the SUDS drainage system, falls within Hunston Parish, the Council would expect to be included on any such agreements.

## 6.3 Southern Water

### **Comments received 21/06/2021**

If the applicant wishes to divert the public sewer, Southern Water requests a formal application for a sewer diversion under S185 of Water Industry Act 1991. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers, rising mains or water mains.

No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.

All other comments in our response dated 22/12/2020 remain unchanged and valid.

### **Comments received 22/12/2020**

The proposed development will lie over an existing public foul rising main, which will not be acceptable to Southern Water. The exact position of the public foul rising main must be determined on site before the layout of the proposed development is finalised. It might be possible to divert the foul rising main, so long as this would result in no unacceptable loss of hydraulic capacity and work was carried out at the developer's expense. The 125mm public foul rising main requires clearance of 3m on either side to protect it from construction work and allow for future access for maintenance. No development or tree planting should be carried out within 3m and no soakaways, swales, ponds, watercourses or other surface water feature should be located within 5m. Alternatively the applicant may wish to amend the site layout.

In order to protect drainage apparatus, Southern Water requests a condition is attached to the planning permission that the developer must advise the local authority prior to commencement of development of measures which will be undertaken to divert the public sewer. Should any other sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before further works commence.

Southern Water's desk top study of the impact of additional foul sewerage flows from the proposed development indicate that these additional flows may lead to an increased risk of foul flooding from the sewer network. Southern Water can provide foul sewage disposal to service the proposed development. Any network reinforcement that is deemed necessary will be provided by Southern Water. Southern Water and the developer will need to work together in order to review if the delivery of the network reinforcement aligns with the proposed occupation of the development. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and extent of network reinforcement required. Southern Water will carry out detailed network modelling which will help establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted but for larger developments this may result in an extension of the 24 month period. Southern Water request a condition requiring occupation of the development to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Where a SuDS scheme is to be implemented, the drainage details submitted to the LPA should specify the responsibilities of each party for the implementation of the SuDS scheme, specify a timetable for implementation and provide a management and maintenance plan for the lifetime of the development. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Request condition is attached stating construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted and approved by LPA in consultation with Southern Water.

## 6.4 Highways England

### **Comments received 15/06/2021**

The proposed amendments do not alter our position as stated in our previous response.

### **Comments received 21/12/2020**

No objection on the basis that Chichester District Council seeks an appropriate contribution to the A27 Local Plan mitigations in line with the SPD "Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass" of £172,590 (66 dwellings x £2,615/dwelling) index linked.

The application has included a Transport Assessment, provided by i-Transport, which while providing transport modelling of the nearby junctions, did not consider the SRN itself (in this case particularly the A27 Chichester Bypass) and made an assessment based upon 50 dwellings, not the applied for 66 dwellings. Therefore, Highways England has undertaken its own assessments on the advised number of dwellings within the application, and notes that there would be approximately 37 AM (two-way) and 36 PM (two-way) 2 trips onto the highway network. As such we do not agree with the Transport Assessment but offer no objection to the proposals provided Chichester District Council seeks an appropriate contribution to the A27 Local Plan mitigations.

With regard to the outline planning permission for a community hub building, no further information has been provided in terms of transport assessment, trip generation or supporting evidence. Highways England has no objection in principle to the Community Hub, but would expect a full Transport Statement to be included with the reserved matters application in order to determine any impact the Community Hub may have upon the SRN.

## 6.5 Natural England

### **Nutrient Neutrality**

Further information required to determine impacts on designated sites. Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017. This only applies to developments where the treated effluent discharges into any Solent European site (Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Chichester and Langstone Harbours SPA and Ramsar site, Solent and Dorset Coast SPA or Solent and Isle of Wight Lagoon SAC), or any water body that subsequently discharges into such a site. It is for your authority to determine if this development meets these criteria. If so, Natural England's advice is that the nutrient content of the discharge needs to be considered, in combination with other nutrient inputs, for impacts on the receiving site.

*Officer note: Nutrient neutrality does not need to be considered in the Appropriate Assessment as the development will be draining to Pagham WwTW.*

## **Recreational Disturbance**

Further information required. Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

## 6.6 Police

### **Comments received 8/06/2021**

No further comments to make from a crime prevention perspective.

### **Comments received 03/12/2020**

With the level of crime and anti-social behaviour in Chichester district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

- The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked. This development has all but eliminated the need for vulnerable rear garden pathways.
- Where communal parking occurs it is important that they must be within view of an active room (kitchens & living rooms) within the property.
- Access control to the proposed flats should be implemented into the design and layout to ensure control of entry is for authorised persons only.
- Guidance offered to applicant on footpath design.
- Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. The LEAP is situated very closely to the indicative parking area near to the proposed community hub which has the potential to endanger users of the LEAP. I would ask that when consideration is given to the eventual location that it is surrounded with railings with self-closing gates to provide a dog free environment.
- The proposed planting should not be higher than 1 metre with tree canopies no lower than 2 metres, to provide observation throughout the area. Careful planting of the proposed orchard will also be key to ensure natural surveillance within this area.
- No detailed comments to make at this stage, with regards to the outline planning permission that will facilitate a new Community Hub and open space area.
- Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013.

## 6.7 WSSC Highways

**Comments received September 2021 in response to questions raised just before and during the 8 September Planning Committee meeting:**

- **Can WSSC advise as to whether the latest traffic count information along the B2166, B2145 and Vinnetrow Road (and Marsh Lane if it has any) is showing conformance with the levels used in the Traffic Models which are informing responses to individual applications and the Local Plan Review?**

**The traffic count data recorded in surveys undertaken by the developers has been checked against other available traffic count data and is broadly comparable. This is a standard check we do when assessing Transport Assessments and Statements especially in light of the impact of Covid on traffic levels.**

**In terms of as to whether this traffic count data is comparable to the levels within the traffic models used to inform the Local Plan Review this is not a normal check we would ordinarily undertake. Comparing surveyed traffic flow data with flow data in a strategic transport model would also not be a like for like comparison and therefore we would always check with actual traffic flow data where we can.**

- **Can WSSC provide the evidence to show there are safe, convenient and suitable continuous cycle routes between the three current application sites (that we discussed today) in North Mundham Parish and the City and other local services? What current or proposed plans are there to provide new and/or improved cycle connectivity with the City and other local services?**

**I am not aware of any new cycle routes planned within this vicinity. Given the Community Infrastructure Levy is in place in Chichester we can only seek that development sites provide site specific mitigation that are necessary to make the development acceptable in planning terms. Through our consultation responses we are seeking that all sites provide site specific mitigation to ensure that there is a safe means of access for all. These improvements include footway improvements to connect into the existing footway network, public transport enhancements such as Real Time Passenger Information signs and enhanced waiting facilities to help encourage the use of public transport and as you are aware, on the earlier Lowlands Fields application, we future proofed the design of the site to enable a potential alternative route for NCN2 via Aylwin Place; should this come forward in the future.**



**There is not a specific policy requirement to provide a continuous cycle route between the three application sites and therefore development could be found acceptable in planning terms without providing this specific infrastructure. WSCC officers shall seek opportunities to secure additional sustainable transport infrastructure from development and where possible site specific enhancements to the network.**

- **Justification as to why Lagness Road can cope with 66 + 39 dwellings, with no queueing on Lagness Road when turning right**

**As part of the supporting information within the Transport Assessment (TA) the traffic movements associated with residential dwellings proposed as part of application Lowlands have been added to the movements of the current application to ensure a robust cumulative assessment is undertaken – the original assessment assumed traffic from 50 units, whereas consent was granted for 39 units. The LHA agreed the content of the Trip Rate Information Computer System (TRICS) assessment for this proposal for 50 units in our response to the Lowlands application in August 2020. Further capacity testing has been undertaken for an increased quantum of development to ascertain whether sufficient headroom would exist to accommodate the development of land to the south of Lowlands. The testing has been undertaken on the basis of a cumulative total of 250 units in order to provide a robust assessment. The assessment has utilised the same trip generation, distribution and assignment parameters which were agreed with the LHA for the proposed Lowlands development. The outputs demonstrate that the proposed site access will continue to operate within capacity in both the opening year and future year assessment period and that the junction retains residual capacity. With regard to the question around queuing in both scenarios, a maximum queue length of 1 vehicle is forecast. Therefore there are no capacity concerns.**

- **If the occupiers of the dwellings could not attend the local school, would the additional travel movements on the network lead to concerns regarding transport sustainability?**

**If future occupiers can't access the local school and do have to travel further the impact of this is not considered to be severe as per the NPPF and therefore would not warrant a reason to refuse.**

- **Why did WSCC highways provide a different response to the Hunston Neighbourhood Plan**

**The necessary supporting transport assessments were not provided with the Hunston NP allocation but have been provided with this planning application.**

## **Comments received 15/06/2021**

### Recommendation - Advice

In principle the comments previously submitted by the LHA in December 2020 would still apply to this latest application. There is an additional plan provided on vehicular parking. The parking spaces at 173 spaces for the whole allocation of spaces would be accepted. The number of spaces for vehicles was accepted in principle in our earlier response.

## **Comments received 23/12/2020**

No objection.

### Background

The proposal comprises the redevelopment of the site to provide 66 new homes with access to be taken from an extension to the access associated with planning application 20/01686/FUL known as 'Lowlands' for 39 dwellings. The application was considered for pre-application advice in March 2020 and formally commented on by the Local Highways Authority (LHA) in August and November 2020 respectively. Having assessed the applicants Transport Assessment (TA) the LHA did not raise an objection to the proposals. The Lowlands application was granted consent in December 2020 at Planning Committee.

The latest application is for the site immediately to the south of Lowlands with the particulars as described above. This application is supported by way of a Transport Statement (TS) to further assess the impact on the adjoining highway network.

### Access

Access to the site is to be achieved through the purpose-built junction proposed as part of the Lowlands application which obtained consent following consideration at Planning Committee in December 2020. The proposed access arrangement has been subject to vehicular swept path analysis and a Stage 1 Road Safety Audit, in accordance with the WSCC Road Safety Audit Policy, and all matters have been addressed in accordance with the Auditor recommendations. Visibility splays have also been agreed as per the Lowlands application.

### Speed Limit Change

As part of the Lowlands application and within the TS of this application, the applicant has indicated that they will be applying for a TRO to reduce the current posted speeds from 60 to a 40 mph. The requirement to enter into the TRO was not included in the S106 heads of terms, as the LHA did not require it to make the application acceptable. The applicant had demonstrated acceptable visibility in line with 85th percentile recorded road speeds.

*Officer note: the requirement to enter into a TRO was added to the S106 Agreement for the Lowlands development following the debate at Planning Committee.*

At the Pre-application stage WSCC highways has considered your proposal with regard to at TRO in part for a 30mph limit. However the average recorded speed limits were too high within the submitted survey. In addition Sussex Police would be unlikely to support this as well. In addition there were insufficient frontage accesses along the road in question to further justify this point. The LHA would require the applicant to pay for the funding of the TRO process (£7,500 this is only the legal process, signs and lines etc are extra).

### Capacity

As part of the supporting information within the Transport Assessment (TA) the traffic movements associated with residential dwellings proposed as part of application Lowlands have been added to the movements of the current application to ensure a robust cumulative assessment is undertaken - the original assessment assumed traffic from 50 units, whereas consent was granted for 39 units. The LHA agreed the content of the Trip Rate Information Computer System (TRICS) assessment for this proposal for 50 units in our response to the Lowlands application in August 2020.

Further capacity testing has been undertaken for an increased quantum of development to ascertain whether sufficient headroom would exist to accommodate the development of land to the south of Lowlands. The testing has been undertaken on the basis of a cumulative total of 250 units in order to provide a robust assessment. The assessment has utilised the same trip generation, distribution and assignment parameters which were agreed with the LHA for the proposed Lowlands development. The outputs demonstrate that the proposed site access will continue to operate within capacity in both the opening year and future year assessment period and that the junction retains residual capacity. In both scenarios, a maximum queue length of 1 vehicle is forecast. The LHA would be content with the latest traffic information provided in the TA and consider the data provided a robust assessment. Highways England (HE) will provide comments on the net impact of the development onto the A27 to the north of the site.

### Accessibility

A pedestrian footway is located to the south of the B2166 carriageway. The footway provides a connection from the site eastwards towards the village, North Mundham Primary School and North Mundham Village Hall. Maintenance improvements of the footway are proposed as part of the approved Lowlands application. As part of the access works to implement the access, routine maintenance of the footway between the site and Church Lane to re-establish the full useable width will be undertaken. The extent of the improvements is identified in Drawings ITB15534-GA-001 Rev D and GA-002.

The applicant has undertaken pre-application discussion with both the Parish Council and Neighbourhood Plan representatives, it has been identified that there is an aspiration to divert NCN Routes 2 and 88 from their current alignment along the B2166 to provide for an alternative route into the village. A preferred route has been identified that routes through the site and provides a connection to Alywin Place, utilising land on the site of the Alternative Provisions College (APC). WSCC has confirmed that they are willing to provide the necessary land required to deliver this improvement, on the basis that the car parking which is currently situated along the route of what will become the cycle route is replaced.

The site has access to regular and frequent bus services from bus stops located some 400m to the east of the site. In addition, frequent peak and off-peak rail services are accessible from Chichester Railway Station some 3.2km to the north of the site; the station can be accessed via the 600 bus service or by bicycle using the primarily off-road National Cycle Network Routes 2 and 88.

### Parking and Layout

As with the earlier 'Lowlands' application the layout has been designed in accordance with the principle of Manual for Streets; it provides for a 5m wide access road with footways on either side, before transitioning to a 4.8m wide shared spaced facility.

The layout has been subject to a swept path analysis assessment which demonstrates that the site can be suitably accessed by both refuse collection and emergency vehicles. A secondary emergency vehicle access is provided to offer an alternative means of entering the site in the event of an emergency.

Car and cycle parking are provided in accordance with the WSCC Guidance on Parking in New Developments document. Provision for electric vehicle charging significantly exceeds the minimum requirements.

### Conclusion

Based on the submitted information the Local Highways Authority (LHA) would not raise an objection to the proposals. Having considered the information within the supporting Transport Statement (TS) the LHA does not consider that the application would be contrary to Paragraph 109 of the National Planning Policy Framework (NPPF).

## 6.8 WSCC Fire and Rescue

Condition required for additional fire hydrant(s) for the proposed development. This is to ensure that all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting.

## 6.9 WSCC Lead Local Flood Authority

- Current surface water flood risk based on 30year and 100year events - Low Risk
- Modelled groundwater flood hazard classification - High Risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.
- Ordinary Watercourses nearby? - Yes Current Ordnance Survey mapping shows various watercourse running around the boundary of the site. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development
- Records of any flooding within the site? No

## 6.10 WSCC Rights of Way

No objection.

FP 188 runs east/west on the southern boundary to this site and is a key off road walking to school route from Hunston to North Mundham Primary School. In the event planning consent is granted and this site occupied, it can be reasonably predicted user demand of public (footpath) 188 will increase. This will increase the rate of damage to the path surface, so inconveniencing users and despoiling their enjoyment. So existing and future users' enjoyment is not reduced, this path must be improved. The applicant is required, at its expense, to accept to implement improvement works agreed with and to the satisfaction of WSCC Public Rights of Way service.

It would also be necessary to legally formalise the status of the used link from Foxbridge drive to join FP188 by Hunston Copse which is used as part of the walking to school route. Improvements to the surface will also be required under the same terms as the improvements on FP188.

A number of points of advice for the applicant are also recommended.

#### 6.11 CDC Housing Enabling Officer

##### **Comments received 02/03/2022**

**I hereby provide an amendment to the required affordable housing mix in our response dated 10 June 2021. Recent changes to national planning policy have introduced a requirement for First Homes on sites subject to full or outline planning permission determination after 28 December 2021 (or 28 March 2022 where there has been significant pre-application engagement).**

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

**First Homes must be sold on a freehold basis to first time buyers and key workers at a minimum discount of 30%. First Homes cannot be sold for more than £250,000 after the discount has been applied and can only ever be sold to a household which meets eligibility criteria. The new First Homes requirement can be incorporated within the existing Chichester Local Plan Area affordable housing tenure requirements which is 70% affordable/social rented and 30% affordable home ownership, currently mostly delivered as shared ownership. It is now appropriate for the affordable home ownership to be delivered as 25% First Homes and 5% Shared Ownership. The Council has also introduced a local connection requirement which requires that First Homes sales are prioritised for households who have a live, work or family connection to Chichester District.**

**Taking this into account, the following local HEDNA compliant affordable housing size and tenure mix required to be delivered within this development proposal is:  
Affordable Rented - 4 x 1 bed, 5 x 2 bed, 4 x 3 bed, and 1 x 4 bed.  
Shared Ownership - 1 x 2 bed and 1 x 3 bed  
First Homes – 1 x 1 bed, 2 x 2 bed, 1 x 3 bed.**

##### **Comments received 18/06/2021**

I can confirm I am happy with the amended plans, which is in line with the agreed mix.

## **Comments received 10/06/2021**

The proposed market and affordable mix is in line with previous recommendations and will contribute to meeting an identified housing need within North Mundham and wider Chichester District, albeit 1 additional 2 bed open market unit is provided in lieu of a 3 bed. This is acceptable and will help younger newly forming households to access the market within the parish. As previously mentioned, we are pleased to see the inclusion of 2 and 3 bedroom bungalows which will be appealing to older households who will want to downsize into single storey, smaller accommodation.

### Pepper potting

The development should be delivered tenure blind in that the affordable dwellings should not be externally distinguishable from the market dwellings. It should be noted that the planning layout and affordable housing plans show 1 additional 2 bedroom shared ownership dwelling instead of a 2 bedroom open market dwelling. Should the applicant wish to change one of the units back to open market, I would suggest that this is either plot 29 or 31 to maintain ease of management for any future registered provider. The distribution of the affordable dwellings is acceptable and in accordance with paragraph 4.23 of the planning obligations affordable housing SPD. All units meet or exceed the nationally described space standard which is welcomed.

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

## **Comments received - 4/2/2021**

Following my previous consultation response dated 7 December 2020, the applicant and Parish Council have supplied information to justify an increased need for larger market units within North Mundham Village. Notwithstanding the fact that this would not be compliant with the HEDNA 2020 mix requirements, I have reviewed the Council Tax information supplied by the Parish Council along with other available information including the HEDNA 2020, 2011 census and existing parish stock and turnover to assess the open market mix position.

### HEDNA 2020

Paragraph 34 of the Chichester HEDNA 2020 is clear in that the delivery of market housing across the district should be focused on 2 and 3 bedrooms. It is important to stress that market housing addresses a strategic need within the district and there are no local connection requirements applied on these dwellings. The HEDNA 2020 identifies that between 2019 and 2036, the population in Chichester of households aged over the age of 75 will increase by 56%. As mentioned within my consultation response, the older population will typically look to downsize into smaller accommodation freeing up larger units elsewhere in the parish and district for those in need. Paragraph 2.45 of the HEDNA identifies that there are more sales of larger detached and semi-detached properties in the Manhood Peninsula per annum compared to other sub market areas in the district. These types of dwellings typically command higher sales prices. The increased supply of larger accommodation is resulting in local young families who are looking to leave the rented market being unable to compete for open market housing. There are also noticeable issues seen within Chichester District within the owner-occupied sector where 88% of the sector has more bedrooms than they require. This is particularly acute in areas with an older population such as North Mundham where 35.7% of the population are over the age

of 60. As a result of the above matters, it is important to strike a balance of market dwellings that takes into account the demand for homes, the changing demographic profile and levels of under-occupation. Therefore, in line with the HEDNA 2020, it is reasonable to require smaller homes.

#### Existing Stock

The census 2011 identifies that North Mundham Parish is made up of the following housing stock:

Studio/1 bedroom - 40 (7.8%), 2 bedroom - 123 (23.9%); 3 bedroom - 178 (34.6%); 4+ bedroom - 173 (33.7%).

It is evident that there is a weighting towards larger 3+ bedroom units. Recent major developments at Stoney Meadow and Lagness Road have solely contributed towards the affordable housing need within the parish and as such the supply of market housing has not altered significantly from this survey. Having reviewed the Land Registry sold prices data over the last 5 years, 23 of the 28 (82%) properties sold were 3 or more bedrooms. As such the availability of 2 bedroom open market dwellings to those in need has been diminished. My comments have taken the existing stock and turnover into consideration, hence the increased requirement for 2 bedroom units.

#### Affordability

Chichester District is recognised as being one of the least affordable places to live outside of London by the Office for National Statistics. Local work placed and resident based incomes to house price ratios show that house prices are 13.18 and 10.51 times the median based incomes. This further increases to 13.42 and 12.27 in the lower quartile house prices where affordability pressures are greater. As such, the need for smaller market units to provide more affordable market accommodation for first time buyers and older households looking to downsize is important to ensure a mixed, balanced and sustainable community within North Mundham.

As previously mentioned the Parish Council have supplied Council Tax information at an individual settlement level. This is in contrast with the information outlined above which is only available at the whole parish level. Taking into consideration all the available information, there is a degree of flexibility which can be applied to address the imbalance of smaller units within North Mundham village. I have outlined an alternative market housing mix below which would be acceptable to the Housing Delivery Team and would address the applicant and Parish Council's aspirations for larger dwellings:

1 bedroom - 2  
2 bedroom - 16  
3 bedroom - 19  
4+ bedroom - 9

#### **Comments received 7/12/2020**

This application seeks to deliver 66 residential dwellings. Policy 34 of the Chichester Local Plan requires 30% (19.8 units) to be delivered as affordable housing. The applicants planning statement indicates the provision of 20 affordable homes which meets this requirement.

### Market Housing

The above mix is not in line with the Chichester Housing and Economic Development Needs Assessment (HEDNA) 2020 mix requirements (5-15% 1 bed, 35-45% 2 bed, 30-40% 3 bed, and 10-20% 4 bed) in that it provides too many larger units. North Mundham's existing housing stock is weighted in favour of the larger 3+ bedroom units, accounting for 68.3%. Furthermore, the provision of larger 4 and 5 bedroom dwellings will not provide an affordable option for first time buyers or provide suitable accommodation for older households looking to downsize. Taking the HEDNA and existing stock into consideration, we would require the following mix of market housing to be delivered - 2 x 1 bed, 18 x 2 bed, 19 x 3 bed, and 7 x 4 bed.

### Affordable Housing

The above mix is not in line with the HEDNA 2020 mix requirements in that it provides too many 3 bedroom units. The split of affordable rented to shared ownership is compliant with the Council's adopted planning obligations and affordable housing SPD requirement to provide 70% as affordable rented and 30% as shared ownership. However, the applicant has proposed a 4 bedroom shared ownership unit. As previously advised on the application to the north (20/01686/FUL), the Housing Delivery Team has advised against providing 4 bedroom shared ownership dwellings. The reason for this is that they are largely inaccessible to first time buyers within Chichester District and have taken longer than 6 months to sell. Taking the HEDNA 2020, existing stock and turnover and housing register figures into consideration, the following affordable mix is required to be delivered: Affordable Rented - 4 x 1 bed, 5 x 2 bed, 4 x 3 bed, and 1 x 4 bed. Shared Ownership - 1 x 1 bed, 3 x 2 bed and 2 x 3 bed.

### Pepper potting and design

The affordable housing is located in three clusters of 5, 3 and 12 units. The cluster of 12 in the north east corner of the site is not compliant with the Planning Obligations and Affordable Housing SPD in that it clusters the affordable housing in a group of larger than 10 units. This may provide an element of social exclusion and not help to promote mixed, balanced and sustainable communities. The north eastern cluster should therefore be amended to be in line with this requirement. The development should be delivered tenure blind so that the affordable housing is not externally distinguishable from the market units. All units should be designed to meet the nationally described space standards set out by the MHCLG.

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

## 6.12 CDC Design Officer

### **Comments received 28/01/2021 in response to original submission**

#### Layout

- The development appears well connected in terms of cycle and pedestrian connections with these being located in positions that where possible benefit from passive surveillance from the proposed housing.
- There is a substantial amount of open space provided. This in most places provides a softer buffer to the countryside beyond and a pleasant outlook for many of the properties within the development.



- The Southern most proposed housing is located very close to the public footpath. It is considered this should be pulled further away from the path to improve the spacing in keeping with the more rural character of the existing path. It is appreciated that the built block layout of the development has been developed to provide a visibility cone of the existing church. This is welcomed maintaining visibility of a local landmark building. Is there a way to redistribute the houses which maintains visibility of the church but also enables the housing to provide a greater separation and open space adjacent to the path.
- There are two listed buildings located adjacent to the development site. The proposed landscaping has been used to create a buffer zone to these which is a welcomed approach and better retains the openness these appear to have historically maintained. Retaining visibility of these structures in longer views is considered of benefit to the setting and character of the area. Trying to redistribute the proposed southern most block housing would help with this better preserving the visibility of the historic structures within the landscape and from the footpath.
- It is also considered that it would be more appropriate for the proposed parking for the community facility to be located in a less visibly apparent position from the footpath.
- The layout of the proposed shared surface adjacent to plots 43 and 44 appears likely to facilitate undefined informal parking.
- The flat block 58-61 lacks any shared or private external amenity space. It is considered this should be addressed.
- The shared surface layouts in front of plots 47-49 and 1-6 are considered preferable to the arrangement proposed for plots 56-66 which places built forms much closer to the proposed cycle path. It is also likely to result in less active frontages to the housing due to parking be positioned to the rear.
- The mown grass paths are welcomed in terms of a landscaping feature and to provide informal directed routes. It is considered to make the development more walkable throughout the seasons a Hoggin path linking the shared surface in front of plot 35 and to the South of plot 24 would be beneficial.
- To the side / rear of plots 1, 11-12 there appears to be an undefined area of land. It is not clear what is proposed here.

### Appearance

It would usually be considered that the use of character areas in a development of this size is unnecessary. However in this instance it is considered that given the open edge of the development to the countryside beyond the approach taken is the most appropriate one in terms of longer views into the development and towards North Mundham. The design of the housing has been subtly varied to establish a more traditional appearance to the edge of the site whilst visually remaining connecting to the appearance of the rest of the development through a consistent approach in the material palette and form of the proposed dwellings.

It is considered in places that the development would benefit from more chimneys to the contemporary housing. It is considered in particular that these are lacking currently from the affordable housing fronting the cycle route where the introduction of chimneys would help break up the consistent ridge line.

There are places in which it is considered that it would be more appropriate for brick walls to be used rather than fences for external enclosures given the level of visibility in the street scene. This is not an exhaustive list but examples include: plot 13, 45, 43, 47 between plots 56-57.

The appearance of the community hub building is not currently known. Given its position all facades of the building will be public facing and will therefore need to be designed to reflect this level of visibility providing a focal building. There appears to be scope for this building to provide additional passive surveillance to the play area. It is likely to be appropriate therefore for the fenestrations to be designed to allow for this.

- It is considered that the combination of Plots 62-64 has the potential to appear overly long and flat particularly viewed from the cycle path. It is considered the introduction of a gable or other feature to break up the horizontal emphasis would be beneficial here.
- Appearance of coach house flats plots 11 & 12 is very bland. It is acknowledged that they are largely tucked away however it is considered there is scope to make simple improvements here that would improve the appearance and visually break up the length / horizontal emphasis of the building.
- Plot 22 blank side elevation visible due to building line and gap in street scene. Improvements should be made here. - Plot 28 side elevation visible in street scene due to spacing. Could layout be handed allowing obscure glazed side windows for bathrooms / wc? And avoiding visible blank elevation.
- There appears to be two sets of drawings annotated as being plot 43. It looks perhaps that the 2BB house type drawings for plot 16 have been labelled as plot 43? If this is the case both plot 43 and plot 16 are considered appropriately fenestrated etc.
- Given the gap in the street scene the side elevation of plot 53 will have a high level of visibility at first floor could additional interest be added here to break up blank façade?

#### 6.13 CDC Archaeology Officer

I agree with the assessment of the archaeological potential of this site as laid out in the Heritage Statement. Any elements of the development likely to impact on the area of the medieval moated site should be fully investigated beforehand, whilst development of the larger area to the west should be evaluated in order that anything of interest that it contains might be properly investigated and recorded prior to construction. Condition recommended.

#### 6.14 CDC Drainage Engineer

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

Surface Water Drainage: The drainage strategy provides an indicative surface water drainage scheme which involves a restricted discharge (5.9 l/s) to a local watercourse, and storage for the 1 in 100yr event + 40% climate change. The scheme involves permeable surfacing, swales and an open attenuation basin. They have demonstrated that the site can be adequately drained should infiltration prove not to be viable in isolation.

We will still expect them to fully investigate the potential for infiltration with winter groundwater monitoring and winter percolation testing. If following site investigations it is concluded that on-site infiltration is viable, infiltration should then be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). Any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction. We would also like to see dedicated discrete soak-away structures for each individual property.

There are open watercourses on the boundaries of the development, these will need to be retained and a suitable buffer (minimum 3m from top of bank) provided to ensure future maintenance is not restricted. The current layout proposes to retain the watercourses and appears to provide sufficient buffer.

The FRA is also proposing some land raising on the northern edge of the site, based on the proposed FFLs, swale levels and retention of the existing watercourses we do not anticipate this having a significant impact on local flood risk.

Conditions recommended regarding approval of the full details of the proposed surface water drainage system, full details of the maintenance and management of the SuDS system and arrangements for future access and maintenance of any watercourse or culvert crossing or abutting the site.

#### 6.15 CDC Environmental Health Officer

No objection, subject to conditions in relation to contaminated land and a construction management plan.

#### 6.16 CDC Environmental Strategy Officer

##### **Comments received 01/02/2021**

Bats, Bats (lighting), SUDS, reptiles, nesting birds, hedgehogs, recreational disturbance and policy 40 - as previous comments.

Enhancements: We require that a mitigation and enhancement management strategy and plan is put together for the site detailing how the site will be enhanced for biodiversity, managed and protected in the future. We require that this is submitted as part of this application and should include the following:

- Orchard created with area of meadow grassland
- Green corridor network
- SUDS wetland habitat
- Invertebrate features - bug hotels deadwood features
- Species rich grassland and scrub areas planting
- Creation of new hedgerow

- Any trees removed should be replaced at a ratio of 2:1
- Bat bricks installed in 33 units onsite
- Bird boxes installed on at least 20% of properties onsite
- Bird and bat boxes installed on trees within the green corridor areas
- Barn owl boxes installed onsite within a suitable location
- Hedgehog nesting boxes included across the site
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.

### **Comments received 03/12/20**

Biodiversity: Please can the Phase one habitat survey which is referenced to within the phase 2 species surveys please be submitted as part of this application so we are able to review the assessment made for the entire site and habitats.

Bats: We are pleased to see that a new woodland copse planting will take place adjacent to the pond to provide a green link between the northern and southern retained trees lines. We also require that the existing hedgerows and trees on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

A full management plan is put together for the green corridors areas and included within a mitigation and enhancement management strategy discussed below.

The CEMP will need to include detailed on how these areas will be protected during the construction process and should include;

- o Storage of chemicals
- o Silty water disposed of to foul sewer or suitable alternative (tanker off site)
- o Water washing of vehicles carried out away from water course
- o Refuelling away from any water courses

Bats Lighting: 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 through the provision of dark habitat areas within the green corridors and avoiding unnecessary artificial light spill through the use of directional light sources and shielding. We require that further details of the lighting scheme and dark corridors are provided as part of this application.

SUDS: We are pleased to see that a large pond / wetland area will be created as part of SUDS scheme and will hold water permanently. Further information relating to the creation of this area should be included within a mitigation and enhancement management strategy which is discussed below.

Reptiles: Following submission of the Reptile Survey and Mitigation Strategy (Nov 2020), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. To ensure the reptile receptor is afforded the appropriate level of protection once the site has been built, it should be listed within the S106.

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. Due to the use of the site by barn owls, we require that a barn owl box is installed on site and a management programme for this created for maintenance and monitoring of this.

Hedgehogs: Precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. Any brush piles, compost and debris piles on site must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats. Details of this will need to be included within the CEMP.

Recreational Disturbance: The only HRA issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

Enhancements: We require that a mitigation and enhancement management strategy and plan is put together for the site detailing how the site will be enhanced for biodiversity, managed and protected in the future. We require that this is submitted as part of this application and should include the items listed in the consultation response.

Policy 40: Following submission of the Energy Strategy Statement (Nov 2020) we are satisfied that the criteria detailed within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions of 21.36 % through a fabric first approach and 42.66% reduction through the installation of Air source heat pumps. We are also pleased to see that 80% of the units onsite will have electric vehicle charging points installed. A condition should be used to ensure this takes place.

## **6.17 WSCC – Education**

**Comments received 16/05/2022**

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

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

**The County Council can enter a legal agreement and collect financial contributions for education provision including for the expansion of an existing school, or the provision of a new school. However, if there is not a school in the School Planning Area which can be expanded, or there is no land**

available for a new school, then education provision cannot be provided to mitigate children from proposed new development. Which means, there may be no local school that the pupils arising from the development can attend. For the LEA the availability of land or expansion potential is as necessary as a monetary contribution from a developer in order to ensure the impacts of the site can be mitigated. We cannot simply take a financial contribution to mitigate the impact of the development if no such possibility exists within the education planning area.

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

Since December and following the receipt of the revised pupil projections that included revised population and housing completions data, the County Council as LEA has been investigating the impact of the additional housing across the area and the impact this will have of the local school to accommodate the additional children from this application site, and other development sites in the Chichester Planning Area. This has entailed an assessment of current and projected pupil numbers for the area, meetings with stakeholders and internal discussions. These have necessarily needed to take place before we could have any confidence that we were able to house the pupils arising from the current development site proposals.

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

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

There is now no education objection to the application.

Comments received 23/12/2021

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

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

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

**Comments received 12/11/2021**

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

### Third Party Representations

#### 6.18 Comments raising objection

A total of **30** representations have been received, raising the following comments, issues, concerns and objections to the application:

- The proposed road junction will cause congestion and there are highways safety concerns,
- Increased trip generation would exacerbate existing highways issues,
- With regard to safety on cyclists, the proposed access road cuts across route 88 which is part of the national cycle network. This section of road is already dangerous for cyclists due to the weight and nature of traffic,
- The additional houses and services will also cause harmful levels of congestion, pollution and will affect the convenience of road users,
- There is insufficient infrastructure to support the proposed development with facilities over prescribed already in the locality,
- This would be an over development of the site,
- Wildlife must be safeguarded on this site as there is potential harm on local species and the natural environment through the proposed development,
- There is already an over-accumulation of development work in the local area with this additional development further adding to pollution, congestion and environmental impacts such as: recreational disturbance, litter, noise, light pollution and risk to species,

- As part of the agreement (Section 106) I would wish to see that the shared path be completed at the same time as the occupation of the first property and that a commuted sum is given to the Highway Authority equal to 10 years maintenance cost,
- Impact on local views,
- The Road Safety audit makes no reference to narrow footways on the B2166 yet this provides the only surfaced pedestrian footway to/from the local shop(s) in Hunston 600 metres to west, North Mundham Primary School 500 metres to the east and Chichester Free School 800 metres to the north,
- Flood risk and drainage concerns,
- The towpath to be widened to the standard for a combined busy cycle and pedestrian way,
- This development cannot be accommodated without causing undue harm to the local landscape character,
- There is no need for another community hub in North Mundham as there is already an excellent village centre,
- With 42 houses already approved in the adjacent field, there will be a significant additional burden on the overstretched resources of the village,
- Additional sewerage would be created in the face of existing systems which cannot cope with existing numbers,
- The application if based on the District's Interim Housing Policy and relies on another application 20/01686/FUL for 39 units that has itself yet to be determined and is also submitted under the Interim Housing Policy to create the "qualifying " edge of an existing settlement area boundary,
- The proposal would lead to a harmful coalescence of settlements,
- There would be environmental impacts on the harbour and SSI in terms of nitrates and pollution with increased housing numbers and inadequate infrastructure,
- Environmental impact on the Special Protection Areas, and
- The effective management of these many amenities and essential flood defences for such an estate will be a significant and relatively costly task for a management company to undertake in perpetuity but the application does not propose any adequate initial or long-term solution to this requirement.

#### 6.19 Comments in support

- Impressed with the new habitats proposed,
- Welcome the provision of a cycle route through the site from Alywin Place to the north-western boundary as an alternative route, and
- The proposed design of this development incorporates inter alia well landscaped public open common areas, an equipped play space, mown paths and boardwalks, meadow grassland and woodland, ditches and hedges and a SUDS/permanent water feature.



## 6.20 Agents supporting information

In addition to the Planning and Design and Access Statements, the application is accompanied by a suite of supporting documents comprising: Planning Statement; Arboricultural Impacts Report; Flood Risk Assessment; Landscape and Visual Appraisal; Preliminary Ecological Appraisal; Phase II Bat Surveys and Mitigation Strategy; Reptile Survey and Mitigation Strategy; Phase II Dormice Survey; Energy Strategy Statement; Heritage Statement; Transport Statement; Framework Travel Plan; Road Safety Audit and Designers Response and Utilities Planning Statement. These documents and relevant appendices can be read in full on the Council's website.

## 7.0 Planning Policy

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is currently no made neighbourhood plan for North Mundham at this time. The Neighbourhood Plan Group is, however, progressing a neighbourhood plan and recently undertook a call for sites, which included this application site.
- 7.2 The principal policies of the Chichester Local Plan relevant to the consideration of this application are as follows:

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

Policy 1 Presumption in Favour of Sustainable Dev

Policy 2 Dev Strategy and Settlement Hierarchy

Policy 4 Housing Provision

Policy 5 Parish Housing Sites 2012 - 2029

Policy 6 Neighbourhood Development Plans

Policy 8 Transport and Accessibility

Policy 9 Development and Infrastructure Provision

Policy 33 New Residential Development

Policy 34 Affordable Housing

Policy 39 Transport, Accessibility and Parking

Policy 40 Carbon Reduction Policy

Policy 42 Flood Risk and Water Management

Policy 45 Development in the Countryside

Policy 47 Heritage and Design

Policy 48 Natural Environment

Policy 49 Biodiversity

Policy 50 Development and Disturbance of Birds in Chichester and Langstone Harbour Special Protection Area

Policy 51 Development and Disturbance of Birds in Pagham Harbour Special Protection Area

Policy 52 Green Infrastructure

Policy 54 Open Space, Sport and Recreation

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

7.3 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2021. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. **Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in 2022, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted in 2023.**

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

### Part 1 - Strategic Policies

S1 Presumption in Favour of Sustainable Development

S2 Settlement Hierarchy

S3 Development Hierarchy

S4 Meeting Housing Needs

S5 Parish Housing Requirements

S6 Affordable Housing

S12 Infrastructure Provision

S20 Design

S23 Transport and Accessibility

S24 Countryside

S26 Natural Environment

S27 Flood Risk Management

S29 Green Infrastructure

S31 Wastewater Management and Water Quality

### Part 2 - Development Management Policies

DM2 Housing Mix

DM3 Housing Density

DM8 Transport, Accessibility and Parking

DM16 Sustainable Design and Construction

DM18 Flood Risk and Water Management

DM22 Development in the Countryside

DM28 Natural Environment

DM29 Biodiversity

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

DM31 Trees, Hedgerows and Woodlands

DM32 Green Infrastructure

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

## National Policy and Guidance

- 7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect in July 2021 and related policy guidance in the NPPG.
- 7.6 Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed;*
    - or*
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 7.7 The following sections of the revised NPPF are relevant to this application: 2, 5, 8, 9, 11, 12, 14, 15, 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

## Other Local Policy and Guidance

- 7.8 The following documents are also material to the determination of this planning application:
- Surface Water and Foul Drainage SPD
  - Planning Obligations and Affordable Housing SPD
  - CDC Waste Storage and Collection Guidance
  - Interim Position Statement for Housing Development

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

- 7.9 **In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its housing supply has identified that as of 24th November 2021 there is a potential housing supply of 3,536 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,329 net dwellings. This results in a surplus of 208 net dwellings which is equivalent to 5.3 years of housing supply.**
- 7.10 **Following recent appeals (PINS refs. APP/L3815/W/21/3284653 – ‘Raughmere’, APP/L3815/W/21/3286315 ‘Church Road’ and APP/L3815/W/21/3270721 - ‘Land north of Madgwick Lane, Westhampnett’), the Council now identifies there is a potential housing supply of 3,356 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,350 net dwellings. This results in a surplus of 6 net dwellings which is equivalent to 5.01 years of housing supply.**

**7.10a Notwithstanding the above, to pro-actively manage the situation prior to the adoption of the Local Plan Review, the Council has brought forward an Interim Position Statement for Housing Development (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3 June 2020, the Planning Committee resolved to approve the draft IPS for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 10th July and the responses were processed. The IPS, with the proposed revisions, was reported back to the 4 November 2020 Planning Committee, where it was approved with immediate effect. New housing proposals considered under the IPS, will therefore need to be assessed against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate new housing. It is not a document that is formally adopted and neither does it have the status of a supplementary planning document, but it is a material consideration. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant and where there is no conflict with relevant policies in the development plan are likely to be supported by officers.**

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## **8.0 Planning Comments**

8.1 The main issues with this application are considered to be:

- i. Principle of development and the policy position
- ii. Highway Impact
- iii. Design and Layout
- iv. Surface Water Drainage and Foul Disposal
- v. Impact on the Landscape/trees
- vi. Ecology
- vii. Sustainable Design and Construction
- viii. Habitat Regulations Assessment
- ix. Other Matters

i. Principle of development and the policy position

8.2 The primacy of the development plan and the plan-led approach to decision-taking is a central tenet of planning law and is enshrined in section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that applications:

*'should be determined in accordance with the development plan unless material considerations indicate otherwise'*

8.3 For certainty and clarity a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. When assessed against the policies of the adopted Local Plan, the current application is considered to be contrary to policies 2 and 45 in that it is proposing new housing outside the settlement boundary for North Mundham in the countryside or Rest of Plan Area and would not meet an “essential, small scale and local need” (policy 45). Additionally, the proposal would be in excess of the indicative housing numbers for the Parish of North Mundham, as set out in Policy 5 of the Local Plan (25 homes) and as set out in the Site Allocations DPD have in any event already been met for North Mundham Parish. Therefore, following a S38(6) development plan approach, this application is contrary to policy.

8.4 The application site is considered to be developable in the Chichester District Council Housing and Economic Land Availability Assessment (HELAA) 2020. The HELAA has identified that the site is capable of an indicative capacity of 172 dwellings (including land at Former Lowlands Nursery which has recently been granted planning permission for 39 dwellings (ref. 20/01686/FUL)). Importantly the HELAA is a technical background document which provides a tool to assist the Council in its consideration of potential housing sites under the LPR, it is not a policy document of the Council. Notwithstanding that, its significance is that the application site has been identified as suitable, available and deliverable to provide new housing.

**8.5 In the absence of a five-year housing land supply the Council produced an Interim Position Statement for Housing (IPS) which sets out criteria defining what the Council considers to be good quality development in the Chichester Local Plan Area. The IPS was approved on 4 November 2020. With regard to current housing supply position, the Council acknowledges that as of 24 November 2021, it can now demonstrate a five-year housing supply. However, it is recognised that following 3 recent appeals decisions the Council’s supply is marginal, and to ensure that the supply is maintained and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, it remains a useful tool for assessing applications for new housing proposed outside of existing settlement boundaries.**

**8.6 The fundamental aim of the IPS is to ensure early delivery of housing sites through planning applications on sites which are not being brought forward through the local plan process. It is not to deliver strategic scale development and accompanying infrastructure which need to be properly master planned in order to ensure optimum planning outcomes and the timely delivery of infrastructure to support growth.** When considered against the 13 criteria in the IPS which define what the Council considers good quality development in the Local Plan area, the current application scores well and the Council has not identified any adverse impacts. It is relevant to consider each of the IPS criteria in turn:

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

The site is immediately adjacent to the western boundary of the existing settlement boundary for North Mundham. This criterion is therefore satisfied.

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

North Mundham is a sustainably located settlement defined as a Service Village in the Local Plan (Policy 2). In this context the proposed scale of development (even when considered cumulatively with the development to the north on the Former Lowlands Nursery) is considered appropriate and the criterion is therefore satisfied.

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

It is considered that the development meets this point, particularly when considering the ecological mitigation land proposed as part of this application, which is recommended to be secured through the S106 Agreement and is proposed to be transferred to North Mundham Parish Council. There is no actual or perceived coalescence likely to arise from permitting this development.

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

The density of the residential component of the application site would be 27 dph. The site is a single field so there is no artificial sub-division and in the context of the rural edge of settlement location and the pattern of existing housing this level of development is considered acceptable. The proposal meets this criterion.

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

It is considered that the proposal would comply with the above criterion.

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

Not applicable in this instance.

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

It is considered the proposal would meet the above criterion. Wastewater disposal will be through the statutory undertaker, affordable housing, open space, and highways improvements will be secured through the Section 106 agreement and/or by planning conditions. **WSCC Education has confirmed that the local school has the capacity to cater for the additional pupils from the proposed development.**

**8) Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to:**

- Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use;**
- Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling;**
- Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and**
- Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.**

The development will meet this criterion through a combination of fabric first, air source heat pumps and solar PV panels. The applicant is proposing a 21.36% carbon reduction through 'fabric first' construction, air source heat pumps to all dwellings resulting in a predicted residual energy reduction of 42.66% and PV panels for 17 dwellings (25% of dwellings) resulting in a further carbon reduction of 10.42%. A maximum 110 litres per person per day water use will be conditioned and electric vehicle charging points will be incorporated in 80% of the development (53 dwellings). These sustainability measures are well in excess of the requirements of this criterion.

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

The development is of a high standard of design and layout (see later assessment). This criterion is satisfied.

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

The site is well connected to the existing settlement and linked to the city centre via cycle routes and bus services. The site has access to regular and frequent bus services from bus stops located some 400m to the east of the site. In addition, frequent peak and off-peak rail services are accessible from Chichester Railway Station some 3.2km to the north of the site; the station can be accessed via the 600 bus service or by bicycle using the primarily off-road National Cycle Network Routes 2 and 88. North Mundham itself benefits from a primary school, public house and the Free School is a short journey northwards towards the city centre.

The development proposes a shared 3.5m wide pedestrian and cycle link from the western boundary of the site through to Aylwin Place, which will as well as linking to the pedestrian and cycle link approved through the development to the north (Former Lowlands Nursery). The new east – west cycle link would enable future provision for the diversion of the NCN Routes 2 and 88.

**11) Development must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the LPA to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. All flood risk assessments should be informed by the most recent climate change allowances published by the Environment Agency.**

This criterion is considered to be satisfied (refer to the assessment below). The site is located within EA flood zone 1, as area with the lowest level of flood risk. The drainage system is to be designed through SuDS to satisfactorily manage the discharge of surface water from the development.

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

Not applicable in this instance.



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

Although a hybrid application, the residential element of the development is submitted in full detail. The applicant has stated it is their intention to bring forward the land for development as soon as possible following the grant of planning permission. The applicant has also indicated that an application for Reserved Matters approval (in relation to the outline elements) will be submitted in within 6 months of the decision on the hybrid application. The applicant's intension is to commence construction on the Lowlands Nursery application first and subject to receiving planning permission on this application, to then continue south into the South of Lowlands application area. The applicant anticipates completions commencing early in the 2023 monitoring year at a rate of circa 50 dwellings per annum.

There are no technical constraints to prevent the delivery of the site. The HELAA (2020) stated that "there are no known constraints that would make development unachievable in principle". The HELAA does suggest that the "delivery timetable is potentially reliant on the undergrounding of the 33kv overhead electricity cables". Since the publication of the HELAA (2020), in November 2020 SSE has been granted Hedgerow Removal Notices (ref 20/02328/HGD and 20/02527/HDG) for the temporary creation of a gap in three hedgerows, with each gap being approximately 5m in width, to facilitate the installation of a new dual circuit 33kV underground cable between the Hunston primary substation and an existing electricity pole at Barfoots Farms. The new underground cable is required to replace the existing overhead lines that require upgrading in order to safeguard the power supply in the local area. SSE has confirmed that these works would be completed under Permitted Development rights. On completion of the project, each gap would be replanted with native species. SSE has confirmed that the trenching to relocated the cables underground will commence in 2021, with the switch over planned for April 2022. As a consequence the presence of the electricity cables is not a constraint on delivery of the site. Southern Water confirm that they can facilitate foul sewage disposal, however network reinforcement may be required and these would be provided within 24 months of planning permission being granted. The delivery of the cycle provision through the Alternative Provisions College will be secured through the S106 Agreement. The applicant is in discussion with WSCC regarding the options for linking through the school site, with the scope of works having been agreed and the layout plan being finalised.

A reduced time frame of 2 years to implement the full permission, together with 2 years in which to submit the reserved matters following the grant of outline planning permission and a 2 year period thereafter in which to begin implementation of the approved details is accepted by the applicant. There are no significant abnormalities that would otherwise restrict implementation of the development following the discharge of pre-commencement conditions. As such, it is considered criterion 13 of the IPS has been satisfied.

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

ii. Highway Impact.

**8.7a At the September meeting of the Planning Committee further information and clarification was sought on both the individual and cumulative impacts of the proposed development on the local highway network as well as the strategic highway network in terms of the A27. Further information has been provided by WSCC Highways which has considered the impact of the proposed development and the summary response of this is provided at paragraph 6.7. Members will also recall that at the subsequent meeting of the December Planning Committee National Highways attended to answer questions from Members regarding the cumulative impact of proposed development on the strategic highway network in terms of the A27.**

8.8 Access to the site is proposed to be achieved through the new 5.5m wide vehicular access with visibility splays in excess of the 40m x 60m required (90m is achieved to the west and 120m to the east), proposed as part of the Former Lowlands Nursery application which has been granted planning permission following consideration at Planning Committee in December 2020. The proposed access arrangement has been subject to vehicular swept path analysis and a Stage 1 Road Safety Audit, in accordance with the WSCC Road Safety Audit Policy and all matters have been addressed in accordance with the Auditor recommendations. Access to the application itself will be from an extension to the approved internal access road serving the former Lowlands Nursery site.

8.9 In terms of traffic movements, as part of the supporting information within the Transport Assessment (TA) the traffic movements associated with residential dwellings proposed as part of the Former Lowlands Nursery application have been added to the movements of the current application to ensure a robust cumulative assessment is undertaken. The original assessment assumed traffic from 50 units, whereas planning permission was granted for 39 units. Further capacity testing has been undertaken for an increased quantum of development to ascertain whether sufficient headroom would exist to accommodate this current proposal, south of Lowlands. The testing has been undertaken on the basis of a cumulative total of 250 units in order to provide a robust assessment, using the same parameter as were agreed for the Former Lowlands Nursery development. The outputs of the testing demonstrate that the proposed site access will continue to operate within capacity in both the opening year and future year assessment period and that the junction retains residual capacity. In both scenarios, a maximum queue length of 1 vehicle is forecast. It is the view of WSCC as Local Highway Authority (LHA) that the proposed site access will continue to operate within capacity in both the opening year and future year assessment period and that the junction retains residual capacity. The LHA is satisfied that in terms of the relevant policy test in NPPF at paragraph 111, that the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. The LHA would be content

with the latest traffic information provided in the TA and consider the data provided a robust assessment. With regard to impact on the A27, Highways England has confirmed that subject to a contribution towards mitigation at the A27 Chichester Bypass, no objection is raised to the impact of the development onto the A27 to the north of the site.

- 8.10 The LHA has confirmed that the proposed 173 parking spaces and the cycle parking are acceptable and in accordance with the WSCC Guidance on Parking in New Developments document. Provision for electric vehicle charging significantly exceeds the minimum requirements. The layout has been designed in accordance with the principles of Manual for Streets. The layout has been subject to a swept path analysis assessment which demonstrates that the site can be suitably accessed by both refuse collection and emergency vehicles. Parking provision within the site has been designed in a sympathetic manner, so as not to dominate the street scene. The road layout comprises a 5m wide access road with footways on either side, before transitioning to a 4.8m wide shared spaced facility. The overall site layout has been designed to provide permeability within the site, in relation of vehicles, pedestrians and cycles.
- 8.11 With regard to off site cycle provision, the applicant has undertaken discussion with both the Parish Council and Neighbourhood Plan representatives, where it has been identified that there is an aspiration to divert NCN Routes 2 and 88 from their current alignment along the B2166 to provide for an alternative route into the village. The proposed development would facilitate the future provision of such a diversion. A preferred route has been identified through the site to provide a connection to Alywin Place, utilising WSCC owned land on the site of the Alternative Provisions College. WSCC has confirmed that they are willing to provide the necessary land required to deliver this improvement, on the basis that the car parking which is currently situated along the route of what will become the cycle route is replaced. The applicant has agreed the scope of work and is currently finalising discussions with WSCC regarding the proposed layout. This element is seeking outline permission, to allow time for these discussions to finalise. The Heads of Terms for the S106 Agreement recommend delivery of the 3.5m wide footway/cycleway prior to the occupation of the 50<sup>th</sup> dwelling.
- 8.12 With regard to the PROW running east/west adjacent to the southern boundary of the application site, the applicant has confirmed that they would upgrade the PROW to a 3m wide Hoggin path, in accordance with details to be agreed with WSCC Public Rights of Way service and CDC. A condition is recommended to secure this. The requirement of WSCC PROW officer to legally formalise the status of the used link from Foxbridge Drive to join FP188 by Hunston Copse is on third party land and outside of the applicant's ownership and control. The PROW officer has stated that this is a link used as part of the walking to school route, which due to its location in relation to the application site and North Mundham Primary School would not be used by occupiers of this development going to North Mundham primary school. The PROW officer has not raised objection to the application and therefore for the reasons set out above, the requested upgrade to the link from Foxbridge Drive to FP188 by Hunston Copse is not necessary to make the development acceptable.

8.13 Finally, the applicant has indicated as part of the Former Lowlands Nursery application and within the TS of this application, that they will be applying for a TRO to reduce the current posted speeds from 60 mph to 40 mph. Following the resolution of the Planning Committee in December 2020, the requirement to apply for a TRO was included in the S106 Agreement for the Former Lowlands Nursery Application. As this application relies on the access onto the B2166 Lagness Road granted under the Lowlands Nursery application, there is no requirement to reimpose the need to apply for a TRO as part of this S106 Agreement. In any event, the applicant had demonstrated acceptable visibility in line with 85th percentile recorded road speeds, to the satisfaction of the LHA.

8.14 Subject to conditions, the proposals are acceptable from a highway safety and capacity point of view and no objection is raised, subject to recommended conditions and S106 obligations.

iii. Design and Layout

8.15 The proposed development has been designed as an extension to the development to the north and is served by a single central road, with a western spur which links back to the northern development together with a number of secondary cul-de-sacs, resulting in an informal perimeter block layout with most dwellings fronting onto and positively addressing the road or public realm. The housing is laid out in two distinct blocks within the centre of the site, with the larger parcel located immediately to the south of the housing proposed in the former Lowlands Nursery application and extending over the majority of the central part of the application site. A small parcel of 6 bungalows is located to the south of the main housing parcel, extending to the southern boundary of the site. The development comprises a mix of 2 storey houses, 13 flats and 6 bungalows. Buildings are arranged as a variety of detached, semi-detached and terraced forms.

8.16 The listed St Stephen church, Pigeonhouse Farm, the former moat feature in the eastern corner of the site and the views to the Chichester Cathedral have all been carefully considered and informed the design approach and layout, which has resulted in the creation of two distinct character areas, the Northern Area character area and the southern church view character area. The Northern Area character area is a continuation of that granted under the former Lowlands Nursery application (ref: 20/01686/FUL), with the predominant appearance of the dwellings being traditional materials, presented in a modern vernacular. The Church View character area proposes a similar palette of materials to the northern area, but comprises a more traditional form of development, to reflect its location within the listed church viewing corridor.

8.17 The 20 affordable housing units, comprising 7 no. flats and 13 no. houses are located in three separate groups of 12 units, 5 units and 3 units on the site. The distribution accords with the Council's pepper-potting requirements and the homes are tenure blind in terms of design. The affordable housing mix will be secured through the S106 agreement. The proposed housing mix for both the affordable mix and the private market mix meets with the requirements of the Council's Housing Enabling Officer in terms of the HEDNA 2020 and no objection is raised.

8.18 In terms of density of development the site achieves around 27 dwellings per hectare. When considered in the context of the open space and ecological area and the edge of settlement location, the amount of development proposed is considered to be acceptable.

8.19 The application has been amended during consideration of the details, and as proposed it is considered that the design, materials, detailing and appearance of the development suggest will result in an attractive, high quality rural housing scheme that would be appropriate to its rural context and surroundings.

iv. Surface Water Drainage and Foul Disposal

Surface Water

8.20 With regard to flood risk, the site is in Flood Zone1 and at the lowest risk of surface water flooding. The Council's Drainage Engineer has confirmed the team has no additional knowledge, or records of the site being at significant flood risk, therefore subject to satisfactory drainage no objection is raised to the proposed use, scale or location based on flood risk. Similarly no objection is raised by the County Council's Flood Risk Management Team.

8.21 The application details for this development indicate that the proposed means of surface water drainage for the site is via pipe to the SuDS ponds located in the eastern area of public open space and western ecological area, which are connected by a series of swales and small sections of linking pipework. It is proposed that there would be attenuated discharge from the SuDS features which will then discharge into the existing ditch to the north of the site. The outfall will be restricted so as to not exceed existing greenfield run-off rates.

8.22 The documents submitted in support of this application state that as groundwater levels below the site are very near the ground surface as existing, the use of conventional soakaways will not be possible. However, as ground levels within the site are proposed to be raised to facilitate the development and given the permeable nature of the geology, the application documents confirm that shallow infiltration features may be suitable and consideration will be given to a partial infiltration based drainage solution. The Council's drainage officer states that the SuDS features should utilise any potential that exists for on-site infiltration, where it is safe and acceptable to do so. Any run-off that it was not possible to infiltrate into the ground, will then need to be attenuated and discharged (at a restricted rate) to a local watercourse, as is being proposed. The Council's drainage officer has confirmed that a surface water drainage strategy based upon these principles would be acceptable and has recommended conditions to secure details and ongoing management and maintenance. Such a condition is also requested by North Mundham Parish Council.

8.23 Hunston Parish Council states that the field to the west/NW has a small culvert which drains land to the Northwest of the B2145 into the Bremere Rife at Swan Cottage. Any increase in flow of groundwater or surface water from the application site is bound to increase the flow and level of groundwater in the field to the west and thus increase the likelihood on that field flooding and along the B2145 around the area near Hunters Lodge riding stables. The detailed design of the drainage strategy is recommended to be secured by condition, however the principle of discharging into the ditch to the north of the application site would only be acceptable where the discharge rate is restricted to not exceed greenfield runoff rates (as is proposed in this case) and as such will result in no further likelihood of flooding of the adjacent fields than is the case for the existing situation.

8.24 With the imposition of appropriate conditions as recommended by consultees, it is considered that the surface water drainage can be designed to ensure there is no overall increase in flows into the surface water system and its long-term management and maintenance can be secured.

#### Foul Water

- 8.25 The proposed development would lie over an existing public foul rising main, which is not acceptable to Southern Water. The applicant is therefore proposing to divert the foul rising main along the two central roads within the development running north-south, ensuring the 3m buffers are provided and no SuDS features are within 5m.
- 8.26 The application documents confirm that a gravity connection to the public sewerage connection to the east of the site is not achievable and therefore the application proposes that the foul water from the site would be pumped by via the on-site pumping station (proposed on the Lowlands Nursery application site) to the requisitioned foul sewer outfall in Alywin Place. This connection would then drain to Pagham WwTW where there is sufficient capacity to accept the additional foul flows. Discussions are ongoing with Southern Water to agree the technical details of the pumping station, which will be constructed under permitted development rights.
- 8.27 Southern Water has indicated in its consultation response that there may need to be some network reinforcement associated with the development to avoid a potential increased risk of flooding. These works would be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water recommend a condition to ensure that the occupation of the development is phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. The proposed pumping station would include a 24-48 hour holding facility in case of failure. Given the potential for the off-site infrastructure serving development to be delivered over a 2 year period as Southern Water advise, it is considered essential that there is an interim solution on site to manage the foul flows in the event that homes on the site are ready to be occupied and the off site infrastructure improvements are not completed. A condition is recommended to address this situation.
- 8.28 Officers note the concern of Hunston and North Mundham Parish Councils with regard to the foul drainage implications arising from the proposed development, including the reference to ongoing issues associated with wastewater flows in the parish and the lack of capacity at Pagham WwTW. However, on the basis of the evidence available, the Local Planning Authority is confident that there is capacity at the Pagham WwTW to accommodate the additional foul flows. Ultimately it is the statutory duty of Southern Water to ensure that the off-site infrastructure to service the proposed development is fit for purpose, that the development is satisfactorily drained and that the proposed development does not lead to problems elsewhere in the system. Any failings on behalf of SW to deliver required improvements to the offsite network to satisfactorily service the proposed development are failings under Part 4 of the Water Industry Act 1991 not under the Town and Country Planning Act and the recourse for such failure therefore falls to be addressed under that Act through OFWAT.

v. Impact on the Landscape/trees

- 8.29 The proposed development has been designed to retain the existing mature trees and hedgerows on the site boundaries as well as provide enhanced tree planting, including a new woodland copse in the western ecological area which would provide a green link between the northern and southern retained trees lines. Adjacent to the woodland copse it is proposed to create a large pond/wetland area as part of SuDS scheme which would hold water permanently. The landscape plan details planting of marginal aquatic species around the edges, which upon maturation would create a valuable ecological habitat. A new orchard is also proposed with an area of meadow grassland created next to it. The landscape strategy for the proposed development has been designed to ensure the retention of the existing landscaping on the field boundaries, maintain an open aspect to the grade II\* listed church, maintain an open and wooded edge for the setting of the residential part of the development and provide a new woodland planting to help define a new settlement edge, creating a distinction between North Mundham and Hunston.
- 8.30 The application site is not subject to any special landscape designation nor has it been identified as a 'valued' landscape (NPPF paragraph 174). The application is accompanied by a Landscape and Visual Appraisal. This acknowledges that the site is located within parcel CH31 as defined in the 'Landscape Capacity Study' prepared by Terra Firma (March 2019) and commissioned by the Council as part of the Local Plan evidence base. The capacity study looks at parcels of land and not individual fields or 'sites'. The capacity study concludes that the landscape of the wider land parcel, within which this site is located has 'medium/low' capacity to accommodate development. Specifically the report concludes "Sub-area CH31 has a medium/low capacity constrained by its role in the setting of the Grade II\* Ste Stephen's Church and Grade II Pigeon House Farmhouse and its contribution to the separation of North Mundham from Hunston. It is influenced by the presence of overhead power cables but retains a rural character. The sub-area is generally well contained by boundary vegetation including Hunston Copse but there are occasional views out to the spire of Chichester Cathedral and the South Downs and it retains a generally strong relationship with the wider landscape. It is therefore recommended that only a small amount of development may be accommodated around the existing settlement and provided it is informed by further landscape and visual assessment and sensitively integrated into the landscape. Great care would need to be taken to avoid any landscape or visual harm. Particular care would be needed to protect the setting of listed buildings and key views."
- 8.31 By reason of the surrounding vegetation, the visual effects of the development would be limited, with only minor localised harm resulting from the loss of this undeveloped land on the edge of the settlement. The housing would be seen in the context of the existing properties in North Mundham and behind trees and mature hedgerows. In addition the undergrounding of the existing overhead cables would be an improvement. Whilst it is inevitable that building a housing development on a rural field would effect a fundamental change in its previously open appearance and character, the very fact that that change would occur is not in itself a reason for refusing the application.
- 8.32 This application is also supported by an Arboricultural Implications Report. To accommodate the proposed development, 4 individual trees (nos. 88, 93, 94 and 99), one group of trees (G23) and one hedge (H4) are proposed to be removed, either because they are situated within the footprints of proposed structures or surfaces, or because they are too close to these to enable them to be retained. None of the trees to be removed are

category 'A' or 'B' trees or trees of high landscape or biodiversity value. The 4 individual trees and 1 groups of trees are category 'C or U' and are either of low quality, low value, or short-term potential. Their removal will not have an adverse impact on the character or appearance of the site or surrounding area. The proposed development is a minimum of 97m from the 15m ancient woodland buffer for Huston Copse an ancient woodland adjacent to the south-west boundary of the application site. No loss of or incursions into the adjacent ancient woodland are proposed and the formalisation of the existing PROW to a hoggin footpath within the 15m buffer zone would not result in any loss of ancient woodland and would avoid any potentially harmful effects on the woodland. Furthermore the creation of the ecological area will further maintain and enhance the landscape character of the area.

8.33 As stated above the landscaping proposals incorporate considerable replacement and new tree planting. Furthermore conditions are recommended in relation to tree protection measures to protect the existing trees. Finally none of the proposed dwellings or gardens are likely to be shaded by retained trees to the extent that this will interfere with their reasonable use or enjoyment by incoming occupiers, which might otherwise lead to pressure for a tree to be felling or severe pruning. For the reasons outlined above, the proposal is acceptable in terms of its impact on trees.

vi. Ecology

8.34 The site supports a range of habitat types including grazed grassland, poor semi improved grassland, native species hedgerows and mature tree lines, which were assessed as being suitable to support a variety of different protected species.

8.35 The mature boundary hedgerows and tree lines provide potentially important wildlife corridors. The bat survey has identified the bat activity levels on site to be high, with a diverse range of species using the application site for both foraging and commuting bats. Recommendations include restricting the lighting on the site, to maintain the integrity of the boundary features used by bats, landscape proposals (including the ponds) to provide a foraging habitat and the provision of bat boxes both on nearby trees and within some of the dwellings. The Council's Environment Officer has confirmed that this strategy is acceptable and requires that a condition is imposed to ensure this takes place. A condition is also recommended to secure the proposed reptile mitigation strategy, which includes the retention and enhancement of a large area (1.2ha) of grassland on the western part of the site and is proposed to include 4 wood based reptile hibernacula. The area includes the large SuDS pond being proposed, which would be suitable habitat for Grass Snakes. In the northern corner of the receptor area, a wildlife culvert is proposed under the cycle path to provide a link to retained habitat to the north of the receptor area. Existing reptile populations in rough grassland areas adjacent to hedgerow / treelines which are proposed to be retained and protected will be left in situ (i.e. not captured), with the boundaries of the retained habitat to be fenced off. A clause in the S106 agreement is also recommended to ensure the reptile receptor is afforded the appropriate level of protection once the site has been built.



8.36 Enhancements will be achieved through the provision of bird boxes (in 13 dwellings) incorporated in the eaves or high walls, bat bricks (in 33 dwellings), bird and bat boxes, a Barn owl box (with a suitable management, maintenance and monitoring programme) and hedgehog nesting boxes to be installed in suitable locations around the site. There will also be the creation of a least 2 gaps within the gravel boards / bases of each fence line to allow for movement of hedgehogs between gardens and into the wider area as well as the creation of 4 wood based reptile hibernacula within the reptile relocation receptor area. The application proposals also includes the creation of permanently wet SuDS ponds, a new woodland copse and a new orchard with an area of meadow grassland created next to it, which will all provide important ecological habitat.

vii. Sustainable Design and Construction

8.37 The applicant's Energy Strategy Statement (November 2020) complies with the requirements of Policy 40 of the CLP and criterion 8 of the IPS. The Energy Strategy Statement (November 2020) confirms that the approach relies on a combination of measures including 'fabric first' construction, air source heat pumps and solar PV panels. The proposal will result in a 21.36% carbon reduction through the fabric of all non-single storey dwellings (60 dwellings), including low U-Values, careful detailing to avoid thermal bridging, good airtightness, effective heating controls and Waste Water Heat Recovery. This exceeds the 19% required by the IPS. Energy efficiencies secured through a fabric first approach are to be supplemented in terms of renewable energy through the use of air source heat pumps as the main heating in all 66 dwellings and through the installation of solar photovoltaic panels on 17 dwellings (25% of the dwellings), equating to 29 KWp capacity. A carbon reduction of 42.66% will be achieved through the use of air source heat pumps and a further carbon reduction of 10.42% will be achieved through the installation of the PV panels. These reductions resulting from the use of renewable technologies significantly exceeds the 10% requirement in the IPS.

8.38 Water consumption targets for the dwellings will meet the higher building regulations standard of 110 litres/person/day and electric vehicle charging points will be incorporated for 80% of dwellings on site, equating to 53 dwellings. This is well in excess of the 2022 year requirement of 24 dwellings (37%) as set out in WSCC Parking Standards.

8.39 Conditions are recommended to secure the stated energy savings as set out in the Energy Strategy Statement, as well as further details of the photovoltaic panels to ensure they are inset into the roof, a water consumption standard of a maximum of 110 litres per person per day including external water use and in relation to electric vehicle charging infrastructure. It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40 and the proposed measures are endorsed by the Council's Environmental Strategy Officer.

viii. Habitat Regulations Assessment

## Recreation Disturbance

- 8.40 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area and within the 3.6km of the Pagham Harbour Special Protection Area. The proposal would result in an increase in population living on the site, which could result in recreational pressure on the SPA and disturbance to protected bird populations. A financial contribution towards the Bird Aware Solent scheme/Pagham Harbour Scheme is required in order to mitigate recreational disturbance as a result of the proposal.
- 8.41 When a development proposal falls into an area where the Chichester and Langstone Harbours SPA zones of influence and the Pagham Harbour Special Protection Area zone of influence overlap, as in this case, Natural England advise that some reduction in the contribution is reasonable. This is on the basis that the occupiers of the new dwellings cannot be at both Harbours at the same time. However the Local Planning Authority still has to ensure that a robust package of mitigation can be implemented. In order to do this, within the area of overlap, only one contribution per net new dwelling unit will be payable. This contribution will be whichever is the higher of the two contributions at the time – currently this is the Pagham SPA tariff (~~£927~~ **£927** per dwelling) for dwellings with 1-4 bedrooms and the Chichester and Langstone SPA tariff for 5 bedroom dwellings (~~£940~~ **£1014** per dwelling). This will ensure that the development does not pay twice but will also ensure that the funding of nether scheme is undermined. Therefore a financial contribution of ~~£904~~ **£927** per net additional dwelling is required for the 1-4 bedroom units and a financial contribution of ~~£940~~ **£1014** per net additional dwelling is required for the 5 bedroom units. A completed S106 agreement is required to secure this contribution. When paid the contribution will be divided in two, half for each of the two SPA mitigation schemes. Natural England has confirmed that this provides acceptable mitigation against the potential recreational impacts of the development on the protected site and officers have completed an Appropriate Assessment.
- 8.42 The applicant has agreed to the heads of terms below and therefore subject to the completion of the S106 Agreement, this proposal complies with Policies 49 and 50 of the CLP and the requirements of the Habitats Directive.

## Nutrient Neutrality

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

## ix. Other Matters

8.44 Officers have carefully considered the comments made by third parties and these have been addressed in the relevant sections above.

### Site Levels

8.45 The submitted application documents confirm that the north-west corner of the site is proposed to include some land raising, as this part of the site is low lying. The principle of the change in site levels as indicated is acceptable. The proposed change in site levels will ensure the development has an acceptable relationship with its immediate surroundings and will not give rise to any adverse harm to residential amenity for occupiers of adjoining dwellings. The Council's drainage officer has confirmed that based on the proposed finish floor levels, swale levels and retention of the existing watercourses, the proposed land raising on the northern edge of the site will not have a significant impact on local flood risk.

### Residential Amenity

8.46 A consequence of developing out a field where there is no development will clearly have some bearing on the established amenities of existing adjacent residential properties who currently enjoy a rural outlook. However, loss of or change of outlook is not necessarily a reason for not permitting new development. Whilst the marked change to the character and appearance of the site resulting from the development will clearly create a different outlook for existing residents close to the eastern boundary of the site, this change does not automatically translate into a development that would be harmful to their established amenity. Loss of view is not a planning consideration. The proposed housing is located towards the centre of the site and its layout has been carefully considered to address the relationship between the proposed dwellings and those on Aylwin Place and Elm Close as well as the West Sussex Alternative Provisions College off Fletchers Place. It is not considered that the proposals would result in material harm to established amenity, or indeed the amenity of the dwellings which have planning permission but are not yet constructed, to the north of the application site on the Lowlands Nursery site.

### Education Provision

**8.46a At the September meeting of the Planning Committee further information and clarification was sought on the lack of school places in the area. Further information has since been provided by WSCC Education in respect of the impact of the proposed development, and the summary response of this is provided at paragraph 6.17. WSCC Education has undertaken an assessment of education capacity in the school place catchment area. In their consultation response received on 16 May 2022, WSCC Education confirmed that in May 2022 the local school has the capacity to cater for the additional pupils it is anticipated to come from this current application. WSCC Education confirmed there is now no education objection to the application.**

## Significant Conditions

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

## Section 106 Agreement

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

- 30% Affordable Housing (20 units), with a 70:30 (rent:shared ownership) tenure mix as follows:

### Affordable rent:

- 4 x 1 bedroom
- 5 x 2 bedroom
- 4 x 3 bedroom
- 1 x 4 bedroom

### Shared ownership:

- 1 x 2 bedroom
- 1 x 3 bedroom

### First Homes:

- 1 x 1 bedroom
- 2 x 2 bedroom
- 1 x 3 bedroom

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

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

Appropriate management by an approved body and a nominations agreement.

- Financial contribution of £172,590 (£2,615 per dwelling) towards the A27 Local Plan mitigation works in line with the Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'.
- Financial contribution of ~~£59,772~~ **£61,443** (63 x ~~£904~~ **£927** and 3 x ~~£940~~ **£1014**) for recreational disturbance mitigation at Chichester and Langstone Harbours SPA and Pagham Harbour SPA, in accordance with Planning Obligations and Affordable Housing SPD.

- Prior to occupation of the 37th private open market dwelling to provide the new 3.5m wide footway/cycleway through the site utilising land on the site of the WSCC Alternative Provisions College (APC) to connect to Alywin Place and prior to the occupation of the 62nd dwelling to reconfigure any existing displaced car parking spaces and provide the relocated storage facility. Details of the final layout to be agreed with WSCC and CDC.
- Prior to the occupation of the 62<sup>nd</sup> dwelling to provide the Amenity Open Space including a Local Equipped Area of Play (LEAP) (minimum of 204 sqm of equipped play space and 682 sqm of amenity open space). Management and on-going maintenance to also be secured.
- Reptile relocation receptor (1.2haa) – provision, management and on-going maintenance.
- Prior to the occupation of the 62nd dwelling for the land to be substantially laid out as open space and ecological mitigation land and full management plan agreed. It is intended that the open space and ecological mitigation land (but not the SuDS), as shown on drawing CB 75 217 902, will be transferred to North Mundham Parish Council once fully laid out (prior to the occupation of the 66th dwelling), or, if not taken on by North Mundham PC, the s106 will require suitable transfer to a management company.
- S106 monitoring fee of £5,106.

### Conclusion

8.49 The application has been tested against the 13 criteria in the IPS and there are no significant or demonstrably adverse consequences that would result from the development being permitted. Whilst the wider concerns and objections of the Parish Councils and third parties are noted, the development is considered to be sustainable development and a proposal which responds to the constraints of the site. There is no compelling evidence arising from consideration of this application that the existing infrastructure cannot cope with the new development proposed. Through the S106 Agreement and the CIL payment and the associated Infrastructure Business Plan, the development will provide the necessary infrastructure requirements to mitigate the impact of the development on the wider infrastructure in the locality. The application will deliver much need housing including 20 units of affordable housing. The application is therefore recommended for approval, subject to the applicant entering into a S106 agreement to secure the required affordable housing and other infrastructure.

### Human Rights

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

## **RECOMMENDATION**

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

1) The development for which full planning permission is hereby given (Residential development, play area and ecological mitigation area as shown in red (excluding the outline area shown in orange) on Planning Layout drawing no. CB-75-217-001 Rev J and hereinafter called Phase 1) shall be begun before the expiration of 2 years from the date of this permission.

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

2) (i) Approval of the details (relating to the layout of the site, the scale and the appearance of any buildings and the landscaping of the site) of the Open Space land and the cycle/pedestrian link through West Sussex land, along with the reconfiguration of the existing car parking spaces and relocation of storage unit as included in orange on the Planning Layout drawing no. CB-75-217-001 Rev J (hereinafter called the "reserved matters" for Phase 2) shall be obtained from the Local Planning Authority before any development of Phase 2 is commenced. Plans and particulars of the reserved matters referred to in paragraph (i) above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3) The development of the Open Space land and the cycle/pedestrian link through West Sussex land (Phase 2) hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

CB\_75\_217\_000 Rev A, CB\_75\_217\_001 Rev J, CB\_75\_217\_002 Rev B, CB\_75\_217\_003 Rev B, **CB\_75\_217\_S106\_02**, CB\_75\_217\_005 Rev B, CB\_75\_217\_006 Rev B, CB\_75\_217\_007 Rev B, CB\_75\_217\_008 Rev C, CB\_75\_217\_009 Rev B, CB\_75\_217\_010 Rev B, CB\_75\_217\_011 Rev B, CB\_75\_217\_012 Rev B, CB\_75\_206\_SS\_01 Rev A, CB\_75\_206\_SS\_02 Rev A, CB\_75\_206\_SS\_03, CB\_75\_217\_1&2\_E01, CB\_75\_217\_1&2\_P01, CB\_75\_217\_3&4\_E01, CB\_75\_217\_3&4\_P01, CB\_75\_217\_5\_E01 Rev B, CB\_75\_217\_5\_P01 Rev A, CB\_75\_217\_6&7\_E01 Rev A, CB\_75\_217\_6&7\_P01 Rev A, CB\_75\_217\_8\_E01, CB\_75\_217\_8\_P01, CB\_75\_217\_9-12\_E01 Rev A, CB\_75\_217\_9-12\_P01 Rev A, CB\_75\_217\_13&14\_E01 Rev A, CB\_75\_217\_13&14\_E02 Rev A, CB\_75\_217\_15\_E01 Rev A, CB\_75\_217\_15\_P01, CB\_75\_217\_16\_E01 Rev A, CB\_75\_217\_16\_P01, CB\_75\_217\_17\_E01 Rev A, CB\_75\_217\_17\_P01, CB\_75\_217\_18\_E01, CB\_75\_217\_18\_E02, CB\_75\_217\_18\_P01, CB\_75\_217\_19\_E01, CB\_75\_217\_19\_P01, CB\_75\_217\_20\_E01 Rev A, CB\_75\_217\_20\_P01, CB\_75\_217\_21\_E01 Rev A, CB\_75\_217\_21\_P01, CB\_75\_217\_22\_E01, CB\_75\_217\_22\_P01, CB\_75\_217\_23\_E01 Rev A, CB\_75\_217\_23\_P01, CB\_75\_217\_24\_E01 Rev A, CB\_75\_217\_24\_P01, CB\_75\_217\_25\_E01, CB\_75\_217\_25\_P01, CB\_75\_217\_26&27\_E01, CB\_75\_217\_26&27\_P01, CB\_75\_217\_28\_E01, CB\_75\_217\_28\_P01, CB\_75\_217\_293031\_E01, CB\_75\_217\_293031\_P01, CB\_75\_217\_32\_E01, CB\_75\_217\_32\_P01, CB\_75\_217\_33\_E01, CB\_75\_217\_33\_P01, CB\_75\_217\_34\_E01 Rev A, CB\_75\_217\_34\_P01, CB\_75\_217\_35\_E01, CB\_75\_217\_35\_P01, CB\_75\_217\_36\_E01, CB\_75\_217\_36\_P01, CB\_75\_217\_37\_E01 Rev A, CB\_75\_217\_37\_P01, CB\_75\_217\_38\_E01, CB\_75\_217\_38\_P01, CB\_75\_217\_39\_E01, CB\_75\_217\_39\_P01, CB\_75\_217\_40\_E01, CB\_75\_217\_40\_P01, CB\_75\_217\_41\_E01 Rev B, CB\_75\_217\_41\_P01 Rev A, CB\_75\_217\_42\_E01 Rev A, CB\_75\_217\_42\_P01 Rev A, CB\_75\_217\_43\_E01 Rev A, CB\_75\_217\_43\_P01, CB\_75\_217\_44\_E01 Rev B, CB\_75\_217\_44\_P01, CB\_75\_217\_45\_E01, CB\_75\_217\_45\_P01, CB\_75\_217\_46\_E01, CB\_75\_217\_46\_P01, CB\_75\_217\_47\_E01, CB\_75\_217\_47\_P01, CB\_75\_217\_48\_E01, CB\_75\_217\_48\_P01, CB\_75\_217\_49&50\_E01, CB\_75\_217\_49&50\_P01 Rev A, CB\_75\_217\_51\_E01 Rev A, CB\_75\_217\_51\_P01, CB\_75\_217\_52\_E01 Rev A, CB\_75\_217\_52\_P01 Rev A, CB\_75\_217\_53\_E01 Rev A, CB\_75\_217\_53\_P01 Rev A, CB\_75\_217\_54&55\_E01 Rev A, CB\_75\_217\_54&55\_P01 Rev A, CB\_75\_217\_56\_E01, CB\_75\_217\_56\_P01 Rev A, CB\_75\_217\_57&58\_E01, CB\_75\_217\_57&58\_P01, CB\_75\_217\_59&60\_E01, CB\_75\_217\_59&60\_P01, CB\_75\_217\_61\_E01, CB\_75\_217\_61\_P01, CB\_75\_217\_62\_E01, CB\_75\_217\_62\_P01, CB\_75\_217\_63&64\_E01, CB\_75\_217\_63&64\_P02, CB\_75\_217\_65\_E01 Rev B, CB\_75\_217\_65\_P01 Rev A, CB\_75\_217\_66\_E01, CB\_75\_217\_66\_P01, CB\_75\_217\_GAR\_01 Rev A, CB\_75\_217\_GAR\_02 Rev A, CB\_75\_217\_GAR\_03 Rev A, CB\_75\_217\_GAR\_04 Rev A, CB\_75\_217\_GAR\_05 Rev A, CB\_75\_217\_GAR\_06, CB\_75\_217\_GAR\_07, CB\_75\_217\_BIN\_01 Rev A, CB\_75\_217\_CYC\_01 and CB\_75\_217\_SUB\_01.

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

**5) No development shall commence** on Phase 1 of the development 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 for the relevant Phase 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 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,
- (p) waste management including prohibiting burning and the disposal of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction
- (r) details regarding ecological protection during construction, including precautions for hedgehogs, and
- (s) hours of construction.

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



**6) No development shall commence** on Phase 2 of the development 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,
- (p) waste management including prohibiting burning and the disposal of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction
- (r) details regarding ecological protection during construction, including precautions for hedgehogs, and
- (s) hours of 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.

**7) No development shall commence on phase 1 or phase 2**, including demolition, until protective fencing has been erected around all trees and shrubs in the relevant phase and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

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

**8) No development shall commence on phase 1** until plans of the phase 1 site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

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

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

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy. This is a pre-commencement condition as it goes to the heart of the permission.

10) If the Phase 1 report submitted pursuant to condition 7, identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy. This is a pre-commencement condition as it goes to the heart of the permission.

11) If the Phase 2 report submitted pursuant to condition 8, identifies that site remediation is required then **no development, other than demolition, 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. This is a pre-commencement condition as it goes to the heart of the permission.

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

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

**13) No development shall commence on Phase 1 or Phase 2** until details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the overall surface water drainage system for the development together with the specific infrastructure serving that property has been implemented in accordance with the agreed details.

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

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

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

**15) No development/works shall commence** until details of the arrangements for the future diversion of the public sewer has been submitted to and been approved in writing by the Local Planning Authority. No development or tree planting shall be carried out within 3m of the public sewer and no soakaways, swales, ponds, watercourses or other surface water feature shall be located within 5m of the sewer. Should any other sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before further works commence.

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

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

Reason: The site is potentially of archaeological significance. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

17) Notwithstanding any details submitted to the contrary **no dwelling shall be constructed above slab level** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls, window/door surrounds and roofs of the building(s) have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

18) **No development above slab level shall commence** until verge details for all roofs (main roofs, garages and pitched roof porches) have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To ensure the finishes to be used are appropriate in the interest of amenity and to ensure a development of visual quality.

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

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

20) Notwithstanding the landscaping details submitted with the application **no construction of any dwelling above slab level** shall take place unless and until a detailed scheme of soft landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping. 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 during 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 planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

23) **No dwelling shall be first occupied** unless and until the car parking and/or garaging provision for that dwelling and the road access to it, including where shown visitor/unallocated spaces, associated footways and turning heads, have been constructed in accordance with Planning Layout drawing number CB-75-217-001 Rev J. Once provided these spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that the correct level of parking is provided in a timely manner for the development to accord with the terms of the application, adopted guidance and in the interests of road safety.

24) **No dwelling shall be first occupied** unless and until covered and secure cycle parking spaces have been provided for that dwelling in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided in accordance with the approved details and retained for that purpose thereafter.

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

25) **No dwelling shall be first occupied** until such time as a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority and shall include the provision of a residents' Travel Information Pack to the first occupants of each dwelling. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

Reason: To encourage and promote sustainable transport.

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

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

27) **Before construction of any dwelling above slab level** the technical specification of the Electric Vehicle charging point facility shall be submitted to and approved in writing by the Local Planning Authority. **No dwelling shall be first occupied** unless and until the dwelling has been constructed in accordance with the terms of the submitted Energy Strategy Statement prepared by Briary Energy dated November 2020 (received on the 28<sup>th</sup> May 2021) and the approved technical EV charging points details. Furthermore the solar PV panels must be constructed and inserted so that they are flush fitting with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority. No dwelling which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.

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

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

Reason: To ensure the development benefits from appropriate infrastructure.

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

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



30) **Before first occupation of any dwelling**, details for the upgrade of the Public Right of Way within the application site, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with WSCC Public Rights of Way service. The development shall be carried out in full accordance with the approved details.

Reason: To ensure the development benefits from appropriate infrastructure.

31) The development hereby permitted shall not be carried out other than in full accordance with the mitigation measures and ecological enhancements set out in the Preliminary Ecological Appraisal (dated 26/5/2021), the Phase II Bat Surveys (dated 26/5/2021), the Dormouse Survey (dated 26/5/2021) and the Reptile Survey and Mitigation Strategy (dated 26/5/2021), all prepared by EcoSupport and shall be carried out in accordance with details and a timetable for implementation to be submitted to and agreed in writing by the Local Planning Authority **before work commences on site**. For the avoidance of doubt details of the mitigation measures and ecological enhancements shall include:

- Orchard created with area of meadow grassland
- Filling any gaps in tree lines or hedgerows with native species
- Green corridor network
- SUDS wetland habitat
- Invertebrate features - bug hotels deadwood features
- Species rich grassland and scrub areas planting
- Creation of new hedgerow
- Any trees removed should be replaced at a ratio of 2:1
- Bat bricks installed in 33 dwellings on site
- Bird boxes installed on at least 13 dwellings onsite
- Bird and bat boxes installed on trees within the green corridor areas
- Barn owl boxes installed on site within a suitable location
- Hedgehog nesting boxes included across the site
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.

Reason: In the interest of conserving and enhancing biodiversity.

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

Reason: In the interest of ecology.

## INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) S106 - This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
- 3) The developer is advised that all road surfaces should be constructed in a material suitably strong enough to take the weight of a 26 tonne waste freighter vehicle. The use of concrete block paving unless it is of a highway standard is discouraged, as these tend to move under the weight of the Council's waste vehicles.
- 4) The applicant is advised that if they wish to divert the public sewer, Southern Water requests a formal application for a sewer diversion under S185 of Water Industry Act 1991.
- 5) The applicant is reminded that the prior written consent of the Lead Local Flood Authority (WSCC) or its agent (CDC) will be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values. For further information please email [landdrainage@chichester.gov.uk](mailto:landdrainage@chichester.gov.uk).
- 6) A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:  
[southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)
- 7) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

8) 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.

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

For further information on this application please contact Joanna Bell on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QK04M9ER0UX00>

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## Chichester District Council Planning Committee

**Wednesday 06 July 2022**

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

#### Appeals, Court and Policy Matters

**between 25-05-2022 - 17-06-2022**

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

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

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

\* = Committee level decision

#### 1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
<a href="#"><u>* 20/02066/OUT</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Jeremy Bushell</b>  <b>Written Representation</b>	Koolbergen, Kelly's Nurseries And Bellfield Nurseries Bell Lane Birdham Chichester West Sussex PO20 7HY  Outline Application with all matters reserved apart from access for the erection of up to 73 dwellings, open space and associated works, Class E(g) employment floorspace and Class E(a) retail floorspace.
<a href="#"><u>21/03546/DOM</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Rebecca Perris</b>  <b>Written Representation</b>	Densworth House Funtington Road East Ashling Chichester West Sussex PO18 9AP  Extension and change use of existing garage creating ancillary self-contained annexe.
<a href="#"><u>21/03639/DOM</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Rebecca Perris</b>  <b>Written Representation</b>	Densworth House Funtington Road East Ashling Chichester West Sussex PO18 9AP  Change use of existing garage to habitable ancillary accommodation (annexe).

## 2. DECISIONS MADE

Reference/Procedure	Proposal
<a href="#">19/02493/OUT</a>	
<p><b>Earnley Parish</b>  <b>Case Officer: Andrew Robbins</b>  <b>Informal Hearings</b></p>	<p>Earnley Concourse Clappers Lane Earnley Chichester West Sussex PO20 7JN</p> <p>Outline planning application with all matters except Access reserved. Demolition of Earnley Concourse buildings, Elm Lodge, Gate Cottage and the Ranch House and replacement with residential development of up to 32 no. dwellings with associated access and footway works, landscaping, open space and drainage infrastructure</p>
<p><b>Appeal Decision: APPEAL ALLOWED</b></p>	
<p>"... The main issues in this appeal are:</p> <ul style="list-style-type: none"> <li>• Whether the appeal site is an appropriate location for the proposed development, with reference to the spatial strategy in the development plan;</li> <li>• The effect of the proposal on the character and appearance of the area;</li> <li>• Whether the proposal would preserve or enhance the character or appearance of the Earnley Conservation Area (CA) and the effect on the setting of the CA; and</li> <li>• The effect of the proposed development on European sites.</li> </ul> <p><i>The appropriateness of the location with reference to the spatial strategy</i> - the appeal scheme would be at odds with Policies 2, 45 and 46 when taken as a whole. It would therefore conflict with the spatial strategy in the development plan. In particular, the proposal would be at odds with the settlement hierarchy by being a disproportionate addition to the village of Earnley, which itself is a bottom tier settlement in the 'rest of the plan area'. This would harmfully undermine the consistency and direction that should flow from a genuinely plan led planning system. As a result, the appeal site is not an appropriate location for the proposed development with reference to the spatial strategy in the development plan. However, the weight I attach to the conflict is reduced because several of the underlying aims of the spatial strategy would not be offended, such as preventing coalescence, siting housing in locations accessible to services and facilities and conserving the environment. Overall, the policy conflict carries moderate weight.</p> <p><i>The effect of the proposal on the character and appearance of the area.</i> - the appeal site reads as part of the fabric of the village, albeit a generally alien one. The buildings also have a noticeable and harmful presence in the landscape in views from the south and east. The appeal scheme needs to be considered against this baseline. ... The illustrative scheme would therefore appear relatively cramped and suburban, and this would jar with the spacious rural character and appearance of the village. ... I share the view of the Council that the illustrative masterplan details a scheme that would have a greater adverse impact on the character and appearance of the area than what is currently on site. However, that is not what is proposed and is a failing of form rather than the</p>	

**Appeal Decision: APPEAL ALLOWED -  
continued**

quantum. When considered in the context of the existing baseline of large and generally unattractive buildings, a proposal of up to 30 homes need not inherently fail to balance an efficient use ... Accordingly, the proposal could have a net neutral impact on the character and appearance of the area or perhaps even an enhancement. As a result, and subject to the reserved matters, the provision of 30 homes need not be at odds with Policies 33 and 48 of the LP, Paragraph 130 of the Framework or guidance in The National Design Guide ... *Whether the character or appearance of the CA would be preserved or enhanced* - the pavement would have a limited adverse impact on the rural character, appearance and significance of the CA. ... However, the appeal scheme would also result in some benefits to the CA. The proposal would see the white painted metal railings and brick piers at the entrance of Earnley Place removed. ... Overall, the appeal scheme would have a net negative effect of limited magnitude on the significance of the CA. *The effect on the setting of the CA* - Overall, the appeal scheme would not inherently increase the level of harm to the setting of the CA and therefore a conflict with Policy 47 of the LP in respect of this matter need not occur. *The effect on European sites - Appropriate Assessment* - ... In conclusion, the appeal scheme would not adversely affect the integrity of the Chichester and Langstone Harbours SPA and Ramsar site, Pagham Harbour SPA and Ramsar site, or any other European designated site when considered both alone and in combination with other plans and projects. Moreover, there will be no adverse effects on Medmerry Reserve either. The proposal would therefore adhere to Policies 49, 50, 51 and 52 of the LP, which seek to conserve biodiversity. ... The proposal would be at odds with the spatial strategy in the development plan. I have afforded this moderate weight for the reasons already given. The proposal would also result in some limited residual harm to the CA. The proposal would be at odds with the development plan taken as a whole. That said, the benefits of the proposal would outweigh the harm to the CA. In fact, on an ordinary untitled balance the benefits would be of sufficient force to outweigh the totality of harm identified. This is a material consideration that suggests the proposal should be determined otherwise than in accordance with the development plan. Accordingly, the appeal has been allowed."

Reference/Procedure	Proposal
<a href="#">21/00622/FUL</a>	
<p><b>Sidlesham Parish</b>  <b>Case Officer: Maria Tomlinson</b>  <b>Written Representation</b></p>	<p>Land East Of 4 Cow Lane Sidlesham West Sussex PO20 7LN</p> <p>Detailed application for an alternative 1 no. 3 bed dwelling following approval of 19/02349/FUL.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>...The overall height increase of the proposed building may appear relatively limited, when compared with the previously permitted scheme. However, the ridge height increase would, in combination with the changes to the eaves height and shape of the roof, but also the proposed dormer windows to the front and rear elevations, give the building a top heavy and overly bulky appearance. This would result in an incongruous form of development, which would have a detrimental impact on the rural character and appearance of the site and its surroundings. Despite the screening provided by the existing vegetation, the harm associated with the proposal would nevertheless be evident within the public realm, particularly at times of the year when trees are not in leaf. My attention has been drawn to other LSA properties with mansard roofs which can be found elsewhere in the locality, but these are generally characterised by their more modest scale and simpler design, and the appeal scheme would fail to successfully replicate these characteristics. I have also had regard to the planning approval for alterations and extensions at no 3a Cow Lane, a LSA property with mansard roof. Whilst I have been provided with copies of the approved plans, I do not know the full circumstances of this case or the policies that applied at the time of the consideration of the application, and cannot be sure that a direct parallel can be drawn with the proposal before me. Limited weight is therefore afforded to this particular scheme...</p>	



Reference/Procedure	Proposal
<a href="#"><u>21/00089/FUL</u></a>	
<p><b>Southbourne Parish</b>  <b>Case Officer: Maria Tomlinson</b>  <b>Written Representation</b></p>	<p>Thornham Products Thornham Lane Southbourne PO10 8DD</p> <p>Retention of existing single mobile home on the land and to continued use for applicant's place of residence, following expiry of temporary period granted under condition 2 of SB/15/01837/FUL.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>“...Even though this would be for a temporary period, the development is not, for the reasons detailed above, situated in an accessible and sustainable location. It therefore fails to accord with the Council’s Spatial Strategy and Settlement Hierarchy and is contrary to LP Policies 1, 2 and 45 and the sustainable development objectives of the Framework. ... Having regard to the available information and in the absence of satisfactory evidence to the contrary, I conclude that the development is not suitably located, by reason of its vulnerability in flood risk terms. The appeal scheme is therefore contrary to LP Policy 42, but also the Framework (paragraphs 155-165) and the PPG on Flood risk and coastal change. These notably seek to avoid inappropriate development in areas at current or future flood risk, and to direct development away from areas of highest risk. ... the mobile home on the site constitutes an incongruous feature in the landscape, which detracts from the rural character of its surroundings. It represents an encroaching form of development in the countryside, which has a detrimental effect on the predominantly open and flat character of this part of the Chichester Harbour AONB. The harm is exacerbated by the forms of boundary treatment and mature vegetation enclosing the structure, but also the proliferation of domestic paraphernalia associated with the use for residential living, which are alien features bringing a cluttered character and appearance to the site. I share the concerns raised by the previous Inspector in respect of the open area sited to the rear of the mobile home, which is more typical of the rural character of the area and is visible from a public footpath to the rear of the site. As the appeal site boundary appears to include this area, the grant of permission would also include this area, thus enabling the possibility of domestic use which would cause further harm to the rural and open character of the area. ... the development adversely affects the character and appearance of the surrounding area, and fails to conserve and enhance the landscape and scenic beauty of the Chichester Harbour AONB, to which I ascribe great weight, in accordance with paragraph 176 of the Framework. The appeal scheme subsequently conflicts with LP Policy 43, which seeks to ensure that the natural beauty and locally distinctive features of the AONB are conserved and enhanced. ... As I am dismissing this appeal on other substantive grounds, these are not matters which need to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the development’s compliance with Habitats Regulations. The Council is presently unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11d) of the Framework, as directed by Footnote 8, advises that the policies which are most important for determining the application are considered out-of-date, and planning permission should be granted. This presumption does not however apply where the application of policies in this Framework that protect areas or assets of</p>	

**Appeal Decision: APPEAL DISMISSED**

**- continued**

particular importance provides a clear reason for refusing the development proposed. As detailed in Footnote 6 to the Framework, such areas or assets of particular importance include land designated as an AONB and areas at risk of flooding or coastal change. The appeal scheme fails to conserve and enhance the landscape and scenic beauty in the Chichester Harbour AONB and is sited in area at risk of flooding. The policies of the Framework in these respects provide clear reasons for refusing the appeal scheme. The tilted balance set out in paragraph 11 of the Framework is therefore not engaged in this instance. Whilst I have found that the appeal scheme conflicts with the development plan, it is also necessary to consider whether the grant of a temporary or personal permission would be justified in this instance. A number of considerations have been brought to my attention in favour of the development and in particular, I have therefore had due regard to the personal circumstances of the appellants. As part of the previous appeal, the Inspector identified conflicts with the development plan but nevertheless granted planning permission on a temporary basis for three years to give the appellants sufficient time to find an alternative location or accommodation. In her decision, the Inspector referred to the PPG<sup>5</sup>, which states that it will rarely be justifiable to grant a second temporary permission. The rights of the appellants under the Human Rights Act 1998 is an important consideration. The dismissal of the appeal would in all likelihood lead to the loss of the appeal site's use for the stationing of the mobile home. The appellants' submissions include information to demonstrate that they have been unsuccessful in their attempts to acquire a property or find rented accommodation elsewhere. However, I have only been presented with one letter from a lettings agent. Moreover, and though rental prices may be high in the area, it remains unclear whether, having regard to the available evidence, a wider search area has been considered, where accommodation may be more affordable. ... Another temporary permission or the imposition of a personal condition, which would limit the duration of the permission to the period required by the appellants, would unacceptably prolong the harm caused by the development and risks associated with it. Whilst I have given due consideration to the personal circumstances of the appellants, these are outweighed by the harms which I have identified. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed."

Reference/Procedure	Proposal
<a href="#"><u>19/00107/CONMHC</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Steven Pattie</b> <b>Written Representation</b>	Jubilee Wood Bridle Lane Woodmancote Hambrook West Sussex Appeal against Enforcement Notices WE/50 WE/51
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>...Summary of Decisions: the appeals are dismissed and the enforcement notice upheld Appeals A, B, C and D comprise the same grounds of appeal lodged by different Appellants. The appeals concern an Enforcement Notice (EN1) which cites the alleged breach of planning control as without planning permission the material change of use of the land to use as a residential caravan/mobile home site. Ground (c) appeals. This ground of appeal is that the matters alleged do not constitute a breach of planning control. From my inspection and all written submissions I conclude that there has been a material change of use of the land to use as a residential caravan/mobile home site. There is no planning permission in place for this change of use and there is no evidence before me that the current use is ancillary to the authorised forestry use of the land or benefits from permitted development rights and so I conclude that a breach of planning control has occurred. For the reasons given above I conclude that Appeals A,B,C and D should not succeed on ground (c).Appeals E, F, G and H comprise the same grounds of appeal lodged by different Appellants. The appeals concern an Enforcement Notice (EN2) which cites the alleged breach of planning control as without planning permission the material change of use of the land to a use for recreational purposes. As a matter of fact and degree on the evidence before me I conclude that a change of use from forestry to recreational use has occurred. There is no planning permission in place for this and there is no evidence before me that it is ancillary to the authorised forestry use of the land or benefits from permitted development rights and so I conclude that a breach of planning control has occurred. For the reasons given above I conclude that Appeals E,F,G and H should not succeed on ground (c).Ground (d) appeals. The main issue is whether the wheeled metal carriage enforced against is immune from enforcement. The Appellants argue that the wheeled metal carriage is lawful because it has been on the site for over ten years. The onus of proof rests on the Appellants and they say that they have images of the carriage dated about 7 years ago. But these are not before me in evidence. I cannot conclude on the evidence before me that the wheeled metal carriage is immune from enforcement action. Taking all of the evidence into account, I consider that on the balance of probability the wheeled metal carriage facilitates the unauthorised change of use. Regardless of whether or not on its own it might constitute development or be immune from enforcement it facilitates the unauthorised use and its removal satisfied the purpose of the notice in restoring the land to its condition before the breach of planning control took place. The appeals on ground (d) therefore fail and the enforcement notice is upheld...</p>	

Reference/Procedure	Proposal
<a href="#">19/00107/CONMHC</a>	
<b>Westbourne Parish</b> <b>Case Officer: Steven Pattie</b> <b>Written Representation</b>	Jubilee Wood Bridle Lane Woodmancote Hambrook West Sussex Appeal against Enforcement Notices WE/50 WE/51
<b>Appeal Decision: APPEAL DISMISSED</b>	
As above	

Reference/Procedure	Proposal
<a href="#"><u>20/02824/OUT</u></a>	
<p><b>Westhampnett Parish</b>  <b>Case Officer: Andrew Robbins</b>  <b>Public Inquiry</b></p>	<p>Land Within The Westhampnett / North East Chichester Strategic Development Location (north Of Madgwick Lane) Chichester</p> <p>Outline Application with all matters reserved except for access for the residential development comprising up-to 165 dwellings, including an element of affordable housing; together with an access from Madgwick Lane as well as a relocated agricultural access, also from Madgwick Lane; Green Infrastructure, including the enhancement of the Lavant Valley Linear Greenspace; sustainable drainage systems; and associated infrastructure.</p>
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p>"...The appeal is allowed ... the main issues were agreed as:</p> <ul style="list-style-type: none"> <li>• whether or not the appeal site is an appropriate location for development of this type, particularly with regard to the wider masterplanning for the Westhampnett/North East Chichester Strategic Development Location (SDL), physical integration with the existing settlements of Chichester and Westhampnett, and reliance on the car by future occupiers;</li> <li>• the effect of the proposed development on the character and appearance of the area, particularly with regard to the Lavant Valley landscape and visual integration with the existing settlements of Chichester and Westhampnett;</li> <li>• the effect of the proposed development on the special interest of the nearby listed buildings, in particular Old Place Farmhouse and Chichester cathedral, with regard to the effect on their settings;</li> <li>• whether or not the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and motor circuit; and,</li> <li>• whether or not the proposed development would create potential future risks to the operation of the aerodrome and/or motor racing circuit, including with regard to the efficient operation of the highway network in the vicinity of the appeal site with regard to events traffic related to major events at the motor racing circuit. ...</li> </ul> <p>Location/principle - Overall, whilst future occupiers would not be overly reliant on the private car to access the services and facilities that would be required on a daily basis, the development proposed would be separated from the immediately adjoining built up areas, and would conflict with the approach to masterplanning of the SDL. The proposal would therefore conflict with the relevant parts of Policies 7, 17 and 33 of the LP in these respects. The proposal fails to comply with Policy AL4 of the emerging LP, which largely reflects Policy 17 of the LP. The proposal also conflicts with Criterion 1 of the Interim Position Statement for Housing Development, November 2020 (the IPS), which is with regard to the integration of housing development with existing settlements. Character and appearance - Although the appeal site itself is open agricultural land, it sits near to significant built form on the edge of Chichester and the village of Westhampnett which is, particularly following the construction of Phase 2, effectively joined-up to Chichester. ... The character of the area is of an edge of</p>	

**Appeal Decision: APPEAL ALLOWED -  
continued**

settlement, transitional area leading outwards from Chichester, but with the circuit nearby to the north rather than significant areas of open countryside. ... There would be some harm to the landscape character of the area through the loss of the existing agricultural land and replacement with a residential development, whatever its eventual precise layout and form following consideration of reserved matters. This would negatively alter the character of the appeal site by the introduction of built form and lighting to what is currently tranquil, agricultural land. However, as set out above, the appeal site is on the edge of the built-up area of Chichester and Westhampnett, and the motor racing circuit, a large built-up facility, lies to the north. ... A new northern boundary to Chichester would be created, likely with fairly significant landscaping and/or built form. However, there needs to be a northern boundary to Chichester at some point, and I do not see moving this slightly further forward from its current position as being unduly harmful to the character and landscape of the area, ... To the east, the proposed open space would eventually be seen as in the middle of the existing development to the east of Madgwick Lane and the proposed development, albeit divorced to a degree by the road and associated hedgerow, rather than as a ring around the proposed development in isolation. ... Overall, the proposal would harm the character and appearance of the area and the Lavant Valley landscape. I judge the level of harm to be moderate, because of the existing transitional, edge-of-settlement character of the immediate surroundings and the partially mitigating factors set out above. The proposal would therefore fail to comply with Policies 7, 17 and 48 of the LP, which, amongst other criteria, require high quality design and to protect local landscape character. The proposal fails to comply with Policy AL4 of the emerging LP, which largely reflects Policy 17 of the LP. The proposal also conflicts with Criteria 1 and 5 of the IPS which relate to the integration of housing development with existing settlements and landscape character. ... that the appeal site is barely discernible from the key viewpoints in the SDNP. The proposal would therefore have a negligible effect on the landscape and scenic beauty of the SDNP, ... Heritage - To the east of the appeal site lies the grade II Listed Old Place Farmhouse and its curtilage listed outbuildings and immediate grounds. ... However, this setting has already been partially eroded through the Phase 2 development to the east, various elements of further development on the outskirts of Chichester to the south and west, and the motor racing circuit further to the north. Nevertheless, the proposed development would place substantial built form on agricultural land historically associated with the farmhouse. ... The proposal would therefore further erode the setting of the historic complex, I assess this level of harm to be at the lower end of less than substantial. ... Living conditions of future occupiers - noise - There are two principal sources of noise that would affect the future occupiers – Goodwood Aerodrome, split into fixed-wing and helicopter movements, and Goodwood Motor Circuit. ... Noise contours confirm that the appeal site would be the subject of an overall noise profile of 48 to 51 dB LAeq 16 hour on a typical summers day, ie when the aerodrome is most busy and noisy. This is a very similar noise profile to that affecting both Phase 1 and Phase 2, which is perhaps to be expected given that all three sites are a similar distance from the aerodrome. The three sites are to the south east, south and south west of the aerodrome. The prevailing wind is from the south west and therefore blowing away from all of these sites. Therefore, all of the appeal site, and all of the future occupants of the proposed dwellings, would not be subject to unacceptable noise levels from aircraft, likely not even breaching LOAEL levels. ... There would occasionally be greater noise levels from louder aircraft. However, evidence has been provided that these events are unlikely to number more than two per day. Therefore, whilst each event would potentially cause harm to the living conditions of the future occupiers, the infrequency and short duration mean that this would be acceptable. ...

**Appeal Decision: APPEAL ALLOWED -  
continued**

Helicopters make a markedly different noise from fixed-wing aircraft, including a percussive element. Helicopters have the potential to harm living conditions to a greater extent for any given dB reading than fixed-wing aircraft. ... Each individual helicopter flight is likely to lead to annoyance to a significant proportion of the future residents of the appeal site. ... Using the data provided, this has, in recent years, resulted in an average of nine fly-overs per day of the appeal site in the summer, and as low as two per day in the winter. ... Overall, given that the majority of the site would be below the LOAEL, and all of it comfortably below the SOAEL, the noise from use of the circuit, even allowing for occasional more noisy and intrusive elements, would be within acceptable limits to ensure that the living conditions of future occupiers would not be unduly harmed. ... Given the relatively low levels of noise I have identified, and in particular noting that it is only at LOAEL and not SOAEL levels, I do not foresee the mitigation measures being extensive or in themselves harming the living conditions of future occupiers. ... Noise from the aerodrome and the motor racing circuit often occurs simultaneously. The cumulative effect must therefore be considered. ... I have considered this carefully, and I am comfortable that the combined noise effects would remain within a LOAEL range, in the sense that they would not result in a significant adverse impact, given the headroom before SOAEL levels of noise would be likely to be experienced by the future occupiers. ... Overall, the noise from fixed-wing aircraft would be either below, or at the lower end of, the LOAEL. The noise from helicopter flights, despite their relatively loud noise and qualitative annoyance, would be infrequent. Given that the majority of the site would be below the LOAEL, and all of it comfortably below the SOAEL, the noise from the motor racing circuit, even allowing for occasional more noisy and intrusive elements, and noise considered in combination, would be within acceptable limits. Modest mitigation measures to counteract effects at a LOAEL level may be required at the detailed design stage, ... Consequently, the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and circuit. This is either as it operates currently or as it is likely to do so in the future, and it would not unacceptably harm the living conditions of the future ... Agent of Change – risk to operations at The Estate - Paragraph 187 of the Framework introduces the concept of the ‘agent of change’ principle. The key test is that existing businesses should not have unreasonable restrictions placed on them as a result of new development. In this instance, the two relevant businesses are the Goodwood Motor Circuit and Goodwood Aerodrome. ... the evidence from the only aircraft safety expert witness at the inquiry was that the appeal site would not prevent safe landing options due to remaining safe landing options and the ‘stepping stones’, where the pilots identify the next emergency landing spot they would head to if necessary, that are part and parcel of how a helicopter pilot would react to such a situation. On this basis, it has been demonstrated that the proposal would not lead to unacceptable safety concerns ... even if small changes were required to the air display routes, there is no compelling evidence before me that this could not be accommodated, Overall, there could be some negative effects on traffic on major event days, ... However, it would likely be minor. ... I consider that the proposal would not create potential future risks to the reasonable operation of the aerodrome or the motor racing circuit, and conclude that the proposal complies with paragraph 187 of the Framework. Housing land supply - ... I calculate the supply of deliverable dwellings to be 3,536 (the Council’s figure) minus 762 dwellings as set out above, leaving 2,774 dwellings. The need is 3,330 dwellings, based on my conclusion of 666 dpa. The extent of the shortfall is therefore 556 dwellings. This equates to a housing land supply of some 4.17 years. ...

**Appeal Decision: APPEAL ALLOWED -  
continued**

PLANNING BALANCE AND CONCLUSION - ... The need for housing is therefore pressing. Providing more housing is one of, if not the most, important aspirations of local and national planning policy. I therefore place substantial positive weight on the proposed market housing. ... There is therefore an acute requirement for affordable housing and I place substantial positive weight on the proposed affordable housing. The proposal includes substantial areas of landscaped public open space, and a play area. These areas and facilities would be available for use by the public, as well as the future occupants of the development. A new view of the cathedral would also be created, which would be both a heritage and character and appearance benefit of the proposal. I place moderate positive weight on these factors. ... The proposed biodiversity net gain therefore goes significantly beyond policy requirements. I place significant positive weight on this factor. There would be economic benefits in the short term through construction employment, and in the longer term through expenditure by future occupants in the area. ... I attribute significant positive weight to the proposed employment generation that would support economic growth and productivity. Proposing housing on the appeal site conflicts with the masterplanning of the SDL and would be physically divorced from the surrounding built-up areas. There would also be harm to the character and appearance of the area, including to landscape character. However, these harms would be tempered because the appeal site sits in an area with an edge-of-settlement, hinterland character, with residential and commercial development close by, and because the separation to the existing development to the east would be a managed landscaped area, rather than open, agricultural land. Importantly, the identified deficit in housing land is only likely to be rectified through the granting of permission for housing on sites not identified in the LP, such as the appeal site. In addition, the LP was adopted on the basis of a housing need figure of 435 dpa, even though the objectively assessed need was 505 dpa, due to an insufficient evidence base in relation to transport. The LP Inspector therefore adopted the LP at the lower figure but only subject to an updated transport study being produced and the LP being reviewed within five years. The LPA are currently about three years behind schedule on this review. The policies in the LP affected by this awaited review, and in particular those relating to the location of housing, such as Policy 17 and the SDL, therefore carry reduced weight. The acceptability, or otherwise, of a proposal in other regards forms part of the overall planning balance, as I consider in this section, and should not be used to increase the weight to be attached to the conflict with the masterplanning of the SDL. Consequently, I only place moderate negative weight on these factors. ... The proposal would erode the setting of the Old Place Farmhouse historic complex, harming its special interest and heritage significance. I assess this level of harm to be at the lower end of less than substantial. ... I place great weight on the harm to the Old Place Farmhouse complex, limited though it may be. The public benefits of the proposal include the provision of up-to 165 homes, including affordable housing, and the creation of significant areas of public open space, amongst others. These benefits clearly outweigh the lower end of less than substantial harm to the heritage asset that I have identified and the proposal complies with paragraph 202 of the Framework. Subject to relatively minor mitigation measures that could be secured by condition, the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and motor circuit. This factor weighs neutrally in the planning balance. ... As the housing land supply is 4.17 years and none of the assets of particular importance as set out in the Framework<sup>13</sup> provide a clear reason for refusing the development proposed, paragraph 11d, and the 'tilted balance', is therefore engaged.



**Appeal Decision: APPEAL ALLOWED -  
continued**

For the appeal scheme, the adverse impacts I have identified are moderate harm to character and appearance, conflicts with wider masterplanning and physical and visual integration, and harm to the Old Place Farmhouse complex. Taken together, these would not significantly and demonstrably outweigh the many benefits, in particular the provision of housing, including affordable housing, and the creation of new areas of publicly accessible open and play space including significant biodiversity net gain. ...”

### 3. IN PROGRESS

Reference/Procedure	Proposal
<a href="#"><u>* 20/02899/FUL</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Houseboat Water Gypsy Chichester Marina Birdham Chichester West Sussex PO20 7EJ  Installation of a replacement houseboat at Berth No. 16 of Chichester Canal.
<a href="#"><u>20/03034/OUT</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Jane Thatcher</b> <b>Informal Hearings</b>	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)
<a href="#"><u>21/00833/FUL</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Andrew Robbins</b> <b>Written Representation</b>	Chichester Marina Birdham Chichester West Sussex PO20 7EJ  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.
<a href="#"><u>17/00362/CONMHC</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b>	Plot 14 Land North West Of Premier Business Park Birdham Road Appledram West Sussex  Without planning permission change of use of the land to use as a residential caravan site.

Reference/Procedure	Proposal
<a href="#"><u>20/00379/CONCOU</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b>	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Appeal against BI/47
<a href="#"><u>17/00356/CONMHC</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b>	Plot 12 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission, change of use of the Land to the storage of a caravan and a highway maintenance vehicle used for white line painting.
<a href="#"><u>17/00361/CONMHC</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b>	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission, change of use of the Land to the storage of a caravan and a diesel fuel oil tank.
<a href="#"><u>21/02354/ELD</u></a>	
<b>Bosham Parish</b> <b>Case Officer: Alicia Snook</b> <b>Written Representation</b>	Land West Of Walton House Main Road Bosham PO18 8QB  Use of the land for the storage of boats, boat trailers and sundry items.
<a href="#"><u>* 19/02579/FUL</u></a>	
<b>Chichester Parish</b> <b>Case Officer: Martin Mew</b> <b>Informal Hearings</b>	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Change use of land to travellers caravan site consisting of 4no. pitches each containing 1no. mobile home, 1no. touring caravan, 1no. utility dayroom; play area and associated works.
<a href="#"><u>20/02009/FUL</u></a>	
<b>Chichester Parish</b> <b>Case Officer: Martin Mew</b> <b>Informal Hearings</b>	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Change use of land to travellers caravan site consisting of 3 no. pitches each containing 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom; play area and associated works (Resubmission of CC/19/02579/FUL).

Reference/Procedure	Proposal
<a href="#"><u>21/02110/FUL</u></a>	
<b>Chichester Parish</b> <b>Case Officer: Martin Mew</b> <b>Written Representation</b>	23 Lavant Road Chichester PO19 5RA  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).
<a href="#"><u>21/02193/DOM</u></a>	
<b>Chichester Parish</b> <b>Case Officer: Maria Tomlinson</b> <b>Fast Track Appeal</b>	21 Worcester Road Chichester PO19 5DW  Demolishment of existing garage replaced with proposed single and two storey front and side extension, incorporating new garage, with alterations to fenestration.
<a href="#"><u>20/00380/CONTRV</u></a>	
<b>Chichester Parish</b> <b>Case Officer: Sue Payne</b> <b>Informal Hearings</b>	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex  Appeal against creation of hardstandings and siting of mobile homes without planning permission.
<a href="#"><u>20/03320/OUTEIA</u></a>	
<b>Chidham &amp; Hambrook Parish</b> <b>Case Officer: Jane Thatcher</b> <b>Public Inquiry</b> <b>18-Aug-2022</b> <b>Multiple Venues</b>	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.
<a href="#"><u>20/03321/OUTEIA</u></a>	
<b>Chidham &amp; Hambrook Parish</b> <b>Case Officer: Jane Thatcher</b> <b>Public Inquiry</b> <b>18-Aug-2022</b> <b>Multiple Venues</b>	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
<a href="#"><u>20/03378/OUT</u></a>	
<b>Chidham &amp; Hambrook Parish</b> <b>Case Officer: Andrew Robbins</b> <b>Informal Hearings</b>	Land At Flat Farm Hambrook West Sussex PO18 8FT  Outline Planning Permission With Some Matters Reserved (Access) - Erection of 30 dwellings comprising 21 market and 9 affordable homes, access and associated works including the provision of swales.
<a href="#"><u>20/03125/OUT</u></a>	
<b>Earnley Parish</b> <b>Case Officer: Jeremy Bushell</b> <b>Public Inquiry To be reconvened 28/06/22</b>	Land South Of Clappers Lane Clappers Lane Earnley West Sussex  Outline Application for the erection of up to 100 dwellings with associated access, landscaping and public open space. All matters reserved other than access.
<a href="#"><u>22/00112/DOM</u></a>	
<b>Earnley Parish</b> <b>Case Officer: Emma Kierans</b> <b>Fast Track Appeal</b>	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).
<a href="#"><u>21/01920/PA16A</u></a>	
<b>East Wittering And Bracklesham Parish</b> <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Car Park Northern Crescent East Wittering West Sussex  Proposed 15.0m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.
<a href="#"><u>21/03279/FUL</u></a>	
<b>East Wittering And Bracklesham Parish</b> <b>Case Officer: Emma Kierans</b> <b>Fast Track Appeal</b>	Land South Of Tranjoeen1 Field Maple Bracklesham Lane Bracklesham Bay West Sussex  Proposed vehicle crossover (means of access to a highway Class B).

Reference/Procedure	Proposal
<a href="#"><u>21/03313/DOM</u></a>	
<b>East Wittering And Bracklesham Parish</b> <b>Case Officer: Emma Kierans</b> <b>Fast Track Appeal</b>	Coromandel Longlands Road East Wittering Chichester West Sussex PO20 8DD  Construction of a single attached garage to the western side of the approved 2 bedroom chalet bungalow currently being constructed.
<a href="#"><u>* 21/02509/FUL</u></a>	
<b>Fishbourne Parish</b> <b>Case Officer: Martin Mew</b> <b>Written Representation</b>	Black Boy Court Main Road Fishbourne PO18 8XX  Creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping.
<a href="#"><u>21/02553/FUL</u></a>	
<b>Fishbourne Parish</b> <b>Case Officer: Joanne Prichard</b> <b>Written Representation</b>	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.
<a href="#"><u>21/03215/DOM</u></a>	
<b>Fishbourne Parish</b> <b>Case Officer: Rebecca Perris</b> <b>Fast Track Appeal</b>	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
<a href="#"><u>22/00142/FUL</u></a>	
<b>Fishbourne Parish</b> <b>Case Officer: Jane Thatcher</b> <b>Written Representation</b>	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL  Re-grading of existing agricultural land to create natural grass and wetlands.
<a href="#"><u>22/00575/PA3R</u></a>	
<b>Fishbourne Parish</b> <b>Case Officer: Jane Thatcher</b> <b>Written Representation</b>	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
<a href="#"><u>* 19/00445/FUL</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Martin Mew</b> <b>Written Representation</b>	Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex Relocation of 2 no. existing travelling show people plots plus provision of hard standing for the storage and maintenance of equipment and machinery, 6 no. new pitches for gypsies and travellers including retention of hard standing.
<a href="#"><u>19/02939/FUL</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Old Allotment Site Newells Lane West Ashling West Sussex Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.
<a href="#"><u>20/00234/FUL</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Calum Thomas</b> <b>Informal Hearings</b> <b>10-Aug-2022</b> <b>Chichester Community Development Trust</b>	Land West Of Newells Lane West Ashling PO18 8DD Change of use of land for the stationing of 4 no. static caravans and 4 no. touring caravans for a Gypsy Traveller site, including parking, hard standing and associated infrastructure.
<a href="#"><u>20/00534/FUL</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Calum Thomas</b> <b>Informal Hearings</b> <b>29-Nov-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19 1TY</b>	Land South Of The Stables Scant Road East Hambrook Funtington West Sussex Change of use of land to use as a residential caravan site for 2 no. gypsy families and construction of 2 no. ancillary amenity buildings, including the laying of hardstanding, erection of boundary wall.
<a href="#"><u>20/00950/FUL</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.

Reference/Procedure	Proposal
<a href="#"><u>20/00956/FUL</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Calum Thomas</b>  <b>Informal Hearings</b> <b>09-Aug-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19 1TY</b>	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex  Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.
<a href="#"><u>20/03306/FUL</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Calum Thomas</b>  <b>Informal Hearings</b>	Land To The West Of Newells Farm Newells Lane West Ashling West Sussex  The stationing of caravans for residential purposes together with the formation of hardstanding and utility/dayrooms ancillary to that use for 3 no. pitches.
<a href="#"><u>20/00288/CONENG</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Tara Lang</b>  <b>Informal Hearings</b> <b>10-Aug-2022</b> <b>Chichester Community Development Trust</b>	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD  Appeal against Enforcement Notice FU/77
<a href="#"><u>18/00323/CONHI</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ  Appeal against High Hedge Remedial Notice HH/25
<a href="#"><u>18/00323/CONHI</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ  Appeal against HH/22
<a href="#"><u>20/00288/CONENG</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b>	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD  Appeal against Enforcement Notice FU/89



Reference/Procedure	Proposal
<a href="#"><u>21/00152/CONTRV</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b>	Land West Of Newells Farm Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/87
<a href="#"><u>20/00109/CONTRV</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b> <b>09-Aug-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b>	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/80
<a href="#"><u>19/01400/FUL</u></a>	
<b>Loxwood Parish</b> <b>Case Officer: Martin Mew</b> <b>Written Representation</b>	Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.
<a href="#"><u>21/00300/FUL</u></a>	
<b>Loxwood Parish</b> <b>Case Officer: Robert Young</b> <b>Written Representation</b>	Land At Loxwood Hall West Guildford Road Loxwood Billingshurst West Sussex RH14 0QP Erection of a detached dwelling.
<a href="#"><u>21/02547/DOC</u></a>	
<b>Oving Parish</b> <b>Case Officer: Jeremy Bushell</b> <b>Written Representation</b>	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.
<a href="#"><u>21/00077/FUL</u></a>	
<b>Plaistow And Ifold Parish</b> <b>Case Officer: Sascha Haigh</b> <b>Written Representation</b>	Oxencroft Ifold Bridge Lanelfold Loxwood RH14 0UJ New entrance gate at Oxencroft retrospective).

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

Reference/Procedure	Proposal
<a href="#"><u>21/01163/PA3Q</u></a>	
<b>Sidlesham Parish</b> <b>Case Officer: Maria Tomlinson</b> <b>Written Representation</b>	Johnsons Barn Mill Lane Sidlesham Chichester West Sussex PO20 7NA  Class Q(b) Application for Prior Approval. Change of Use of Agricultural Building from Agriculture to 1 no. Dwelling (C3 Use Class).
<a href="#"><u>21/01963/PA3Q</u></a>	
<b>Sidlesham Parish</b> <b>Case Officer: Maria Tomlinson</b> <b>Written Representation</b>	11 Cow Lane Sidlesham Chichester West Sussex PO20 7LN  Prior approval of proposed change of use of an existing agricultural building former piggery building to 1 no. dwelling.
<a href="#"><u>20/00301/CONMHC</u></a>	
<b>Sidlesham Parish</b> <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	M & Y Fruit Limited 82A Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG  Appeal against Enforcement Notice SI/77.
<a href="#"><u>20/02077/FUL</u></a>	
<b>Southbourne Parish</b> <b>Case Officer: Maria Tomlinson</b> <b>Written Representation</b>	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ  Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.
<a href="#"><u>21/02238/FULEIA</u></a>	
<b>Southbourne Parish</b> <b>Case Officer: Jane Thatcher</b> <b>Written Representation</b>	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).
<a href="#"><u>21/02363/DOM</u></a>	
<b>Southbourne Parish</b> <b>Case Officer: Rebecca Perris</b> <b>Fast Track Appeal</b>	Slipper Mill Cottage 53 Slipper Road Southbourne PO10 8BS  Installation of 3 no dormers.

Reference/Procedure	Proposal
<a href="#"><u>21/03665/FUL</u></a>	
<b>Southbourne Parish</b> <b>Case Officer: Calum Thomas</b>  <b>Informal Hearings</b> <b>19-Jul-2022</b> <b>Chichester City Council</b> <b>North Street Chichester</b> <b>PO19 1LQ</b>	Land East Of Priors Orchard Inlands Road Nutbourne Chichester West Sussex PO18 8RJ  Construction of 9 no. dwellings.
<a href="#"><u>* 20/00047/FUL</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Calum Thomas</b>  <b>Written Representation</b>	Hopedene Common Road Hambrook Westbourne PO18 8UP  Change use of land to a single private gypsy pitch with associated hardstanding and day room.
<a href="#"><u>20/00785/FUL</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Calum Thomas</b>  <b>Informal Hearings</b> <b>02-Aug-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b>	Meadow View Stables Monks Hill Westbourne PO10 8SX  Change of use of land for use as extension to Gypsy caravan site for the stationing of 6 additional caravans, including 3 pitches, each pitch consisting of 1 no. mobile home, 1 no. touring caravan and a utility building together with laying of hardstanding
<a href="#"><u>20/03164/FUL</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Calum Thomas</b>  <b>Informal Hearings</b> <b>03-Aug-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b>	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.
<a href="#"><u>21/02159/FUL</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Martin Mew</b>  <b>Written Representation</b>	Land Adjacent To 15 The Shire Long Copse Lane Westbourne West Sussex  Erection of 7 no. dwellings, access, landscaping and associated works.

Reference/Procedure	Proposal
<a href="#"><u>21/00169/CONDWE</u></a>	
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
<a href="#"><u>13/00163/CONWST</u></a>	
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
<a href="#"><u>21/00169/CONDWE</u></a>	
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
<a href="#"><u>21/00169/CONDWE</u></a>	
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
<a href="#"><u>21/00169/CONDWE</u></a>	
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
<a href="#"><u>21/00169/CONDWE</u></a>	
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

Reference/Procedure	Proposal
<a href="#"><u>13/00163/CONWST</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Shona Archer</b> <b>Public Inquiry</b> <b>18-Oct-2022</b> <b>Chichester District Council</b> <b>East Pallant House PO19</b> <b>1TY</b>	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex  Appeal against WE/40, WE/41 and WE/42
<a href="#"><u>21/00169/CONDWE</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Tara Lang</b> <b>Public Inquiry</b>	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex  Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/52

#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

#### 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

#### 6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Farm, Birdham	Of 4 Enforcement Notices	Injunction obtained at the High Court. Alleged breach of Injunction by some 3 defendants with families. Others have left the site. File with counsel to seek specialist advice as to potential contempt of court proceedings.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Oakham Farmhouse, Oving	Of Enforcement Notice	First hearing on 9 June. Defendants did not enter a plea but asked for an adjournment to obtain legal advice and stated they now know what to do to achieve compliance. Court agreed to an adjournment but not keen to adjourn again. Next hearing on 1 September at Crawley Magistrates' Court.

<b>Prosecutions</b>		
<b>Site</b>	<b>Breach</b>	<b>Stage</b>
Crouchlands – Lagoon 3	Of Enforcement Notice	File with specialist counsel on the viability of initiating potential prosecution proceedings. Awaiting to hear.

## **7. POLICY MATTERS**

None



## 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 25/05/2022 and 17/06/2022

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

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

\* - Committee level decision.

#### 1. NEW APPEALS

Reference/Procedure	Proposal
<u>SDNP/21/05908/HOUS</u> Lodsworth Parish Council  Case Officer: Beverley Stubbington  <b>Written Representation</b>	Oakleaves School Lane Lodsworth GU28 9DH - Extension of existing bungalow to provide first floor accommodation and construction of a new garage building.
<u>SDNP/21/04858/FUL</u> Kirdford Parish Council  Case Officer: Beverley Stubbington  <b>Written Representation</b>	Former Cricket Pavilion The Old Coach House Hawkhurst Court Kirdford Billingshurst West Sussex RH14 0HS - Retrospective planning application for the conversion of a former cricket pavilion into a holiday let.
<u>SDNP/21/03816/FUL</u> Funtington Parish Council  Case Officer: Lauren Cripps  <b>Written Representation</b>	Birchwood Lye Lane East Ashling PO18 9BB - Conversion of the stable for ancillary residential accommodation for disabled mother.

Reference/Procedure	Proposal
<u>SDNP/21/04454/HOUS</u> Lurgashall Parish Council  Case Officer: Beverley Stubbington  <b>Householder Appeal</b>	Smugglers Cottage Jobsons Lane Windfall Wood Common Lurgashall GU28 9HA - Erection of garden outbuilding.

## 2. DECIDED

Reference/Procedure	Proposal
<u>SDNP/20/01635/LDP</u> West Lavington Parish Council  Case Officer: Derek Price  <b>Informal Hearing</b>	Kennels Farm Selham Road West Lavington Midhurst West Sussex GU29 0AU - Proposed use of buildings at Kennels Farm as Estate Maintenance yard including a joinery workshop, painters workshop, stores and offices.

### Appeal Decision: APPEAL ALLOWED

...In an application for an LDC, the onus is on the applicant to provide all the relevant information and evidence to support their case. ... The case must be considered solely on the relevant legal tests, and its planning merits are of no relevance in the context of an appeal made under section 195 of the 1990 Act as amended. ... This application seeks to demonstrate that the proposed use of buildings at Kennels Farm as Estate Maintenance yard including a joinery workshop, painters' workshop, stores, and offices is lawful. The application for an LDC was made on the basis that the agricultural use of Kennels Farm, West Lavington, and the use of the existing Estate's Maintenance Yard at Easebourne, are within the same Planning Unit (which has been identified within a 'Core Area' of the Estate<sup>1</sup>). Therefore, this application seeks to demonstrate that the relocation of the Estate's Maintenance Yard is not "Development" for the purposes of Section 55 of the Town and Country Planning Act 1990. Consequently, the appeal turns on an understanding of the correct Planning Unit which is considered below. ... In cases where there is a dispute as to whether a proposal would constitute a material change of use, it is first necessary to ascertain the correct planning unit. In the case of *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207, it was held that the planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and/or occupied for different and unrelated purposes. The concept of physical and functional separation is a very significant factor. ... The Authority consider that the third limb of *Burdle* is relevant in so far as it is possible to distinguish separate planning units within distinct and identifiable areas of land, each with their own function and character. The Golf Course and Club House, the Farm Shop, Kennels Farm, and the Estate Maintenance Yard are all cited as examples of this. ... The appellant contends that the Core is a single mixed-use planning unit with a number of main composite uses, and several ancillary uses (such as the Estate Office). ... for the appeal to succeed, it would be sufficient in this case, for the appellant to demonstrate, on the balance of probabilities, that the Estate Maintenance Yard and Kennels Farm are within the same planning unit, even if the exact boundaries of the planning unit are not precisely established. ... Kennels Farm has always been an integral part of the Estate, and particularly closely associated with the main house. The Maintenance Yard, which is also located centrally within the Core and has been developed from the early 1900's to accommodate the stores and workshops needed to maintain the Estate's property. ... A diagrammatic summary of the business structure<sup>4</sup> illustrates that all of the various components of the business, which includes both the existing Maintenance Yard and Kennels Farm (forming part of Home Farms), falls under a single CEO. ... All components of the business share a common/centralised administrative service, including payroll, finance, and marketing. Furthermore, the Estate Maintenance Team is a shared resource, with the majority of their work (approximately 85%<sup>5</sup>) being located within the identified Core. ... During the hearing I also heard how the maintenance team carry out an annual pro-active repair programme at Kennels Farm, and the adjacent residential property, which includes checking the electrics, drainage,

and gutters of the buildings. ... The interaction of the Estate Maintenance Team to the other enterprises within the Core, including Kennels Farms, demonstrates a very clear functional relationship. This all demonstrates that, on the balance of probability, a functional relationship exists across the estate including Kennels Farm, with the activities carried out by the Maintenance Team being ancillary to the primary uses within the estate. ... With regard to the physical relationship, the Authority contends that both Kennels Farm and the Polo Grounds have their own distinct character and occupies a well-defined area of land. However, given the strong functional relationships which exist between these uses and the remainder of the Estate (as outlined above), I consider that the Polo Grounds and Kennels Farm forms part of the single mixed use Planning Unit. ... Notwithstanding that the Maintenance Yard is contained within clearly defined boundaries, this use is clearly ancillary to the wider Estate, with the majority of the teams work located within the Core. ... I also observed during my site visit that the various components of the business within the identified Core were contiguous. Whilst the existing Maintenance Yard and Kennels Farm are some distance apart, all the intervening land (Cowdray Park, the Polo pitches, agricultural land, and woodland area) are all in the ownership and control of the Estate. It was also apparent from my site visit that one could travel between the various parts of the Core without leaving the estate property ownership. This therefore demonstrates a physical relationship of the Estate Maintenance Yard to the remainder of the Core and Kennels Farm. ... The existing Maintenance Yard and Kennels Farm fall under the ownership and occupation of the Cowdray Estate (and thus are within a single unit of occupation), and all components of the business are contiguous within the Core, and share a CEO, an administrative, finance and marketing service, and an Estate Maintenance Team. Therefore, on the balance of probabilities, I consider that the agricultural use of Kennels Farm and the other primary uses within the estate are composite uses within the same Planning Unit and this includes the existing Estate's Maintenance Yard. ... I have found, on the balance of probabilities, that the activities to be re-located are ancillary uses to the wider estate and both the existing Maintenance Yard and Kennels Farm are within the same planning unit. Therefore, the Maintenance Yard is not being introduced into the Planning Unit but is already an integral part of the Unit. Relocating that use within the Planning Unit does not result in an intensification of any one component use - but simply a 'reshuffling' within the planning unit without intensification. As a result, the proposal would not change the overall character of this Planning Unit and would not result in any intensification of the existing uses to the extent that a MCU of the whole Planning Unit would occur. ... To conclude, on the balance of probabilities, given the functional and physical relationships of the Estate Maintenance Yard to the various components of the business within the Core, together with the overarching control of Estate on these components (through its administration, financing, marketing and maintenance of the Core Estate land and buildings), in my judgement, the existing Estate Maintenance Yard and Kennels Farm are situated within a single mixed use planning unit. Therefore, I consider that the relocation of the Estate's Maintenance Yard is not "Development" for the purposes of Section 55 of the Town and Country Planning Act 1990. ... For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed use of buildings at Kennels Farm as Estate Maintenance yard including a joinery workshop, painters workshop, stores and offices was not well-founded and that the appeal should succeed...

### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>SDNP/20/05011/FUL</u> Ebernoe Parish Council</p> <p>Case Officer: Jenna Shore</p> <p><b>Written Representation</b></p>	<p>Bittlesfield Ebernoe Road Balls Cross Ebernoe GU28 9JU - Demolition of 1 no. existing dwelling, garage and outbuildings, replaced with 1no. detached dwelling and 1no. detached garage/storage including access, driveway, parking and amenity space.</p>
<p><u>SDNP/20/04086/HOUS</u> Bury Parish Council Case</p> <p>Officer: Jenna Shore</p> <p><b>Written Representation</b></p>	<p>Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store</p>
<p><u>SDNP/21/04110/LDE</u> Lynchmere Parish Council</p> <p>Case Officer: Louise Kent</p> <p><b>Written Representation</b></p>	<p>1 Stone Pit Cottages Marley Combe Road Camelsdale Linchmere GU27 3SP - Existing lawful development - rear garden cabin.</p>
<p><u>SDNP/21/03068/LIS</u> Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.</p>
<p><u>SDNP/21/04109/FUL</u> Lurgashall Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p><b>Written Representation</b></p>	<p>Land Adjoining Sods Farm High Hamstead Lane Lurgashall Petworth West Sussex GU28 9EX - Erection of new hardstanding area to allow vehicular access to site.</p>
<p><u>SDNP/20/04087/LIS</u> Bury Parish Council</p> <p>Case Officer: Jenna Shore</p> <p><b>Written Representation</b></p>	<p>Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store</p>

Reference/Procedure	Proposal
<p><u>SDNP/21/00910/FUL</u> Rogate Parish Council Case</p> <p>Officer: Rebecca Perris</p> <p><b>Written Representation</b></p>	<p>Land North East of Paddock Lodge London Road Hill Brow Rogate West Sussex - 1 no. dwelling with associated work and extension of driveway.</p>
<p><u>SDNP/20/02935/CND</u> Harting Parish Council Case</p> <p>Officer: Derek Price</p> <p><b>Informal Hearing</b> <b>13/12/2022 10:00:00</b> 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><u>SDNP/21/03067/HOUS</u> Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.</p>
<p><u>SDNP/21/03527/FUL</u> Tillington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p><b>Written Representation</b></p>	<p>Field South East of Beggars Corner Halfway Bridge Lodsworth West Sussex - Erection of timber stable building and change of use of the land for the keeping of horses for private use.</p>
<p><u>SDNP/21/04454/HOUS</u> Lurgashall Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Householder Appeal</b></p>	<p>Smugglers Cottage Jobsons Lane Windfall Wood Common Lurgashall GU28 9HA - Erection of garden outbuilding.</p>
<p><u>SDNP/21/01877/FUL</u> Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p><b>Written Representation</b></p>	<p>Rew Cottage Hesworth Common Lane Fittleworth RH20 1EW - Retrospective planning application for the retention of the realigned access road together with the replacement gates.</p>

Reference/Procedure	Proposal
<u>SDNP/18/00609/BRECO</u> Rogate Parish Council  Case Officer: Steven Pattie (EX SDNPA)  <b>Written Representation</b>	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  <b>Written Representation</b>	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**

None

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

**7. POLICY MATTERS**

None