

# Public Document Pack

## JOHN WARD

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 15 June 2022 at 9.30 am**

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

## AGENDA

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

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

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

### 2 **Approval of Minutes** (Pages 1 - 8)

The minutes relate to the meeting of the Planning Committee on 4 May 2022.

### 3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 16 (b).

### 4 **Declarations of Interests** (Pages 9 - 10)

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

### 5 **WH/21/00489/FUL - Lanburn Connemaras Swallow Beck Madgwick Lane**

**Westhampnett Chichester West Sussex PO18 0GY** (Pages 11 - 34)

Change of use of land for use as a certified 'Caravan and Motorhome Club' site for siting up to 5 no. caravans, motorhomes or trailer tents.

6 **CH/21/02361/FUL - Cockleberry Farm, Main Road, Bosham, Chichester, West Sussex, PO18 8PN** (Pages 35 - 82)

Demolition of existing warehouse buildings, B8 container storage, residential caravans/park homes and stables and the erection of 9 no. dwellings and associated works including landscaping and access alterations.

7 **CC/21/00382/FUL - Bartholomews Holdings Bognor Road Chichester West Sussex PO19 7TT** (Pages 83 - 112)

Demolition of existing office building and redevelopment for 9 dwellings, including access, parking, landscaping, amenity space and associated infrastructure.

8 **CC/22/00786/FUL - St James Industrial Estate, Westhampnett Road, Chichester, West Sussex PO19 7JU** (Pages 113 - 122)

Construction/installation of a LV switch room for the St James Industrial Estate.

9 **CC/21/03657/FUL - Solent Wholesale Carpet Company Limited Barnfield Drive Chichester PO19 6UX** (Pages 123 - 145)

Construction of a new extension to the existing building

10 **CC/22/00428/ADV - 1-3 South Street Chichester West Sussex PO19 1EH** (Pages 147 - 155)

4 no. illuminated signage with trough lighting

11 **CC/22/00648/FUL - Westgate Leisure Centre Via Ravenna Chichester PO19 1RJ** (Pages 157 - 165)

Installation of 1 no. air-source heat pump. With associated installations of civil's, plate heat exchangers, pipe work, power and controls, concrete plinth and perimeter fence.

12 **SDNP/21/05833/FUL - Part of Lower Diddlesfold Farm Known As Diddlesfold Manor Farm Lot 1 Diddlesfold Lane Northchapel West Sussex** (Pages 167 - 177)

Change of use of land for all weather turnout area for private equestrian use only (in association to permissions SDNP/18/00474/FUL & SDNP/21/03596/CND)

13 **SDNP/22/00098/FUL - Land to The North of Blind Lane, Blind Lane, Lurgashall, West Sussex** (Pages 179 - 194)

Retrospective planning permission on 1 no. part-built barn (west of field) and 1 no. new barn (north east of field).

14 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 195 - 217)

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

15 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 219 - 225)

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

16 **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

## 17 **Exclusion of the Press and Public**

There are no restricted items for consideration.

### NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
5. Subject to Covid-19 Risk Assessments members of the public are advised of the following:
  - Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages.
  - Where a member of the public has registered a question they will be invited to attend the meeting and will be allocated a seat in the public gallery.
  - It is recommended that all those attending take a lateral flow test prior to the meeting.
  - All those attending the meeting are advised to wear face coverings and maintain social distancing when moving around the building and/or meeting room.
  - You should not attend any face to face meeting if you have symptoms of Covid-19 or if you have been instructed by NHS Test and Trace to self-isolate
6. How applications are referenced:
  - a) First 2 Digits = Parish
  - b) Next 2 Digits = Year

- c) Next 5 Digits = Application Number
- d) Final Letters = Application Type

**Application Type**

**ADV** Advert Application  
**AGR** Agricultural Application (following PNO)  
**CMA** County Matter Application (eg Minerals)  
**CAC** Conservation Area Consent  
**COU** Change of Use  
**CPO** Consultation with County Planning (REG3)  
**DEM** Demolition Application  
**DOM** Domestic Application (Householder)  
**ELD** Existing Lawful Development  
**FUL** Full Application  
**GVT** Government Department Application  
**HSC** Hazardous Substance Consent  
**LBC** Listed Building Consent  
**OHL** Overhead Electricity Line  
**OUT** Outline Application  
**PLD** Proposed Lawful Development  
**PNO** Prior Notification (Agr, Dem, Tel)  
**REG3** District Application – Reg 3  
**REG4** District Application – Reg 4  
**REM** Approval of Reserved Matters  
**REN** Renewal (of Temporary Permission)  
**TCA** Tree in Conservation Area  
**TEL** Telecommunication Application (After PNO)  
**TPA** Works to tree subject of a TPO  
**CONACC** Accesses  
**CONADV** Adverts  
**CONAGR** Agricultural  
**CONBC** Breach of Conditions  
**CONCD** Coastal  
**CONCMA** County matters  
**CONCOM** Commercial/Industrial/Business  
**CONDWE** Unauthorised dwellings  
**CONENG** Engineering operations  
**CONHDG** Hedgerows  
**CONHH** Householders  
**CONLB** Listed Buildings  
**CONMHC** Mobile homes / caravans  
**CONREC** Recreation / sports  
**CONSH** Stables / horses  
**CONT** Trees  
**CONTEM** Temporary uses – markets/shooting/motorbikes  
**CONTRV** Travellers  
**CONWST** Wasteland

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

**ALLOW** Appeal Allowed  
**APP** Appeal in Progress  
**APPRET** Invalid Application Returned  
**APPWDN** Appeal Withdrawn  
**BCO** Building Work Complete  
**BST** Building Work Started  
**CLOSED** Case Closed  
**CRTECT** Court Action Agreed  
**CRTDEC** Hearing Decision Made  
**CSS** Called in by Secretary of State  
**DEC** Decided  
**DECDET** Decline to determine  
**DEFCH** Defer – Chairman  
**DISMIS** Appeal Dismissed  
**HOLD** Application Clock Stopped  
**INV** Application Invalid on Receipt  
**LEG** Defer – Legal Agreement  
**LIC** Licence Issued  
**NFA** No Further Action  
**NODEC** No Decision  
**NONDET** Never to be determined  
**NOOBJ** No Objection  
**NOTICE** Notice Issued  
**NOTPRO** Not to Prepare a Tree Preservation Order  
**OBJ** Objection  
**PCNENF** PCN Served, Enforcement Pending  
**PCO** Pending Consideration  
**PD** Permitted Development  
**PDE** Pending Decision  
**PER** Application Permitted  
**PLNREC** DC Application Submitted  
**PPNR** Planning Permission Required S64  
**PPNREQ** Planning Permission Not Required  
**REC** Application Received  
**REF** Application Refused  
**REVOKE** Permission Revoked  
**S32** Section 32 Notice  
**SPLIT** Split Decision  
**STPSRV** Stop Notice Served  
**STPWTH** Stop Notice Withdrawn  
**VAL** Valid Application Received  
**WDN** Application Withdrawn  
**YESTPO** Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 4 May 2022 at 9.30 am

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

**Members not present:** Mr G Barrett, Mr R Briscoe and Mrs J Fowler

**In attendance by invitation:**

**Officers present:** Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Mrs F Stevens (Divisional Manger for Planning), Young (Development Manager (Applications)), Mr C Thomas (Senior Planning Officer), Tomlinson (Planning Officer), Mr T Day (Environmental Coordinator) and Miss T Lang (Principal Planning Officer (Enforcement))

## 221 **Chairman's Announcements**

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

Apologies were received from Cllr Graeme Barratt, Cllr Briscoe, and Cllr Judy Fowler.

## 222 **Approval of Minutes (to follow)**

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

## 223 **Urgent Items**

There were no urgent items.

## 224 **Declarations of Interests**

Mrs Johnson declared a personal interest in;

- Agenda 7 - SI/21/02786/FUL – Member of West Sussex County Council
- Agenda 8 – LX/20/01977/FUL – Member of West Sussex County Council

Mr Oakley declared a personal interest in;

- Agenda 7 - SI/21/02786/FUL – Member of West Sussex County Council
- Agenda 8 – LX/20/01977/FUL – Member of West Sussex County Council

Mrs Sharp declared a personal interest in;

- Agenda 5 – CC/21/02880/ADV – Member of Chichester City Council
- Agenda 6 – CC/21/02893/FUL – Member of Chichester City Council
- Agenda 7 - SI/21/02786/FUL – Member of West Sussex County Council
- Agenda 8 – LX/20/01977/FUL – Member of West Sussex County Council

225 **CC/21/02880/ADV 48 East Street Chichester PO19 1HX**

Mrs Purnell explained the officer report for Agenda Item 5 would also introduce Agenda Item 6, however, a separate vote would be taken for each item.

Mr Thomas introduced the report to the Committee, he drew their attention to the Agenda Update sheet which included an additional Informative for Agenda Item 5 (CC/21/02880/ADV) and an additional comment for Agenda Item 6 (CC/21/02893/FUL) regarding the paint colour.

Mr Thomas outlined the site location to the Committee which was included within the Chichester Conservation Area. He confirmed the Shippam Building Sign located on the building would be retained as part of the application.

Mr Thomas informed the Committee the application (Agenda Item 5 CC/21/02880/ADV) had been revised during the application process and now only sought permission for a single central sign to the front of the building. The proposed paint (Agenda Item 6 CC/21/02893/FUL) was in keeping with the conservation area.

Mr Thomas showed photographs of neighbouring shop fronts to provide some context for the Committee.

There were no representations.

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

On the issue of items such as baskets and billboards being placed outside the store; Ms Stevens explained it was not possible to include a condition on this issue.

Mr Thomas agreed the proposed additional informative for Agenda Item 5 (set out on the Agenda Update Sheet) could be included as a condition.

On the matter of the street number; Ms Stevens confirmed this was considered part of the fascia.

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

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

226 **CC/21/02893/FUL 48 East Street Chichester PO19 1HX**

The officer's report was introduced under Agenda Item 5.

There were no representations.

All comments and questions were addressed under Agenda Item 5.

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

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

227 **SI/21/02786/FUL Land South Of Telephone Exchange Selsey Road Sidlesham PO20 7NG**

Ms Tomlinson presented the report to the Committee. She drew the Committee's attention to the Agenda Update sheet which included an addendum to the reasons for refusal.

Ms Tomlinson outlined the site location, which was within the Sidlesham Parish boundary but, outside the settlement boundary. She explained the current site layout and detailed how the proposed application (part of which was retrospective) would be incorporated. She confirmed there would be no changes to the site access.

Ms Tomlinson showed the Committee a series of photos to provide some context of the site. She clarified that Mutton's Farmhouse was a grade II listed building

Ms Tomlinson explained the reasons for the officer recommendation to refuse the application, highlighting how it conflicted with current planning policy.

The following representations were received;

Mr Hughes – Owner

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

In response to comments made regarding the rural economy; Mr Young advised the Committee the contribution from the site to the rural economy would be minimal. Officers had considered the application carefully against Planning Policy specifically the National Planning Policy Guidance 2021 and the Adopted Local Plan and had considered issues such as the increase in traffic and environmental impact when making their recommendation.

Following a discussion Mrs Johnson proposed the Committee go against the officer recommendation and **permit**, the application on the grounds that there would be no harm caused to the visual impact and it would support the local rural economy.

The proposal was seconded by Rev. Bowden.

Before the Committee voted on Mrs Johnson's proposal the Chair invited Ms Tomlinson to outline conditions that would likely be attached if the application were permitted. Ms Tomlinson informed the Committee conditions relating to the following aspects would be attached if the permission were granted;

- Timings of operation
- Approval of plans
- Approval of use
- Approval of storage height
- Agreement of equipment to be stored on site
- Lighting and illumination
- Landscaping

Ms Tomlinson informed the Committee the conditions proposed by the Parish Council would also be included except the condition for 24-hour use.

Ms Stevens advised the Committee that decisions made by the Planning Authority would be taken into consideration as a material consideration should a similar application be submitted.

The Committee then voted on Mrs Johnson's proposal, as the vote was tied the Chair used their casting vote to overturn the proposal.

The Committee then voted on the report recommendation.

In a vote the Committee agreed to support the report recommendation to **refuse**, for the reasons set out in the report.

Recommendation; **refuse**, for the reasons set out in the report.

## 228 **LX/20/01977/FUL Land West Of Guildford Road Loxwood West Sussex**

Ms Bell presented the report to the Committee. She drew attention to the Agenda Update sheet which included an amendment to Condition 5 and additional third-party representations.

She explained the reason for the report recommendation to 'Delegate to Officers' was due to a number of outstanding matters which would need to be completed before the application could be positively determined. Including; a number of pre-commencement conditions which had yet to be discharged on the extant planning permission; the S106 agreement and agreement on the water neutrality. Ms Bell confirmed once the outstanding matters had been resolved it was officer's intention to permit the application with proposed conditions.



Ms Bell outlined what changes had been made to the application since it had been presented at Committee in January 2021. The main changes were in relation to water neutrality which had come forward whilst the S106 was being drafted. Water neutrality is a material consideration and therefore the developer was required to demonstrate how they would achieve water neutrality.

Ms Bell explained the applicant had done an immense amount of work to demonstrate water neutrality on site. She confirmed the Council had undertaken an assessment of the proposals and consulted with Natural England (as the statutory consultee).

Ms Bell outlined the three measures put forward to achieve water neutrality;

1. Using the extant water demand from an earlier extant planning permission. Ms Bell explained the Council had sought legal advice on this proposal. The extant permission would provide 3440 litres per day.
2. The inclusion of water reduction measures, such as on-site rainwater harvesting systems. Ms Bell explained if approved a condition would be included to ensure no occupancy could take place until water mitigation measures had been approved and signed off.
3. An off-site water neutrality scheme at Fisher's Farm. Ms Bell explained the three elements of the scheme to the Committee included;
  - a. A 10,000ltr rainwater harvesting tank to provide a wash down facility for farm vehicles
  - b. A 10,000ltr rainwater harvesting system linked to toilets in the new part of the farm.
  - c. An improvement to the toilet facilities at the entrance to the farm.

Ms Bell confirmed Natural England had reviewed the Plans and agreed the developer had achieved water neutrality.

Ms Bell highlighted further changes to the site since 2021, which included amendments to the parking arrangements and alterations to the layout of floor plans in some properties.

Ms Bell reminded the Committee of the site location and proposed layout. She confirmed the site was within the Parish of Loxwood. Although much of the site was located outside the settlement boundary, the north eastern part of the site was located within the settlement boundary did form part of the land allocation in Policy 5 of the Loxwood Neighbourhood Plan.

Ms Bell drew the Committee's attention the Public Right of Way (PRoW) which ran along the southern edge of the site. She explained that as part of the application process the PRoW would be diverted around the site to join with a bridleway at the western side of the site.

Ms Bell highlighted other development sites close to the application site.

She confirmed the application sought full planning permission for 27 dwellings (8 of which would be affordable housing units), a single retail unit and associated infrastructure including a new vehicular access to the site.

The following representations were received;

Mr Woods – Supporter

Mr Chris White – Agent

Cllr Janet Duncton – CDC Ward Member

Cllr Adrian Moss (on behalf of Cllr Gareth Evans) – CDC Ward Member

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

With regards to concerns regarding the location of the foul water pumping station and its proximity to the nearest dwelling; Ms Bell acknowledged the comments made and confirmed there had been no changes in respect of this matter since the application had been considered by the Committee in January 2021. She agreed to include an update to address the issue within Condition 6.

With regards to Condition 5; Ms Bell explained the surface water drainage scheme had already been assessed and approved by the drainage engineers as it was a pre-commencement condition. She suggested it would be more appropriate to include a new condition to address the issue of surface water on the PRow through an additional prior to slab level condition.

On the issue of water neutrality mitigation at Fisher's Farm; Ms Bell confirmed it was a requirement of both the Council and Natural England that the proposed water neutrality mitigation methods worked for as long as required. She explained the measures may not be required in perpetuity, but they would be required until a strategic solution was brought forward.

Ms Bell informed the Committee that the applicants had volunteered a maintenance payment for the first five years of operation to Fisher's Farm.

When the measures are no longer required as a result of a solution being brought forward it was officer opinion that the applicants would have to apply not to comply with the measures.

With regards to water neutrality monitoring; Ms Bell confirmed monitoring of the mitigation measures would be completed until an appropriate solution was brought forward. She explained off-site monitoring would be completed through annual water metering; on-site monitoring would include the verification of proposals put forward as part of the mitigation package. Ms Bell informed the Committee that Natural England do include a 'buffer' within their methodology, making provision for people who may change and update internal fixtures and fittings. In addition, Ms Stevens assured the Committee there were measures in place to ensure the measures are maintained, monitored and enforced.

Ms Bell acknowledged comments made regarding the landscaping onsite.

In response to comments regarding the appropriateness of the site; Ms Bell confirmed the site was suitable and was compliant with the IPS. She explained the main site allocation was currently paddock and garden land.

On the matter of rainwater harvesting; Mr Day acknowledged comments made and confirmed that diverting rainwater from entering groundwater reserves was considered as part of the Natural England guidance. He explained rainwater harvesting was an important mitigation measure.

With regards to the rainwater harvesting tanks at Fisher's Farm; Mr Day informed the Committee that the applicant had submitted a report which modelled the average day by day rainfall, which had help determine the size of tanks to be installed. From the modelling it was expected the tank for the toilets would supply 94% of the water required, there would be the option switch to mains water when needed.

In a vote the Committee agreed to support the report recommendation to delegate to officers.

Recommendation; Delegate to officers

*\*Mrs Sharp left the meeting at 10.42*

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

Ms. Lang introduced the report and drew the Committee's attention to the Agenda Update sheet, which included an update on High Court Hearings.

On the matter of Land within Westhampnett; Ms Bell informed the Committee that the hearing had been delayed for many reasons including the 5YHLS, all information was now with PINs and a decision was expected very soon.

On the matter of Land South of the Stables; Ms Lang explained that this had been withdrawn from the court list because officers were waiting on the outcome of another parcel of land.

On the matter of Crouchlands, Lagoon 3; Ms Stevens explained the comment in the report and why Counsel advice had been sought.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

231 **Schedule of Contraventions**

Ms Lang introduced the report.

On the issue of Land North West of Newbridge Farm (p.143); Ms Lang explained there were two separate parcels of land in separate ownership, with separate breaches.

Following a vote the Committee agreed to note the item.

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

There were no late items.

233 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 11.36 am

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CHAIRMAN

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Date:

## **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:

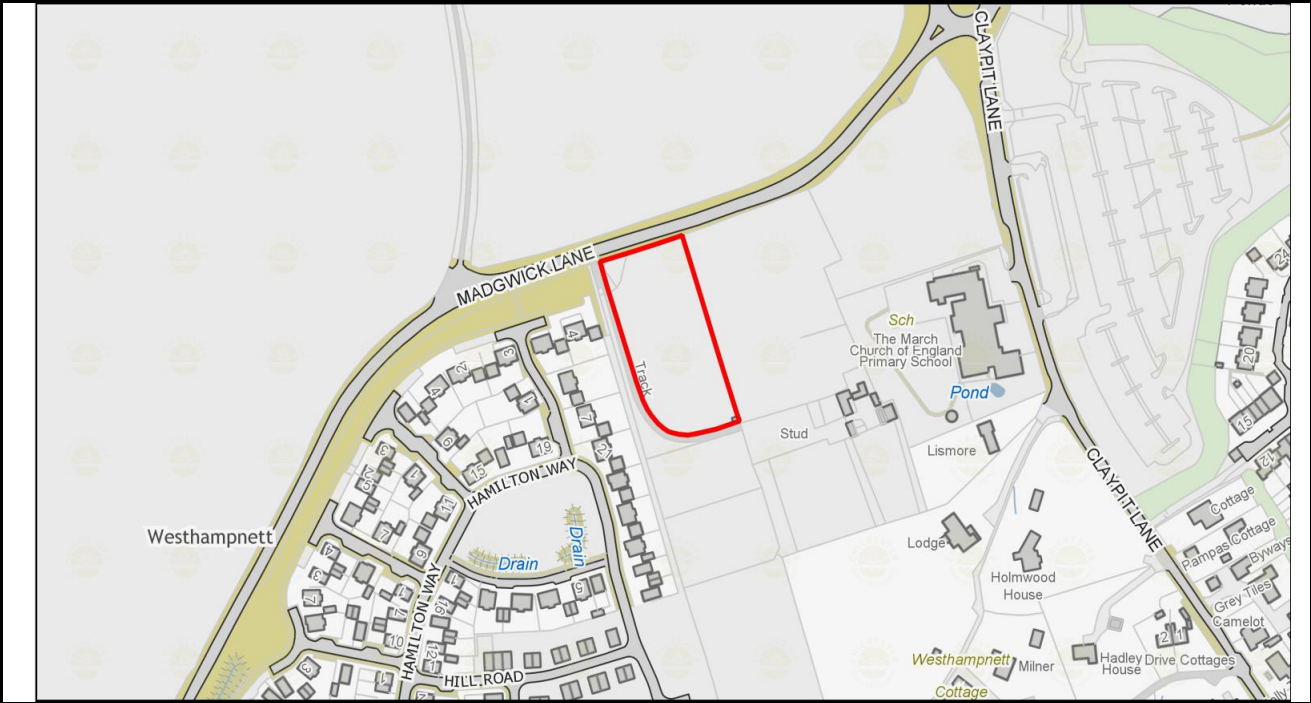
- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)


Parish: Westhampnett	Ward: Goodwood
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**WH/21/00489/FUL**

<b>Proposal</b>	Change of use of land for use as a certified 'Caravan and Motorhome Club' site for siting up to 5 no. caravans, motorhomes or trailer tents.		
<b>Site</b>	Lanburn Connemaras Swallow Beck Madgwick Lane Westhampnett Chichester West Sussex PO18 0GY		
<b>Map Ref</b>	(E) 488052 (N) 106449		
<b>Applicant</b>	Mrs Pam Clingan	<b>Agent</b>	Mr Eric Brandwood

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN 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 within the Rural Area as defined by policy 2 of the Chichester Local Plan (CLP). There is an existing access point to the north onto Madgwick Lane.
- 2.2 The application site forms part of an existing equestrian site, with horse paddocks within the same ownership to the south and east. To the south east are existing stables and an area which has consent for a mobile home for workers accommodation under permission reference 19/01546/FUL. Although outside of a defined settlement boundary, the site is immediately adjacent to the Madgwick Park residential development to the west. Goodwood Aerodrome and Goodwood Motor Circuit are approximately 300m to the north, Rolls Royce is approximately 500m to the east and settlement of Westhampnett approximately 175m to the south-east.

## **3.0 The Proposal**

- 3.1 The application seeks planning permission for the use of the site for a Caravan and Motorhome Club Certified Location (CL Site).
- 3.2 The application details that the CL Site would consist of five grassed areas approximately 10m x 10m and with a 3m gap in between them. A separate service point would be created to include a drinking water tap, chemical emptying point to a cesspit and a storage area for bins.
- 3.3 The supporting information states that the proposal would provide supplementary finance to the Lanburn Connemara Stud and to enable further development of the business.

## **4.0 History**

17/02260/FUL	DISMIS	Temporary residency for 5 yrs provision of mobile home.
17/02810/FUL	PER	Erect storage barn and menage.
19/01546/FUL	PER	Temporary residency for 5 years provision of static mobile home.
20/02716/FUL	WDN	Erect 1 no self-build dwelling.
21/03623/FUL	WDN	Erection of 1 no. self-build dwelling.



## 5.0 Constraints

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

## 6.0 Representations and Consultations

### 6.1 Parish Council

*Further Comments (received 05/08/2021)*

The Parish Council would like to thank you for the opportunity to review the detailed information in regard to each of their concerns, and is content that all but 2 related issues have been resolved.

These 2 outstanding items are, with the original objection wording shown below:

Footpaths.

There are no defined footpaths between the site entrance on Madgwick Lane:-

- Eastwards to the Rolls Royce roundabout (junction Madgwick/Claypit Lanes).
- Westwards, for approx. 500 yards, to pedestrian access into Madgwick Park estate, almost opposite Old Place Lane.

Although grass verges are wide along parts of Madgwick Lane, they are uneven and not recommendable for pedestrian use. In addition, the traffic is both heavy and speeds are fast. There is a real danger for pedestrians using the verges, whose use may include children, pushchairs and dogs.

Public Transport.

There is NO public transport close to the site. Access to such would involve walking along Madgwick Lane (see above comments on footpaths) to either Claypit Lane, thence Stane Street (East) or Stane Street (West).

Whilst the Parish Council understands what Policy 31 is covering, it is still concerned that should pedestrians need to access the 2 times per hour bus services (sited in Stane Street to the east of the bottom of Claypit Lane or near Chichester Park Hotel to the west) or walk to Chichester City then they would have to go along the edge of Madgwick Lane, where there is no footpath. This could be avoided if the applicant permitted pedestrian access across the lower (eastern) paddock bordering Claypit Lane, with an exit onto Claypit Lane for sole use of the campers. This would be particularly useful for those arriving in a motorhome who are unlikely to have a car as well, and others not wishing to take a car into the City.

The Parish Council hopes this would be possible, and if it could be agreed would withdraw its objection fully.

*Original Comments (received 07/04/2021)*

Westhampnett Parish Council OBJECTS:

Drainage proposals:-

- Surface water: by Soakaway.

Site is at the top of a hill, so presumably this would work, although there is a flooding issue in the lower part of the site. However the number of units is small and use is restricted to summer months, so should be OK.

- Foul drainage: CCEP is a Chemical Closet Emptying Point.

No reference can be found as to the location on the site.

The Parish Council has no experience of this arrangement but presumably the effluent will need tankering away?

There are no details of the enclosure; capacity & projected tanker movements (weekly? Monthly? Etc). These details and the Tanker route & turning circle should be included on proposed plan.

The following 5 items are matters taken into consideration by CDC when considering camping and caravan applications:-

1. Demonstrable need & requires a rural location.
2. Appropriate scale in relation to setting & not diminish local amenity.
3. Sensitively sited & designed to maintain tranquillity and character.
4. Sited to be visually unobtrusive and can be assimilated so as to conserve and enhance the surrounding landscape.
5. The road network and Site's access can safely accommodate any additional traffic generated.

The Parish Council considers that the criteria has been met in respect of the first four items but not in respect of access - item 5, therefore Westhampnett Parish Council OBJECTS as follows:

Vehicle Access.

The proposals state that vehicle access will be restricted to be from the West only.

The Parish Council have a number of reservations:

- How will this be controlled?
- What are the visibility requirements for the junction at 60mph(current) & 40mph(proposed). Sight lines should be indicated on plan to indicate this is achievable.
- Turning circles for entrance/egress to/from the site for towing vehicles (car + caravan) from Madgwick Lane, should be indicated on the plan together with that for Foul Waste tanker, in order to demonstrate this is achievable safely.

Footpaths.

There are no defined footpaths between the site entrance on Madgwick Lane:-

- Eastwards to the Rolls Royce roundabout (junction Madgwick/Claypit Lanes).
- Westwards, for approx. 500 yards, to pedestrian access into Madgwick Park estate, almost opposite Old Place Lane.

Although grass verges are wide along parts of Madgwick Lane, they are uneven and not recommendable for pedestrian use. In addition, the traffic is both heavy and speeds are fast. There is a real danger for pedestrians using the verges, whose use may include children, pushchairs and dogs.

Public Transport.

There is NO public transport close to the site. Access to such would involve walking along Madgwick Lane (see above comments on footpaths) to either Claypit Lane, thence Stane Street (East) or Stane Street (West).

Lighting. If the application is permitted, all on-site lighting should be sensitive, downward facing and sensor timed.

SUMMARY. Westhampnett Parish Council OBJECT to this application for the following reasons:

1. Inadequate vehicle access.
2. Lack of Public footpaths.
3. Lack of Public transport.

However, if CDC are minded to approve the application, it is suggested that:-

- Temporary Permission of say 6 months is granted, to assess the actual effect.
- On and Off-site signage is subject to further approval.

## 6.2 Natural England

*Third set of further comments (received 27/04/2022) (summarised)*

No objection – Subject to appropriate mitigation being secured.

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

Mitigation measures need to be secured as set out in the Appropriate Assessment (06 April 2022) and applicant's Drainage Statement (revised 06 April 2022). We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

*Second set of further comments (received 08/03/2022) (summarised)*

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

Due to the bespoke nature of the calculations provided, the applicant should provide supporting evidence, and your competent authority should demonstrate certainty, to show that the approach taken is considered to be appropriate.

This bespoke approach, including in relation to additional population, water usage and months of occupancy, should be considered in your Habitats Regulations Assessment.

Additional population. There does not appear to be anything to sufficiently evidence the use of the figure 2 for average persons per unit, as opposed to Natural England's standard recommendation of 2.4. Whilst we acknowledge that the units are caravans and are therefore likely to be smaller than the average home, your authority should still demonstrate certainty that this is an accurate and reliable figure.

Water usage. There does not appear to be anything to sufficiently evidence the proposed 'Wastewater volume generated by development' as 23 litres/person/day, as opposed to Natural England's standard recommendation of 110 litres/person/day. Again, your authority should demonstrate certainty that this is an accurate and reliable figure.

Months of occupancy. The calculations provided in the applicant's Drainage Statement rely on the premise that the caravans will only be occupied for 7 months of any given year. Natural England would expect to see confirmation that this is accurate and can be appropriately secured in any planning permission given.

Further information is required to determine the impacts on designated sites.

*First set of further comments (received 30/11/2021) (summarised)*

As submitted, the application could have detrimental impacts on Chichester Harbour Site of Special Scientific Interest (SSSI) and potential significant effects on Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, as well as Solent Maritime Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: How any adverse impacts upon the designated sites – associated with the discharge of treated effluent – will be avoided and/or mitigated.

Further information is required to determine the impacts on designated sites.

*Original Comments (received 26/03/2021) (summarised)*

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

Further information is required to determine the impacts on designated sites.

### 6.3 Southern Water

*Additional Comments (received 31/08/2021)*

The comments in our response dated 08/07/2021 remain unchanged and valid.

*Original Comments (received 08/07/2021)*

The Environment Agency should be consulted by the applicant regarding foul drainage.

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

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

### 6.4 Environment Agency

No comment received

### 6.5 WSSC Highways

*Third set of further comments (received 16/09/2021)*

The LHA provides this response as the applicant has now carried out works to formalise the access, under licence from the WSSC Area Office.

As the application has yet to be determined, the access works can now be considered to be 'existing' and this has been confirmed with the CDC case officer. As such, it is no longer considered necessary for the access works to be conditioned. The LHA would still request that the previously advised Visibility Splay condition be applied to ensure that these are maintained in perpetuity.

*Second set of further comments (received 26/05/2021)*

This application is for change of use of land from equestrian to Caravan and Motorhome Club site for upto 5 caravans, motorhomes or trailer tents. The site is located on Madgwick Lane, a C-classified road which has recently been reduced from National Speed Limit to a 40mph speed limit via a Traffic Regulation Order (TRO).

## Access

The applicant proposes to utilise the existing access to the site. The current access is 8.7m wide at the back of the carriageway, reducing to 5.9m at approximately 2.4m from back edge of carriageway. As such it is anticipated that the access width is sufficient. As the application would result in an intensification of use of the access (see trip generation section below), it appears that the access would require formalisation and the applicant has agreed to carry out these works. The access must be formalised to a specification agreed with the WSCC Area Engineer and is subject to a licence. Details of access formalisation can be secured via condition.

The applicant has confirmed that the booking conditions of the Caravan and Motorhome Club (CAMC) ensure that:

1. Caravans leave the site by midday
2. Caravans arrive from 2pm onwards.
3. Absolutely no external visitors to the patrons on pitches is allowed

Given these conditions, there is no possible conflict of towed vehicles or motorhomes passing within the access, or queuing on the public highway.

As the existing number of traffic movements associated with the equestrian use are low, it is not considered that there will be conflict between caravans entering/exiting the site and equestrian vehicles utilising the access. As the whole site is within the same management, all equestrian movements can be managed to ensure that no conflict at the access occurs. The long track between the equestrian site and the caravan site provides vehicles associated with the equestrian use good visibility of vehicles entering/exiting the site, enabling equestrian vehicles to be able to wait on site and avoid potential conflict.

## Visibility and land ownership

Ongoing discussions have occurred between the LHA and the applicant / agent regarding land ownership, and highways boundary extent, of the verges adjacent to the site and to the west. It has been established and accepted that the applicant has ownership of the verge to the front of the site and to the east and that adequate visibility splays of 2.4 x 120m in this direction can be secured, in accordance with DMRB CD 109 standards for a 40mph road.

Ownership of the land to the west of the site is required in order to secure adequate visibility splays. Ownership of this land was previously unknown and as such the applicant has submitted an application to Land Registry to acquire the land via adverse possession. While this is a separate legal process that will be determined independently of the planning process the LHA consider that on the balance of probability there is a reasonable chance that the applicant will ultimately control the parcel of land required to secure suitable visibility in perpetuity to the west of the access point.

A splay of 120m in this direction is achievable to the centre of the carriageway and due to the road geometry in this location, it is unlikely that vehicles will be overtaking on the bend in the road; however, as there are no physical barriers preventing overtaking in this location, splays to the centreline would not be acceptable. As such, following discussion with the applicant's agent and demonstration that a splay of 110m to the edge of the carriageway in this location is achievable, it is considered that 2.4m x 110m is acceptable.

Given that adequate visibility splays are achievable in both directions, there is no requirement for vehicles to be restricted from entering or exiting the site from either direction.

#### Trip generation

The applicant has confirmed the existing number of trips utilising the access associated with the equestrian business. These have been identified as:  
Hay is delivered 4 times during the winter and 2 times during the summer seasons. Total of 6 trips entry and six trips exit over twelve month period.  
Horse transportation is by means of a 3.5 tonne horsebox used twice during 2020. Trips for shows are anticipated at 2 for 2021. There is no access by the public to this business.

The anticipated movements associated with the CAMC site are calculated to be a maximum of 7 two-way movements per day (14 one-way movements). This is calculated as a worst case scenario of maximum occupancy at the height of the season (July/August) on the basis of an average stay of 5 days per pitch (minimum stay - 3 days). This would likely see two caravans arriving and two caravans departing per day, with an anticipated 1 x two-way vehicle movement per pitch per day. On the basis of 5 pitches, this would result in 5 two-way movements per pitch.

Given the information above, the LHA would not anticipate that the proposal would result in a severe intensification of use of the access and no highways safety or capacity concerns would be raised with regard to the number of trips.

#### Parking and turning

The site will provide five pitches for touring caravans or trailer tents. Each pitch will be 10m x 10m with a 3m gap between which is considered to provide sufficient space for parking caravans and cars. There appears to be sufficient space for towing vehicles to turn on site, enabling them to exit the site in a forward gear. The LHA acknowledges that each pitch will be sited on grass, and as the land will be used for grazing out of season, no formal parking or pitches will be provided. The LHA also acknowledges that pitches may be relocated to minimise wear and tear. As such, the LHA would not consider it practical to condition parking or turning spaces for this application. There are other mechanisms in place to ensure that the land cannot be occupied by more than 5 pitches at a time and therefore there should always be sufficient space for vehicles to park and turn.

#### Sustainability

The site is located within close proximity of Chichester and tourist attractions including Goodwood, albeit there is no footway present along this section of Madgwick Lane, and as such the majority of trips are likely to be by private car. The LPA may wish to consider conditioning secure and covered cycle storage for the proposal, if considered necessary.

## Conclusion

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

If the LPA are minded to approve the application, the following conditions and informative should be applied:

### Conditions

Access (details required, access provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

Visibility (details approved)

No part of the development shall be first occupied until visibility splays of 2.4m by 120m to the east and 2.4m by 110m to Madgwick Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Informative Vehicle Crossover – Minor Highway Works The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page: <https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-f or-driveways-licence/> Online applications can be made at the link below, alternatively please call 01243 642105.  
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-f or-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

*First set of further comments (received 22/04/2021) (summarised)*

The LHA still considers that there are matters to be resolved with regard to the western visibility splay and access arrangements.



*Original Comments (received 01/04/2021) (summarised)*

The LHA requires additional information in order to adequately assess the proposal.

## 6.6 WSCC Fire and Rescue Service

*Further Comments (received 04/06/2021)*

Having carried out a site visit to Swallow Beck on Madgwick Lane for the change of use of land for use as a certified 'Caravan and Motorhome Club' site for siting up to 5 no. caravans, motorhomes or trailer tents. I am satisfied there is sufficient access width for a Fire Appliance to gain access to the intended 5 pitches. I have informed the owner of the location of the nearest fire hydrant and they have said they are aware and will follow the fire safety guidance given in the Model Standards for Touring caravan sites, therefore would be considered compliant with the requirements.

*Original Comments (received 04/06/2021)*

Having viewed the plans for the planning application 21/00489/FUL, although the change of use is for a caravan and mobile home club site for five caravans, the nearest fire hydrant to the site is being 280 metres away. Also, the access track to the site appears to be approximately 2.8 metres wide, the minimum access width for a fire appliance is 3.1 metres through a gateway and 3.7 metres between curbs for access and operating. These points should be pointed out to the owner as there is a serious possibility a fire appliance would not gain suitable access to the site and could potentially run out of water before any fire is extinguished.

## 6.7 CDC Environment

### Ecology

Although it appears that no ecological information has been submitted with this application, details have been found for the previous application and our previous comments still apply:

### Bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during any construction works fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

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

## Reptiles

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

## Nesting Birds

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

## Hedgehogs

Any brush pile, compost and debris piles onsite 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.

## Chichester Harbour

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. Further information will be required on the proposed occupation rates to calculate the contribution based on the guidance.

## 6.8 CDC Environmental Protection

It is noted that 5 pitches are proposed that include electrical hook up provision and water at each pitch. The site would be operated between March and October each year and visitor stays would be for a maximum period of 28 days. No dogs or children are to be permitted at the site and all visitors have to be members of the caravan club. No buildings or structures are proposed as part of the development.

### Foul drainage

Further information should be provided to indicate how foul drainage is to be disposed of – it is noted a cesspit is to be used to collect foul drainage. Volume of the cesspit and method/frequency of emptying should be included within the application documents.

### Lighting

Details of proposed lighting should be provided in order to ensure light pollution is minimised.

## Noise

It is considered that noise impacts from the proposed development are likely to be minimal as a maximum of 5 pitches will be occupied at one time. The site operator should draw up a hire agreement which includes terms and conditions including noise control measures. Times of arrival and departure at the site should be specified on the hire agreement and should avoid the night-time period (i.e. between 2300 – 0700 hours) to minimise noise disturbance from vehicles.

The ambient noise levels at the site vary depending on whether the nearby Goodwood Motor Circuit and/or Airfield are in use. Given the duration of use by each potential occupant (maximum of 28 days), further noise assessment is not considered necessary with respect to the proposed development.

## Waste

Details of waste storage and disposal should be provided in order to ensure the development will not create excess waste.

## 6.9 CDC Economic Development

*Further Comments (received 20/12/2021)*

The Economic Development Service supports this application.

Developing the accommodation offer on this site will encourage overnight visitors, increase visitor spend, support other attractions and the local economy. This is crucial to the success of our visitor economy but currently is underrepresented. Overnight visitors spend considerably more than day visitors and help to keep nearby towns and attractions vibrant and successful.

It should also be noted that the current pandemic will also have an impact on this type of holiday accommodation. There is evidence that this type of offer could do very well in the long term, with more people holidaying at home more frequently.

Rural destinations and non-serviced accommodation businesses (holiday cottages, touring caravan and camping sites, holiday lodge parks, glamping sites and holiday parks) are likely to recover the quickest as they have greater potential to offer safe, socially distanced holidays and breaks. They should also benefit from the anticipated growth in staycations and the increased interest in outdoor holidays, nature and the environment that has been stimulated.

The proposed development is to support and provide additional revenue for the main business activity on the site which is Lanburn Connemara stud farm. This business was established in 1971. The site provides an ideal setting for this specialist heritage business. The revenue from the caravan site will help to secure the future of the stud farm at the current location.

*Original Comments (received 25/06/2021)*

The Economic Development Service supports this application.

This proposed development will provide a welcome addition to the local tourist offer with Caravan and Motorhome Club site facilities being offered next to a well-respected and international award winning Connemara Stud.

Visitors will be encouraged to visit local attractions and make use of the many facilities in the area including shops, restaurants and this will make a positive contribution to the local economy.

Tourism plays a key role in Chichester District's economy, generating £460m for the local economy and accounting for 9,110 jobs (6,585 full-time equivalent) supporting 15.5% of the economically active workforce. 6.5 million tourist visits are made to Chichester District each year. These are split between day visits and staying visits (visits which include accommodation for one or more nights).

In any area, staying visitors spend significantly more within a local economy than day visitors and help underpin the viability of associated businesses such as transport, entertainment, catering and retailing. In Chichester District, only 18.5% (1.2 million) are staying visits. However, staying visits account for 51% of total visitor spend.

This application is for 5 spaces, a very modest amount of spaces, given its proximity to Goodwood, one of the primary visitor attractions in the area.

#### 6.10 CDC Coast Protection and Land Drainage Officer

Surface Water Drainage:

The documents submitted in support of this application suggest that the proposed means of surface water drainage is through on-site infiltration via soak-away structures. This approach is acceptable in principle as it follows the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction.

Due to the scale, nature and location of the proposed development we have no conditions to request. Surface water drainage infrastructure should be designed and constructed in accordance with current building regulations.

Flood Risk:

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

## 6.11 Third party comments

Five third party representations of support have been received citing the following planning reasons:

- a) Would be a benefit to the local economy and area
- b) The site is well located to attractions
- c) The site would not overlook neighbouring properties
- d) Would financially support the existing business

## 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 Westhampnett 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 31: Caravan and Camping Sites  
Policy 39: Transport, Accessibility and Parking  
Policy 45: Development in the Countryside  
Policy 47: Heritage and Design  
Policy 48: Natural Environment  
Policy 49: Biodiversity  
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours  
Special Protection Areas

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

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

## National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

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

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

7.5 Consideration should also be given to the following sections:

Sections 4, 6, 8, 9, 12 and 15.

## Other Local Policy and Guidance

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

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

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Promote and increase sustainable, environmentally friendly initiatives in the district
- 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 application are considered to be:

- i. Principle of development
- ii. Design, layout and impact on the character of the area
- iii. Residential amenity
- iv. Highway impact
- v. Ecological considerations
- vi. Surface water drainage and foul disposal
- vii. Nutrient Neutrality

### **i. Principle of Development**

8.2 Planning permission is sought for the use of the site for a Caravan and Motorhome Club Certified Location (CL Site). It is a material consideration carrying weight in favour of the proposal that planning permission would usually not be required for such a use, however in this instance due to the site being located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area, and as the treated effluent from the development will eventually discharge into a European or internationally designated protected site, these permitted development rights do not apply as mitigation needs to be considered as part of the planning application process.

8.3 The site is located in the rural area where the countryside policies of the plan apply. Development in the Rest of the Plan Area. Policy 31 (Caravan and Camping Sites) of the Chichester Local Plan (CLP) states:

Proposals for caravan, camping and chalet sites and associated facilities and intensification/alterations to existing sites will be granted, where it can be demonstrated that all the following criteria are met:

1. They meet a demonstrable need and require a rural location;
2. They are of an appropriate scale in relation to their setting and would not diminish local amenity;
3. They are sensitively sited and designed to maintain the tranquillity and character of the area;
4. They are sited to be visually unobtrusive and can be assimilated so as to conserve and enhance the surrounding landscape; and
5. The road network and the site's access can safely accommodate any additional traffic generated.

8.4 It is considered that the five criteria of Chichester Local Plan Policy 31 are fully met by the proposal and therefore the principle of the proposed development would be acceptable.

- 8.5 With regard to criterion one, information accompanying the application highlights the need for the development and the proximity to attractions. Policy 31 of the Local Plan acknowledges that the nature of camping and caravan sites means that they are likely to be sited within the rural area and directs development to sustainable locations where possible. Although within the rural area, this site benefits from close proximity to Chichester and surrounding attractions. The need for the development to support the existing business is justified and the Council's Economic Development Team support the proposals as a welcome addition to the local tourist offer and that it would support and provide additional revenue for the main business activity on the site which is Lanburn Connemara stud farm. The revenue from the caravan site will help to secure the future of the stud farm at the current location.
- 8.6 The proposal is considered to comply with all other criteria of Policy 31 in terms of amenity, character, visual impact and highway safety and this is assessed in more detail under the relevant sections of this report.
- 8.7 For the reasons given above the proposal would fully comply with the requirements of Policy 31 and therefore the principle of development is considered to be acceptable.
- ii. Design, layout and impact on the character of the area
- 8.9 The site is located to the south of Madgwick Lane and would be served from an existing access point to Madgwick Lane, with a separate gated entrance point created within the applicant's site and therefore not requiring an additional access to the public highway. The plans show consolidated gravel to the entrance. The proposal consists of five grassed areas approximately 10m x 10m and with a 3m gap in between them and the provision of a separate service point to the north. The scale of the development is considered to be appropriate to the location. Details of the service area can be secured by condition to ensure this has an appropriate appearance and is not to the detriment of the character of the area.
- 8.10 The site benefits from significant trees/hedge screening which would keep any views of the proposal to a minimum from public vantage points. The proposals are also for the site to be operational between 21 March and 30 September (inclusive), limiting the operational times when there may be less screening from the natural growth. The site would appear most prominent from immediate opposite the access, however this would only be experienced briefly by those passing the site on the road, which runs at 90 degrees to the access point, limiting passing views to glimpses.
- 8.11 To the immediate west of application site is the Madgwick Park residential development, and therefore although the application site is within the countryside, it is viewed in the context of the development of two storey residential properties adjacent to it. The proposed use would not be to the detriment of the tranquillity of the area and would conserve the character of the landscape in this location.
- 8.12 For the reasons above the proposal is considered to be acceptable in terms of design, layout and the character of the area and complies with policy.



iii. Residential amenity

- 8.13 The site is separated from the adjacent residential development by a landscaping buffer and would be approximately 25m away from the nearest dwelling. The Council's Environmental Protection team consider that noise impacts from the proposed development are likely to be minimal. The applicants have provided information that nighttime arrivals would be avoided to minimise potential disturbance.
- 8.14 The application site is close to Goodwood Aerodrome and Goodwood Motor Circuit. The Council's Environmental Protection advise that given the duration of use by each potential occupant (maximum of 28 days), further noise assessment is not considered necessary with respect to the proposed development.
- 8.15 Given the above the proposals are considered to comply with policy with regard to amenity.

iv. Highway impact

- 8.16 Access would be from the existing access onto Madgwick Lane, a C-classified road which has recently been reduced from National Speed Limit to a 40mph speed limit via a Traffic Regulation Order. Westhampnett Parish Council have objected to the application, and cited that that inadequate vehicle access is one of the reasons.
- 8.17 The Local Highway Authority considers that the access arrangements proposed to be acceptable and that the track and visibility would mean that there would be no conflict between caravans and equestrian vehicles utilising the access.
- 8.18 Ownership of the land to the west of the site is required in order to secure adequate visibility splays. Ownership of this land was previously unknown and as such the applicant has submitted an application to Land Registry to acquire the land via adverse possession. While this is a separate legal process that will be determined independently of the planning process the LHA consider that on the balance of probability there is a reasonable chance that the applicant will ultimately control the parcel of land required to secure suitable visibility in perpetuity to the west of the access point. Provision of the visibility splays prior to the use commencing can be controlled by condition.
- 8.19 Formalised parking and turning is not provided, as the site will provide five pitches for touring caravans or trailer tents, with each pitch will be 10m x 10m with a 3m gap between, which is considered to provide sufficient space for parking caravans and cars. Each pitch will be sited on grass and may be relocated within the site to reduce wear and tear. As the land will be used for grazing out of season, no formal parking or pitches will be provided. There are other mechanisms in place to ensure that the land cannot be occupied by more than 5 pitches at a time and therefore there should always be sufficient space for vehicles to park and turn.

8.20 Westhampnett Parish Council have also raised objections regarding the lack of public footpaths and public transport. The nature of Caravan and camping sites means that they are typically within rural areas. There is no policy requirement under Policy 31 for access to public transport and footpaths. Officers consider that the site is within a highly sustainable location, to the eastern side of Madgwick Park, with good access to services and the city of Chichester. There is a distance of 50m to the nearest footway to the west, and it is not considered that the absence of footways would result in an unacceptable safety concern. The LHA have not objected in this regard and highlight that the site is located within close proximity of Chichester and tourist attractions including Goodwood, albeit there is no footway present along this section of Madgwick Lane, and as such the majority of trips are likely to be by private car.

8.21 For the reasons detailed above the proposal is considered to be acceptable with regard to highways matters and complies with policy.

v. Ecological considerations

8.22 The Council's Environment Officer has commented on the application and recommended conditions. The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. A buffer strip around the hedgerows of 5m was suggested and the applicants have advised that the nearest construction works would be the excavation for the Chemical Disposal Point, and this would be 10m away from hedging. No external lighting is proposed, and a condition will be used to ensure that any lighting proposed is subject to approval by the Local Planning Authority.

8.23 The site lies within 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA), where new residential development is likely to have significant environmental impacts on this internationally important designation. Local Plan Policy 50 relates to development and disturbance of birds within this internationally designated Special Protection Area. Effective mitigation, against potential recreational impact arising from new residential properties, needs to be provided. In accordance with Policy 50, the Recreational Disturbance of Birds in SPAs Guidance, and as recommended by Natural England, a financial contribution to the established Bird Aware Solent mitigation scheme is appropriate in this instance and this has been secured.

vi. Surface water drainage and foul disposal

8.24 Surface water drainage is proposed through on-site infiltration via soak-away structures. This approach is acceptable. Due to the scale, nature and location of the proposed development the Council's Coastal Protection and Land Drainage Officer has no conditions to request.

8.25 Foul sewerage, which will comprise chemical toilet disposal, is to be stored in a sealed tank on site, collected by a specialist contractor once a year who will dispose of the effluent to their licensed site. Subject to Nitrate Neutrality considerations as assessed below this is acceptable.

vii. Nutrient Neutrality

- 8.26 The site is outside of the fluvial catchment area of Chichester Harbour, however as detailed above foul sewerage is to be stored in a sealed tank on site and collected by a specialist contractor once a year who will dispose of the effluent to their licensed site. Discussions have taken place with Southern Water who have advised that although the sludge from the blue chemical waste is treated separately from the mains waste at Appledram Wastewater Treatment Works (WwTW), the liquid is processed in the same way as the mains waste. Therefore part of the waste from the site would potentially discharge into the harbour. As such, the proposal comprises new development with overnight accommodation, within the Chichester Harbour catchment area and therefore the treated effluent from the development will 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. This is therefore directly connected to the increase in wastewater from the development.
- 8.27 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 LPA via an Appropriate Assessment to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England must then be consulted on any such Appropriate Assessment.
- 8.28 Discussions have taken place during the course of the application and the applicant has followed the updated methodology provided by Natural England and established the nitrate calculations for this proposed development. This calculation has informed an Appropriate Assessment and Natural England have commented that they have no objection to this.
- 8.29 The nutrient budget generated from the development would be **2.3285kg/TN/yr** which represents a nitrogen surplus and so requires mitigation to achieve nitrogen neutrality. In order to achieve nitrogen neutrality, appropriate mitigation measures that would remove a minimum of **2.3285kg/TN/yr** must be secured to ensure that at the time of the LPA undertaking the Appropriate Assessment it is certain that the neutralising nitrogen benefits will be delivered in the long term.
- 8.30 The mitigation measures identify a parcel of land within the Chichester Harbour Catchment which is currently lowland grazing that shall be planted with 16 trees at a density equivalent to 100 trees per hectare for perpetuity. At the time of writing, the applicants are in the process of entering into a S106 agreement to secure the nitrates mitigation land and planting for the lifetime of the development. Once completed, the development would achieve nitrogen neutrality and would accord with Policy 12 of the CLP.

## Conclusion

8.31 Based on the above it is considered the principle of the development in this location would be acceptable and the scale and layout is acceptable in terms of the character of the area, impact to neighbouring amenity and highway safety. Furthermore, the mitigation proposed with regard to the impact in terms of recreational disturbance and nitrate neutrality is acceptable. There is no conflict with the NPPF 2021, and the proposal complies with Chichester Local Plan policies, and there are no material considerations that would warrant refusal of the application. Therefore, the application is recommended for approval subject to safeguarding conditions and delivering nitrate neutrality subject to completion of a s106 agreement as set out in this report.

## Human Rights

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

## **RECOMMENDATION**

**PERMIT WITH S106** 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 not be carried out other than in accordance with the following approved plans:

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

3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

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

4) The Caravan and Motorhome Club site shall not be first occupied until visibility splays of 2.4m by 120m to the east and 2.4m by 110m to Madgwick Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

5) The Caravan and Motorhome Club site shall not be first occupied until full details of the service area including scaled plans and refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the service area facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

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

6) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the development hereby permitted shall be used as a Caravan and Motorhome Club Certified Location or for the grazing of horses and for no other purpose.

The use hereby permitted as a Caravan and Motorhome Club Certified Location shall not take place except between 21 March and 30 September (inclusive) in each calendar year. No caravans, motorhomes or trailer tents, or any other tent or paraphernalia associated with the permitted use shall be on the land when the site is not in use as a Caravan and Motorhome Club Certified Location.

No more than 5 pitches shall be located on the site at any one time. The pitches shall be used for holiday accommodation only and shall not be used for any individual's main or sole residential dwelling.

Reason: To accord with the terms of the application and in the interests of the amenity of the area.

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

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

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Formalise Entrance	21/CLINGAN/F E100		01.06.2021	Approved
PLAN - Site Lines	TQTQM21098 084611312	A	23.07.2021	Approved
PLAN - Proposed Caravan Site Plan	2021/CLINGA N CL100	A	15.03.2021	Approved

## INFORMATIVES

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

For further information on this application please contact Martin Mew on 01243 534734

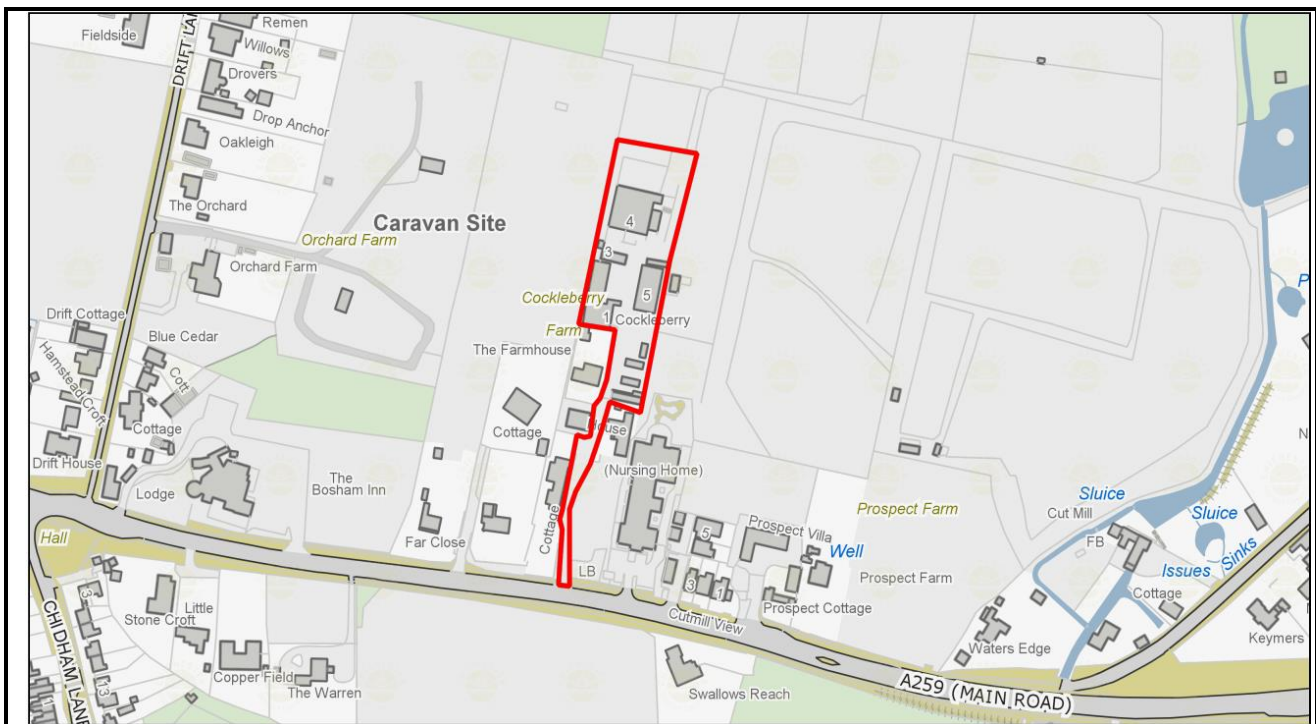
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QOOA34ERM6X00>

Parish: Chidham & Hambrook	Ward: Harbour Villages
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**CH/21/02361/FUL**

<b>Proposal</b>	Demolition of existing warehouse buildings, B8 container storage, residential caravans/park homes and stables and the erection of 9 no. dwellings and associated works including landscaping and access alterations.		
<b>Site</b>	Cockleberry Farm, Main Road, Bosham, Chichester, West Sussex, PO18 8PN		
<b>Map Ref</b>	(E) 479558 (N) 105442		
<b>Applicant</b>	Mr and Mrs A Brown	<b>Agent</b>	Mr Paul White

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



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

1.1 Parish Objection - Officer recommends permit

## **2.1 Site and Surrounds**

- 2.1 The 0.56ha irregular shaped site of Previously Developed Land (PDL), is located on the north side of Main Road (A259) and comprises approximately of 1715m<sup>2</sup> of existing lawful industrial and warehouse buildings (falling within Use Class E), B8 container storage, and 4 no. caravans/park homes and equestrian stables.
- 2.2 The mixed-use site is spread out across the site in 23 buildings, as detailed on the Existing Building Areas Plan (ref. 2119-26A). The principal industrial warehouse uses are located within buildings 1 and 15-18. The storage is located in containers 2-8, 13 and 19. Buildings 9-11 are the stables and 12-14 are the associated sheds. The residential caravans are shown as 21-22, and the park homes are 20 and 23.
- 2.3 The site lies within the Rest of the Plan Area (i.e. outside any defined Settlement Boundary), within the Parish of Chidham and Hambrook. The application site lies approximately 730m to the east of the Settlement Boundary of Nutbourne East, approximately 1.3km west of the Settlement Boundary of Broadbridge, and approximately 1.2km north-west of Bosham. Hambrook/Nutbourne and Bosham/Broadbridge are described as 'Service Villages' in the Chichester Local Plan (CLP), with a reasonable range of everyday facilities and reasonable road and public transport links, including an on-road cycle lane running east-west along Main Road.
- 2.4 The site is set approximately 100m back from Main Road behind existing residential development, with access to the site gained via a shared accessway. Three existing dwellings (The Farmhouse, The Kabin and Cockleberry Farm) are situated to the west side of the access road respectively, with Estrella House set to the east side of the access road. The south-east corner of the application site previously benefited from consent for 2no. residential dwellings to replace 2 existing residential caravans (ref.18/01449/FUL refers), however it is unimplemented (and now time expired).
- 2.5 The site lies approximately 105m to the north of the northern boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB), which runs along the southern side of Main Road. The site is well contained, relatively flat and lies within Flood Zone 1. There are a number of trees and bushes within the site, the majority of which are situated on the boundaries.
- 2.6 To the east of the site there is paddock/grazing land and a ribbon of development fronting Main Road, including a large nursing home (known as King's Lodge) and a recently constructed residential development on the site of a former Saab garage dealership and further individual dwellings. To the west of the application site lies the former Chas Wood Nursery site (which has been subject to planning application ref. 20/01854/OUT) and individual dwellings, beyond which lies the grade II listed Bosham Inn Public House and its car park, and an existing caravan storage site and a touring caravan site to which a separate planning application relates (ref.21/02303/OUT). Beyond Main Road to the south are agricultural fields and the Chichester Harbour AONB. To the north is an existing horse manege (sand school), beyond which there is paddock/grazing land and the east-west main railway line.



2.7 The site lies within an area where new development may impact upon multiple sensitive ecological sites including the Chichester Harbour SSSI, Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar, Solent Maritime Special Area of Conservation (SAC), and the Singleton and Cocking Tunnels SAC.

### **3.1 Proposal**

3.2 The application seeks full planning permission for the demolition of the existing warehouse buildings (Class E), B8 container storage, residential caravans/park homes and stables and the erection of 9 no. dwellings and associated works including landscaping and access alterations.

3.3 The site is currently accessed via a priority junction from Main Road (A259) to the south of the site. This existing access will be improved by removing a small brick structure (to the west) to widen the access bellmouth. The proposed vehicular access through the site would be by means of a shared surface access road from the widened access. The simple priority T-junction would measure approximately 7 metres wide at the point of access from Main Road and would achieve suitable visibility splays commensurate with the 40mph speed limit in force at this location. A 2-metre wide footway with dropped kerbs would be provided within the site, positioned to the western side of the access road, to serve the development.

3.4 The proposed mix of dwellings includes 3 and 4-bedroom detached houses and 2 pairs of 2-bed semi-detached houses. The layout comprises a simple cul-de-sac with eight dwellings located to the western side of the access road and one dwelling located to the eastern side of the access road. The majority of the dwellings would front onto the 4.8m wide tarmac internal road, with their amenity space positioned towards the rear (west). A total of 23.5 car parking spaces (3 double garages, 6 single garages, 17 on-plot parking spaces and 2 visitor spaces) are shown provided across the site, including single/double garages and on-plot parking. In addition, a minimum of 20% of all parking spaces (approx. 5 spaces) would be provided with 'active' charging points for electric vehicles, with all remaining spaces provided with 'passive' provision.

3.5 The application seeks approval for the principle of a housing development on the 0.56ha site with an overall mix comprising:

#### Size

2-bed x 4

3-bed x 3

4-bed x 2

Total = 9

3.6 The application proposes the provision of 9 open market dwellings. In this case an affordable housing commuted sum, calculated in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD would also be required.

- 3.7 Based on the site area the overall density of housing equates to approx. 16dph. The maximum height of the proposed dwellings is 2-storey, with a maximum ground to floor ridge height of approximately 8.95m. The style and appearance of the housing utilises hipped and gabled roofs in a mix of plain tiles, over brick elevations, with the use of tile hanging, flintwork and contrasting brickwork. Projecting bay windows and porches would also form part of the design.
- 3.8 The majority of existing mature boundary trees and hedging to the east and west boundaries would be retained and reinforced where necessary. New planting is proposed to the street frontages and rear gardens, together with the provision of a 3m wide landscape buffer to the northern boundary.
- 3.9 In terms of foul drainage the proposal would connect to the existing mains sewage network in Main Road, which in turn would then drain to Thornham WwTW. Furthermore, a 1.5m wide buffer to the existing ditch on the western boundary of the site would be provided, together with a 3m wide maintenance access, both are recommended to be secured by condition.
- 3.10 With regards to the sustainability of the development, the application proposes a combination of fabric first, the installation of air source heat pumps and Zone Control Heating Management System, which together would deliver a 35.86% carbon saving.
- 3.11 Amended plans have been received during the course of the application, which resulted in the quantum of development reduced by 1no. dwelling (i.e. was previously 10 dwellings and now 9). Other amendments include the submission of an AONB Impact Assessment and alterations to the scale and layout, including the provision of a 3m wide landscape buffer adjacent to the northern boundary and drainage ditch buffer. Considering the amendments, a full 21-day re-consultation was carried out for the application. Further clarification was also sought regarding land ownership matters. The applicant confirms the correct ownership certificate has been submitted and the required notice has been served.

#### 4.0 History

93/01741/COU	PER	Continuation of use of building C&D for repair, storage & export of various vehicle parts. B&E for light industrial (similar to existing storage & maintenance of vehicles) A&H for storage. G&F retained as stables.
93/01744/OUT	REF	13 no residential dwellings in the form of a farm courtyard.
02/01639/ELD	PER	Siting of two mobile homes for residential purposes and the parking of a concrete lorry in connection with the lawful activities at the farm.
06/00305/FUL	REF	Erection of detached bungalow with car port/store.

06/01307/FUL	REF	Erection of replacement stables for livery use.
06/01408/FUL	PER106	Erection of detached bungalow with car port/store.
06/03659/ELD	PER	Retention of use of stables for commercial livery.
07/01027/FUL	PER	Replacement stables.
08/00096/FUL	PER	Retention of commercial building as a replacement for commercial use within Building D (unit 4).
08/00749/FUL	PER	Change of use of Building D (Unit 4) from industrial use to commercial livery. Demolition of existing stables and replacement with 4 no. storage units (to replace lawful industrial use of building D).
09/01380/FUL	PER	Demolition of existing stables and replacement with 2 no. storage units to replace lawful industrial use of building D (unit 4). Amended design to unit - Resubmission of CH/08/00749/FUL.
09/03601/EXT	ART25	Application to extend implementation period of existing Planning Permission reference CH/06/01408/FUL, erection of detached bungalow with car port / store.
15/00227/FUL	REF	Retrospective for provision of a separate dwelling (retention of The Chalet).
15/00228/FUL	REF	Temporary stationing of two mobile homes / chalets for two years.
15/02290/PA3P	REF	Part 3 Class P application for prior approval - Proposed change of use of 3 no. B8 storage buildings to 3 no. dwellings.
16/01902/PA3P	REF	Part 3 Class P application for prior approval - Proposed change of use of 3 no. B8 storage buildings to 3 no. dwellings. Revised application further to CH/15/02290/PA3P.
18/01449/FUL	PER106	Change of use of previously developed land for residential development of 2 no. self-build dwellings and associated works.

## Relevant planning history for adjacent sites

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

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

20/01854/OUT: Chas Wood Nurseries, Main Road, Bosham, PO18 8PN - Outline permission for 26 no. dwellings with access, public open space, community orchard and other associated works (with all matters reserved except for access). Refused 30.03.2022. Appeal lodged.

## **5.0 Constraints**

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

## **6.0 Representations and Consultations**

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

*Further comment received 21.02.2022*

The Parish Council reiterates the comments made earlier and objects to the amended plans for the following reasons:

- The amended layout has reduced the number of homes to 9, of those, three are 3-bed and two 4-bed. They are still substantial in size being detached and more akin to 4 and 5-bed, as they incorporate dressing areas and three bathrooms. This is heavily weighted towards large, expensive homes which do not meet an identified need. Furthermore, it means there is no longer any provision for affordable housing where there is an identified need. We note the comments from CDC Enabling Housing Officer but would say that challenges in finding providers for affordable houses should not result in local people losing out while the contribution from the developer is made elsewhere.
- This development is not within, or adjacent to, a settlement boundary. It is in a rural location, and so the proposal is not in line with the guidance to developers in the Council's Interim Housing Position statement.

- The Council is able to demonstrate a 5-year housing land supply. There is no overriding presumption in favour of the development proposal.
- The applicant has provided no evidence that the units, currently registered for business rates are no longer in use or that they are solely used for 'hobbies'.
- The applicant argues that LP1 of the NP supports this development as a windfall site, this is flawed. The Policy states:

*'Development of the following will be supported:*

- *Affordable units on rural exception sites where this can be demonstrated to meet local needs.*
- *Development of ten units or fewer on windfall sites. The number and variety of such windfall sites makes it too prescriptive to identify them individually and the preferred approach is to assess the suitability of each site at the time the development proposal is made in accordance with development plan policies.'*

• It fails the first part of the policy as these are not affordable units which can demonstrate a local need. It ignores the second part by suggesting that the site is a windfall site of nine units and is thus supported. This sentence was included in the policy because otherwise the windfall element could be used to justify any number of (up to 10 unit) proposals which would then bypass much of the Local Plan policy. The intention of the final sentence was that any windfall proposal would not be supported automatically, but would be assessed for suitability in accordance with the development plan policies in place at the time.

*Original comment received 22.10.2021*

The Parish Council objects to this application and would comment as follows:

- 1) The site is neither inside nor contiguous with the settlement boundary by some distance. It is also in designated countryside.
- 2) The access to the site is very narrow with no footway. Any vehicles accessing the site from the approach road will be extremely close to the existing houses with no buffer. As you enter the site itself the road narrows considerably. It is difficult to see how a development of 10 houses could result in 109 fewer trips a day, even if the site was further developed for commercial use. The size of the proposed houses would suggest high car ownership.
- 3) Accessing the A259 in this location is difficult with reduced visibility at a point where vehicles are invariably gearing up to the national speed limit.
- 4) We consider that employment opportunities will be lost. Currently, in addition to storage units, there is one full time, established business operating with two employees, servicing classic cars. The owner of the business who we spoke to on a site visit, does not know where he would locate to. Employment opportunities are low in this area and we believe they should be retained where they exist.
- 5) Although three 'affordable' dwellings are included, the other six are very large 3 and 4 bed detached, the inclusion of 'dressing rooms' makes them more akin to 4 and 5 beds. On current house price trends these would market for upwards of £800k which does not meet a local need. Chidham & Hambrook is already over weighted with a large percentage of homes of this size, attracting higher values and putting pressure on smaller sized stock more affordable for young people and those wishing to downsize (2.4 Chidham & Hambrook Housing Need Survey Report)
- 6) Nitrate mitigation will be some distance away in Hampshire (East Dean) therefore there is no benefit to the community.

- 7) Southern Water has yet to comment but given the very limited capacity remaining at Thornham WWT it would need to be confirmed that all houses could connect for wastewater treatment.
- 8) The site is very close to the Chichester Harbour AONB but there is no statement on impact of the development through increased recreational disturbance.
- 9) We understand there is a dispute with residents living on the approach road. We would like assurances that this does not have a bearing on the application.

## 6.2 Natural England

*Further comment received 16.05.2022*

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment compared to the original proposal.

*Original comment received 23.09.2021*

No objection - subject to appropriate mitigation being secured in relation to nitrates

We consider that without appropriate mitigation the application would:

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

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

- Mitigation measures as detailed in the Appropriate Assessment, specifically the planting of woodland at the appropriate density on the proposed parcel of land.

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

## 6.3 Environment Agency

No objection, subject to recommended conditions relating to contaminated land.

## 6.4 National Highways

No objection.

## 6.5 Network Rail

No objection.

## 6.6 Scottish and Southern Electricity Networks

No objection. Advisory in relation to live cables which currently supply the units.

## 6.7 Southern Water

Southern Water has undertaken a desktop study of the impact that the foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

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

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24-month period:

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

Southern Water hence requests the following condition to be applied: *'Occupation of the development is to be 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 submitted drainage details indicates the SuDS to be maintained within private ownership and maintenance.

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

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

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

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

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

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

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

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

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

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

#### 6.8 Sussex Police

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

#### 6.9 WSCC Education and Skills Directorate

No objection.

#### 6.10 WSCC Highways

No objection.



## **Access and Visibility**

The site is currently accessed by means of a shared surface access from A259 Main Road, a 40mph residential road. This access will be improved by removing the existing brick structure to widen the access bellmouth. Although there are pinch points preventing two-way traffic at certain sections away from the access, a refuse vehicle can pass a car, as demonstrated in Figure P2 of the supplied technical note.

This access will require a s278 agreement.

Visibility splays from a 2.4m setback by 120m in both the directions is achievable. This is in line with the expected visibility sightline standards as set out in DMRB for a road with a 40mph speed limit. Therefore, access geometry and visibility are deemed suitable for the use.

## **Internal Arrangements**

The vehicle tracking diagrams demonstrate a 11m long refuse vehicle can enter the site, safely turn at the top of the site and exit in forward gear. This arrangement facilitates access to each dwelling having regard for the drag / carry distances for waste stated in Mfs guidance.

Swept path diagrams also demonstrate there is intervisibility between a car exiting the site and a refuse vehicle entering the site.

## **Personal Injury Accident (PIA) Data**

There are no recorded personal injury accidents at this location to indicate that the access is or has been operating unsafely.

## **Parking / Cycle Storage and EV Charging**

In line with WSCC Parking Guidance, using the WSCC parking demand calculator, the technical note demonstrates that adequate parking spaces both in allocated parking and within garages are provided for residents and visitors.

Cycle spaces are provided within garden sheds and garages.

WSCC EV charging standards requires a minimum of 20% of all parking spaces to be provided with active charging point. In line with these standards the development proposes 'active' charging point for each home and the remaining spaces to be provided with 'passive' provision.

Therefore, LHA consider that sufficient parking provision has been demonstrated.

## **Sustainability**

The site frontage has continuous footways with good street lighting system favourable for walking. The site lies within 50m walking distance of bus stops along A259 with frequent bus services connecting nearby towns from Littlehampton to Portsmouth.

Nutbourne train station is approx. 15 minutes of walking distance from the site serving hourly train services to Portsmouth and Southsea to the west and Littlehampton via Chichester to the east.

The on-road cycle lane National Cycleway No. 2 runs along the frontage of the site connecting Chichester with Portsmouth.

Therefore, the authority considers the location sustainable.

## **Trip Generation and Capacity**

Trip generation exercise carried out using TRICS for existing and proposed uses demonstrate that the proposed development is likely to generate 11 fewer trips during the weekday peak hours and 109 fewer trips across the entire day. Therefore, no highway capacity issues arise here.

## **Conclusions**

LHA does not consider that this proposal would have any capacity issues and therefore there will be no impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109). Hence, there are no transport grounds to resist this proposal. If the Local Planning Authority (LPA) are minded approving the application, the following conditions should be applied:

### **Conditions**

- Access
- Vehicle Parking and Turning
- Cycle Parking
- EVC Parking Spaces
- CEMP
- Works within the highway - Implementation Team (informative)

### **6.11 WSSC Fire and Rescue Service**

No objection, subject to securing 1no. additional fire hydrant.

#### 6.12 WSCC Lead Local Flood Authority

No objection.

The Surface Water Drainage Report for this application proposes that sustainable drainage techniques (permeable paving and infiltration via soakaways) would be used to control the surface water from this development. Winter groundwater monitoring should be carried out, in conjunction with the District Drainage Engineer, to inform the final detailed drainage designs. All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

#### 6.13 Chichester Harbour Conservancy

No objection.

Suggested considerations:

- Securing the provision of landscaped space within the development;
- Detail of lighting to the site (for street lighting in particular) shall be subject to planning control in accordance with the Chichester Harbour AONB Joint SPD Dark Skies Policy (notwithstanding the sites location just outside the AONB) as lighting would have an impact on the surrounding land, including within the AONB;
- Securing ecological enhancement measures as provided in the Landscape Masterplan;
- A legal agreement securing the relevant developer ecological mitigation payment and provision of a dwelling home-owner's pack explaining the significance of the Chichester Harbour SPA to mitigate and manage for the likely recreational disturbance that would result within the Chichester Harbour SPA.

#### 6.14 CDC Archaeology Officer

Any deposits of archaeological interest that this site might contain would likely to have been compromised by the previous development. In the circumstances there is little archaeological reason to require mitigation of impact.

#### 6.15 CDC Drainage Engineer

*Further comment received 11.03.2022*

The plans now show a minimum 1.5m buffer for ditch maintenance and a 3m wide access point to the watercourse. We are satisfied that this addresses our concerns around future access to maintain the watercourse and therefore have no objection to the application being approved subject to the attached layout being listed with the approval.

*Further comment received 02.02.2022*

We have no further comments to make on the proposed surface water drainage as this remains unchanged.

We most recently commented on the need to ensure there is a clear 1.5m buffer from the top of the watercourse bank on the western edge of the site, this is the same requirement as for the application immediately to the west of this site.

We have struggled to find a plan which shows the watercourse in question, and which then demonstrates that the 1.5m clear buffer is achieved. There appears to be a gap behind the fence lines on the western boundary, but please could this requirement be clearly demonstrated on a plan.

*Further comment received 24.11.2022*

We note there is a drainage ditch running along the Western side of the site. To ensure this can be maintained we would advise a buffer of at least 1.5m from the ditch.

*Original comment received 17.11.2021*

Surface Water Drainage: The documents submitted in support of this application suggest that the proposed means of surface water drainage is through on-site infiltration via soak-away structures. This approach is acceptable in principle.

The surface water drainage scheme design should follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Therefore the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures, or alternatively be presented as evidence as to why on-site infiltration has not been deemed viable for this development.

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

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

We suggest that, at the earliest stage, the developer gives due consideration to the appropriate location and design of surface water drainage features to achieve necessary capacity, water quality (via the SuDS management/treatment train), as well as ease of on-going maintenance. Surface water drainage features should also be designed in a manner that positively affects the amenity of the site. We would like to remind the developer that, open features, such as swales, basins and ponds, when designed correctly, can satisfy all the above aspirations in addition to; being easier to maintain, having longer lifespans and offering ecological advantages over subterranean features such as plastic crate systems.

Well-designed SuDS components include features that are no more hazardous than those found in the existing urban landscape, for example ponds in parks or footpaths alongside canals, therefore if the SuDS features are designed in an appropriate and safe manner, there should be no need for unsightly fencing and areas of restricted access. Additionally, consideration should be given to the nature of SuDS features that are chosen to be incorporated into the design, for example will the SuDS features be useable open spaces (such as detention basins etc.) in all but the most extreme weather events, or will they be year-round water features such as ponds.

Given the nature of the development, to bring it in line with current guidance, the documentation supporting the drainage design should be able to demonstrate that the infiltration/SuDS features can accommodate the water from a 1 in 100-year critical storm event, plus an additional 40% climate change allowance.

Should the application be approved we recommend the following conditions be applied to ensure the site is adequately drained:

1. Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority.
2. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.
3. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage.
4. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.
5. Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the SuDS System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Flood Risk: The site falls within flood zone 1 (low risk).

#### 6.16 CDC Economic Development

The Economic Development Service does not support this application.

The loss of this employment and commercial space would be a loss to the overall offer of this village location and the district. We would not support the loss of this employment land use/ commercial space.

Any introduction of non-commercial use in this location needs careful consideration. A full range of alternative commercial operations should be explored and presented before any change of use to residential is considered.

At present the site is being used by number of business activities. There are two classic car racing storage and servicing facilities on site - one who which has been on the same site for thirty years. There is also a props business, other storage units, as well as stables and livery facilities. This is supporting circa 6-8 jobs as well as some casual jobs in the summer when at racing events.

The relocation of these businesses need to be considered and alternative premisses appear to be difficult to find. Demand for workshop, warehousing and storage facilities appears to be high with nearby sites in Funtingdon and Terminus Road at capacity.

In line with Appendix E of the Chichester Local Plan 2014-2029, marketing evidence is required for applications seeking a change of use. Applications *'need to be accompanied by robust and credible evidence that adequate marketing has occurred in order to support the argument that the property/land is no longer required.'*

Furthermore, para. E.6: information relating to the loss of employment land and use, states:

*'In addition to the general criteria above, where a planning application may lead to the loss of an existing site currently in business use class (B1-B8) or similar sui generis uses to alternative uses (without satisfactory provision for replacement land/floorspace or relocation of existing businesses) supporting information will also be required to demonstrate that:*

- The site/premises has been vacant for some time and has not been made deliberately unviable;*
- The site/premises has been actively marketed for business or similar uses at a realistic rent/price for a minimum of 2 years or a reasonable period based on the current economic climate;*
- Alternative employment uses for the site/premises have been fully explored; where an existing firm is relocating elsewhere within the District, maintaining or increasing employment numbers will be acceptable; and*
- For proposals involving a net loss of 2,000m<sup>2</sup> or more employment floorspace, the loss of the site will not result in an under-supply of available employment floorspace in the local area.'*

As far as we can ascertain there has been no extensive marketing campaign or investigation into alternative commercial uses for the site. The site is still in commercial use with high occupancy.

The loss of this commercial space to residential use will be permanent and reduces the economic base of the village/district for commercial and employment space.

#### 6.17 CDC Environmental Protection Officer

Recommended conditions:

- Hours of construction
- Contamination
- CEMP

## 6.18 CDC Environmental Strategy Unit

*Further comment received 26/04/2022*

The amount of mitigation land in the HRA will need to be updated to 0.336 ha.

*Original comment received 13/09/2021*

### **Bats**

The Preliminary Bat Roost Assessment concluded a negligible potential to support roosting bats overall and therefore did not recommend any further surveys. However, the lighting scheme for the site will need to take into consideration the presence of bats in the local area. The scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings, especially around the northern boundary of the property, by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

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

Additionally, if the trees are to be retained on site then no further surveys are required on trees T1, T2, T3. However, if they are to be felled or impacted by lighting then further surveys will be required. This survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and submitted for our approval with the planning application. If bats are found to be roosting within the building mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

### **Hedgehogs**

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

### **Nesting Birds**

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

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

## **Recreational disturbance**

Since the site lies within the Zone of Influence for Chichester Harbour, as contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour. Further information will be required on the proposed occupation rates to calculate the contribution based on the guidance.

## **Sustainable Design and Construction**

Following submission of the Sustainable Construction (May 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 35.86%. This will be achieved with a fabric first approach and through installing air source heat pumps onsite.

## **Nutrient Neutrality**

Following submission of the Nutrient Neutrality and Mitigation Report (July 2021) the proposal will cause an increase in nitrogen of 4.9 kg/N/yr. Due to this increase we require that mitigation has been proposed with 0.187ha of land in East Dean being planted with broadleaf trees. This should be secured within the S106 agreement in perpetuity for 85 years.

## **Enhancements**

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

- Any trees removed should be replaced at a ratio of 2:1.
- Wildlife pond.
- Wildflower meadow planting used.
- Filling any gaps in tree lines or hedgerows with native species.
- Bat and bird boxes installed on the site.
- Grassland areas managed to benefit reptiles.
- Log piles onsite.
- Gaps included at the bottom of the fences to allow movement of small mammals across the site.
- Two hedgehog nesting boxes included on the site.

### **6.19 CDC Housing Enabling Officer**

The applicant has reduced the density from 10 dwellings down to 9. The applicant has also chosen to provide an affordable housing financial contribution in lieu of the onsite affordable housing previously proposed. This is acceptable and in line with Policy 34 of the Chichester Local Plan. Furthermore, in our experience it has been difficult to find a registered provider to take on small numbers of affordable dwellings which this application now overcomes. An affordable housing commuted sum of £549,710 is required. This has been calculated in accordance with the adopted Planning Obligations and Affordable Housing SPD at 1,570.6 m<sup>2</sup> (Total GIFA of all net additional dwellings) x £350.



The applicant has consulted with the Housing Delivery Team and now seeks to deliver the following market housing mix:

4 x 2-bedroom houses  
3 x 3-bedroom houses  
2 x 4-bedroom houses

The above mix is acceptable and provides a range of sizes to meet the needs of newly forming households and downsizers as well as families wishing to move within the Parish.

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

#### 6.20 CDC Policy Team

*Further comment received 10.02.2022*

The adopted Local Plan seeks to protect existing employment sites where they continue to remain suitable for business and related employment uses. My earlier response stated the site includes units currently registered for business rates and forms part of the Employment Land Audit produced as part of the evidence in the Local Plan Review. Policy 26 does not require the entire site to be in employment uses, the applicants need to demonstrate that the floorspace currently in B8/B1 (now B8/E(g)) is no longer required for such uses and is unlikely to be re-used or redeveloped for employment uses. On the basis that the applicant's agent has still not provided the necessary evidence, as outlined in the supporting text for Policy 26, to satisfy the criteria in Policy 26 detailed in the conclusion of my response of the 17th January 2022, the policy objection still stands.

On a separate note, I understand you have sought an updated comment in relation to the Thornham Wastewater Treatment Works. As previously advised, the Position Statement on wastewater in the Thornham Wastewater Treatment works catchment was agreed with Southern Water and the Environment Agency in November 2021. The Statement is supported by regular monitoring of permissions in the catchment until the capacity reaches zero, at which point a requirement for no net increase in flow will come into effect. The Position Statement and accompanying headroom table are available on the Council website with the Surface Water and Foul Drainage SPD. At the time of response, the headroom table shows that existing permissions up to 31st December 2021 reduce the available headroom to 173.

*Original comment received 17.01.2022*

The adopted Local Plan and made Neighbourhood Plan represent the Development Plan and the starting point for the consideration of any planning application. The applicants have not provided evidence demonstrating that there is no adverse impact upon the setting and views of the AONB to meet the criteria of the adopted Local Plan Policy 43, Neighbourhood Plan Policy EM3 or the IPS. In addition, evidence as required by CLP Policy 26 and Appendix E in relation to the loss of employment premises on the site and, more specifically, demonstrating that the site is no longer required and unlikely to be re-used or redeveloped for employment purposes, has not been provided. Consequently, therefore, an objection is raised to the application as it is contrary to adopted policy.

However, any proposal for additional housing has the potential benefits...and it is therefore recommended that consideration is given to the potential overall merits of the scheme whilst considering the proposal against the criteria in the Interim Position Statement for Housing when determining this application.

## 6.21 Third Party Representations

2 letters of objection have been received commenting:

- Too many fragmented applications that individually are contained but together disrupt the natural environment of the AONB.
- Must preserve AONB for future biodiversity and sustainability of our environment.
- The site is not adjacent to the settlement boundary.
- The access is very narrow with no footway.
- Accessing the A259 in this location is difficult.
- Loss of employment space.
- Affordable housing is not affordable.
- Nitrate mitigation is in Hampshire and therefore no benefit to the community.
- Limited capacity at Thornham.
- The site is very close to the AONB and there is no statement of impact.

## 7.0 Planning Policy

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made on the 20th September 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

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

Policy 1 Presumption in Favour of Sustainable Development  
Policy 2 Development Strategy and Settlement Hierarchy  
Policy 4 Housing Provision  
Policy 6 Neighbourhood Development Plans  
Policy 8 Transport and Accessibility  
Policy 9 Development and Infrastructure Provision  
Policy 26 Existing Employment Sites  
Policy 33 New Residential Development  
Policy 34 Affordable Housing  
Policy 39 Transport, Accessibility and Parking  
Policy 40 Sustainable Design and Construction  
Policy 42 Flood Risk and Water Management  
Policy 43 Chichester Harbour Area of Outstanding Natural Beauty (AONB)  
Policy 45 Development in the Countryside  
Policy 47 Heritage and Design  
Policy 48 Natural Environment

Policy 49 Biodiversity  
Policy 50 Development and Disturbance of Birds in Chichester and Langstone Harbours  
Special Protection Areas  
Policy 52 Green Infrastructure

#### Chidham and Hambrook Neighbourhood Plan 2015

Policy LP1 Requirement for homes  
Policy EM1 Management of sea and flood defences, streams and surface water drainage  
Policy EM2 Protection of Chichester Harbour, nature conservation designated areas and related areas of special environmental value  
Policy EM3 Protection and enhancement of landscape, habitat and biodiversity  
Policy CDP1 The use of S106 Agreements and CIL to support community development  
Policy H1 Local occupancy conditions of affordable housing  
Policy H2 Diversity of housing to meet the local need  
Policy DS1 Development (design standards)  
Policy DS2 Provision for car parking  
Policy DS3 Retention of areas of natural habitat/biodiversity

#### National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed;
    - or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.4 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15 and 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 7.5 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the

Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

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

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

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

S1 Presumption in Favour of Sustainable Development  
S2 Settlement Hierarchy  
S3 Development Strategy  
S4 Meeting Housing Needs  
S5 Parish Housing Requirements 2016-2035  
S6 Affordable Housing  
S12 Infrastructure Provision  
S20 Design  
S21 Health and Wellbeing  
S22 Historic Environment  
S23 Transport and Accessibility  
S24 Countryside  
S26 Natural Environment  
S27 Flood Risk Management  
S28 Pollution  
S29 Green Infrastructure  
S31 Wastewater Management and Water Quality  
AL10 Chidham and Hambrook Parish

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

DM2 Housing Mix

DM3 Housing Density

DM8 Transport, Accessibility and Parking

DM9 Existing Employment Sites

DM16 Sustainable Design and Construction

DM18 Flood Risk and Water Management

DM19 Chichester Harbour Area of Outstanding Natural Beauty (AONB)

DM22 Development in the Countryside

DM23 Lighting

DM24 Air Quality

DM25 Noise

DM26 Contaminated Land

DM27 Historic Environment

DM28 Natural Environment

DM29 Biodiversity

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

DM31 Trees, Hedgerows and Woodlands

DM32 Green Infrastructure

### Interim Position Statement for Housing Development

- 7.8 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its housing supply has identified that as of 24th November 2021 there is a potential housing supply of 3,536 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,329 net dwellings. This results in a surplus of 208 net dwellings which is equivalent to 5.3 years of housing supply.
- 7.9 Following recent appeals (PINS refs. APP/L3815/W/21/3284653 – 'Raughmere' and APP/L3815/W/21/3286315 'Church Road'), 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. Subsequently, an appeal decision in respect of development at Westhampnett (APP/L3815/W/21/3270721) has found the Council to have a 4.17 year supply. This appeal decision is currently under review.
- 7.10 Notwithstanding the above, to pro-actively manage the situation prior to the adoption of the Local Plan Review, the Council has brought forward an Interim Position Statement for Housing Development (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3rd June 2020, the Planning Committee resolved to approve the draft IPS for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 10th July and the responses were processed. The IPS, with the proposed revisions, was reported back to the 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.

### Other Local Policy and Guidance

7.11 Consideration has also been given to:

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

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

- Maintain low levels of unemployment in the district
- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- 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. The Principle of Development
- ii. Access, Highways Safety and Parking
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## i. The Principle of Development

- 8.2 The Chichester Local Plan (CLP) sets out a clear settlement hierarchy across the Plan Area, with settlement boundaries reviewed through Neighbourhood Plans or the Site Allocations Development Plan Document (Policy 2). The Chidham and Hambrook Neighbourhood Plan (CHNP) is a 'made' plan and forms part of the Statutory Development Plan. Chidham is identified as a service village under CLP Policy 2, capable of accommodating some small-scale housing, consistent with the indicative housing numbers set out at Policy 5 of the CLP.
- 8.3 CLP Policy 5 confirms the indicative housing number for Chidham and Hambrook of 25 units for the plan period 2014-2029. The CHNP states that *'planning permission has already been granted for 86 new homes since January 2014. Accordingly there is no current requirement for the Parish Neighbourhood Plan to identify new sites for major development. However, changing local needs may require the building of new homes later in the period.'*
- 8.4 Previous planning appeals have determined that the mixed uses on the application site are all within a single planning unit, as uses have interchanged between the buildings or new buildings have been erected which reinforce the use of the site. The application site comprises Previously Developed Land (PLD). For the purposes of Policy 45 of the CLP, the site is located outside of the settlement boundary, where development is restricted to meeting specific criteria, including the need for development to require a countryside location and to meet a small scale, local need, which cannot be met within or immediately adjacent to an existing settlement (Policy 45 of the CLP).
- 8.5 The Chidham and Hambrook Neighbourhood Plan does not allocate additional housing due to the fact that recent permissions have met and exceeded the housing requirement for the plan period. The sub-text to Policy LP1 of the Chidham and Hambrook Neighbourhood Plan states that *'there is no current requirement for the neighbourhood plan to identify new sites for major development'*.
- 8.6 Policy LP1 of the Neighbourhood Plan also states that:
- Development of the following will be supported:*
- *Affordable units on rural exception sites where it can be demonstrated that it meets a local needs;*
  - *Development of 10 units or fewer on windfall sites. The number and variety of such windfall sites makes it too prescriptive to identify them individually and the preferred approach is to assess the suitability of each site at the time of the development proposal in accordance with Development Plan policies.'*
- 8.7 The applicant has provided a Legal Opinion in relation to the principle of residential development of the Green Acre Nursery site (16/04132/OUT refers) and the policy considerations concerning Policy LP1 of the Neighbourhood Plan and Policies 2 and 45 of the Local Plan. The Legal Opinion is a material consideration.

8.8 In summary, the Legal Opinion for the Green Acre Nursery Site concluded that:

*'(1) The proposal conforms with Policy LP1 of the Chidham and Hambrook Neighbourhood Plan ("the NP"), but not Policies 2 and 45 of the Chichester Local Plan: Key Policies (2014-2029) ("the Local Plan"). That is because the Case Officer is wrong to argue that windfall development can only take place within existing settlement boundaries.*

*(2) There is a conflict in approach between Policy LP1 and Policies 2 and 45, as Policy LP1 envisages development taking place outside the settlement boundary of Chidham in circumstances not permitted by Policy 45.*

*(3) In those circumstances, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") Policy LP1 should override Policy 45 as it is the most recently adopted development plan policy.*

*(4) The location of the development is therefore acceptable in principle.'*

8.9 The Legal Opinion concluded that the Green Acre Nursery site did meet the definition of windfall site for the purposes of Policy LP1 of the Neighbourhood Plan, as 82% of the site was Previously Development Land which met the definition contained at Appendix 2 of the National Planning Policy Framework: *'land which is or was occupied by a permanent structure, including the curtilage of the developed land.'* The entirety of the application site is therefore defined as Previously Developed Land.

8.10 Notwithstanding the fact the application site is located outside the settlement boundary, as defined by Policy 2 of the Local Plan, Policy LP1 of the Neighbourhood Plan provides two exceptions where development will be considered acceptable: rural exceptions sites and windfall development. The proposal is compliant with Policy LP1 of the Neighbourhood Plan, being classed as windfall development. Therefore, development of 10 units or less on Previously Developed Land is acceptable in principle in this location.

8.11 In relation to the Examiner's Report of the Chidham and Hambrook Neighbourhood Plan, Policy LP1 was modified by the Examiner to ensure that, in order to be acceptable, windfall development, should also comply with the detailed development management policies elsewhere in the plan (i.e. that it should of high design quality, in a sustainable location and should not harm the landscape and scenic beauty of the AONB amongst other matters). The modification did not therefore mean that windfall development must comply with Policies 2 and 45 of the CLP; rather, that it should comply with other policies of the Development Plan.

8.12 Having regard to Section 38(5) of the 2004 Planning and Compulsory Purchase Act 2004, any conflict between two documents forming part of the development plan must be resolved in favour of the last document to become part of the development plan. The last plan in this case is the Chidham and Hambrook Neighbourhood Plan. Any conflict therefore between Policies 2 and 45 of the Adopted Chichester Local Plan and Policy LP1 of the Chidham and Hambrook Neighbourhood Plan, fall in favour of Policy LP1 of the Neighbourhood Plan. This is referred to at paragraph 7.30 of the Local Plan, which states that *'A Neighbourhood Development Plan and its policies will work alongside, and where appropriate replace, the policies in the Local Plan where they overlap.'*



8.13 The Legal Opinion was previously reviewed by the Council's Principal Solicitor, who agreed with the thrust of the advice given. That is to say a) that the [Green Acre] site could be categorised as a windfall site, b) that there was a conflict between Policy LP1 of the neighbourhood plan and Policies 2 and 45 of the Local Plan and so there was a need to assess the weight to be given to each policy; and c) that as Policy LP1 is a more recently adopted policy it carried greater weight in the assessment of the application.

### **Loss of Existing Employment Site**

8.14 CLP Policy 26 deals with existing employment site and ordinary would be relevant as the application site has some Class E and B8 uses. The policy operates to safeguard existing employment sites to benefit the local economy and only allows alternative uses where it has been demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses with evidence of marketing. However, in this case, the single planning unit is not considered to be an employment generator for the purposes of policy 26. The reason being; in the main the activities have been for 'hobby' type uses such as classic car storage, boat storage and collected paraphernalia for car boot sales and other ad hoc storage between the buildings alongside an equestrian use. There are two classic car racing storage and servicing facilities on-site (one of which has been on the same site for thirty years). There is also a props business. These uses are supporting circa 6-8 jobs, as well as some casual seasonal jobs in relating to racing events. The 'hobby uses' all co-exist alongside lawful residential and equestrian stables which are not employment generating uses. It is a mixed-use site in a single planning unit rather than an existing employment site, and as such it is considered that the policy protection afforded to employment sites by CLP Policy 26 does not apply in this particular instance.

8.15 Notwithstanding the fact that it is viewed as a mixed-use site, the applicant has also undertaken a Commercial Viability Report (Strut & Company, May 2022) in support of the development. The report sets out evidence to demonstrate that the current buildings are obsolete and not fit for continued commercial occupation. Furthermore, the report considers the viability of redeveloping the site for alternative industrial and office accommodation. The report confirms that there are no B1 (now E(g)) uses on the site; that it currently has a very low employment level and that it does not make a significant contribution to the local economy; the report also appraises the condition of the buildings and the implications of this on the site's future viability. The result of this commercial modelling demonstrate that the site cannot provide sustainable long-term employment.

8.16 Following careful consideration, officers have reached the conclusion that in light of the relevant policies in both the local and neighbourhood plans, residential development of the site is acceptable in principle.

### **ii. Access, Highways Safety and Parking**

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

- 8.18 Currently access to the site is achieved directly from Main Road (A259), with the access located to the south of the site. The current scheme proposes to widen this existing access to serve the development, providing a shared surface access. The simple priority T-junction would measure approximately 7m wide at the point of access from Main Road. Although there are 'pinch points' preventing two-way traffic at certain sections north of the access, it has been adequately demonstrated that a refuse vehicle can pass a car. The visibility splays are also acceptable and meet the requirements for a road with a speed limit of 40mph (in accordance with Manual for Streets). The proposals allow for all vehicles to enter and leave in a forward gear, including refuse vehicles.
- 8.19 The vehicle tracking diagram demonstrate that an 11m long refuse vehicle can enter the site, safely turn at the top of the site and exit in a forward gear. This arrangement facilitates access to each dwelling having regard for the drag/carry distances for waste stated in Manual for Streets guidance. Swept path diagrams also demonstrate there is intervisibility between a car existing the site and a refuse vehicle entering the site. It is noted that there are no recorded personal injury accidents at this location to indicate that the access is or has been operating unsafely.
- 8.20 The vehicle trips generated by the proposals would be acceptable in terms of highways safety and traffic levels and have not been found to result in a residual cumulative impact on the road network. A trip generation exercise carried out using TRICS for existing and proposed uses demonstrate that the proposed development is likely to generate 11 fewer trips during the weekday peak hours and 109 fewer trips across the entire day. WSCC as the Local Highways Agency (LHA) raise no concern from a capacity perspective. In addition, Highways England (now known as National Highways) raise no objection.
- 8.21 In terms of pedestrian movement across the site, a 2-metre wide footway with dropped kerbs would be provided within the site, positioned to the western side of the road, to serve the development. The site frontage has continuous footways with good street lighting systems favourable for walking. The site lies within 50m walking distance of bus stops along the A259 (Main Road) with frequently bus services connecting nearby towns from Littlehampton to Portsmouth. Nutbourne Train Station is approximately a 15-minute walk away from the site, which provides an hourly train service to Portsmouth towards the west and Littlehampton via Chichester to the east. The on-road cycle lane National Cycleway No. 2 runs along the frontage of the site connecting Chichester with Portsmouth. As such, the LHA considers the location sustainable.
- 8.22 With regard to the above, in determining a previous application at the site for residential development of 2 no. self-build dwellings (ref. 18/01449/FUL), the Planning Officer stated:
- 'The site is set behind and within an existing pattern of residential development next to a residential care home and residential properties to the west, south and east. The site is related to cycle paths and footpaths and there are shops services in the surrounding area. There are regular bus service with a bus stop just outside the site. The closes settlement of Nutbourne which lies half a mile to the west and Bosham is also one mile to the east. There are more local shops in Bosham than in Nutbourne and Bosham and Nutbourne both have train stations. These could be reach on foot, by bicycle as well as bus or private motor bike/vehicle. On this basis the proposed development would represent an appropriate use of the land, which would also remove an industrial use from this land, which when combined with the sustainable location of the site and contribution to the*

*pattern of development of this part of Chidham, represents material benefits of this application.'*

8.23 In terms of parking, a total of 23.5 car parking spaces are shown provided across the site, including single/double garages and on-plot. The LHA are satisfied that adequate parking spaces, both in allocated and within garages is provided for residents and visitors. Cycle spaces are provided for residents in garages and sheds. In addition, a minimum of 20% of all parking spaces would be provided with 'active charging points for electric vehicles, with all remaining spaces provided with 'passive' provision.

8.24 Therefore, in relation to highways safety and access, a number of conditions (relating to access, visibility, vehicle turning, vehicle and cycle parking, CEMP, EV charging and off-site highway works) are recommended.

8.25 In summary, it has been demonstrated to the satisfaction of the LHA and to Officers that the proposal would not generate traffic to the extent that the function of the local highway network would be impaired. Similarly, subject to the proposed junction into and out of the site, the proposed access would be both safe and suitable in highway terms. The LHA is satisfied that in terms of the relevant policy test in the NPPF (paragraph 111), the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

### iii. Layout, Density, Design and Impact on Visual Amenity and Setting of Chichester Harbour AONB

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

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

8.27 In addition, Paragraph 176 of the NPPF states:

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

*their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*

8.28 Policies 33, 43, 45, 47, 48 and 49 of the CLP, support the above, ensuring development, respects and enhances the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and South Downs National Park (SDNP).

### **Housing Mix, Density and Affordable Housing Provision**

8.29 Based on the site area the overall density of housing equates to approximately 16dph. In the context of the rural edge of settlement location, and the pattern of the existing housing adjacent, this is considered acceptable.

8.30 The proposal indicates the provision 9no. open market dwellings. The applicant has chosen to provide an affordable housing financial contribution in lieu of on-site affordable housing. This is considered acceptable and is in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD. Furthermore, in the Council's experience it has been difficult to find a Registered Provider to take on small numbers of affordable dwellings. An affordable housing commuted sum of £549,710 would be required and would be secured through the S106.

8.31 The proposed market housing mix is considered acceptable and provides a range of sizes to meet the needs of newly forming households and downsizers as well as families wishing to move within the Parish. As such and subject to the above, the Council's Housing Delivery Team raises no objection.

### **Design and Layout**

8.32 The layout comprises a simple cul-de-sac with 8 dwellings located to the western side of the access road and one dwelling to the eastern side of the access road. The dwellings set to the western side would front onto the internal road, with their amenity space positioned towards the rear (west). The dwelling to the eastern side would be orientated to the north, with its amenity space to the rear (south). All the dwellings would be accessed from the 4.8m wide internal access road.

8.33 The dwellings comprise an attractive mix of traditional 2, 3 and 4-bed houses, set over 2-storeys, at a site density of 16dph. The 2-bedroom houses are presented as two pairs of semi-detached houses, with the 3 and 4-bed houses provided as detached properties. The material palette includes elevations of stock brick and with occasional tile hanging and brick and flintwork. Roof forms are also varied with a mixture of hipped and gabled ends. The revised layout provides space between buildings and the reduction in quantum and scale is considered to be a successful approach both in breaking up the massing of the development and providing variety.

8.34 The majority of existing mature boundary trees and hedging to the east and west boundaries are retained and reinforced where necessary. New planting is proposed to the street frontages and rear gardens, together with the provision of a 3m wide landscape buffer to the northern boundary.

8.35 Overall the design, materials, detailing and appearance of the development suggests that this will be an attractive, high quality, semi-rural housing scheme, and that it will be appropriate to its semi-rural context and surroundings.

### **Impact on Visual Amenity, Landscape Character and Setting of the Chichester Harbour AONB**

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

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

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

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

#### iv. Residential Amenity

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

8.40 As mentioned above, the landscape proposals detail that the existing boundary vegetation would largely be retained (where possible) and strengthened, to filter views and to assist in visually integrating the development. As demonstrated on the site layout, it has been shown that a proposal for 9 houses could be delivered on the site whereby the necessary separation distances and retention of the natural screening between the proposal and the existing development would not result in an unacceptable level of overlooking, or an overbearing relationship, that would be harmful to the living conditions of the neighbouring dwellings or the future occupiers of the proposed dwellings.

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

## **Surface Water Drainage**

- 8.41 The site is wholly within Flood Zone 1 (low risk) and the Council has no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage the Council's Drainage Engineer raises no objection to the proposed use, scale or location based on flood risk grounds.
- 8.42 WSCC in its capacity as the Lead Local Flood Authority (LLFA) and the CDC Drainage Engineer, have both been consulted on the above proposed development in respect of surface water drainage. The submitted 'Surface Water Drainage Report' (May 2021) proposes to drain through on-site infiltration via soak-away structures. The surface water would discharge to ground via infiltration at an assumed rate of 2x10<sup>-5</sup>m/s. The infiltration rate is to be confirmed during the winter period in addition to winter groundwater monitoring. This approach is acceptable in principle.
- 8.43 Due to the form and length of the drainage ditch to the west site boundary, it is proposed to provide a 1.5m buffer from the top of the bank and a 3m wide separate maintenance access point, which would allow for a small mechanical digger to access the ditch, to undertake any necessary maintenance work to the ditches (as detailed on the site layout plan). The Drainage Engineer is satisfied that the revised layout demonstrates that future maintenance of the ditch will not be unsatisfactorily impeded, and therefore raises no objection to the proposal.
- 8.44 Both WSCC and the CDC Drainage Engineer recommend appropriate conditions to secure full details of the proposed surface water drainage scheme, to ensure the site is adequately drained.

## **Foul Disposal**

- 8.45 Southern Water as the statutory undertaker has not raised any objections to the proposal, stating that should the application receive planning approval, a condition should be attached to ensure that construction of the development should not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water.
- 8.46 With the imposition of appropriate conditions, it is considered that the foul drainage component of the application can be successfully addressed in terms of ensuring that details of the proposed means of foul sewerage disposal are submitted to and approved in writing by the Local Planning Authority.

## vi. Ecology and Biodiversity

### **Protected Species and Trees**

- 8.47 Policy 49 of the CLP asserts that development should safeguard the biodiversity value of the site and demonstrable harm to habitats or species which are protected, or which are of importance to biodiversity is avoided or mitigated.
- 8.48 The application site is subject to no particular ecological designation. The applicant's Preliminary Ecological Appraisal and Preliminary Roost Assessment (April 2021) details a number of measures to improve the biodiversity of the site. During the course of the application the applicant also submitted an amended Arboricultural Impact Assessment.
- 8.49 The majority of existing mature boundary trees and hedging to the east and west boundaries would be retained and reinforced where necessary. New planting is proposed to the street frontages and rear gardens, together with the provision of a 3m wide landscape buffer to the northern boundary.
- 8.50 The Council's Environment Officer has assessed the proposals and made a number of recommendations (see 6.18 above) which are recommended to be secured by condition. These conditions include protection of the trees / hedgerow during construction, sensitive lighting and to secure biodiversity protection and enhancements.
- 8.51 Subject to the recommended conditions, there is no ecological reason to resist the application.

### **Nitrates**

- 8.52 Under the latest (March 2022) guidance from Natural England, an area of land of 0.366ha, currently used for arable farmland would be required to mitigate this application and make the scheme nitrate neutral. The arable farmland (mixture of grade 3 with the majority grade 4) to be off-set will be located at East Dean, Land North of Droke Lane (Grid Reference: SU 92888 12789) which falls within the fluvial catchment area of the Solent Maritime SAC. The S106 agreement will ensure that the land is taken out of agricultural use in perpetuity (80-120 years) and therefore off-setting can be secured for the lifetime of the development. Mitigation is required in the form of the creation of a 'network enhancement zone' (i.e. scrub, tussocky grassland and wildflowers). A programme of monitoring will also be secured through the S106 Agreement. Natural England raise no objection subject to appropriate mitigation being secured.

### **Recreation Disturbance**

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

significant effect on the Chichester and Langstone Harbour Special Protection Area and therefore accords with the aims and objectives of the NPPF, Policy 50 of the CLP and the Conservation of Habitats and Species Regulations 2017 (as amended).

#### vii. Sustainable Design and Construction

- 8.54 The applicant has submitted an Energy and Sustainability Statement which proposes a combination of fabric first and renewable technologies to reduce energy demand and deliver carbon savings through thermally efficient and well-designed buildings.
- 8.55 The proposals address Local Plan Policy 40. This development is targeting 35.86% total reduction in carbon emissions, which exceeds the overall reduction sought in the IPS. The development would meet this criterion through a combination of fabric first and the installation of air source heat pumps and Zone Control Heating Management System. A condition is recommended to secure final details of the sustainable measures. A maximum 110 litres per person per day water use is also recommended to be conditioned.
- 8.56 In addition, a minimum of 20% of all parking spaces would be provided with 'active' charging points for electric vehicles, with all remaining spaces provided with 'passive' provision. It is recommended that a scheme for active and passive EV charging facilities is to be secured by condition, in accordance with WSCC Guidance on Parking at New Developments.
- 8.57 It is considered that the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40.

#### viii. Other Matters

##### **Contaminated Land**

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

##### **Lighting**

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

##### Significant Conditions

- 8.60 Key conditions attached to the recommendation include securing the access arrangements, the precise details of the foul water and surface water drainage systems, landscaping, ecological mitigation and enhancements and the sustainable development components.



## Infrastructure / Planning Obligations

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

- Affordable housing commuted sum of £549,710.
- An area of land of 0.336ha, currently used for arable farmland will be required to mitigate this application and make the scheme nitrate neutral. The arable farmland to be off-set will be located at East Field, East Dean, Droke Lane (Grid Reference: SU 92888 12789) which falls within the fluvial catchment area of the Solent Maritime SAC. The S106 agreement will ensure that the land is taken out of agricultural use in perpetuity and therefore off-setting can be secured for the lifetime of the development. Mitigation is required in the form of an 'enhanced network zone' (including scrub, tussocky grassland and wildflowers). A programme of monitoring is also required.
- Financial contribution of £3933 towards the Bird aware Solent mitigation scheme to mitigate the impact of recreational disturbance to wildlife in Chichester and Langstone Harbour SPA/Ramsar and provision of a dwelling home-owner's pack explaining the significance of the Chichester Harbour SPA to mitigate and manage the likely recreational disturbance that would result within the Chichester Harbour SPA.
- Section 106 Monitoring Fee of £326 payable to Chichester District Council.

## **Conclusion**

8.62 In summary, the Adopted Chichester Local Plan 2014-2029 and made Chidham and Hambrook Neighbourhood Plan, form the Statutory Development Plan. There is currently a 5-year housing land supply within the Chichester Plan Area. As such, the development falls to be considered using the plan-led approach (NPPF Paragraph 47).

8.63 The proposal is windfall development on Previously Development Land, for a development of 10 or fewer units. Officers have reached the conclusion that in light of the relevant policies in both the local and neighbourhood plans development of the site is, in principle, acceptable. The site is located outside the Chichester Harbour Area of Outstanding Natural Beauty with neighbouring residential development fronting Main Road. The amendments to the site layout, quantum, scale and landscaping scheme, would mitigate the landscape impact to an acceptable degree, subject to the recommended conditions.

8.64 Local concerns regarding drainage and sewage disposal and the current state of the off-site network are noted but improvements where necessary of that infrastructure is the specific statutory function of Southern Water under the Water Industry Act against whom the industry regulator OFWAT has the power to enforce against if the required statutory function is not being satisfactorily discharged. Furthermore, the ongoing headroom monitoring at Thornham WwTW indicates a remaining capacity of 173 households and as such this development of 9 dwellings could be accommodated within the remaining capacity. On the basis of the consultation response received from Southern Water no

formal objection to the application is raised and it would be both unreasonable and untenable for officers to recommend a reason for refusing the application on this basis.

8.65 The proposed development is therefore in accordance with policies of the statutory Development Plan and the plan-led approach. The application is recommended for approval, subject to the planning conditions, obligations and informatives, summarised below.

#### Human Rights

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

### **RECOMMENDATION**

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

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

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

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

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

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

(a) the anticipated number, frequency and types of vehicles used during construction,  
(b) the provision made for the parking of vehicles by contractors, site operatives and visitors,

(c) the loading and unloading of plant, materials and waste,

(d) the storage of plant and materials used in construction of the development,

(e) the erection and maintenance of security hoarding,

(f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway

(g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles

(h) measures to control the emission of noise during construction,

- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including litter and prohibiting burning.

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

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

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

**5) 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.

6) If the Phase 1 report submitted pursuant to Condition 5 above; identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

7) If the Phase 2 report submitted pursuant to Condition 6 above; identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

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

13) If pursuant to condition 7 a contaminated land remediation scheme is required **the development hereby permitted shall not be first occupied** until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

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

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

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

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

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

Reason: To ensure the development benefits from appropriate infrastructure.

17) 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 or any superseding document). **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.

18) **No part of the development hereby permitted shall be first occupied** until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 1.4/P2.

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

19) **No part of the development shall be first occupied** until visibility splays have been provided in accordance with drawing number 1.4/P2. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

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

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

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

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

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

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

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

23) **The development hereby permitted shall not be first occupied** until a scheme detailing hard and soft landscape (including the provision and maintenance of the 3m wide landscape buffer to the northern boundary) works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and 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.

All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **These works shall be carried out in the first planting season after practical completion or first occupation of the development**, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective,



shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development and to ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

- 24) **Prior to first occupation of the dwellings hereby permitted** the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
- (a) scaled plans showing the location of the boundary treatments and elevations, and
  - (b) details of the materials and finishes.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of neighbours.

25) **Notwithstanding any details submitted, no dwelling hereby permitted shall be first occupied**, until a scheme of ecological mitigation based on the recommendations of the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (April 2021) and the comments of the CDC Environmental Strategy Unit; together with a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The scheme of ecological enhancements shall include consideration of:

- Any trees removed should be replaced at a ratio of 2:1.
- Wildlife pond.
- Wildflower meadow planting used.
- Filling any gaps in tree lines or hedgerows with native species.
- Bat and bird boxes installed on the site.
- Grassland areas managed to benefit reptiles.
- Log piles provided on site.
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.
- Two hedgehog nesting boxes provided on the site.

Thereafter the strategy shall be implemented fully in accordance with the approved details and timescale.

Reason: To ensure that the protection of the species is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

26) **Notwithstanding the details submitted, no development shall commence above ground level**, until a detailed Sustainable Design and Construction statement, demonstrating how CO2 emissions saving of at least 19% through improvements to the fabric of the building together with at least a further 10% improvement through renewable resources, are to be met for the approved use, in accordance with the submitted Sustainable Construction Supplementary Planning Statement (May 2021). The statement shall also include the proposed location, form, appearance and technical specification of the air source heat pumps (including acoustic performance). The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with Policy 40 of the Chichester Local Plan Key Policies 2014-2029.

27) The 1.5 metre wide drainage ditch buffer and 3 metre wide access shall be provided in accordance with the approved Site Plan (plan no.2119-05V), to allow for maintenance of the drainage ditch. Thereafter the drainage ditch buffer and access shall be retained for that purpose in perpetuity. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

28) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

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

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

30) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the conclusions, Impacts and Recommendations sections of the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (April 2021) including the following ecological mitigation measures:

- a) The hedgerows on site are used by bats for commuting and foraging and will need to be retained and protected during development. A protective buffer shall be clearly marked with a temporary fence and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time. The protective fence shall be retained and maintained for the duration of the construction works, removed only upon the completion of the development.
- b) If any works need to take place to the trees or for vegetation clearance on the site, they should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).
- c) As detailed within the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (April 2021) precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. If any small mammals including hedgehogs are found, they should be relocated away from the construction area into surrounding suitable habitats
- d) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March inclusive and shall undergo a soft demolition.
- e) As detailed within the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (April 2021), if trees T1, T2 and T3 are to be felled or impacted by lighting then further bat surveys will be required. These surveys need to be undertaken by a suitable qualified ecologist during the active breeding period (May - September) and submitted in writing to the LPA for approval. If bats are found to be roosting within any trees, mitigation will be required, and a mitigation strategy should be produced and submitted in writing to the LPA. Thereafter the development shall be undertaken in accordance with the approved details.
- f) If bats are found to be roosting within any of buildings on-site, mitigation will be required and a mitigation strategy should be produced and also submitted to the LPA for approval. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In the interests of protecting biodiversity and wildlife.

31) Notwithstanding any details submitted and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any revoking, re-enacting or modifying that Order) no building, structure, fencing or planting shall be undertaken within the 3 metre wide maintenance access or the 1.5 metre wide drainage buffer of the existing open watercourse (as detailed on plan no.2119-05V), unless it is first demonstrated to the satisfaction of the Local Planning Authority that undertaking such an activity would not impact the current and future access and maintenance of the watercourse and the variation is formally agreed by the Local Planning Authority via a discharge of condition application.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

## 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 - CONTEXT PLAN	2119-03	C	18.01.2022	Approved
PLAN - LOCATION PLAN	2119-01	F	18.01.2022	Approved
PLAN - BLOCK PLAN	2119-02	C	18.01.2022	Approved
PLAN - SITE PLAN	2119-05	V	18.01.2022	Approved
PLAN - PLOTS 2, 3, 4 & 5 ELEVATIONS	2119-10	D	18.01.2022	Approved
PLAN - PLOT 1 ELEVATIONS	2119-11	C	18.01.2022	Approved
PLAN - PLOT 6 ELEVATIONS	2119-13	C	18.01.2022	Approved
PLAN - PLOT 7 ELEVATIONS	2119-14	C	18.01.2022	Approved
PLAN - PLOT 8 ELEVATIONS	2119-15	D	18.01.2022	Approved
PLAN - PLOT 9 ELEVATIONS	2119-16	D	18.01.2022	Approved
PLAN - EXISTING BUILDING AREAS	2119-26	A	03.08.2021	Approved
PLAN - PLOT 1 FLOOR PLAN & PLOTS 1, 8 AND 9 GARAGE ELEVATIONS AND PLANS	2119-04	E	18.01.2022	Approved
PLAN - PLOTS 2, 3, 4 & 5 FLOOR PLANS AND ROOF PLANS	2119-06	F	18.01.2022	Approved
PLAN - PLOTS 6 AND 7 FLOOR PLANS AND ROOF PLAN	2119-07	G	18.01.2022	Approved
PLAN - PLOTS 8 AND 9 FLOOR PLANS AND ROOF PLAN	2119-08	H	18.01.2022	Approved
PLAN - STREETSCENE	2119-27	G	18.01.2022	Approved
PLAN - 2.4 X 120M VISIBILITY SPLAYS	1.4	P2	01.09.2021	Approved

FROM ACCESS				
PLAN - TREE PROTECTION PLAN	TH/A3/TH2790 B/TPP		18.01.2022	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) S106

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

### 3) 278 Agreement of the 1980 Highways Act - Works within the Highway

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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

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

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

These make it an offence to:

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

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

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

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

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

8) The applicant should have regard to the Control of Asbestos Regulations 2012, and be aware that it may be necessary to notify, or obtain a licence from, the relevant enforcing authority. Further information is available online at <http://www.hse.gov.uk/asbestos/detail.htm>.

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

10) 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).

For further information on this application please contact Jane Thatcher on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QX9P3UERLI900>

Parish: Chichester	Ward: Chichester East
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**CC/21/00382/FUL**

<b>Proposal</b>	Demolition of existing office building and redevelopment for 9 dwellings, including access, parking, landscaping, amenity space and associated infrastructure.		
<b>Site</b>	Bartholomews Holdings Bognor Road Chichester West Sussex PO19 7TT		
<b>Map Ref</b>	(E) 487490 (N) 104436		
<b>Applicant</b>	Bellway Homes Limited (Wessex)	<b>Agent</b>	Mr Brett Spiller

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN 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

**1.2 The application was deferred by the Planning Committee on 21<sup>st</sup> March 2022 for amendments and further information concerning the following:**

- **The addition of detailing to the side elevation of Plot 7**
- **Additional information/discussion of a pedestrian refuse island within Bognor Road**
- **Consultation with WSCC Highways on additional highway information**
- **A photographic record of the archway (to be secured via condition)**
- **Nitrogen Neutrality mitigation to be updated**
- **Amendments to Condition 11**

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

## **2.0 The Site and Surroundings**

2.1 The application site, the former office building of Bartholomew's Holdings, is located to the northeast side of Bognor Road within the settlement boundary of Chichester. The 0.3ha site comprises of a two-storey office building, with vehicle parking to the south and a vehicular access onto Bognor Road. The building is currently in use by Bellway Homes as their marketing suite for the Cathedral Park development.

2.2 The site forms part of the wider Bartholomew's Holdings, which formally comprised of this office building HGV parking and a range of large industrial building. The redevelopment of the northern half of the wider site (phase 1), with 51 dwellings (10/03510/EXT and 15/01731/REM) is nearing completion. The southern part of the site and land to the immediate east of the application site (phase 2) has permission for 24 flats and 33 houses and includes the retention of the office accommodation the subject of this application (15/02344/FUL).

2.3 The area is predominantly residential in character, which includes a wider variety of property styles, including flatted blocks. However, to the south of the railway line, there is a large industrial park.

## **3.0 The Proposal**

3.1 The proposal seeks planning permission for the demolition of the existing office building and the construction of nine dwellings (6 x 4-beds and 3 x 3-beds) with a single garage and associated works, to include the closing of the vehicle access onto Bognor Road.



#### 4.0 History

07/01463/OUT	WDN	Residential development.
07/04583/OUT	PER106	Residential development.
15/01731/REM	PER	Development of 51 dwellings. Submission of Reserved Matters in respect of Layout, Landscaping and Appearance following grant of Outline Planning Permission - CC/10/03510/EXT.
15/02344/FUL	PER106	Construction of 24 flats and 33 houses with associated car parking, landscaping, cycle and bin storage after demolition of storage buildings but retaining office accommodation.
17/01758/DOC	DOCDEC	Discharge of conditions 3 and 6 from planning permission CC/15/01731/REM.
17/01785/DOC	DOCDEC	Discharge of condition 8 of permission 15/01731/REM.
18/02739/FUL	WDN	Demolition of existing office building (Use Class B1a) and redevelopment for 23 dwellings (one and two bedroom), including access, parking, landscaping, and associated infrastructure
18/02787/PA30	WDN	Conversion of existing office building to 16 no. dwellings (Use Class C3).
19/00639/PA30	WDN	Notification for prior approval for a proposed change of use of building from office use (Class B1(a)) to 16 no. dwelling houses (Class C3).
19/02806/PA30	PPR	Conversion of existing office building (Use Class B1a) to 16 no. dwellings (Use Class C3).

#### 5.0 Constraints

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

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

*Further comments 10.01.2022*

The City Council maintains its objection. It is disappointing that the amendments do not address the City Council's main concerns relating to the loss of the attractive building and the proposed layout which effectively creates an alleyway/twitten with a dwelling at the end.

*Original comments 09.04.2021*

Strong Objection due to the design, appearance and layout which do not conform to secure by design principles or provide a functional and practical layout. Uniquely in the physical context of this specific site, where the topography and surrounding layout and uses do not, and cannot, form a strong residential frontage to Bognor Road around the railway bridge, the City Council considers that it would be appropriate to consider a design solution which preferably retains the iconic local building, or otherwise with the orientation of frontages turning inwards towards the estate, rather than creating a frontage along Bognor Road to which the houses, as proposed, do not properly connect in any case, or with an apartment building for better layout and use of space.

The City Council support the redevelopment of the site in principle and would request a meeting between the City Planning Adviser, the developer, and CDC planners to discuss an appropriate design solution to make the most of the development opportunity and its potential for visual and social impact in this position.

### **6.2 Highways England (summarised)**

Highways England is satisfied that the proposals can be achieved without detrimental impacts to the safe and efficient operation of the SRN subject to recommended condition (construction management plan).

### **6.3 Natural England (summarised)**

*Further comments 11.05.2022*

**Natural England has previously commented on this proposal and made comments to the authority in our letter dated 17 February 2022**

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

**The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal**

*Original comments 18.02.2022*

No objection - subject to appropriate mitigation being secured

6.4 Southern Water (summarised)

No objection. A formal application for a connection to the public foul sewer will need to be made by the applicant or developer.

6.5 WSCC Local Highway Authority (summarised)

***Further comments 19.04.2022***

**West Sussex County Council (WSCC) officers understand that Chichester Planning Committee members recently deferred the decision on planning application CC/21/00382/FUL and one of the reasons for the deferment was to consider and seek additional transport mitigation in the form of pedestrian crossing facilities on Bognor Road.**

**Following the Planning Committee meeting the applicant's transport consultants have produced a technical note responding to the request for additional mitigation. This note concludes that a pedestrian refuge crossing facility is not required as a result of this development and, in the consultant's opinion, the provision of a pedestrian refuge would result in a reduction in carriageway widths to an unacceptable level of 2.75m.**

**WSCC as Highway Authority does not disagree that based upon the likely impact of 9 residential units that there is not sufficient justification to request further highway works such as pedestrian crossing points as a result of this development. Given that the Community Infrastructure Levy (CIL) is in place only site-specific mitigation can be secured that is required to mitigate the specific impact of the development to make it acceptable in planning terms. Therefore, any mitigation sought needs to be necessary to mitigate the impact of 9 residential units.**

**One of the earlier phases of the development is required to provide a dropped kerb tactile paving crossing over Bognor Road to provide access to the bus stop on the southwest side of Bognor Road. Given the likely level of use this pedestrian crossing is considered appropriate. Whilst the provision of a pedestrian refuge may assist in breaking the crossing movement into two it is not considered necessary in planning terms to make planning application CC/21/00382/FUL acceptable and the provision of a dropped kerb tactile paving crossing is deemed appropriate.**

**In terms of carriageway widths should a pedestrian refuge be implemented the applicant's transport consultant has stated that Bognor Road in the proximity of the crossing is approximately 8m wide. They go on to conclude that if a 2.5m pedestrian refuge is provided it would result in lane widths reducing to 2.75m, which is below the minimum lane width of 3m identified in CD109 Highway Link Design.**

**Chapter 6 of the Traffic Signs Manual provides guidance on different types of pedestrian crossing facilities. Paragraph 11.14.3 states, “Where demand is low and a more formal crossing is not justified, pedestrian refuges can be helpful by breaking up the crossing task into two parts. The refuge should be large enough to accommodate the expected number of people and to allow those with pushchairs or wheelchair users to wait safely. They may be an absolute minimum of 1.2 m wide, but to cater for wheelchair users they should be at least 1.5 m and preferably 2.0 m.” Local Transport Note 1/20 Cycle Infrastructure Design recommends that a refuge should be 3m wide if it is to be used by cyclists such as at a parallel crossing or where cycle routes are provided on both sides of the road.**

Therefore, a pedestrian refuge could be between 1.2m, as an absolute minimum, and up to 3m wide but much depends on its likely use. In this location a pedestrian refuge of 2m could be provided and this would accommodate people using wheelchairs, mobility scooters and pushchairs. Should a 2m refuge be provided the retained carriageway width would be 3m wide which would accord with guidance in CD 109. This retained carriageway width would also prevent an unacceptable width being provided for cyclists as, where there is a pinch point, carriageway widths of between 3.2m and 3.9m should be avoided where cyclists are cycling in mixed traffic as these widths can result in close over taking.

Therefore, based upon best practice guidance and the information presented by the transport consultant and subject to a more detailed design being undertaken and a Stage 1 Road Safety Audit the Highway Authority are of the view that a pedestrian refuge may be able to be accommodated in this location. However, as per earlier comments upon the application the Highway Authority are of the view that the dropped kerb tactile paving crossing secured through other earlier parcels is sufficient and that it is not necessary in planning terms that planning application CC/21/00382/FUL provides any additional pedestrian infrastructure to make the development acceptable in planning terms.

*Further comments 08.04.2021*

In comments dated 8 April 2021 the LHA requested further information (show dropped kerb tactile paved crossing of Bognor Road - which will be provided by developer of phase 1/2 as part of s278 agreement) and explore possibility of central refuge island with beacon in Bognor Road.

One visitor bay has been removed with one remaining however the LHA consider there is capacity within each plot for additional parking and thus no objection is raised to the resident or visitor parking provision.

The potential for a central refuge island on Bognor Road has been explored but deemed as inappropriate by the Transport Consultant. Whilst no reason has been given this could be to do with available lane width on the carriageway. Nevertheless, the LHA consider that provision of the dropped kerb tactile paved crossing point which will be provided as part of the s278 for existing approved phases will provide an improvement for pedestrians over the existing arrangement.

The removal of the existing access to Bognor Road and footway tie in works which can be implemented under a Minor Works Approval licence attached to the existing s278

agreement for phase 2. The Local Highway Authority does not consider that the 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 Para 111 of the National Planning Policy Framework 2021 (~~paragraph 111~~), and that there are no transport grounds to resist the proposal.

A number of conditions have also been suggested, including the stopping up of the existing access, securing parking spaces, construction management plan, cycles storage and electric vehicle charging.

*Further comments 08.04.2021*

In comments dated 12 March 2021, further information was requested in respect to a tactile paved dropped kerb crossing of Bognor Road with possible central refuge island and demonstration that a fire appliance can reach within 45 metres of all buildings.

The plans have been amended to show a slightly altered footway link from the site to existing footway along Bognor Road. Plans show the reversing distance to the site for a fire appliance and that it can reach within 45m of all buildings.

The dropped kerb tactile paved pedestrian crossing point is still not shown. The applicant should refer to s278/38 agreement drawings for the wider Bartholomews site which shows the agreed location. The applicant should also explore possibility of a central refuge island for pedestrians.

Stopping up of existing access, footway link, crossing (and potentially central refuge island) can be done under a minor works agreement for PSI/3511/01 (the s278/38 agreement for the wider Bartholomews site).

*Original comments 12.03.2021*

The current application therefore seeks full planning permission for demolition of the 998sqm of office floorspace and erection of residential development and in effect forms the final 'phase 3' of the site.

Vehicle access to phases 1 and 2 is via Chatsworth Road. There is an existing 10m wide vehicle access to Bognor Road though it is proposed that this will be stopped up and proposed development will be accessed via Chatsworth Road, through the permitted development.

Footway from within the site to link to Bognor Road will be retained. Considering this will provide a route for pedestrians to the bus stop on the opposite side of Bognor Road, provision of a dropped kerb tactile paving point should be demonstrated. It is understood that the developer of phase 1 will provide this and improve the condition of the existing footway leading to the crossing point as part of the S38/278 process in place. Therefore, the plans submitted with this application should be updated to show this agreed crossing. Furthermore, the applicant should explore whether there is room for a central refuge island with beacon in Bognor Road. Upon demonstration of agreed footway and crossing link and exploration of refuge island, the works could be carried out under minor works agreement attached to the PSI agreement for the wider site access works.

The access width off of phase 1 estate road is sufficient to allow two cars to pass. Visibility splays of 2.4m by 43m in secondary direction and 21.5m to the tangent in primary direction, on the phase 1 estate road, have been demonstrated and considered appropriate to the anticipated speeds. Part of primary splay passes through the visitor bay yet it is considered Manual for Streets 2 para. 10.7.1 applies whereby "...parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, defined parking bays should be provided outside the visibility splay. However, in some circumstances, where speeds are low, some encroachment may be acceptable". As the estate roads in the development are to remain private, the applicant should confirm that the splays are within their red edge/ control in order that these can be maintained in perpetuity.

Plots 7-9 will be provided with access directly via vehicle crossovers to the estate road. The applicant should clarify whether dropped kerb/tactile is proposed either side of the main cul-de-sac entrance.

The LHA also note the footway links proposed from plot 1-5 to link with the footway on the southern edge of the site (which will in turn link to Bognor Road). The cul-de-sac itself serving the 9 plots will be shared surface which is considered appropriate for the anticipated speeds and traffic levels.

Refuse Collection is to be from the main phase 1 estate road and tracking shows that vehicles can turn within this area. A bin collection point is shown just within the site. Fire appliance tracking within the phase 1 estate road is also demonstrated, however vehicle access should be provided within 45m of the furthest point of the building and plot 1 and 6 are further and thus access for fire appliance should be further demonstrated.

TRICs has been used to estimate the existing trip generation from the permitted office use. This found that 6 x two-way movements in the AM and PM peaks respectively could have occurred. In comparison the residential use of 9 x dwellings could see creation of 4 x trips in the AM and 5 x trips in the PM peak hours. A slight reduction in trips in the peak hours could therefore result. Whilst the residential use could see a slight increase in movements over the 12-hour period, this is not considered to result in a 'severe' impact to the operational capacity of the nearby road network.

Under WSCC Guidance for Parking at New Developments, garages count as 0.5 space. The parking plan refers to a mix of garages and car barns being provided. On the basis that these were all garages of sufficient dimensions then 2.5 spaces per dwelling is shown (22.5 total). The WSCC Car Parking Demand Calculator envisions a total demand for 26.5 spaces. One visitor space is proposed and thus the parking provision is short by 3 x spaces. The guidance does allow for consideration to variation in parking provision and in light of the accessible location of the site the LHA would not raise an objection to the shortfall in parking.

The site is located a 20- minute walk from Chichester City Centre, with range of amenities, services, retail and the Train Station is 25-minute walk (8-minute cycle with cycle racks available). Closer facilities include Co-Op food shop within 200m of the site. Residents can utilise the local street-lit footway network and crossing points such as refuge island and dropped kerbs at Florence Road. The demonstration and provision of crossing from Bognor Road to the footway opposite will also improve access for pedestrians to the wider network and bus stops.

In summary, the following clarification/amendments are required:

- Show tactile dropped kerb across Bognor Road agreed under road agreement for phase 1
- Explore addition of refuge island in Bognor Road linking this crossing
- Demonstrate fire appliance can reach within 45m of buildings

#### 6.6 CDC Economic Development

The Economic Development Service does not object to this application.

We are satisfied that the marketing has been carried out as per Appendix E of the Local Plan and as much as we don't encourage loss of commercial sites, we must acknowledge that the market for office properties has decreased rapidly since 2020 and it is quite clear from the lack of interest in this site that this has served its useful economic use. If this property had been up to current standards it would have been more attractive to the office market.

Commercial property that is currently in demand in the area is within the Warehousing and Industrial sectors of the commercial market and this site would not be appropriate for those, due to proximity of residential properties.

#### 6.7 CDC Housing Enabling Officer

No objection to proposed housing mix. The number of units will not attract an affordable housing contribution.

#### 6.8 CDC Environmental Strategy (summarised)

*Further comments 15.10.2021*

Following submission of EIA and Phase II Bat Survey, we are happy that the mitigation and enhancements proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

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.

A check will also be required for birds' nests within the building prior to work commencing. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged. A condition should be used to ensure this.

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 boxes to be installed on each of the new residences.

We are satisfied that the proposed development achieves a maximum consumption of 110l of water per day per person and a 19% improvement in energy standards within the building regulations and the incorporation of renewable energy.

The proposed development creates 9 new dwellings/homes, not replacement commercial space and therefore, a net increase in population served by the wastewater system. In accordance with NE advice a nitrogen assessment for the site will be required as part of this planning application.

*Original comments (26.02.2021)*

The demolition of the buildings and removal of vegetation must be undertaken between September and February, to ensure that no nesting birds are disturbed. If clearance must take place during the bird nesting season, a nest check must be undertaken by an ecologist immediately prior to the works taking place.

The phase 2 bat surveys undertaken during the summer of 2018 are now out of date. Bats are very transient mammals and therefore bat surveys are typically valid only for 1-year, therefore a further suite of bat emergence/re-entry surveys will be required before this application can be determined. These surveys should be undertaken by a licenced (by Natural England) bat ecologist.

Within the sustainability strategy, the applicant has detailed how the development will adhere to the latest building regulations standards. I do not consider that this meets the requirements of achieving the highest levels of energy efficiency and the incorporation of renewable energy. We are looking for development to achieve a 19% improvement in the energy standards within the building regulations and the incorporation of renewable energy.

#### 6.9 CDC Conservation and Design

No objection - The site lies outside of the Chichester Conservation Area and is not adjacent to any listed buildings or other heritage assets. The office building itself has acquired a level of local popularity due to its characterful brick arched 'Bartholomews' sign, which is visible from the railway and is a pleasing visual landmark. The building itself is relatively nondescript and has been heavily altered and extended. There are a great deal of buildings of this type and date throughout Chichester and it does not in my view warrant recognition as a non-designated heritage asset. Having said that, the retention of the arch would be welcomed as it is of some local interest and is not without character.

The layout and design of the new properties has undergone several phases of reworking following officer comments. They are contemporary in appearance with well-articulated fenestration and eaves detailing and have avoided large plain flank walls, protruding into the streetscene. The elevational design avoids the reliance on tired traditional detailing and pastiche. The active frontage to Bognor Road is positive. The layout is compact and there is a regrettable lack of street level planting.



## 6.10 CDC Environmental protection

A phase I and II geo-environmental site assessment has been submitted dated Jan 2021 produced by Ensafe Consultants. The report summarises the site history and previous site investigation work undertaken both on this site and on the adjacent phases of development of the wider Bartholomews site. The report concludes that further site investigation is necessary in the development area and we agree with this conclusion. Conditions should be applied to require additional site investigation and if necessary, remediation and verification. Conditions PC21, PC22 and PO14 should be applied.

Ground gases were monitored at the site and assessed in accordance with the methodology in BS8485:2015. On the basis of the measurements taken, the site has been designated as Characteristic Situation 1 and no gas protection measures have been recommended. Given the details in the borehole logs, the percentage of putrescible material appears to be very low, and we agree with the findings of the gas risk assessment. Subject to the additional ground investigation works not identifying any soils likely to generate ground gases, we would not require ground gas protection measures to be incorporated into the development.

The proposed development would not trigger the requirements of an air quality assessment for the operational phase of the development (using the criteria proposed in the IAQM guidance Land Use Planning & Development Control: Planning for Air Quality 2017). Nevertheless, the development is part of a wider development which will introduce a significant number of new dwellings to the area. Measures to minimise air quality impacts should be put in place and the following should be considered:

- The parking standards produced by WSCC should be followed with respect to cycle parking and electric vehicle charging point provision.
- Links to nearby cycle routes should be considered in order to encourage the use of sustainable transport by future residents.

An assessment in accordance with IAQM document Guidance on the Assessment of Dust from Demolition and Construction 2014 should be undertaken and submitted to the LPA. Mitigation measures are likely to be required to reduce the impact of the construction works on air quality. Mitigation measures could be incorporated into a Construction Environmental Management Plan for the site.

A construction environmental management plan should be drawn up and implemented to control environmental impacts (such as noise, dust, waste, transport and light during the construction phase. The CEMP should be secured by way of a condition.

An environmental noise impact assessment has been submitted produced by Sound Advice Acoustics Ltd, reference SA 3765 rev5 dated Dec 2020. The report is based on a noise survey carried out in 2015 however relevant recent guidance has been used in the assessment to assess the noise impacts. The report concludes the development should be designed with a 4mm glass /14mm air gap / 6mm glass double glazed windows and a Greenwood MA 3051 wall ventilator or similarly approved to all rooms to ensure the internal noise levels are acceptable in terms of the assessment to British Standard 8233: 2014.

A condition should be applied to require that the specification in the Sound Advice Acoustics Ltd report ref SA 3765 rev5 section 1.7 for the glazing and ventilation is installed in all rooms within the development. Reason: to ensure that the internal noise levels in the proposed dwellings are acceptable with reference to the guidance given in British Standard 8233:2014.

Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. This information shall include a layout plan with beam orientation and a 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 the variation. Reason: to protect the appearance of the area, the environment and local residents from light pollution.

#### 6.11 CDC Costal and Drainage

Flood Risk: The site is wholly within tidal/fluvial flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. There is a small area of the northern extent of the site shown to be at risk of surface water flood risk. However, these maps do not take account of positive drainage that is proposed to exist on the site. They are also proposing FFLs a minimum 150mm above ground levels, which will further reduce any risk to property. 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 is to drain all surface water to ground via the permeable sub-base beneath the parking/access areas. They have supplied calculations to demonstrate the capacity for the 1 in 100yr event + 40% using conservative (compared to local findings) infiltration rates ( $1 \times 10^{-5}$  m/s). The approach is acceptable in principle and should adequately drain the development.

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

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

#### 6.12 Third party objection comments

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

- Loss of the heritage property

- The permitted scheme sees its conversion into flats, which retains its contribution towards the streetscene and to passing rail passengers.

### 6.13 Third party support comments

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

- The building layout build quality
- A preference for the letters and the brick arch to be kept and incorporated into the scheme

## 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 Chichester.

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

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

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 5: Parish Housing Sites 2012- 2029
- Policy 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 10 Chichester City Development Principles
- Policy 26 Existing Employment Sites
- 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 47: Heritage
- 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 progressing. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in July 2022. Following consultation, the Submission Local Plan will

be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that limited weight can be attached to the policies contained within the Local Plan Review.

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

#### Part 1 - Strategic Policies

- S1 Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Development Hierarchy
- S4 Meeting Housing Needs
- S5 Parish Housing Requirements
- S6 Affordable Housing
- S12 Infrastructure Provision
- S20 Design
- S23 Transport and Accessibility
- S27 Flood Risk Management
- S31 Wastewater Management and Water Quality

#### Part 2 - Development Management Policies

- DM3 Housing Density
- DM8 Transport, Accessibility and Parking
- DM16 Sustainable Design and Construction
- DM18 Flood Risk and Water Management
- 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

#### National Policy and Guidance

7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), published in July 2021. Some key criteria are as follows:-

*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.*

7.6 In addition, consideration should also be given to Sections 1 (Introduction) 2 (Achieving sustainable development), 5 (Delivering a sufficient supply of homes), 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

7.7 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
- **Position Statement on Managing New Housing Development in the Apuldram (Chichester) Wastewater Treatment Works Catchment**

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

- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

#### **8.0 Planning Comments**

8.1 The main issues arising from this proposal for consideration are:

- i. Principle of development
- ii. Housing Mix
- iii. Design and impact upon character of the surrounding area
- iv. Impact upon amenity of neighbouring properties
- v. Impact upon highway safety and parking
- vi. Environmental Protection
- vii. Sustainability
- viii. Ecological considerations
- ix. Drainage
- x. Nutrient Neutrality
- xi. Recreational Disturbance
- xii. Other matters

#### Assessment

i. Principle of development

8.2 The application site is located within the Chichester settlement boundary, which is identified as the sub-regional Centre within the Chichester Local Plan (CLP) and is a location where the provision of a range of homes, workplaces and social and community

facilities is supported by Policy 2 of the CLP, subject to compliance with other policies of the Development Plan. The provision of new dwellings within Chichester is therefore acceptable in principle.

8.3 The proposal if permitted would result in the loss of the employment space, which is protected under Policy 26 of the CLP. However, Policy 26 also advises that planning permission will be granted for alternative uses on land or floorspace currently or previously in employment generating uses where "it has been demonstrated (in terms of the evidence requirements accompanying this policy) that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses". Accordingly, the site has been marketed for more than two years, with details of the marketing contained within a viability study provided with this application. It advises that following a marketing exercise that there has been limited interest in the re-use of the office building for commercial purposes; with the evidence provided to complying with Policy 26 and the Appendix E of the CLP. In view of the information submitted and the positive response from the Council's Economic Development Officer it is considered that the proposal would accord with the requirements of Policy 26 in respect of the loss of employment.

ii. Housing Mix

8.4 The proposal seeks to provide 6 x 4-beds and 3 x 3-beds which would not comply with the required housing mix identified by the HEDNA and as supported by policy 34 of the Local Plan. However, following a discussion with the Council's Housing Enabling Officer, it was considered appropriate to view the proposed housing mix in combination with the wider Bartholomew's redevelopments to the north and south. In doing so, the proposed housing mix across the three phases (this application being the third phase), the redevelopment would accord with the HEDNA housing mix by providing 11.25% 1-bed, 33.7% 2-bed, 37.5% 3-bed and 17.5% 4-bed, thus can be considered acceptable and in accordance with Policy 34 of the Local Plan.

8.5 As the proposal is for nine houses, it does not meet the major application threshold for requiring an affordable housing contribution in this case.

iii. Design and impact upon character of the surrounding area

8.6 Policy 33 of the Chichester Local Plan states that any proposed development must meet the highest standards of design and provide a high-quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density, height, scale, and neighbouring and public amenity. Policy 47 sets out that development should respect the distinctive local character and sensitively contribute to creating places of high architectural and built quality. Policy 48 amongst other considerations requires proposals to respect and enhance the landscape character of the surrounding area and site.

8.7 The proposal of 9 dwellings would result in a density of 30 dwellings per hectare (approximately), which broadly meets the density criteria in the supporting text of Policy 33 and would not be out of keeping with the dense urban form of the existing development on the wider site. Therefore, it is considered that the level of development proposed would be appropriate for the size of the site. The proposed layout comprises four semi-detached properties facing onto Bognor Road, a detached property to the southern corner, and a further three properties facing east onto Wood Road (the new internal access road within

phase two) forming a continuation of the existing property line. A single detached property would be set to the north corner of the site, which despite being read as a 'backland plot' would make appropriate use of this part of the site. An appropriate amount of private outdoor amenity space is provided for each plot which complies with the council's guidance.

- 8.8 The formation of active frontages onto Bognor Road, whilst not considered essential given the varied character of the surrounding area and the proximity of the railway bridge, would impact positively on the streetscene by providing a welcoming pedestrian route into the development. There is a footpath serving the wider development to the southern corner of the site, with the provision of active frontages onto this footpath considered to be beneficial, particular in respects natural surveillance of this footpath. The scheme would incorporate an acceptable frontage to the highway, respecting the building lines with the neighbouring three storey flat development, whilst providing a modest lawn front garden and landscaped border.
- 8.9 An alternative option was explored during the application, which inverted the four properties, so their rear gardens faced Bognor Road, however this would have reduced the outward facing active frontages and would have necessitated a roughly 3m high walled boundary to achieve the required acoustic privacy within the rear amenity space, thus was an unsuitable option which would have been harmful to the visual amenity of the locality.
- 8.10 The existing vehicular access onto Bognor Road would be replaced with an access within the eastern boundary, which would incorporate the proposal into the wider development. The wider vehicular access would be from Chatsworth Road to the north, with the vehicle access within the current proposal serving the internal parking areas for plots 1-6. Plots 7-9 have their own driveway access onto Woods Road, with parking to the side and front of the property. The internal parking arrangement is considered appropriate, proving sufficient parking space to meet the require requirements. The boundary treatments facing into the shared parking area, would mostly comprise of brick walling to ensure a higher built quality.
- 8.11 The proposed four dwellings fronting Bognor Road would two and a half storeys in height, with accommodation within the attic space, which is appropriate given the height of the neighbouring flatted development. The remaining properties are proposed to be two storeys with the larger detached properties set to the north and south corners of the site, acting as focal points within the site, and the three properties to the east of the site, similar in form to the adjacent ones within phase two. The detailed design of the dwellings reflects the character and appearance of the adjoining developments. However, the properties are of a slightly more contemporary appearance, which would complement the mixed character of the area. **Additional sectional drawings have been provided, illustrating the proposal within the context of the neighbouring flatted development and the view from Woods Road, within the wider Bartholomew's development.**
- 8.12 In addition, care has been taken to ensure elevations would be well articulated. There are four house types proposed, ensuring an appropriate mix of designs, with a complementary palette of materials utilised across the dwellings. The elevations incorporate appropriate level of detail, particularly to Plots 1 and 5 which would be the most prominent properties within the development. **Moreover, subsequent amendments have been secured to the south side elevation of Plot 7, which now includes a ground floor side facing window and a blind window, both of which would help to enhance what was**

**previously a blank elevation and provide an appropriate level of detailing for this side elevation.** The elevations would be predominantly brick, with aspects of white render (mostly to plots 5 and 6) all set beneath grey tiled roofs.

8.13 During the course of the application comments have been received expressing concern about the loss of the existing building, however the building is not protected nor is it considered a non-designated heritage asset. As such there is no justification to require the retention of the existing building on site. **The archway is nevertheless of some local importance, and it is considered it would be appropriate to secure a photographic record prior to its demolition. This is unlikely to be an onerous requirement for the developers and something which can adequately be secured via a planning condition.**

8.14 Taking the above considerations into account, whilst the proposal would provide a compact development without a significant amount of low-level planting, it would be of an appropriate layout and density, and result in a high-quality design that would integrate well into the surrounding area and concludes the final part of the comprehensive redevelopment of the Bartholomew's site. On this basis, the development would accord with Policy 33, 47 and 48 of the Chichester Local Plan and Section 12 of the NPPF.

iv. Impact upon amenity of neighbouring properties

8.15 Paragraph 130 of the NPPF states that planning decisions should create places that offer a high standard of amenity for existing and future users. In addition, Policy 33 of the Local Plan seeks to protect the amenities of neighbouring properties in terms of their outlook, privacy or available light.

8.16 The proposed dwellings would be sited to ensure that they would be sufficiently distanced and positioned so as not to have an unacceptable effect on the amenities of the neighbouring properties. The proposal would result in an acceptable relationship between one another, and with the properties of the adjacent phase 2 development, which is currently under construction. An appropriate level of separation has been retained with the flat development to the west, with the layout designed to ensure there is no west facing windows within plots 1 and 6, preventing overlooking or loss of privacy for occupiers of these properties. The detached garages serving plots 7-9 would be set back and would likely result in some shadowing to the amenity space during the later evening but this is not considered to be of detriment to the amenity or quality of the outside space provided within these plots.

8.17 Taking the above considerations into account, the development would result in an acceptable living environment for the future occupiers of the proposed dwellings and those of the neighbouring phase 2 development. In addition, it would retain an acceptable level of amenity for the occupiers of the adjacent flat development. Therefore, the development would accord with the contents of Policy 33 of the Chichester Local Plan and Section 12 of the NPPF.

v. Impact upon highway safety and parking

8.18 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.



- 8.19 The proposal would result in the closure of the existing vehicle access onto Bognor Road, and the formation of new access onto Woods Road (the internal road within the phase 1 and 2). The wider vehicular access will be from Chatsworth Road to the far north, with vehicles travelling through the wider Bartholomew's development to reach the application site. This is considered acceptable, with the internal estate road capable of accommodating the anticipated level of vehicle movements. The proposal would incorporate the footpath to the south of the site, allowing pedestrian access onto Bognor Road, with the required tactile paving in accordance with the agreed S278 highways agreement, secured during the previous phases of the development.
- 8.20 The proposal has been reviewed in consultation with Highways England and WSCC Highways, neither of which consider the proposal to have a 'severe' impact upon the highways network. The internal layout of the site would be acceptable, with the shared surface appropriate for the type of development. There is a shortfall of three vehicle parking spaces, with each plot allocated 2.5 spaces (garage accounting for 0.5 spaces); however, it is appreciated plots 7-9 have additional space to provide further vehicle parking, and given the highly sustainable location of the site, the shortfall in spaces is not considered to be unacceptable in this instance. The provision of cycle storage and electric vehicle charging points would be secured via condition to further encourage sustainable modes of transport.
- 8.21 **A supplementary transport note has been provided by the applicants, which sets out the proposal is anticipated to result in a reduction of 42 pedestrian movements over a 12-hour period, relative to the previous office use of the site. It concludes, the reduction in movements, in combination with the scale of development (9 dwellings), demonstrates there is no requirement to provide a pedestrian island within Bognor Road, as part of this application. This has been reviewed by WSCC Highways, who have advised they do not disagree with the conclusion; whilst also confirming there is no justification to provide a refuse island to mitigate the impacts of the proposed development.**
- 8.22 **In addition, the transport note sets out there is insufficient room within the carriageway to provide a refuse island and whilst this view is not necessarily shared by WSCC Highways, given the varying size of refuse island permissible, there is clear evidence to justify why it would be unreasonable to request the provision of a refuse island as part of this application.**
- 8.23 **As noted within the WSCC Highways reply, the proposal would provide a CIL contribution, which would collectively contribute to infrastructure improvements across the Local Plan Area, as set out and agreed by the Infrastructure Business Plan (IBP) and the 5-year CIL Spending Plan. It is possible future improvements could be provided to Bognor Road, as part of the IBP and CIL spending plan, however this would lie outside of the scope of this application.**
- 8.24 The proposal is considered to result in an acceptable impact upon the highways network, make acceptable provisions for vehicle parking/ turning and provides measures to support alternative and sustainable forms of transport. As such, the proposal is considered to comply with policies 39 the Local Plan.

vi. Environmental Protection

8.25 The proposal has been reviewed in consultation with the Council's Environmental Protection Officer, who has considered the potential impacts in respects of contaminated land, noise, lighting, and impacts arising during construction. They have raised no objections to the findings of the contaminated land report, which has identified the need for further surveys, which can be adequately secured via condition. Similarly, the findings and mitigation proposed within the noise survey would be appropriate and can again be secured via condition. In respects of lighting and impacts during construction, it is recommended that a lighting condition and construction management plan be secured via condition, with the latter also being required by both Highways England and WSCC Highways.

8.26 In terms of air quality, conditions are recommended to secure the EV charging and cycle storage, as detailed within the previous section, which would contribute towards sustainable modes of transport. The pedestrian link to the south of the site, would allow connectivity of the development on foot or by cycle, allowing sustainable transport to be maximised.

8.27 In view of the above, the proposal is considered to result in an acceptable environmental impact, subject to future compliance with the recommended conditions.

vii. Sustainability

8.28 The proposal has been accompanied by a sustainability statement, detailing the overall efforts to enhance the sustainability of the development and Bellway Homes commitment to achieving the 19% reduction in emissions, though the blended approach of fabric first improvements and the use of renewable energy sources. The applicant has advised of their intention to utilise both the fabric first and renewable energy sources, with a condition recommended to secure full details, implementation, and retention of such measures.

8.29 The development would also comply with the water consumption targets, as set out within the building regulations. The provision of electric vehicle charging points would also be secured via planning condition, further contributing to the sustainability of the development.

8.30 Therefore, subject to compliance with these measures, and safeguarding by planning conditions, the proposal is considered to result in an enhanced sustainable form of development, thus complying with policy 40 of the local plan.

viii. Ecological considerations

8.31 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.

8.32 The council's ecology officer has reviewed the ecology surveys and subsequent letter from the ecologist and is satisfied with their findings, recommendations, and suggested mitigation/enhancements, which can be adequately secured through the suggested conditions. In addition to this, the council's ecology officer has also suggested further modest enhancements, such as bat/bird boxes, all of which can be adequately controlled via condition.

8.33 In addition, the applicant has submitted an arboricultural report/impact assessment, which proposes one tree to be removed, and protection measures for the cluster of three trees located adjoining the southern edge of the site, which shall be secured via condition.

8.34 In view of the above, and subject to compliance with the recommended conditions the proposal would adequately safeguard and enhance the biodiversity of the site in accordance with national and local planning policies.

ix. Drainage

8.35 The site is within flood zone 1 (low risk). Therefore, subject to satisfactory surface water drainage (SuDS), there are no concerns regarding the proposed use, scale, or location of the development on flood risk grounds.

8.36 The proposed drainage strategy is to drain all surface water to ground via the permeable sub-base beneath the parking/access areas, which is an acceptable approach in principle. The council's drainage officer has suggested full details of the proposed surface water drainage scheme be secured via condition. Therefore, subject to compliance with this drainage strategy, secured via condition the proposal is acceptable in respects of surface water drainage/flooding.

**8.37 As clarified during the 21 March committee meeting, the proposal is not required to demonstrate no net increase in flows to the Apuldram Wastewater Treatment Works, as the number of units is below the required threshold of 10 dwellings, as set out within the Position Statement on Managing New Housing Development in the Apuldram (Chichester) Wastewater Treatment Works Catchment (December 2018). In addition, Southern Water has been consulted as part of the application process, raising no objection to the proposed development and highlighting only that the applicant will be required to make a formal application for a connection to the public foul sewer.**

x. Nutrient Neutrality

8.38 The proposal comprises new residential development, which would be connected to the main sewer network, where it is accepted that the treated effluent from the development will 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. This is therefore directly connected to the increase in wastewater from the development.

8.39 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).

8.40 ~~To assist the LPA with its appropriate assessment, the application has been accompanied by a Nutrient Neutrality Statement, which details the additional nitrogen resulting from the~~

~~proposed development (6.3 kg of Nitrogen per year) and a Nitrate Mitigation Proposal which details the proposed offsite mitigation.~~

~~8.41 The mitigation proposes the removal of 0.26ha of agricultural land, which forms a small proportion of a larger parcel of land at Chilgrove Farm, Chilgrove, Chichester, West Sussex. This land shall be subject to 'woodland creation, flower rich rides, new hedgerows and wildflower margins'. This proposal has been tested via an appropriate assessment, in consultation with Natural England, who have raised no objection to the application, subject to securing the proposed mitigation.~~

**8.42 Natural England updated their methodology for calculating the level of nitrogen resulting from new development on the 16 March 2022. It advises reliance upon the previous methodology, under which the previous mitigation proposal was devised is no longer appropriate, consequently requiring the mitigation proposal to be revised and a further AA to be carried out.**

**8.43 An updated Nitrate Mitigation Proposal has been provided, which identifies 9.43kg of nitrogen per year will need to be offset, by way of off-site mitigation. The proposal utilises the same offsite mitigation as before; however, a larger area (0.38ha) of agricultural land, which forms a small proportion of a larger parcel of land at Chilgrove Farm, Chilgrove, Chichester, West Sussex shall be taken out of agricultural production. This land shall be subject to '*woodland creation, flower rich rides, new hedgerows and wildflower margins*'. This proposal has been tested via an AA which has been reviewed by Natural England, who have raised no objection subject to securing the proposed mitigation in perpetuity.**

8.44 It is considered that the proposed nitrate mitigation scheme would ensure that 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. The exact location of the proposed mitigation land, within the wider parcel would be secured within the S106 agreement, forming a legally binding agreement between the landowners and applicants, and securing this mitigation land in perpetuity.

**8.45 The recommendation to planning committee is to agree the report plus the amendments, defer for S106, to secure the required legal agreement and then permit the application.**

xi. Recreational Disturbance

8.46 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.

8.47 The following contribution will be obtained via the S106 agreement:

- 6 x 4-bedroom property £864; plus
- 3 x 3-bedroom property £735.

8.48 Subject to the completion of the S106 agreement, securing the recreational disturbance fee of £7389.00 the proposal would comply with Policy 50 of the CLP and the requirements of the Habitat and Protected Species Regulations 2017, and the proposal would be acceptable in this respect.

### Conclusion

8.49 On balance of the issues above, the proposal would result in a high-quality design that would integrate well into the surrounding area. It would conclude the comprehensive redevelopment of the Bartholomew's site. The proposal is within a sustainable location and would not cause harm to the environment, the character of the area, highway safety or biodiversity. **The additional detailing secured to the south elevation of Plot 7, has addressed concerns regarding the starkness of this previously blank elevation. Moreover, the additional information concerning the pedestrian movements and lack of justification for the pedestrian island, and the amended and additional conditions the proposal has addressed the issues raised during the previous planning committee and provided further justification in support of the recommendation. Finally, the updated nitrogen mitigation proposal, has been accepted by Natural England; ensuring the proposal would result in a nitrate neutral scheme.**

8.50 The proposal therefore accords with the relevant national and local planning policy and associated supplementary planning guidance. Having regard to all other material considerations, it is recommended that, subject to the conditions set out below and S106 agreement that permission is granted.

### Human Rights

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**

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

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

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

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

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

3) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period

unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

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

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

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

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

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

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

6) If the Phase 2 report submitted in accordance with condition 5 above identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

**7) No development/works shall commence on the site until a photographic record of the Bartholomew's Office Building south elevation, but principally the Brick Archway has been submitted to approved in writing by the Local Planning Authority. The photographic record shall include high resolution photographs of the south elevation of the office building and the brick archway, including any features of interest, such as engravings, original signage or decorative details. It shall be accompanied by an annotated plan (elevation and or floor plan) that contextualise each photograph, relative to its direction or the part of the building or archway photographed.**

**Reason: In the interest of securing a photographic record of the Brick Archway, prior to its demolition.**

8) No development above slab level shall commence until full scheme of proposed renewable sources of energy and a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The sustainability statement shall detail sustainable energy sources (i.e Solar Panel and Heat Pump) and additional measures to reduce the carbon emissions of the development hereby permitted. The scheme of the proposed sources of renewable energy shall include details of the appearance, technical specification and where relevant a noise report. Once agreed, these measures shall be fully implemented in accordance with the approved scheme prior to the first occupation of the dwellinghouse and thereafter retained in perpetuity for their designated use.

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

9) Notwithstanding any details submitted **no development/works above slab level shall commence** until a full schedule of all materials and finishes to be used for external walls (including boundary walls), windows and doors and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Upon submission of the details to the Local Planning Authority samples of

the proposed materials and finishes shall be made available for inspection on site, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of materials and finishes, unless any alternatives are agreed in writing via a discharge of condition application.

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

**10) 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.

**11) No part of the development hereby permitted shall be first occupied** until at least one Electric Vehicle (EV) charging point per dwellings and ducting to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future, has been 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.

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

- a) **The integration of a bat box or brick into each of the dwellinghouses hereby approved.** ~~or the provision of a bat box within a tree sited within the grounds of the development proposal.~~ **The bat box shall face a south/south westerly and positioned 3-5m above ground.**
- b) **The integration of a bird box into each of the dwellinghouses hereby approved.** ~~or within a tree sited within the grounds of the property~~

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

Reason: In the interests of securing a biodiversity enhancement.

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



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

14) The dwelling hereby permitted shall be designed to ensure the consumption of water by persons occupying the 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). The dwelling shall not be first occupied until the requirements of this condition for the dwelling(s) have been fully implemented, including fixtures, fittings and appliances, and therefore they shall be maintained as approved and in full working order in perpetuity.

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.

15) The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; parking layouts; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and 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.

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

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

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

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

18) The development hereby permitted shall be carried out in strict accordance with the submitted Arboricultural Impact assessment & Method Statement produced by ACD Environmental, and tree protection plan BELL22606-03 REV B, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value.

19) The development hereby permitted shall be carried out in strict accordance with the approved boundary treatments plan (P1525.07). The boundary treatments shall be implemented in full prior to the first occupation of the dwellinghouses and shall be retained and maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting the amenity of neighbours

20) The development hereby permitted shall be carried out in strict accordance with the submitted Ecological Impact Assessment with Phase 2 Bat Survey Work Statement produced by abbasecology, and the recommendations and mitigation it details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting biodiversity and wildlife.

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

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

Reason: In the interests of protecting biodiversity and wildlife.

22) The development hereby permitted shall be carried out in strict accordance with the submitted Sound Advice Acoustics Ltd report ref SA 3765 rev5 (December 2020) and the recommendations it makes with Section 1.7 of the report, with regard to glazing and ventilation.

Reason: to ensure that the internal noise levels in the proposed dwellings are acceptable with reference to the guidance given in British Standard 8233:2014.

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

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

24) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

25) 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.

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

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

27) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking ,re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established other than those shown on the approved plans.

Reason: In the interest of the visual amenity of the site

## Decided Plans

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

Details	Reference	Version	Date Received	Status
<b>PLAN - TPE MA (Mason) Elevations</b>	<b>P1525.MA.02</b>	<b>Rev C</b>	<b>12.04.2022</b>	<b>Approved</b>
<b>PLAN - Street Scene Sheet 01 of 02</b>	<b>P1525.SS.01</b>		<b>12.04.2022</b>	<b>Approved</b>
<b>PLAN - Street Scene Sheet 02 of 02</b>	<b>P1525.SS.02</b>		<b>12.04.2022</b>	<b>Approved</b>
PLAN -	P1525.M.01	Rev A	01.10.2021	Approved
PLAN -	P1525.05	A3	02.12.2021	Approved
PLAN -	P1525.GAR.02		08.02.2021	Approved
PLAN -	P1525.S.01	A	02.12.2021	Approved
PLAN -	P1525.S.01		02.12.2021	Approved

PLAN -	P1525.07	A2	02.12.2021	Approved
PLAN -	P1525.06	A2	02.12.2021	Approved
PLAN -	P1525.03	A2	02.12.2021	Approved
PLAN -	P1525.02	A2	02.12.2021	Approved
PLAN -	P1525.01	A3	02.12.2021	Approved
PLAN -	P1525.WB+	02	08.12.2021	Approved
PLAN -	P1525.WB+	03	08.12.2021	Approved
PLAN -	P1525.WB+	04	08.12.2021	Approved
PLAN -	P1525.WB+	05	08.12.2021	Approved
PLAN -	P1525.08	A	01.10.2021	Approved
PLAN -	BELL22606-03C		23.03.2021	Approved
PLAN -	P1525.WB+.02	A	24.02.2021	Approved
PLAN -	P1525.WB+.01	A	24.02.2021	Approved
PLAN -	P1525.S1.02		08.02.2021	Approved
PLAN -	P1525.S.01-2		08.02.2021	Approved
PLAN -	P1525.GAR.01		08.02.2021	Approved

## INFORMATIVES

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

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

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

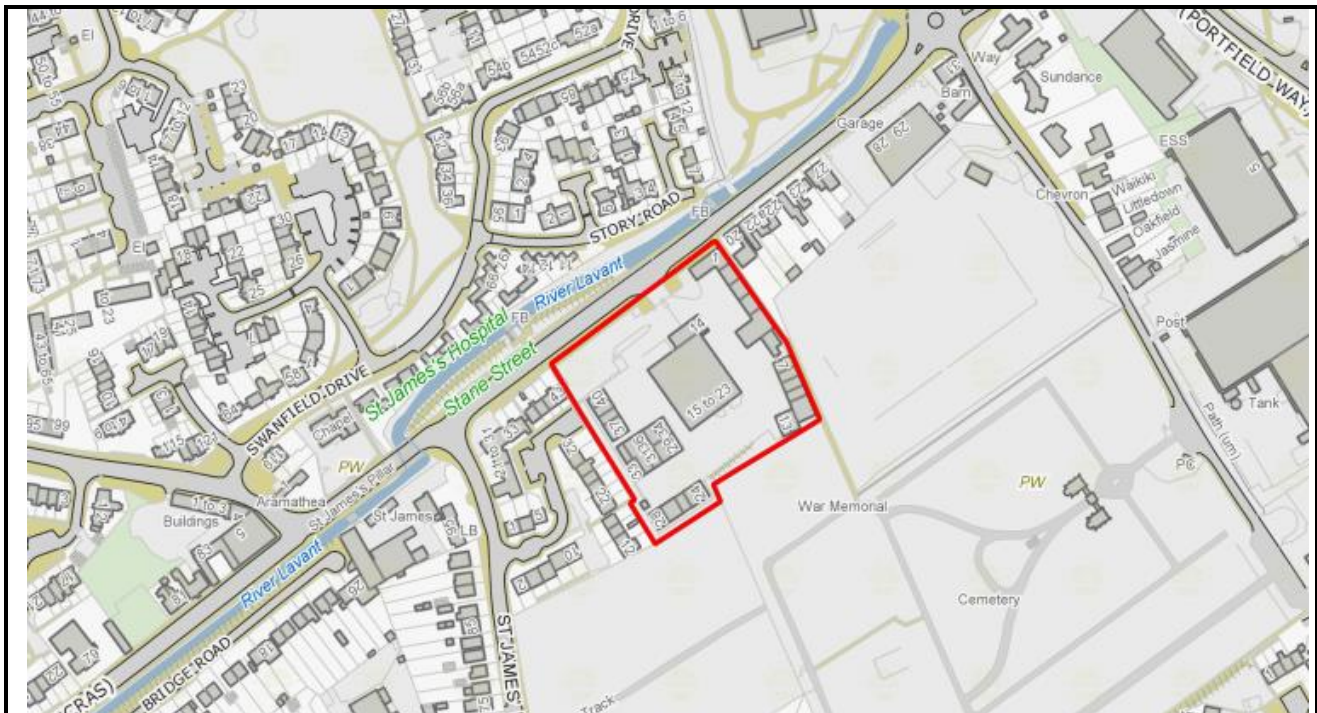
To view the application, use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QO7YO1ERLTT00>

Parish: Chichester	Ward: Chichester East
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**CC/22/00786/FUL**

<b>Proposal</b>	Construction/installation of a LV switch room for the St James Industrial Estate.		
<b>Site</b>	St James Industrial Estate, Westhampnett Road, Chichester, West Sussex PO19 7JU		
<b>Map Ref</b>	(E) 487293 (N) 105340		
<b>Applicant</b>	Chichester District Council	<b>Agent</b>	Mr Rowland Griffin

**RECOMMENDATION TO PERMIT**



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

1.1 Chichester District Council is the applicant.

## **2.0 Site and Surrounds**

- 2.1 St James Industrial Estate extends to approximately 1.2ha and is located south-east of Westhampnett Road (A285) and approximately 123m from the roundabout with St James Road to the south-west; within the defined Settlement Boundary of Chichester. The site was previously developed in the early 1980s around the old 1950s Chichester District Council (CDC) depot, to provide accommodation for small start-up businesses. The industrial estate previously comprised 40 no. small industrial units (within B1, B2 and B8 Use Classes) with a total floor space of some 3,753m<sup>2</sup>. Planning permission was granted in January 2022 (ref.21/03391/FUL) for the redevelopment of the existing industrial estate, including demolition of the existing buildings. At the time of the site visit, construction was well underway.
- 2.2 This application specifically relates to a small area within the wider site, located to the eastern side of the site entrance/exit. The site is accessed by the sole entrance/exit point on Westhampnett Road. A mixture of residential and commercial (including large supermarkets) development lies further to the east. Approximately 15 metres to the east lie Nos. 21, 22 and 22a Westhampnett Road, which are designated grade II listed buildings.
- 2.3 The site is predominantly located within Flood Zone 1; with only the very northern edge of the site boundary partially falling within Flood Zone 2 (all the buildings and the north (front) boundary wall are located within Flood Zone 1). The River Lavant runs in an east-west direction to the northern side of Westhampnett Road and here the land moved into Flood Zones 2 and 3.

## **3.0 Proposal**

- 3.1 The application seeks planning permission for the construction of a Low Voltage (LV) switch room associated with the St James Industrial Estate.
- 3.2 The proposed switch room would measure approximately 2.5m in height, 3m in width and 2.9m in depth and would be constructed largely from Glass Reinforced Polymer (GRP), in a basalt grey colour to all sides. The structure would be finished with a flat roof, with a pair of hinged doors to the western elevation.

## **4.0 History**

20/01914/FUL	PER	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m <sup>2</sup> (47877ft) of lettable industrial space all under B1(b), B1(c) and B8 use classes with 5 no. replacement buildings.
21/01391/FUL	PER	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m <sup>2</sup> (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with

		5 no. replacement buildings - Variation of Condition 1 of planning permission CC/20/01914/FUL- changes to Block 1 from one single large unit into 10 smaller units and associated works.
21/01701/DOC	PER	Discharge of Condition 3 of planning permission CC/20/01914/FUL - Construction and Environmental Management Plan (CEMP).
21/02090/DOC	SPLIT	Discharge of conditions 11, 12, 15 & 18 to permission 20/01914/FUL.
21/02262/DOC	PER	Discharge of condition 3, 11, 13 and 17 from planning permission CC/21/01391/FUL.
21/02538/DOC	SPLIT	Discharge of conditions 5 (Surface Water Drainage) and 7 (Ground Levels) from Planning Permission CC/21/01391/FUL
21/02840/DOC	PER	Discharge of Conditions 6 (piling/foundation design) and 8 (scheme to deal with contamination) of planning permission CC/21/01391/FUL.
21/02876/DOC	PER	Discharge of condition 14 of permission 21/01391/FUL.
21/03264/NMA	APPRET	Non-material amendment to Planning Permission CC/21/01391/FUL - Elevation drawings have been revised to include the brick plinths and canopies that were omitted from the previous, approved drawings.
21/03340/DOC	PER	Discharge of condition 5 and 12 form planning permission CC/21/01391/FUL.
21/03391/FUL	PER	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m <sup>2</sup> (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings. Variation of Condition 1 of planning permission CC/20/01914/FUL - changes to Block 1 from one single large unit into 10 smaller units and associated works and to regularise the conditions of permission CC/21/01391/FUL to reflect conditions contained in permission CC/20/01914/FUL.

21/03469/DOC	PER	Discharge of Conditions 9 (Phase 2 Intrusive Investigation Report) and 10 (Remediation Scheme) of planning permission CC/21/01391/FUL.
22/00020/NMA	PER	Non-material amendment to planning permission 21/03391/FUL, to revise elevation drawings detailing the removal of brick plinth walls and canopies.
22/00902/DOC	PER	Discharge of Condition 8 (boundary treatments) of planning permission CC/21/03391/FUL.

## 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	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 WSCC Highways

No objection.

### 6.2 CDC Archaeology Officer

No objection.

### 6.3 CDC Drainage Engineer

No objection.

### 6.4 CDC Environmental Protection Officer

*Further comment received 09.05.2022*

The agent has confirmed (email dated 09.05.2022) there will be no noise emitting plant installed within the LV switch room. The switch room will only house incoming electric switch gear and meter. As such there is no need for further noise assessment.

*Original Comments received 09.05.2022*



## **Land contamination**

The development is located within an industrial estate. A statement on remediation was submitted with application 21/03469/DOC. Providing the above development is constructed so as not to compromise the remediation being carried out across the wider site, no further comments on land contamination are required.

## **Noise**

Details of the predicted noise from the proposed plant should be submitted so that the need for a noise impact assessment can be assessed.

## **Lighting**

It is assumed that there will be no need for lighting on the development, the wider industrial estate lighting should cover this building as well.

### **6.5 Third Party Representations**

None received.

### **7.0 Planning Policy**

#### **The Development Plan**

7.1 The Development Plan for the area comprises the Chichester Local Plan (CLP): Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no 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 1: Presumption in Favour of Sustainable Development  
Policy 2: Development Strategy and Settlement Hierarchy  
Policy 3: The Economy and Employment Provision  
Policy 8: Transport and Accessibility  
Policy 10: Chichester City Development Principles  
Policy 11: Chichester City Employment Sites  
Policy 26: Existing Employment Sites  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
Policy 42: Flood Risk and Water Management  
Policy 49: Biodiversity

## National Policy and Guidance

7.3 Government planning policy now comprises the revised National Planning Policy Framework (July 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decisions-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 or assets of particular importance provides a clear reason for refusing the development proposed; or

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

7.4 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

7.5 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, significant work has been identified. The Local Development Scheme timetable anticipates that the Local Plan will be submitted to the Secretary of State for Examination in 2022 and it is currently anticipated that the new Local Plan will be adopted in Spring 2023. This timetable is currently under review.

7.6 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 Strategy

S12 Infrastructure Provision

S13 Chichester City Development Principles

S14 Chichester City Transport Strategy

S20 Design

S21 Health and Wellbeing

S22 Historic Environment

S23 Transport and Accessibility

S27 Flood Risk Management

S28 Pollution

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

DM8 Transport, Accessibility and Parking

DM9 Existing Employment Sites

DM16 Sustainable Design and Construction

DM18 Flood Risk and Water Management

DM23 Lighting

DM24 Air Quality

DM25 Noise

DM26 Contaminated Land

DM27 Historic Environment

DM29 Biodiversity

### Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD (September 2016)
- The CDC Design Protocol (December 2013)
- CDC PGN3: Design Guidance for Alterations to Dwellings and Extensions (September 2009)

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:

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

## **8.0 Planning Comments**

8.1 The main issues arising from this application are considered to be:

- i. Principle of development
- ii. Design and impact on visual amenity and character of the area
- iii. Residential amenity

i. Principle of development

8.2 The principle of development to redevelop the industrial estate has been established by the granting of application CC/21/03391/FUL.

## ii. Design and impact on visual amenity and character of the area

- 8.3 The proposed switch room would measure approximately 2.5m in height, 3m in width and 2.9m in depth and would be constructed largely from Glass Reinforced Polymer (GRP), in a basalt grey colour to all sides. The structure would be finished with a flat roof, with a pair of hinged doors to the western elevation. A condition is recommended to ensure the proposed development is constructed in accordance with the materials specified within the application form and plans.
- 8.4 Whilst the design of the proposal is utilitarian in appearance, due to its modest height, set-back position of approximately 14.5m (from the highway), behind a 3.8m high brick wall with landscaping, and when viewed within the context of the industrial estate, it is considered the proposed switch room would only give rise to oblique views, gained from the access and would be read within the context of the wider industrial estate. Furthermore, the switch room is sufficiently set back (approx. 2.3m) from the main access route, to allow the hinged door to fully open without impeding the access. As such it is considered the proposal would be in-keeping with the character of the industrial estate and therefore acceptable in terms of design and appearance.

## iii. Residential amenity

- 8.5 The NPPF states at Paragraph 130 that planning should ensure a good quality of amenity for existing and future users [of places].
- 8.6 Given the limited scale of the proposed development, the intervening structures, and a separation distance of approximately 33m from the nearest residential properties, it is not considered the proposal would give rise to any adverse impacts upon the amenities of adjoining occupiers. The agent has confirmed (email dated 09.05.2022) that there will be noise emitting plant installed within the LV switch room. The switch room is only to house incoming electric switch gear and a meter. On this basis the Council's Environmental Protection Officer has confirmed that there is no need for further noise assessment and no objection is raised to the proposal.

## Human Rights

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

## **Conclusion**

- 8.8 For the reasons set out above, the proposal is considered to be in accordance with the relevant local and national planning policy and associated guidance. Having also had regard to all other material considerations it is recommended that, subject to the conditions set out below, permission is granted.

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

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

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

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

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

3) The 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 - PROPOSED SITE PLAN	P0867-RHP-CS-XX-PL-A-1500	C4	19.04.2022	Approved
PLAN - LOCATION PLAN	P0867-RHP-CS-ZZ-PL-A-1000	P3	19.04.2022	Approved
PLAN - PROPOSED SWITCH ROOM LOCATION PLAN	P0867-RHP-CS-XX-PL-A-1010	P9	19.04.2022	Approved
PLAN - PROPOSED SWITCH ROOM FLOOR PLAN AND ELEVATIONS	VR20		19.04.2022	Approved

## INFORMATIVES

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

For further information on this application please contact Jane Thatcher on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9AVGNERMNB00>

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

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

**RECOMMENDATION TO PERMIT**



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

## **2.0 The Site and Surroundings**

- 2.1 The application site is a 1.02 ha land parcel which comprises an existing warehouse building (measuring 93m (l) x 36.5m (d) x 9.25m (h)) with an area of car parking to the eastern side of the site and a 'bund' and landscaping to the western side of the site. The south of the site fronts onto Barnfield Drive and is bounded by hedging. The site is accessed from Barnfield Drive to the south-east of the site. To the west of the site lies a residential area in the north east of Chichester City. The closest existing housing is located at The Pitcroft to the west, with houses facing onto the western boundary of the site. To the north lies a construction site with planning consent for 106 new homes known as Phase 9a (20/02905/REM) of the wider Graylingwell development (14/01018/OUT). To the East there is an area of undeveloped land.
- 2.2 The existing buildings and use carried out on the site was approved in 2006 (05/04284/FUL). The site is used as a carpet wholesaler for storage and distribution. At the time this was classed as use class B8 and B1 and would now be classed as Use Class B8 and E (g)(iii) under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

## **3.0 The Proposal**

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

## **4.0 History**

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



## 5.0 Constraints

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

## 6.0 Representations and Consultations

### 6.1 Chichester City Council

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

### 6.2 WSSC - Highways

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

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

#### Access and Visibility

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

## Parking and Turning

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

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

## Conclusion

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

### 6.3 CDC - Environmental Health Officer

#### Land Contamination

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

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

#### Noise (Operational)

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

- Noise from additional operational site HGV and car traffic and delivery activities is predicted to be similar to existing permitted operational conditions, and therefore any impact would be negligible.

- Noise from operation of the proposed development is below existing background sound levels and is predicted to have a low impact on local sensitive receptors when assessed in line with BS4142:2014.

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

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

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

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

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

#### Air Quality

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

#### Construction Noise

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

## Lighting

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

### 6.4 CDC - Archaeological Officer

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

### 6.5 CDC - Drainage Engineer

#### Revised comments received 18 May 2022

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

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

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

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

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

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

## Original Comments

### Flood Risk

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

### Surface Water Drainage

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

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

The surface water drainage scheme design should follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Therefore the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures, or alternatively be presented as evidence as to why on-site infiltration has not been deemed viable for this development.

## 6.6 CDC - Environmental Strategy

### Bats

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

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

## Nesting Birds

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

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

## Hedgehogs

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

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

## 6.7 Third Party Representations

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

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

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

## **7.0 Planning Policy**

### The Development Plan

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

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 8: Transport and Accessibility

Policy 10: Chichester City Development Principles

Policy 11: Chichester City Employment Sites

Policy 13: Chichester City Transport Strategy

Policy 26: Existing Employment Sites

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Construction and Design

Policy 42: Flood Risk

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 52: Green Infrastructure

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

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

### National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

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

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

or

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

7.5 Consideration should also be given to the following paragraph and sections: 2, 4, 6, 8, 9, 11, 12, 14 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

#### Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD (2016).
- The CDC Design Protocol (December 2013).

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

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

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

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

### i. Principle of Development

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

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

8.4 Policy 3 of the CLP states that sustainable growth of the local economy will be supported through the provision of a flexible supply of employment land and premises to meet the varying needs of different economic sectors. The Policy seeks to achieve this via a range of methods, including via protecting and enhancing existing employment sites and



premises to meet the needs of modern business. The application relates to the proposed extension of an existing business premises to expand the occupant's business practices.

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

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

- 8.9 It is proposed that the existing warehouse building would be extended to the west. The proposed extension would be of a commercial design with a proposed height of 9.25m (the same as the existing eaves height), in-keeping with the scale of the existing building and surrounding employment uses. The extended element would have a flat roof profile, set against the pitched roof profile of the main existing warehouse building, which is currently approximately 11m in height at the ridge. The elevations would reflect the appearance of the existing building in terms of use of materials and functional design approach. There are no proposed windows within the extension, only pedestrian access doors to each elevation.
- 8.10 It is acknowledged that Chichester City Council comment the proposal would have an 'urbanising impact on the area's green and open suburban character'. However, the area

is characterised by a mix of residential development (existing and emerging) and commercial premises, and it is considered that the proposed extension would not alter this existing character.

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

### iii. Residential amenity

#### Visual Impact

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

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

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

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

- 8.16 In relation to the approved residential development to the north, it is also relevant to note that the proposed extension in this case would match the same (north) building line of the main warehouse and would not project further north towards the approved residential dwellings (ref. 20/02905/REM).
- 8.17 Given the separation distances, along with the proposed screening (as detailed further in section iv.), it is not considered that the proposed development would have a significant impact on neighbouring amenity, in terms of loss of light, outlook or increased sense of enclosure.

### Noise Impacts

- 8.18 Policy 26 of the Local Plan requires proposals for the upgrading of commercial premises to demonstrate no additional noise impact on nearby residential uses. There is an existing residential development to the west of the site, a use which is considered to be sensitive to commercial noise. As noted above, there is also a residential development under construction to the north of the site.
- 8.19 The proposed extension is to facilitate additional storage space and does not include any additional workshop space, which is contained within the existing warehousing contained within the existing building. In terms of noise and the impact on residential amenity, the submitted Noise Impact Assessment finds that noise from additional HGV movements, car traffic and delivery activities is predicted to be similar to existing permitted operational conditions, and therefore any impact would be negligible.
- 8.20 In addition, the noise generated from the operation of the proposed development would be below existing background sound levels and is predicted to have a low impact on local sensitive receptors. This includes noise from forklift reversing alarms and vehicle movements. The report suggests additional best practice measures to further control noise such as using 'non-tonal' reversing alarms and a 'Quiet Delivery System' which can include measures such as keeping doors closed, switching off engines, personnel awareness of noise management measures and appropriate manual handling practices.
- 8.21 Noise from the proposed future plant at the site has also been considered within the noise report. The details in the report show that noise levels would also be within acceptable limits.
- 8.22 The Council's Environmental Protection Officer (EPO) is in agreement with the findings of the noise report. Full implementation of, and compliance with, the noise report is recommended to be secured by condition. In addition, it is recommended that a condition is applied to ensure the new extension is only used during the same hours as the rest of the building (7am - 6pm Monday to Friday, 7am - 1pm Saturdays and closed Sundays and Bank Holidays).
- 8.23 Whilst it is clear that the building would become closer to the properties on The Pitcroft, including the removal of the bund on the western edge of the site, the EPO agrees that the majority of the noise generating activity would occur in the delivery yard on the east side of the building and is considered to be similar to the existing activity level of the site, and the building itself provides a noise barrier to properties to the west.

- 8.24 Given the consideration of the points above, it is considered that the proposals would not be create a harmful noise impact on the neighbouring residential properties.
- 8.25 To summarise, having considered that potential impact of both the physical works to the building and the operations undertaken with it, it is considered that the scheme would not have a harmful impact on residential in terms of outlook, light, sense of enclosure or noise.

#### iv. Landscaping

- 8.26 The proposed landscaping scheme for the site relates mostly to the western edge of the site to provide screening to the western elevation of the proposed extension.
- 8.27 At present, the western edge of the site includes an approximately 2.3m high bund extending along the boundary. There is existing vegetation on the bund which provides some screening to the existing building when viewed from The Pitcroft. The site is bounded by a security fence approximately 2.35m in height with trees being located between the fence and the bund, adding further screening. The mix of vegetation types and heights add to the effect of the screening.
- 8.28 Residents have expressed concern about the loss of the bund and the vegetation upon it, mostly in terms of appearance but also in relation to ecology, the latter of which is discussed separately below.
- 8.29 In relation to appearance, the applicants have provided details of the landscape proposals that might otherwise be secured via condition. The proposals include increased tree and other lower-level planting along the western boundary of the site (as show in plans 1906-PP-300 Rev C and 21012-HNW-XX-00-DR-A-1021 Revs P02/03). The proposed landscaping would enhance the retained landscaping following the removal of the bund in order to maintain a strong visual boundary in this location.
- 8.30 The submitted planting plan (1906-PP-300 Rev C) shows 15 new native trees along the boundary including 5no. Field Maple (*Acer Campestre*), 5no. Black Alder (*Alnus Glutinosa*) and 5no. Rowan (*Sorbus Aucuparia*). These would be of a standard (semi-mature) size at the time of planting, with a girth size of 20-25cm and a minimum height of 4.5m. The eventual heights would be up to 15m for the Rowan trees, up to 18m for the Field Maple trees and 20m for the Black Alder trees. The new thicket planting would be made up of a mix of 478 native plants, covering a total area of 478 m<sup>2</sup> (1 plant per m<sup>2</sup>) with heights ranging from 60 - 100cm.
- 8.31 In terms of the maintenance of the planting, the applicant proposes measures including weed control, watering and replacement of tree which dies within the first 5 years. This can be secured by condition.
- 8.32 Overall it is considered that the planting proposed, along with the maintenance measures indicated, are sufficient to maintain a good level of quality screening of the proposed extension to retain the sense of a green boundary to the western edge of the site and ensure an acceptable appearance of the site.

#### v. Ecology

- 8.33 In relation to the proposed extension and the resultant loss of the existing bund and vegetation upon it, as discussed above, the Council's Environmental Strategy officer does not object to the loss of this area. In order to protect any nesting birds or hedgehogs, conditions are recommended to ensure works are undertaken outside of the respective nesting periods and use the correct methodology. Any future lighting scheme would also need to be submitted and approved by the Local Planning Authority to ensure no disturbance to bats. A condition is recommended to secure this.
- 8.34 In terms of ecological enhancements, it is recommended that conditions are imposed to require the provision of bird and bat boxes on the building and the provision of a hedgehog house to be made within the grounds.

#### vi. Drainage

- 8.35 It is understood that the surface water run-off generated at the site as existing is drained via soakaway. The proposal for drainage in relation to the extension is to drain the surface water run-off created by the additional roof area through gutters and downpipes to a new soakaway, to be located immediately north of the proposed extension, with the rest of the site's surface water continuing to drain to the existing soakaway. The Drainage Strategy provided with the application states that the new soakaway has been designed to cater for the 100 year storm event including an allowance of +40% for climate change. It is proposed to provide a geocellular soakaway tank of dimensions 5.0m x 9.0m x 0.8m
- 8.36 This proposal is considered acceptable in principle by the Council's drainage engineer. Historic monitoring of the site indicates that the ground would be suitable for soakaways in this location. Additional infiltration testing and groundwater monitoring is advised by the Council's drainage engineer to support the detailed design, but the drainage officer is satisfied that this additional information to support the drainage scheme can be secured via condition.

#### vii. Highways impact

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

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

8.41 As such, it is considered that the proposed development would not have a significant impact in terms of highways safety, amenity or traffic generation.

#### Other Matters

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

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

#### Conclusion

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

#### Human Rights

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

#### **RECOMMENDATION**

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

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

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

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

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

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

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

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,

- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction.

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

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

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

6) If the Phase 2 report submitted pursuant to condition 5 identifies that site remediation is required then no development shall commence until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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



7) If pursuant to conditions 5 and 6 a contamination land remediation scheme is required the extension hereby permitted shall not be first occupied until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

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

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

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

Reason: in the interest of protecting and enhancing biodiversity

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

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

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

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

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

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

- no works to the trees or vegetation clearance on the site shall be undertaken within the bird breeding season (1st March - 1st October) unless otherwise agreed in writing by the Local Planning Authority, in which case the site shall also be assessed by a suitably qualified Ecologist before any works take place (within 24 hours of any work).
- Any brush piles, compost and debris piles on site which could provide shelter areas and hibernation potential for hedgehogs shall only be removed outside of the hibernation period (mid-October to mid-March inclusive). These piles must undergo soft demolition. If any small mammals including hedgehogs are found, relocation away from the construction area into surrounding suitable habitats shall be undertaken.

Reason: in the interest of protecting and enhancing biodiversity

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

Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

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

Reasons: in the interests of residential amenity.

14) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

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

07.00 and 18.00 Monday to Friday

07.00 and 13.00 on Saturdays

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

Reason: To safeguard the amenities of neighbouring properties.

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN – Context Elevations	21012-HNW-XX-00-DR-A-1021	P04	19.05.2022	Approved
PLAN – Site Sections	21012-HNW-XX-00-DR-A-1160	P04	19.05.2022	Approved
PLAN - location plan	21012-HNW-XX-00-DR-A-1000	REV P03	21.12.2021	Approved
PLAN - PROPOSED SITE AND FLOOR PLAN	21012-HNW-XX-00-DR-A-1010	REV P05	21.12.2021	Approved
PLAN - PROPOSED ELEVATIONS	21012-HNW-XX-00-DR-A-1020	REV P05	21.12.2021	Approved
PLAN - PLANTING PLAN	1906-PP-300	REV C	22.02.2022	Approved

## INFORMATIVES

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

2) The applicant is reminded that the original warehouse incorporated gas protection measures within the foundation design and that these measures must not be compromised during construction works.

The applicant should ensure that section 5.2 of the geo-environmental desk study report produced by Hydrock dated 29 Oct 2021 (ref 20288-HYD-XX-XX-RP-GE-0001) relating to waste classification of soil within the existing bund and elsewhere on the site complied with in order to ensure this material is disposed of to an appropriately licensed waste site. This is a matter of licensing rather than planning.

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

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

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

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

These make it an offence to:

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

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

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

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

6) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals

Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

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

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

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

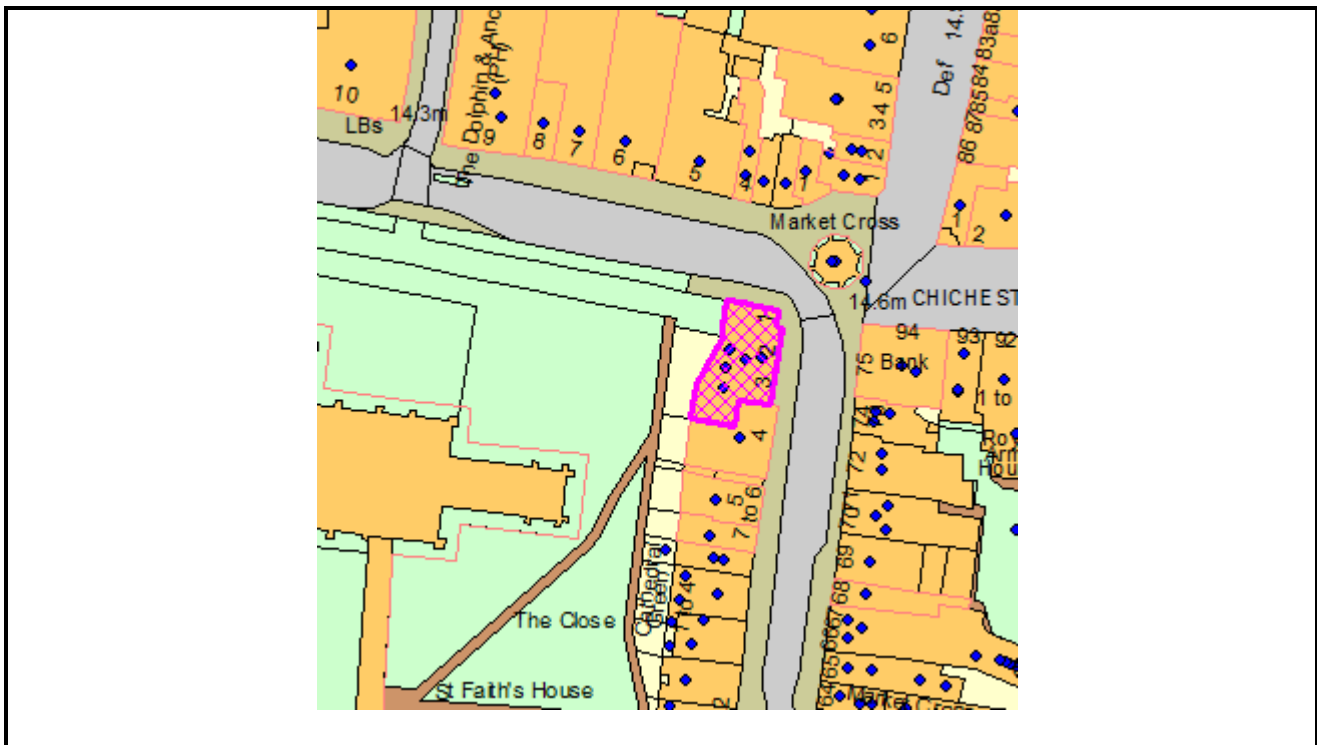
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Parish: Chichester	Ward: Chichester Central
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**CC/22/00428/ADV**

<b>Proposal</b>	4 no. illuminated signage with trough lighting		
<b>Site</b>	1-3 South Street Chichester West Sussex PO19 1EH		
<b>Map Ref</b>	(E) 486047 (N) 104803		
<b>Applicant</b>	Mr David Paige	<b>Agent</b>	Miss Natalie Long

**RECOMMENDATION TO PERMIT**



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

1.1 City Council objection - Officer recommends permit.

## **2.0 The Site and Surroundings**

- 2.1 The application property forms part of a three-storey commercial premises located in a prominent corner position at the junction of South Street and West Street, within Chichester City centre. The existing shopfront consists of white timber fascia to the west, north and east elevations, with black fenestration and large display windows. Glazed and metal entrance doors are recessed to the east elevation, with a secondary white timber fascia above.
- 2.2 The property is within the Chichester Conservation Area and is in close proximity to several historic buildings and heritage sites including Grade I listed Chichester Cathedral with its associated buildings and quadrant, and the Grade I listed Market Cross, also a scheduled ancient monument.

## **3.0 The Proposal**

- 3.1 The application seeks advertisement consent for the installation of 4 no. illuminated signs with trough lighting between ground and first floor level comprising:

North elevation: 1 no. 'FRANCO MANCA' sign, lettering height 0.219m, width 2.198m, with overhead 2.384m width trough light. 1 no. 'SOURDOUGH PIZZA' sign, lettering height 0.207m, width 2.315m, with overhead 2.450m width trough light. Fascia measured at height 0.350m, width 9.690m

East elevation: 1 no. 'FRANCO MANCA' sign, lettering height 0.219m, width 2.198m, with overhead 2.304m width trough light. Fascia measured at height 0.350m, width 3.245m

West elevation: 1 no. 'FRANCO MANCA' sign, lettering height 0.219m, width 2.198m, with overhead 2.346m width trough light. Fascia measured at height 0.443m, width 3.572m

- 3.2 The lettering would be signwritten in Dulux Salisbury Stone 6 (45YY 83 062). All timber fascia would be 25mm in depth, dark stained, with black metal trim fitted around the edge. The lighting would comprise 1.2 mm descaled stainless steel troughs finished black, fitted with low energy warm white LEDs. Troughs project 150 mm from fascia.

## **4.0 History**

02/02322/FUL	PER	Overcladding existing south facing flank wall to staircase.
03/00414/EST	PER	Estate agents sign.



## 5.0 **Constraints**

Listed Building	NO
Conservation Area	Yes

## 6.0 **Representations and Consultations**

### 6.1 Chichester City Council

*Additional comments (16 May 2022)*

Unfortunately, whilst there is an improvement in terms of suitability of the material and removal of the projecting sign, the current proposal retains the unacceptable illumination and the objection therefore still stands. Nevertheless, we would like to thank you and the applicant for the amendments negotiated. Could the building number be included on the building is at all possible please, as it greatly assists shoppers in finding their way around.

*Original comments (4 April 2022)*

Strong objection. The materials, lighting and projecting signage proposed would harm the character and appearance of the conservation area and are contrary to the relevant design guidance. Non-illuminated, hand-painted signage would be appropriate in this location, and a building number should be included.

### 6.2 CCAAC

The Committee objects to this application. The illumination and hanging sign are contrary to the shopfront guidance and no street number is displayed. We notice that there is no parallel FUL application and the implication to the CDC catering establishment saturation policy needs to be considered. The CGI images included illustrate solid wooden door which are not included elsewhere in the application and would be incongruous on this building.

### 6.3 Third party objection comment

1 no. third party objection has been received concerning:

- a) Impact on visual amenity including in relation to the Conservation Area and proximate heritage assets;
- b) Change of use and presumed associated alternations to the external appearance of the application property

## 6.4 Third party comment

1 no. third party comment has been received concerning the following matters:

- a) proposal is borderline as discreet illumination is acceptable for businesses open at night-time
- b) fascia should incorporate street number
- c) the solid timber entrance doors are inappropriate, could impede visibility between cyclists, pedestrians and buses at the narrow corner
- d) there are no details given for the kitchen extract ventilation which could have visual impact on this prominent corner building.

## 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:

### Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 10: Chichester City Development Principles
- Policy 30: Built Tourist and Leisure Development
- Policy 47: Heritage

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

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

## National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

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

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

*or*

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

7.5 Consideration should also be given to the following sections of the NPPF: Sections 2, 4, 7, 12, 16. Paragraph 136 is considered to be particularly relevant, which recognises that the quality and character of places can suffer when advertisements are poorly sited and designed. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

7.6 The following statutory instrument is also relevant:

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

## Other Local Policy and Guidance

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

- Chichester District Council Shopfront and Advertisement Design Guidance Note (revised June 2010)
- Chichester Conservation Area Character Appraisal (March 2005)

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 Paragraph 136 of the NPPF 2021 states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 establish that a local planning authority shall exercise its powers in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

### Assessment

#### i. Amenity

- 8.2 Regulation 3 within Part 1 of the Control of Advertisements Regulations states that the key factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural, or similar interest, which are applicable in this application.
- 8.3 Policy 47 of the Chichester Local Plan (CLP) requires that proposals must conserve and enhance the special interest and setting of designated and non-designated heritage assets including: Monuments, sites and areas of archaeological potential or importance; Listed buildings including buildings or structures forming part of the curtilage of the listed building; Buildings of local importance, including locally listed and positive buildings; and Conservation Areas.
- 8.4 Within the City, the Chichester Conservation Area Character Appraisal identifies the Cathedral and the Market Cross as the most important listed buildings and focal points. The impact of the proposal on these heritage assets demands particularly careful consideration as a result of their importance. Furthermore, the application property (1-3 South Street) is itself considered to be a 20th century building of 'positive' townscape merit, being influenced by Sir Hugh Casson and which responds to the 'Gold Arts' building designed by him diagonally opposite.
- 8.5 The proposed advertisements are assessed to take account of the design and characteristics of the 'positive' host building, replicating the existing fascia sizes and respecting the absence of fascia in the southern portion of the east elevation. Following consultee responses and officer guidance, the applicant has agreed to retain the timber fascia rather than replace with aluminium and to add the number of the property to the fascia. The proposed dark staining with black metal trim around the edge is considered to be an acceptable contemporary choice which responds to the existing fenestration and is compatible with the colour scheme present within the 'Gold Arts' building. The proposed advertisement lettering will be directly signwritten onto the fascia and is assessed to be proportionate to the fascia in not exceeding 65% of its height and being symmetrically positioned.
- 8.6 To avoid the creation of unnecessary visual cluster, and in recognition of consultee responses and officer comments, the applicant has omitted the previously proposed projecting sign from the proposal. The applicant has agreed to include a building number within the signage to assist public navigation.

8.7 The CDC guidance states that proposals for internally or externally lit signage are unlikely to be acceptable but recognises a general exception for businesses that trade during the evening such as restaurants, as in this instance. Following comments received, the applicant has reduced the proposed trough lighting to ensure it is positioned only over lettering in order to minimise any harmful impact. The reduced level of lighting for the fascia using low energy warm white LEDs is considered to be acceptable, as it will sensitively contribute to space creation (including at night, according with Policy 10 of the CLP – Chichester City Development Principles), whilst respecting the Conservation Area and local heritage assets. Overall, the amended proposal is assessed to comply with CLP Policy 47 and accord with the current Advertisement Regulations in relation to amenity impact.

ii. Public Safety

8.8 Regulation 3 within Part 1 of the Regulations specifies factors relevant to public safety include the safety of persons using any highway, and whether the display of an advertisement is likely to obscure or hinder the ready interpretation of any traffic sign.

8.9 Following the removal of the projecting sign from the proposal, it is considered that the remaining fascia signage will have a negligible impact on public safety as the signage elements do not impose onto any highway or obstruct visibility. Furthermore, whilst the proposed illuminated signs will be visible from the public highway, their luminance levels is assessed to be acceptable for the size of the signage and its town centre location, and judged unlikely to distract motorists within this largely pedestrianised area. The proposal is therefore assessed to accord with the Regulations in this regard.

iii. Other Matters

8.10 Consultees have commented in relation to illustrations originally submitted which suggested the property's existing glazed metal doors would be replaced with timber. This potential development cannot be considered within an application for advertisement consent. Following Officer advice that separate planning permission may be required, however, the applicant has amended the illustrations to revert to the original doors.

8.11 Furthermore, Consultees commented on the potential requirement for external ventilation at the property, expressing concern this could impact visual amenity. The applicant has sought to clarify that they do not require a conventional duct, and that existing internal services are adequate for their needs for a gas flue, which would not, therefore, affect the external appearance of the property.

## Conditions

8.12 All advertisements permitted under the Advertisement 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. A further condition is also set out in the recommendation below concerning compliance with the approved plans.

8.13 Conditions concerning illumination levels are recommended in the interests of protecting the visual amenity of the Chichester Conservation Area. It is suggested that illumination levels are required to not exceed 320 cd/sqm at any time, and illumination is limited to the opening hours of the applicant business. This will reduce the potential for light spillage.

## Conclusion

8.13 Based on the above assessment of amenity and public safety, the proposed advertisements are considered to have an acceptable impact upon the positively listed host property, the character of the Conservation Area and the setting of adjoining listed buildings, and there are no concerns in respect of public safety. The application is therefore recommended for advertisement consent.

## Human Rights

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

## **RECOMMENDATION: PERMIT**

subject to the following conditions and informatives:-

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

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 illumination levels shall not exceed 320 cd/sqm at any time.

Reason: in the interest of protecting the visual amenity of the Chichester Conservation Area.

3) The illumination of the advertisements hereby approved shall not take place other than during dark hours and during the opening hours of applicant business.

Reason: In the interests of visual amenity.

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Existing Elevations	596508-1	A	13.04.2022	Approved
PLAN - Proposed Elevations	596508-2	REV B	30.05.2022	Approved
PLAN - Block and Site Plan	596508-3	A	13.04.2022	Approved

## INFORMATIVES

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

For further information on this application please contact Louise Brace on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R7HWKKERL9H00>

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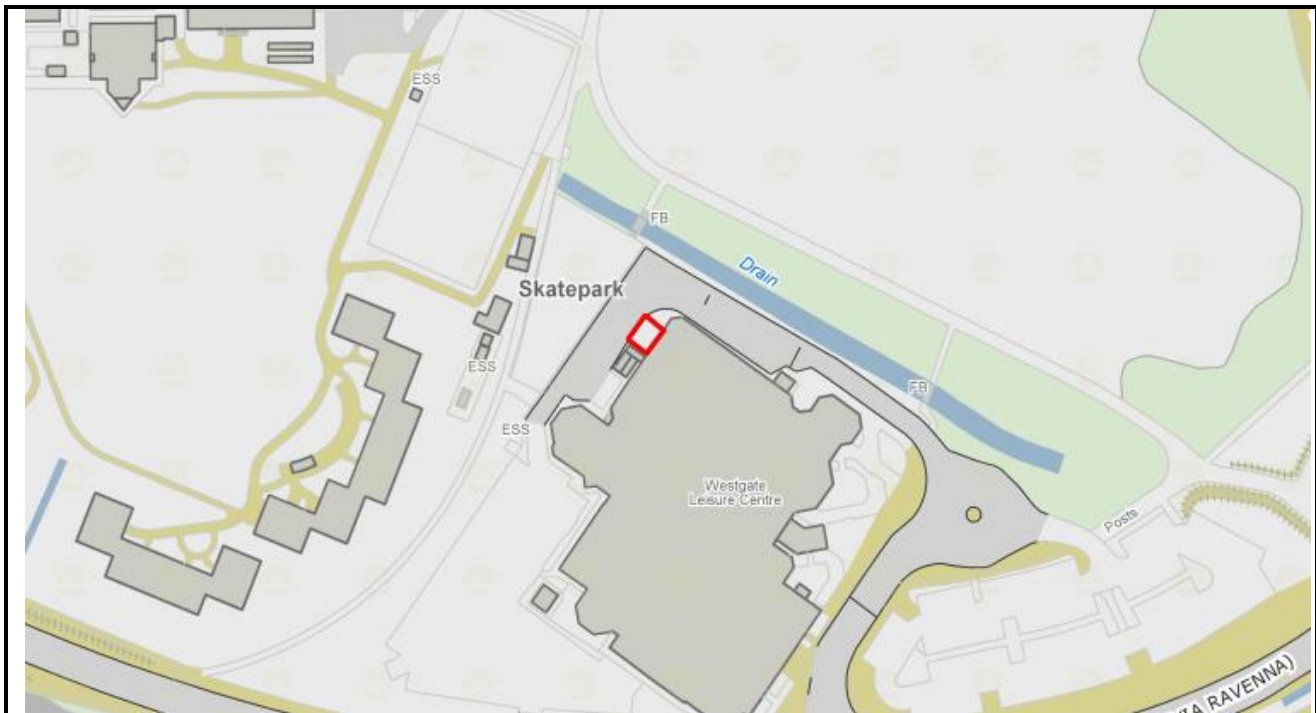


Parish: Chichester	Ward: Chichester Central
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**CC/22/00648/FUL**

<b>Proposal</b>	Installation of 1 no. air-source heat pump. With associated installations of civil's, plate heat exchangers, pipe work, power and controls, concrete plinth and perimeter fence.		
<b>Site</b>	Westgate Leisure Centre Via Ravenna Chichester PO19 1RJ		
<b>Map Ref</b>	(E) 485528 (N) 104455		
<b>Applicant</b>	Sarah Peyman	<b>Agent</b>	Mr Martin Cruickshank

**RECOMMENDATION TO PERMIT**



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

1.1 Chichester District Council is the applicant.

## **2.0 The Site and Surroundings**

- 2.1 The application site is a leisure centre located within the defined settlement of Chichester. The building is located outside of Chichester Conservation Area, which is to the north of the site.
- 2.2 The planning application site is a small area of grass to the immediate north west of the building, adjacent to existing car parking. The leisure centre site comprises a large building which includes a swimming pool, fitness gym, exercise studios, sports hall, health suite and café. The building is set back from the A259 which runs along the southern boundary. There are trees along the northern, western, and southern boundaries of the site. Car parking is located to the east and west of the building. A skatepark and accommodation for Chichester College is located to the west.

## **3.0 The Proposal**

- 3.1 The application seeks planning permission for an air source heat pump and associated equipment. The air source heat pump would be used to deliver heat for the pool heating system.
- 3.2 The proposed works area is shown to be on a concrete plinth and fully contained in a mesh fence compound measuring 2.258m in height and with a footprint of 4.899m x 5.141m.

## **4.0 History**

84/00812/CC	PER	Outline - Sports and leisure centre.
85/00258/CC	PER	Sports and leisure centre.
88/00698/CC	WDN	One illuminated externally static sign.
85/00478/CC	PER	Minor alterations to position of building - sports and leisure centre and access road.
98/02742/REG3	PER	Extension and alteration to form enlarged health, fitness and creche facilities.
99/02909/REG3	PER	Provision of temporary access by contractors vehicles and personnel involved in the construction of an extension and alterations to the existing leisure centre.
00/01586/REG3	PER	Skate Park/rollerblading facilities, including all weather tarmac surface, 2.4m fencing, lighting, seating and new footbridge to cycle/walkway.

07/04666/ADV	PER	Replacement of 2 no. existing signs with 3 no. individually applied lettering signs.
10/05166/COU	PER	Extension of outside nursery/play area.
15/01481/FUL	PER	Construction of new timber framed, purpose built baby room for Nursery School.
16/01670/ADV	PER	1 no. internally illuminated sign and 2 no. non-illuminated signs.
22/00496/PA14J	YESPAP	Solar panel installation.

## 5.0 **Constraints**

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

## 6.0 **Representations and Consultations**

### 6.1 Parish Council

None received.

### 6.2 CDC Environmental Protection

Our department does not object to the proposed development, in principle, however it is considered that if permission were to be granted the following condition shall be necessary to protect amenity.

Consideration has been given to the Noise Condition Statement provided by Avieco. The document is considered satisfactory to accompany the application.

Noise Condition:

Prior to the air source heat pump being first brought in to use, a noise validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall demonstrate that the free field rating level from the approved plant, in maximum operation, does not exceed 35dBA,15mins at the most sensitive neighbouring

receptor (Rating level to be calculated in accordance with BS4142:2014+A1:2019 'Methods for Rating and Assessing Industrial and Commercial Sound'). If noise mitigation is required to achieve the specified rating level, then the noise mitigation shall be implemented in full and in strict accordance with the approved noise validation report; and shall be retained and maintained for the lifetime of the development.

It is considered that the above condition would avoid an adverse noise impact, even with night time use.

### 6.3 Third party comments

None received.

## 7.0 Planning Policy

### The Development Plan

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

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

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 10: Chichester City Development Principles

Policy 38: Local and Community Facilities

Policy 39: Transport, Accessibility and Parking

Policy 47: Heritage and Design

Policy 54: Open Space, Sport and Recreation

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

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

#### National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the

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

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

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

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

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

7.5 Consideration should also be given to the following sections: 4, 8, 12 and 16 and relevant paragraphs of the National Planning Practice Guidance.

#### Other Local Policy and Guidance

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- 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 area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking

#### **i) Principle of development**

8.2 The application site is located within the Settlement Boundary Area of Chichester which is designated within the development plan as the sub-regional centre for the District. The principal policies of the development plan support development within the settlement. Policy 10 of the CLP supports proposals in principle which provide or contribute towards improved facilities for education, health and other social and community uses.

8.3 The proposed works relate to an established leisure centre and the proposed air source heat pump would provide heat for the pool as part of enhancements through the Public

Sector Decarbonisation Scheme. The broad principle of the proposed development complies with policy and is therefore acceptable.

ii) Design and Impact upon character of the area

- 8.4 Policy 10 and 47 of the Chichester Local Plan require development to have special regard to the city's historic character and heritage, and conserve and enhance the special interest and settings of Conservation Areas. The proposed works would be located to the north west of the existing building on a small area of grass adjacent to an area of car parking and the vehicular access which wraps around the building from the A259.
- 8.5 The air source heat pump would be located on a concrete plinth and would sit within a black powder coated galvanised metal mesh fenced compound, similar in scale to adjacent compounds serving the building. The proposed works would be sited adjacent to existing containers and wire mesh enclosures in an area of the site which is set away from the public entrances and is functional in appearance.
- 8.6 The proposed siting, design and scale would be in keeping with the immediate surroundings and would not detract from the character of the area. The proposed siting would also mean the proposal would not be readily visible from the more open, undeveloped space to the north and north east of the site, and the proposal is therefore considered to preserve the setting of the conservation area.
- 8.7 For these reasons the proposal is considered to comply with policy in this regard.

iii) Impact upon the amenity of neighbouring properties

- 8.8 The National Planning Policy Framework in paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users.
- 8.9 The operational hours of the air source heat pump would be during the night (10pm-6am), and advice was sought from the Council regarding noise impacts prior to submission of the planning application.
- 8.10 There would be a separation distance of approximately 65m from the proposed works to the College accommodation to the west. A Noise Condition Statement has been submitted, and this states that the air source heat pump would be positioned on vibration dampers in order to prevent the transmission of any vibration to the supporting surface and reduce the noise level. In addition, the proposal would be in close proximity to an existing chiller compound which is louder than the proposed installation.
- 8.11 The Council's Environmental Protection Team have been consulted on the application and raise no objection. They have suggested a condition to ensure that the free field rating level from the approved plant, in maximum operation, would not exceed 35dBA,15mins at the most sensitive neighbouring receptor. If noise mitigation is required to achieve the specified rating level, then the noise mitigation shall be implemented in full and in strict accordance with the approved noise validation report.

8.12 Subject to securing the noise level via a condition, it is considered that the proposal would not have a detrimental impact on the amenities enjoyed by neighbouring premises, and therefore the proposal would be acceptable in this respect.

iv) Impact upon highway safety and parking

8.13 The proposed compound would be located adjacent to parking spaces to the rear of the building; however, this would not result in the loss of any parking spaces or any impact to visibility affecting highway safety.

8.14 The resultant layout would be very similar to the adjacent container siting which is up to the edge of the car parking spaces, but not encroaching onto the car parking spaces. Access to the compound would be through the side meaning that access could be maintained without reducing car parking provision. The proposal would therefore be acceptable in this regard.

Conclusion

8.15 Based on the above it is considered that the principle of the development would be acceptable, there would be no adverse impact on the character of the area or setting of the Conservation Area, and the proposals would be acceptable with regard to amenity and highways safety. There is no conflict with the NPPF, the proposal complies with development plan policies, and there are no material considerations that would justify refusing the application. Therefore, the application is recommended for approval.

Human Rights

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

**RECOMMENDATION**

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

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

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

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

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

3) Prior to the air source heat pump being first brought in to use, a noise validation report shall be submitted to and approved in writing by the Local Planning Authority.

The validation report shall demonstrate that the free field rating level from the approved plant, in maximum operation, does not exceed 35dBA,15mins at the most sensitive neighbouring receptor (Rating level to be calculated in accordance with BS4142:2014+A1:2019 'Methods for Rating and Assessing Industrial and Commercial Sound'). If noise mitigation is required to achieve the specified rating level, then the noise mitigation shall be implemented in full and in strict accordance with the approved noise validation report; and shall be retained and maintained for the lifetime of the development.

Reason: To accord with the terms of the application and in the interests of neighbouring amenity.

4) 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 - LOCATION PLAN	001		14.03.2022	Approved
PLAN - EXISTING AND PROPOSED ELEVATIONS (FENCE ASHP)	1/4 WESTGATE ASHP 04.03.22	REV A	31.03.2022	Approved
PLAN - PROPOSED ASHP FLOOR PLAN	2/4 WESTGATE ASHP 04.03.22	REV A	31.03.2022	Approved
PLAN - SITE PLAN	3/4 WESTGATE ASHP 04.03.22	REV A	31.03.2022	Approved
PLAN - SITE PLAN WITH PHOTO'S	4/4 WESTGATE ASHP 04.03.22	REV A	31.03.2022	Approved



## INFORMATIVE

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

For further information on this application please contact Martin Mew on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8QVDCERM8200>

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## Report to Planning Committee

Date **15 June 2022**  
By **Director of Planning and Environment**  
Local Authority **Chichester District Council**  
Application No. **SDNP/21/05833/FUL**  
Applicant **Mrs Trina Stewart**  
Application **Change of use of land for all weather turnout area for private equestrian use only (in association to permissions SDNP/18/00474/FUL & SDNP/21/03596/CND).**  
Address **Part of Lower Diddlesfold Farm Known As Diddlesfold Manor Farm Lot 1 Diddlesfold Lane Northchapel West Sussex**

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**Recommendation: That the application be Approved for the reasons and subject to the conditions set out in section 10 of this report.**

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## Executive Summary

### **Reason for committee referral: Parish objection - Officer recommends PERMIT**

The proposal involves the provision of an all-weather turn-out area (AWTA) immediately south of the former dairy yard that is in the process of being redeveloped for mixed equestrian and agricultural use. Its function is to provide a complimentary facility to the private equestrian facilities already approved and is to allow the opportunity for horses to obtain outdoor exercise when ground conditions are unfavourable, or the health of the animals necessitates closer supervision. Although it would result in a loss of a small area of grassland and a minor intervention with existing levels, the proposal is well contained visually and it is concluded that there would be no adverse impact on the surrounding landscape character or relative tranquillity and would not result in overdevelopment or over intensification of equestrian activity over and above that already permitted on the site. Conditions, including provision of new planting, control over surfacing and lighting and limiting the use to non-commercial purposes only are considered reasonable and necessary and in that context, it is considered that the proposal accords with relevant national and local planning policies and is therefore recommended for approval.

## **1.0 Site Description**

- 1.1 Lower Diddlesfold Farm is situated approximately 300 metres west of the village of Northchapel on the south western side of Diddlesfold Lane (also a public right of way), a single-track road leading off Hillgrove Lane. The holding originally extended to 116 acres (47Ha) and includes deciduous woodland and mixed grassland. The holding is classified as grade 3 (moderate to good). It has been recently split in two, with the pair of cottages and the majority of the agricultural land to the south and west of the cottages now in different ownership, leaving 10.8Ha of mainly mixed grassland and former agricultural buildings in the applicant's ownership.
- 1.2 The buildings on the applicants holding originally comprised several utilitarian agricultural buildings, including a timber-clad feed barn, large steel-framed barn and field shelter. In addition, there is a large expanse of concrete hardstanding (previously used as a silage clamp, and latterly for hay storage) and other extensive areas of concrete hardstanding around the buildings. These former buildings have since been replaced with a newly built agricultural barn/stable complex constructed in a traditional, vernacular design and the expanses of concrete removed.
- 1.3 Opposite the access to the farm buildings, on the north east side of Diddlesfold Lane is Diddlesfold Manor Farmhouse, a grade II listed building. Adjacent to it are a range of traditional farm buildings that most likely formed part of the original farmstead but have since been converted to residential use.
- 1.4 The surrounding landscape is gently undulating farmland (mainly pasture), with irregularly shaped field defined by natural hedgerow boundaries and interspersed with blocks of woodland.

## **2.0 Proposal**

- 2.1 The proposal is to construct an all-weather turn-out area (AWTA) for horses immediately to the south of the nearly completed equestrian/agricultural building complex and adjacent to a recently permitted horse walker. The turn-out area is to provide a complimentary facility to the private equestrian facilities and is to allow the opportunity for horses to obtain outdoor exercise when ground conditions or the health of the animals are unfavourable.
- 2.2 The land where the AWTA is to be constructed slopes gently to the south and so a modest degree of cut and fill will be necessary in order to form a level surface. This will result in the southern edge of the AWTA being approximately 0.75 metre above natural ground level. The AWTA is to be enclosed by 1.5 metre high post and rail fencing.

## **3.0 Relevant Planning History**

SDNP/16/01242/PRE - Replace 2 no. dwellings with 1 no. farmhouse dwelling with separate garage block and new access driveway. ADVICE GIVEN 16.06.2016

SDNP/16/01258/APNB - Agricultural barn. REFUSED 12.04.2016

SDNP/16/01972/APNB - Agricultural barn. No OBJECTION 14.06.2016

SDNP/16/03317/APNR - Track to farmland and buildings. REFUSED 01.08.2016

SDNP/16/05390/APNR - Proposed construction of an agricultural track. WITHDRAWN 17.11.2016

SDNP/17/00464/LDE - Existing lawful development. Breach of agricultural occupancy condition. CERTIFICATE GRANTED 15.08.2017

SDNP/17/05915/FUL - Demolition of existing dwellings and erection of 2no. replacement dwellings. WITHDRAWN 11.01.2018

SDNP/18/06056/FUL - Demolition of the existing dwellings and the erection of two replacement dwellings, including one with an agricultural tie APPLICATION WITHDRAWN 31.05.2019

SDNP/21/02470/DCOND - Discharge of condition 5 (Construction and Environmental Management Plan) from Planning Permission SDNP/18/00474/FUL. PERMIT 30.06.2021

SDNP/21/02653/DCOND - Discharge of conditions 3 and 4 to planning permission SDNP/18/00474/FUL. PERMIT 28.06.2021

SDNP/21/02268/FUL - Additional equestrian facilities - provision of horse walker and use of existing area of hardstanding to station trailer for the storage of stable waste. All to be used in association with planning permission reference SDNP/18/00474/FUL (as amended by SDNP/21/03596/CND). PERMIT 23.12.2021

#### **4.0 Consultations**

##### **Parish Council Consultee**

Northchapel Parish Council held a planning meeting on Thursday 6th January 2022 where this planning application was discussed. It objects to the application for the all-weather turnout area as follows:

The Parish Council has not objected to any of the previous applications but feels this land is now starting to be over developed for private equestrian use. It objects to the change of use of land from agricultural to equestrian. The applicant stated in the planning application they only wanted to graze horses on the land, this is permitted on agricultural land, therefore, the Parish Council sees no need to have a change of use on the land.

##### **CH - Environmental Strategy**

###### *Further comment*

The ecologist has provided clarification on the need for further (reptile) surveys and am satisfied that the works may proceed using a precautionary approach

###### *Original comment*

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.

Can the ecologist please confirm if reptile surveys are required? We assume that a precautionary approach is suitable for this site given the relatively small area of suitable habitat to be affected by the development.

The enhancements detailed in Preliminary Environmental Assessment (Aug 2021) are suitable for the site and would be a welcome addition to the scheme.

## 5.0 Representations

### 1 Third party objection

Works already commenced  
Visually intrusive from adjacent dwelling  
Inadequate tree protection  
Impact on local landscape - levels modified  
Potential increase in surface water runoff.

### 2 Third Party support

Proposed AWTA will avoid damage to ground in wetter months  
Enables controlled supervision of horses recovering from injury or undergoing specialist treatment  
Horses are highly trained dressage horses requiring additional care

## 6.0 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans. Other plans considered:

- N/a

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## 7.0 Planning Policy

### Relevant Government Planning Policy and Guidance

7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

## National Planning Policy Framework (NPPF)

7.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development
- NPPF12 - Achieving well-designed places
- NPPF04 - Decision-making
- NPPF06 - Building a strong, competitive economy
- NPPF11 - Making effective use of land
- NPPF - Conserving and enhancing the natural environment

7.3 It is also necessary to have regard to s.66 of the Planning (Listed Buildings and Conservation Areas) act 1990.

7.4 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD7 - Relative Tranquillity
- Development Management Policy SD24 - Equestrian Uses

## Partnership Management Plan

7.5 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3
- Partnership Management Plan Policy 50

## **8.0 Planning Assessment**

- 8.1 The main issues are considered to be the effect of the proposed development on the character and appearance of the surrounding area, including relative tranquillity.
- 8.2 Planning permission for the redevelopment of the former dairy complex for a mixed agricultural/private equestrian use has been granted under reference SDNP/18/00474/FUL. That development is now well advanced with the demolition of the former agricultural buildings and the construction of new agricultural/equestrian buildings in a traditional, vernacular design. Therefore it is considered that the principle of the proposed development is acceptable. Policy support for equestrian development is set out in policy SD24. This states that development proposals for equestrian development will be permitted where they are of a scale and or intensity of use compatible with the landscape, responds well to landscape character and distinctiveness and are located adjacent to existing buildings.
- 8.3 The applicant's original intention was to construct this all weather turn-out area (AWTA) west of the permitted building complex. However, this would have resulted in a visually unacceptable encroachment into an undeveloped part of the holding and not supported by officers, so that option was withdrawn. The location in this application was chosen because of its close proximity to the existing built form, including a recently permitted horse walker, where its modest scale and limited intervention with existing levels would have a minimum impact on the wider landscape character.
- 8.4 The AWTA is relatively small scale, measuring 25m x 20m and amounting to 500 square metres in area. The gentle fall in levels southward will mean a modest amount of cut/fill is necessary to ensure a levelled surface. Detailed section drawings indicate that the AWTA would be raised above natural ground levels by 0.75 metres at the southern margin. Sensitive grading of the margins will ensure that this change will not appear as an abrupt change in landscape terms. The surfacing medium is proposed to be the same as approved for the much larger manege to the west of the AWTA. This is to ensure that the colour palette remains as neutral as possible in landscape terms. A condition requiring a sample of the material to be submitted and approved by the LPA prior to the use commencing is suggested to ensure consistency with that objective.
- 8.5 The location of the AWTA will extend the equestrian activity associated with the redeveloped complex marginally further southward into a small area of a field currently laid to pasture. Diddlesfold Lane passes the site to the east but is set a slightly lower level than the application site, so public views of the proposed development are limited. It is intended to enclose the AWTA with 1.5 metre high post and rail fencing, which is likely to be the most visible aspect of the development when viewed from Diddesfold Lane. However, such views that can be obtained would be seen in the context of new and existing agricultural and equestrian buildings and existing vegetation, including several notable retained Oak trees. Longer distance views of the site may be obtained from various points along Hillgrove Lane, but once again would be seen in context with other, related development adjacent to the site. Additional planting is proposed and a condition requiring details of a landscaping scheme is proposed. In landscape terms, it is concluded that the development would not result in any adverse impact on the character and appearance of the surrounding area.



- 8.6 The proposal is a complimentary facility to the approved equestrian use and the animals that are to be kept there. It is intended to allow horses to be turned out for exercise or recuperation when ground conditions elsewhere on the holding are unfavourable. It is not intended to facilitate an increase in the number of animals or use of the site generally. Given the small-scale nature of the AWTA, it is likely that only a small number of horses would be able to use the facility at any one time. Therefore it is concluded that relative tranquillity would not be adversely affected by the development.
- 8.7 The applicant has also advanced a series of ecological enhancements to the wider holding as an adjunct to this application. These will include compensatory provision of reptile hibernacula, provision of bat boxes in the adjacent and related development and planting of species-rich hedgerows to create a feature of value for foraging bats, birds and invertebrates. In turn, these support the ecosystem services objectives of the Local Plan through increased carbon storage through new planting, joined up and enhanced habitats for wildlife and indirectly supports opportunities to improve people's health and well-being through its ancillary role in supporting the approved equestrian facility.

## **9.0 Conclusion**

- 9.1 The proposal would result in a modest extension of equestrian use southward and a loss of a small area of grassland. The proposal is well-related to the approved equestrian/agricultural redevelopment of the former dairy yard immediately to the north of the site. It is acknowledged that there will be a modest intervention with natural levels, but the development is well contained visually and it is concluded that there is no adverse impact on the surrounding landscape character and would not result in overdevelopment or over intensification of equestrian activity over and above that already permitted on the site. Any minor adverse impact is capable of mitigation through appropriate conditions, including provision of new planting, control over surfacing and lighting and limiting the use to non-commercial purposes only.
- 9.2 On balance, it is considered that the proposal accords with relevant national and local planning policies and is therefore recommended for approval.

## **10.0 Reason for Recommendation and Conditions**

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

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

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

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. Prior to the development hereby permitted being brought into use, a detailed scheme of planting proposals shall be submitted to and approved in writing by the Local Planning Authority. All such work as may be approved shall then be fully implemented in the first planting season, following commencement of the development hereby permitted and completed strictly in accordance with the approved details. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

The scheme design shall include the following details:

- a) Layout of planting to show plant species, nursery planting sizes, locations, densities and numbers
- b) Tree pit designs for each size of tree planting proposed including guying/support method, tree pit size, details of backfill material, irrigation design, surface treatment according to location;
- c) Areas of grass & specification for seeding or turfing as appropriate

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character.

4. The development shall not be brought into use until details of the composition, materials and final surface colour of the surfacing medium of the all-weather turnout area have been submitted to and approved by the SDNPA. The development shall be completed in accordance with the approved details prior to its first use.

Reason: To control the development in detail in the interests of the character and appearance of the surrounding landscape.

5. Access and egress for traffic connected with the development hereby approved shall be from the main point of access to the site immediately to the south east of the existing (refurbished) barn and from no other location.

Reason: To ensure that traffic movements associated with the development do not have an adverse impact on the established residential amenities of nearby properties

6. Notwithstanding any indication to the contrary 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) the development hereby permitted shall be used only for private, non-commercial, equestrian purposes only and for no other purpose.

Reason: To prevent the stables and associated storage barns from being used for commercial purposes to the detriment of the locality with respect to increased activity and vehicle movements.

7. No external lighting shall be installed on the building or within the site 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 interests of nighttime amenity, tranquillity and protect and conserve the International Dark night Skies.

8. Prior to the commencement of the development hereby permitted, measures of the protection of the trees to be retained as outlined in the submitted Arboricultural method statement shall be implemented.

Reason: In the interests of the amenity and the landscape character of the area.

#### **11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

#### **12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

#### **13. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

#### **14. Proactive Working**

14.1 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.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer:

Derek Price

Tel: 01243 534734

email: [dprice@chichester.gov.uk](mailto:dprice@chichester.gov.uk)

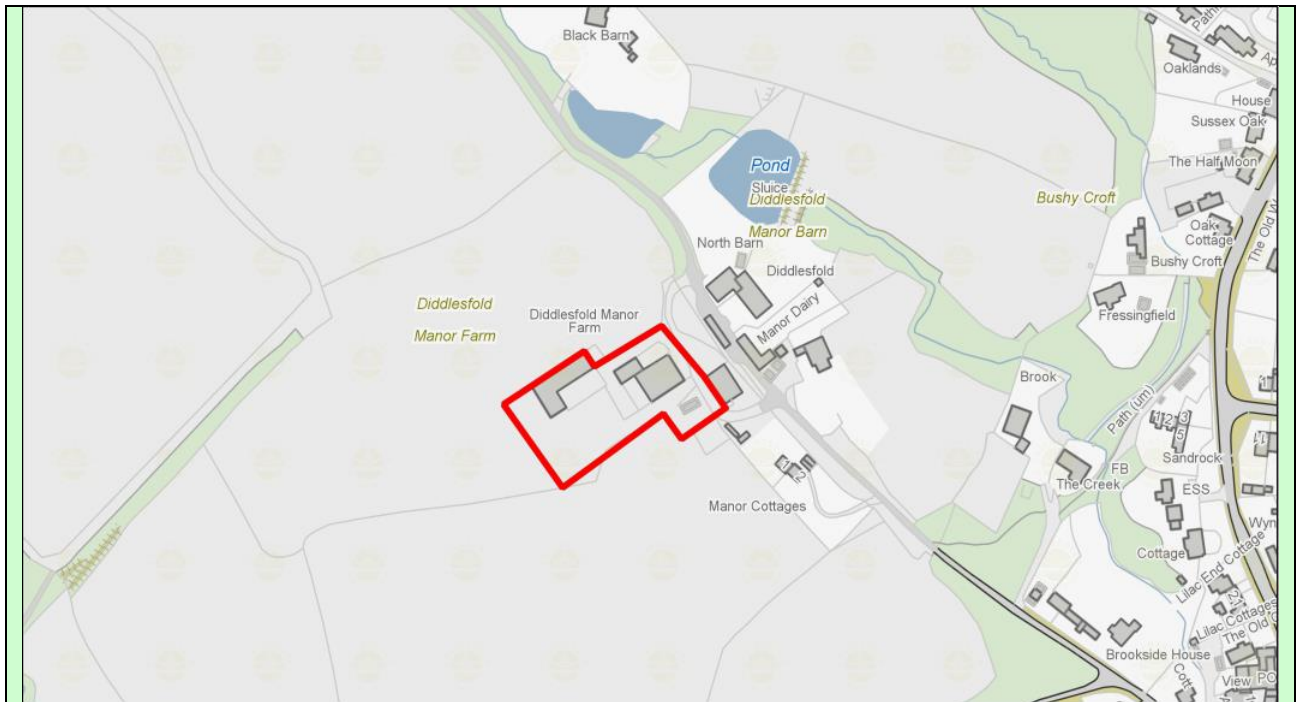
Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees Parish Council, Environmental Strategy

Background Documents NPPF, South Downs Local Plan, South Downs Management Plan

## Appendix 1

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type Reference	Version	Date Received	Status	
Plans - PROPOSED FENCING NORTH-WEST ELEVATION	300		22.11.2021	Approved
Plans - TREE SURVEY & ROOT CONSTRAINTS PLAN	BJH 01/02		22.11.2021	Approved
Plans - SITE LOCATION PLAN	010		22.11.2021	Approved
Plans - BLOCK PLAN	101		22.11.2021	Approved
Plans - PROPOSED SECTIONS	300 SECTION		22.11.2021	Approved

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

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## Report to Planning Committee

Date

By **Director of Planning and Environment**

Local Authority **Chichester District Council**

Application No. **SDNP/22/00098/FUL**

Applicant **Mr Kane Adams**

Application **Retrospective planning permission on 1 no. part-built barn (west of field) and 1 no. new barn (north east of field).**

Address **Land to The North of Blind Lane  
Blind Lane  
Lurgashall  
West Sussex**

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**Recommendation:** That the application be Refused for the reasons set out in section 10 of this report.

**IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.**

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### Executive Summary

#### Reason for Committee Referral: Councillor request

The application site constitutes a parcel of agricultural land, measuring approx. 6.3ha, located to the east of Lurgashall village. The proposal relates to regularising one existing unlawful barn on the western boundary of the site and erecting a further agricultural barn to the eastern corner. It is considered that the proposed barns due to their siting, scale and design would result in harm to the landscape character of the South Downs National Park, failing to conserve and enhance its natural beauty. Furthermore, insufficient justification has been provided to demonstrate that two large agricultural buildings are required for the purposes of agricultural, particularly given the size of the holding.

There is also insufficient information regarding whether the proposal would result in harm to protected species on the site, with no surveys being undertaken, whilst no evidence has been provided that the proposal would result in water neutrality given both buildings include bathroom facilities. The application is therefore recommended for refusal.

#### 1.0 Site Description

- 1.1 The site comprises a parcel of agricultural land, measuring approximately 6.3 hectares in size, that appears to be predominately utilised as grazing land. The site lies to the east of Lurgashall village within the South Downs National Park, to the north of Blind Lane and to the east of Hill Grove Lane. Navant Hill farm is sited immediately to the north of the site.
- 1.2 Public footpaths are present to the north of the site from Hill Grove Lane running to the east and from the road junction with Hill Grove Lane and Blind Lane running in a north-east direction, bisecting the adjacent field. The wider character of the area is predominantly rural comprising agricultural grazing land.

## **2.0 Proposal**

- 2.1 The application seeks permission for two agricultural buildings on the site.
- 2.2 One barn is proposed in the eastern corner of the field and would measure 30m (W) x 10 m(D) x 4m (H) and would comprise of a slight lean-to roof form. Whilst the floor plans have not been annotated to demonstrate how the buildings will be laid out, the submitted Development Justification Statement noted the barn is proposed to be used for storage of the following. This includes the storage of home-grown produce, Tractor and trailer, Compact loader, Mini excavator, Topper, Hedge cutter, Plough, Seed drill, Roller, Scarifier, Gas dryer, Polaris agricultural quad in addition to administration/common space and toilet facilities
- 2.3 The second barn, which has already been partially constructed on the site, is sited to the west of the site and measures 20m (W) x 8m (D) with a staggered form with the flat roof changing levels to follow the topography. The building would comprise of four separate compartments, with the section to the south being open fronted, the two sections in-between comprising of windows and doors and the section to the north comprising of double doors. The barn would be utilised for the storage of Sheep bedding, Feeds, Sheep hurdles, Posts, Fencing, Sheering, Sheering equipment, Secure sheep treatments and medication, common space, and toilet facilities.

## **3.0 Relevant Planning History**

- 3.1 SDNP/20/03482/APNB - 2 no. agricultural barns. Prior Approval Required and Refusal
- 3.2 SDNP/21/00009/NONDET - 2 no. agricultural barns. Appeal dismissed

## **4.0 Consultations**

### **Parish Council Consultee**

- 4.1 The Parish Council has considered this application and has the following concerns:

Retrospective planning permission for barn (west of field):

- The part-built barn is situated in a prominent position on high ground some 10 metres from public right of way 588, which is in regular use
- It is damaging to the otherwise unspoilt view to the South Downs and is highly visible from both the footpath and from the highway
- The building is within 400 metres of a listed building and close to other residential dwellings
- There is no suitable track for vehicle access and the plan shows no area of hardstanding, which would presumably be required for the purposes stated
- The proposed usage is for the storage of feed and shelter of livestock so the requirement for toilet facilities is not justified
- The Parish Council is of the opinion that this building is inappropriately positioned on the site and requests that this part-built barn is dismantled.



Proposed barn in north east side of the field:

- This would be sited in a less prominent position from the footpath and would be more accessible from the highway
- The size of the proposed building is disproportionate for an agricultural operation on this small site
- There is no justification for toilet facilities
- A smaller building in this location is likely to be more acceptable, subject to sight of an appropriate Business Plan
- The SDNPA's 'Integrated Landscape Character Assessment' states the adverse effect that hobby farming can do to the rural landscape. This application would appear to be a prime example and will damage the character of this area of the National Park.
- The Parish Council objects to this proposal and urges the District Council to refuse the application.

### **HCC - Landscape Team**

#### 4.2 Summary Response Objection

##### 1.0) Site Description and Landscape Policy Guidance:

##### 1.1) location/topography

Situated within undulating landform to the east of the village of Lurgashall, in the rural landscape of the Low Weald, the site comprises 6.3 ha of Grade 3 agricultural land.

Bounded by established hedgerows, except to the north where new planting has recently taken place, the site also contains a small watercourse along the north-east boundary.

Set within mixed arable and pasture farmland, scattered settlement along nearby Hillgrove Lane to the west and north contains two grade 2 listed buildings, Crossways and Navant Hill Farm. To the east the A283 is at least 500m distant with scattered development also along its length. Between around 60 and 70m AOD the application site has land that rises to the north with a local highpoint of 85m AOD at the small settlement around Navant Hill. To the south the gradient eases into the arable and woodland beyond Blind Lane.

Agricultural buildings pepper the landscape although generally appear to be either associated with historic farmyards/houses or located adjacent the public highway. The agricultural or woodland between this landscape's intersecting lanes and roads generally appears to have little, if any, built development adding to its deeply rural character.

##### 1.2) historic landscape/assets.

Two historic buildings are within relatively close proximity of the site: Crossways to the west-s-w and Navant Hill Farm to the north-n-w, both grade II and around 100 and 200m distant respectively.

The landscape setting is that of "Modern Fields" (Historic landscape character assessment)

### 1.3) Ecology

The site is located within The Mens, Ebernoe Common, Singleton and Cocking Tunnels SAC buffer and within the SSSI (5km) buffer zone.

Replanted Ancient Woodland (AW) is found on the opposite site of Blind Lane at the north-east corner of the site. With further areas of AW to the west at Kings Copse, adjacent Navant Hill. SDNP-22-00098-FUL 2 barns, part retrospective, at Blind Lane, Lurgashall: LPH/CES/25.02.2022

A locally designated Site of Nature Conservation Importance (SNCI) - Upper Barn and Mire Hangar - is found approximately 500m to the west.

This field is noted as being part of Network Enhancement Zone 2 on Natural England's habitat mapping. As such there is potential for connecting existing patches of primary and associated habitats, to improve biodiversity value through land management changes or through green infrastructure provision.

The hedgerows around the application site are identified on Chichester MyMaps as having potential as a Bat Movement Network.

### 1.4) Public Access

Approaching from the west-s-w, footpath 2035/1 joins path 588\_1/19 at a point to the north-n-w of the site. This latter path runs roughly parallel with the site's north-west boundary before heading north-n-e.

Open access land to the west of Hillgrove Lane comprises a couple of small narrow wooded areas.

A public highway, Blind Lane, runs adjacent the south-south-east boundary while Hillgrove Lane is around 200m to the west, running north-south, separated by fields, hedgerow and dwellings.

### 1.5) Landscape character

Set within the Low Weald Landscape Character Area (SDLCA 2020), specifically area P2 The Northchapel Basin, the site exemplifies some of its key characteristics: gently undulating land; part of a patchwork of irregular fields divided by well developed hedgerows with hedgerow oaks; narrow winding lanes; small streams; a high density of dispersed settlement; a deeply rural and enclosed landscape.

The site has a moderate level of tranquillity (SDNP tranquillity mapping) although it borders on a very high scoring area to the north.

The light emissions score here is very low ensuring that it is categorised within the Core Dark Night Skies area (EO in the SDNP dark skies mapping).

### 1.9) Local Plan Policy

Of particular relevance to this application are the following Core Policies: SD4 Landscape Character; SD5 Design; SD6 Safeguarding Views; SD7 Relative Tranquillity; SD8 Dark Skies; SD9 Biodiversity; SD11 Trees and hedgerows; SD39 Agriculture and Forestry; SD48 Climate Change.

## 2) The proposal - assessment of impacts

The proposal comprises

- a) the completion of four attached compartments to form a stepped barn 2.4m high x 7m wide (with 1m overhang) x 20m total length located on the western site boundary.
- b) A single barn 4m high x 30m long x 10m wide with double doors 4 x 3.3m high proposed adjacent the north-east site boundary.

Materials include timber cladding with felt roofing materials, shuttered windows, and doors of unspecified materials. Access is proposed via an existing field gate in the north-east site corner.

The proposal introduces barns with a footprint totalling 740m<sup>2</sup> to be used for storage of materials and equipment, welfare facilities and "common space" and occasionally for housing livestock.

The agricultural need for this development has to be balanced by the requirement (SD39 Agriculture & Forestry) that it occupies the site best suited to conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

Generally new buildings should be located close to existing buildings unless there are exceptional circumstances. We understand this 6.3ha plot is leased independently from its surroundings.

In addition, the buildings need to be in keeping with local character and of a design that reflects the proposed agricultural use. Proposals for structure planting to integrate development into the existing local landscape framework should be included. SDNP-22-00098-FUL 2 barns, part retrospective, at Blind Lane, Lurgashall: LPH/CES/25.02.2022

The effect of this proposal on receptors:

- From Blind Lane to the south, the site is becoming more screened with time, as the boundary hedgerow matures. The level of maintenance of this feature will determine the extent of views into the site in future. Allowed to fully mature, the hedgerow would effectively shield views of the western barn from the Lane although as the Lane approaches the north-east site corner it is highly likely a barn of the size proposed here, would not only be visible but have a dominant impact on the rolling green landscape.
- From the west, the compartmentalised barn is visible to users of P<sub>RoW</sub> 2035/1, although the intervening hedgerow provides a measure of filtering.
- The visual amenity of listed buildings Navant Hill Farm to the north (both barns visible) and Westminster Cottage to the west (compartmentalised barn only) are likely to be negatively affected by the introduction of built forms into this landscape.
- Users of P<sub>RoW</sub> 538\_1/19 will have the clearest views of the two barns with the land falling southward. New planting along this boundary will take many years to mature. The proposal introduces development into this otherwise undeveloped landscape.

The effect of the proposal on the landscape:

- Located within rolling countryside with maturing hedgerows lining the boundaries, the site is typical of the wider pastoral landscape around the small nearby settlement at Navant Hill. There is dispersed residential property lining Hillgrove Lane and little, if any, overt human development in the hinterland.
- The sub-division of fields, ownership and/or tenancy inevitably leads to additional requirements for nearby facilities. While these may be required, they should be balanced with the conservation of the landscape and ensure they respect the character of the setting. Siting the buildings with a backdrop of vegetation and at low points on the land is generally preferable.

- Large scale buildings in this landscape are currently most frequently found associated with historic farmsteads. A minority of individual new buildings have been located in isolated locations. Proposals to create two buildings within the same 6.3ha plot, with a combined footprint of 740m<sup>2</sup>, is we suggest, out of character.
- We query the size of the proposed north-east barn. Its scale, as mentioned above, will make it highly visible from not only the PRoW and residential properties to the north and west but also from Blind Lane to the south-east. Is this 10 x 30m x 4mH building essential to the management of the land?
- There are no landscape proposals associated with this application. Notwithstanding the points above, we would expect to see structure planting included around any proposed barn in accordance with policy SD39, to settle a new building within the landscape. The opportunities to extend fragmented habitats as defined in Natural England's mapping (enhancement zone), and to conserve potential Bat Movement networks (Chichester MyMap) could also be included.

## 5.0) Conclusion

We are concerned about the location and scale of this development. Visual receptors to the north, west and south-east along Blind Lane will be negatively impacted by the proposals, residential visual amenity will be affected, and the character of the landscape will be altered with the introduction of overt human development into a relatively tranquil area. For the reasons stated above we make a landscape objection to this proposal.

## CH - Environmental Strategy

### Water Neutrality

- 4.3 Due to the impacts of water consumption within the Sussex North Water Supply Zone on the Arun Valley site, development proposals within this area that would lead to a material increase in water demand will need to demonstrate 'water neutrality'. This means that there would be no increase in water consumption, demonstrated by a combination of water efficiency, water recycling and offsetting measures. Following guidance from Natural England relating to the requirement for water neutrality, a water budget, showing the baseline and proposed water consumption and mitigation measures proposed must be submitted as part of this application. Further information can be found on the SDNP website: Water resources in the central area of the South Downs National Park - South Downs National Park Authority.

### Biodiversity

Due to the site's location within the Mens, Singleton and Cocking Tunnels and Ebernoe Common SAC buffer zone a bat survey will need to be undertaken to assess the impact this development may have on any SAC species potentially using the site.

Due to the location of the site, the propose works and the records protected species and habitats within close proximity of the site there is a moderate likelihood that protected species and habitats could be disturbed / harmed by the proposal. Due to the this and prior to determination we require that an extended phase one habitat survey is undertaken on the site to determine if there is potential for protected species. If there is potential for protected species then further surveys would be required. These surveys plus any mitigation strategies required will need to be submitted as part of the planning application prior to determination.

This survey will need to assess the green infrastructure across the site and ensure that this is retained and enhanced as part of the scheme. We require that enhancements to improve biodiversity across the site are incorporated into any future planning application and these should be discussed within the ecological surveys and shown within the landscaping plans.

## **CH - Environmental Health - Protection**

- 4.4 Recommend that a condition is placed on an application with regard to unexpected contamination.

Further comments from Environmental Health - Protection

It is recommended that the uses of each of the barns is restricted to those listed in the development justification statement and it is suggested this is controlled by way of a condition eg. Small barn restricted to storage of following  
Sheep bedding, Feeds, Sheep hurdles, Posts, Fencing, Sheering, Sheering equipment, Secure sheep treatments and medication, common space, and toilet facilities.

Larger barn restricted to following uses:

The larger barn will be used to store home-grown produce, farm vehicles and equipment as well as administration/common space and toilet facilities.

Items stored to include: Tractor and trailer, Compact loader, Mini excavator, Topper, Hedge cutter, Plough, Seed drill, Roller, Scarifier, Gas dryer, Polaris agricultural quad.

Further details are requested with respect to the following:

1. Storage/disposal of animal and other wastes generated
2. Management of temporary toilets eg. disposal arrangements
3. Storage arrangements for diesel and other fuels etc to power machinery where applicable.

The applicant may want to submit an Environmental Management Plan to cover items 1-3 above.

## **5.0 Representations**

- 5.1 19 letters of objection regarding:

- 2 agricultural buildings excessive compared to size of holding
- Lack of justification
- Scattering of buildings at either side of the site
- Presence of the building and associated paraphernalia
- Integrated Landscape Character Assessment document of the SDNP clearly states the adverse affect that hobby farming can do to the rural landscape. Development visible both from the road and footpath
- Barn to north is within 250m of several houses.
- Dark skies of the SDNP
- No mention of installing hardstanding around the barns.
- Increased vehicular movement between barns
- No justifiable requirement for toilet facilities to be sited at either end of this small field
- Fields are grazing pasture land and not a working farm
- Site supports numerous wildlife species.
- Excessive animal effluent would run off onto Blind Lane
- No information on environmental matters such as control of noise, smell, flies or storage of waste.
- No certainty over what type of animals might be housed in the future, nor are there any proposals detailing where or how any animal waste would be stored.
- Little information submitted to demonstrate that the site and its use meet the definition of 'agricultural land' and an 'agricultural unit' nor that the buildings are 'reasonably necessary for the purposes of agriculture.
- Unlikely that the size of the field could support farming and ploughing the land for arable crops

- 30-40 sheep have been kept on the land. No evidence of crops being grown to feed sheep
- Viability
- No detailed business plan to justify two sizable buildings on only 6.3 hectares of relatively poor quality Grade 3 agricultural land.
- No detailed floorplans have been provided, 'development justification' states common space and toilet facilities are proposed in both barns with additional administration in the larger barn.
- Siting of building furthest point from water supply and entrance.
- Retained building – no existing track to this meaning vehicles are driven around the northern perimeter and across the field causing damage to land in times of wet weather.
- Pressure for second access to south of the barn
- Spread built form across the site and further erosion of the quality of the landscape.
- Part built barn is directly opposite the otherwise completely undeveloped outlook of Westminster Cottage and several other residential properties.
- Part built building does not resemble an agricultural barn for accommodating sheep
- Limited needs of around 30-40 sheep and limited need for machinery for sheep grazing, the proposed size and massing of the buildings appears to be excessive.
- Two centres of agricultural activity on both the eastern and western boundaries does not reflect the traditional farming activities on a relatively small parcel of land within the SDNP
- If buildings considered essential then only the least harmful siting and sympathetic design should be chosen
- Precedence for other buildings
- Pre-cursor to applying for a residential dwelling in time
- No landscape proposals associated with the application

## 6.0 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans.

6.2 The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

### National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.4 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## 7.0 Planning Policy

### Relevant Government Planning Policy and Guidance

- 7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

- 7.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:

Section 6 - Building a strong, competitive economy  
Section 12 - Achieving well-designed places  
Section 15 - Conserving and enhancing the natural environment

- 7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

- 7.4 The following policies of the **South Downs Local Plan** are relevant to this application:

SD1- Sustainable Development  
SD2- Ecosystems Services  
SD4 - Landscape Character  
SD5 -Design  
SD7 - Relative Tranquillity  
SD8 - Dark Night Skies  
SD9 - Biodiversity and Geodiversity  
SD10 - International Sites  
SD12 - Historic Environment  
SD25 - Development Strategy  
SD39 - Agriculture and Forestry  
SD48 - Climate Change and Sustainable Use of Resources

### Partnership Management Plan

- 7.5 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

Outcome 1 - Landscape & Natural Beauty

## 8.0 Planning Assessment

### The principle of the development

- 8.1 Policy SD39 of the SDNP Local Plan states that applications for new buildings for the purposes of agriculture will be permitted where there is an agricultural need for the development within the National park and its scale is commensurate with that need, the development occupies the site best suited to conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park. It should where possible re-use existing buildings or be on the same footprint, otherwise it should be related physically and functionally to existing buildings associated with the enterprise, unless there are exceptional circumstances relating to agriculture that necessitate a more isolated location. Buildings should be in keeping with local character and of a design that reflects the proposed agricultural.
- 8.2 Given that the site comprises a parcel of land of 6.3 hectares, and this constitutes the total agricultural holding, it is considered that insufficient information has been submitted to satisfactorily demonstrate that the proposed buildings are reasonably necessary for the purposes of agriculture. Whilst the planning statement refers to the land being used for sheep farming and ploughing the land for arable crops little evidence has been provided to demonstrate that crops have been grown and that an ongoing agricultural enterprise has been established necessitating the proposed barns. The proposed buildings (with a cumulative footprint of approx 740 m<sup>2</sup>) would be significantly large, disproportionate to the size of the holding and the level of machinery proposed to be stored considered excessive for the size of the holding, particularly given that it appears to be mainly used only for sheep grazing. Little justification has been provided in respect to the use of the site and the need for buildings of this scale and size, for example the applicant's future intentions, stocking levels, previous sales or predicted turnover. The agricultural land is also of relatively poor quality being Grade 3 agricultural land. Whilst the floor plans provided for the buildings are not annotated, a Development Justification Statement has been submitted and this states that both buildings will include common space and toilet facilities with additional administration space. Given the limited size of the holding at only 6.3 hectares the need for this level of space also appears excessive and no justification has been provided for the duplication of space, as well as staffing numbers to require this level of accommodation.
- 8.3 It is therefore considered that insufficient information has been submitted to demonstrate that the two large agricultural buildings are reasonably necessary for the purposes of agriculture given the size of the holding. The proposal is therefore contrary to Policy SD39 of the South Downs Local Plan and the NPPF.

### Impact on Landscape Character and Design

- 8.4 Policy SD4 of the Local Plan considers landscape character and states that development proposals will only be permitted where they conserve and enhance landscape character whilst Policy SD5 of relates to design and requires development to be of the highest possible design quality and 'contribute to local distinctiveness and sense of place through its relationship with adjoining buildings, spaces and landscape features including historic settlement patterns.' The supporting text makes it clear that proposals should adopt a landscape led design approach to enhance the landscape character.



- 8.5 The proposed buildings are sited in a prominent location and are considered to result in harm to the character and appearance of the National Park which would be neither conserved nor enhanced by the application proposals. In particular, the buildings are notably visible from the adjacent public footpath to the north of the application site and detract from the unspoilt open agricultural character of the area. The west building (which has been partly constructed on site), due to the topography, requires terracing of the sloping landform to accommodate the proposed buildings as demonstrated by the submitted drawings for the west barn. The engineered result is at odds with the softly undulating character of the landscape, adding to the incongruity of the development and its siting.
- 8.6 The eastern barn is also of a large scale, would be visible from the Public Right of Way and Blind Lane and has a sprawling flat roofed design which would result in it being highly visible within the landscape. Both buildings are considered to read as utilitarian buildings on the site, that do not reflect the local character of the area, resulting in them being visible within the landscape failing to conserve and enhance the natural beauty of the South Downs National Park.
- 8.7 Given the prominent position of the site, the buildings will be seen from multiple public vantage points, north, west and south. The provision of two large agricultural buildings in differing positions on the site would exacerbate this prominence within the landscape and would change the unspoilt character of the area. Furthermore, the introduction of paraphernalia associated with this use is likely to increase the harm to the landscape character and to the prominence of the buildings further.
- 8.8 Furthermore, by having agricultural buildings in two separate locations, this adds to the built form on the site and may lead to pressure for an additional vehicular access being required in the future for the west barn. Notwithstanding this, there is likely to be vehicular movements or increased activity between the two buildings, which in turn would impact on the tranquillity of the South Downs National Park contrary to Policy SD7. It could also lead to pressure for tracks across the field between the buildings, which again given the prominent location of the site would harm the landscape character of the South Downs National park.
- 8.9 The siting would also be contrary to Policy SD39 which requires buildings to be related physically and functionally to existing buildings associated with the enterprise. Whilst there are no buildings on the site it would be expected that buildings are grouped together to reduce any visual harm to the landscape. Typically, agricultural buildings are sited in a cluster with other historic farm buildings within this location, therefore the provision of two large agricultural buildings sporadically dispersed within this unspoilt landscape would be out of character and fail to conserve and enhance the landscape character of the South Downs National Park.
- 8.10 Whilst the applicant has offered additional planting on the site it is not considered that this would overcome the issues with the proposed buildings given their scale and prominence with the landscape.
- 8.11 It is therefore considered that the proposed agricultural buildings, by reason of their siting, scale, and design, would result harm to the landscape character of the South Downs National Park failing to conserve and enhance the landscape character of the South Downs National Park. The proposal is therefore contrary to Policies SD1, SD4, SD5, SD7 and SD39 of the South Downs Local Plan and the NPPF.

### Residential amenity

- 8.12 Given the distance of the buildings to residential properties, with the building to the west being approximately 150 metres away, it is not considered that the proposal would result in significant harm to the residential amenity of neighbouring properties to warrant a reason for refusal.

### Contamination

- 8.13 If planning permission were to be approved it is considered that the matter could be appropriately mitigated via a condition which would be required to address any unexpected contamination with an Environment Management Plan required to set out storage/disposal of animal and other wastes generated, management of temporary toilets e.g., disposal arrangements and storage arrangements for diesel and other fuels etc to power machinery where applicable.

### Water Neutrality

- 8.14 The application site is located in an area served by groundwater abstraction near Pulborough, near to the Arun Valley SSSI, SAC, SPA and Ramsar. Natural England are undertaking condition assessments of these designated sites and have identified significant negative changes in their condition. The hydrology (water quantity and its movement) of the area is essential to maintaining the habitat upon which the designation features/species rely on. In summary, Natural England advise that development must not add to this impact and should only be permitted if it can be demonstrated that it is water neutral. This is in order to meet the legal tests of the Habitats Regulations in preventing potential impact upon the designated sites. Water neutrality means, "the use of water in the supply area before the development is the same or lower after the development is in place" (NE Position Statement). Natural England has therefore advised that it cannot be ruled out that groundwater abstraction for water supply near Pulborough is contributing to the situation and that new developments are a contributory factor.
- 8.15 The proposals would result in an increase in water consumption due to the provision of toilet facilities in both buildings. Accordingly, the Natural England position statement advises that 'If the application cannot demonstrate, through an appropriate assessment, the required water neutrality, we advise that it is either revised to achieve this in line with the above or awaits completion of the strategic approach'.
- 8.16 Given that no information has been provided to demonstrate that the proposal would provide a water neutral form of development this is considered an overriding reason for refusal as the application is contrary to policies SD1, SD9 and SD17 of the South Downs Local Plan, the National Planning Policy Framework 2021 and The Conservation of Habitats and Species Regulations 2017 (as amended).

### Ecology

- 8.17 It is noted that the site lies within the Mens, Singleton and Cocking Tunnels and Ebernoe Common SAC buffer zone, therefore a bat survey is required to assess the impact this development may have on any SAC species potentially using the site. Without this information it cannot be demonstrate that the proposal would not result in an adverse impact on the SAC.
- 8.18 In addition, due to the location of the site, the proposed works and records of protected species and habitats within close proximity of the site there is a moderate likelihood that protected species and habitats could be disturbed/harmed by the proposal, therefore an extended phase one habitat survey would need to be undertaken to determine if there is potential for any protected species on the site. If there is potential for protected species then further surveys would be required.

- 8.19 It is therefore considered that, in this regard, the application is contrary to Policies SD9 and SD10 of the South Downs Local Plan 2019, the National Planning Policy Framework 2021 and The Conservation of Habitats and Species Regulations 2017 (as amended).

## **9.0 Conclusion**

- 9.1 To conclude, the proposed agricultural buildings would result in an incongruous form of development, failing to conserve and enhance the landscape character of the South Downs National Park. Furthermore, insufficient information has been submitted to justify the need for two large agricultural buildings on the site, given the size of the holding whilst insufficient information has also been provided with regard to protected species on the site and water neutrality. It is therefore considered that the application fails to accord with the Development Plan and, as there are no material considerations to override this conclusion, the proposal is accordingly recommended for refusal.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be refused for the reasons set out below.

1. The proposed agricultural buildings, by reason of their siting, scale and design, would result harm to the landscape character of the South Downs National Park failing to conserve and enhance the Landscape Character of the South Downs National Park. The proposal is therefore contrary to Policies SD1, SD4, SD5, SD7 and SD39 of the South Downs Local Plan and the NPPF.
2. Insufficient information has been submitted to demonstrate that two large agricultural buildings are reasonably necessary for the purposes of agriculture given the size of the holding. The proposal is therefore contrary to Policy SD39 of the South Downs Local Plan and the NPPF.
3. In the absence of sufficient information to determine any likely significant effect upon the Arun Valley designations, and any potential mitigation being secured, it has not been demonstrated that the proposals accord with policies SD1, SD9 and SD17 of the South Downs Local Plan, the National Planning Policy Framework 2021 and The Conservation of Habitats and Species Regulations 2017 (as amended).
4. Insufficient information has been provided to demonstrate that the proposal would not result in harm to protected species on site, particularly given that the site is sited within the SAC buffer zones of The Mens and Ebernoe Common. The proposal is therefore contrary to Policies SD9 and SD10 of the South Downs Local Plan 2019, the National Planning Policy Framework 2021 and The Conservation of Habitats and Species Regulations 2017 (as amended).

## **11. Crime and Disorder Implications**

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

### **13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

### **14. Proactive Working**

- 14.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

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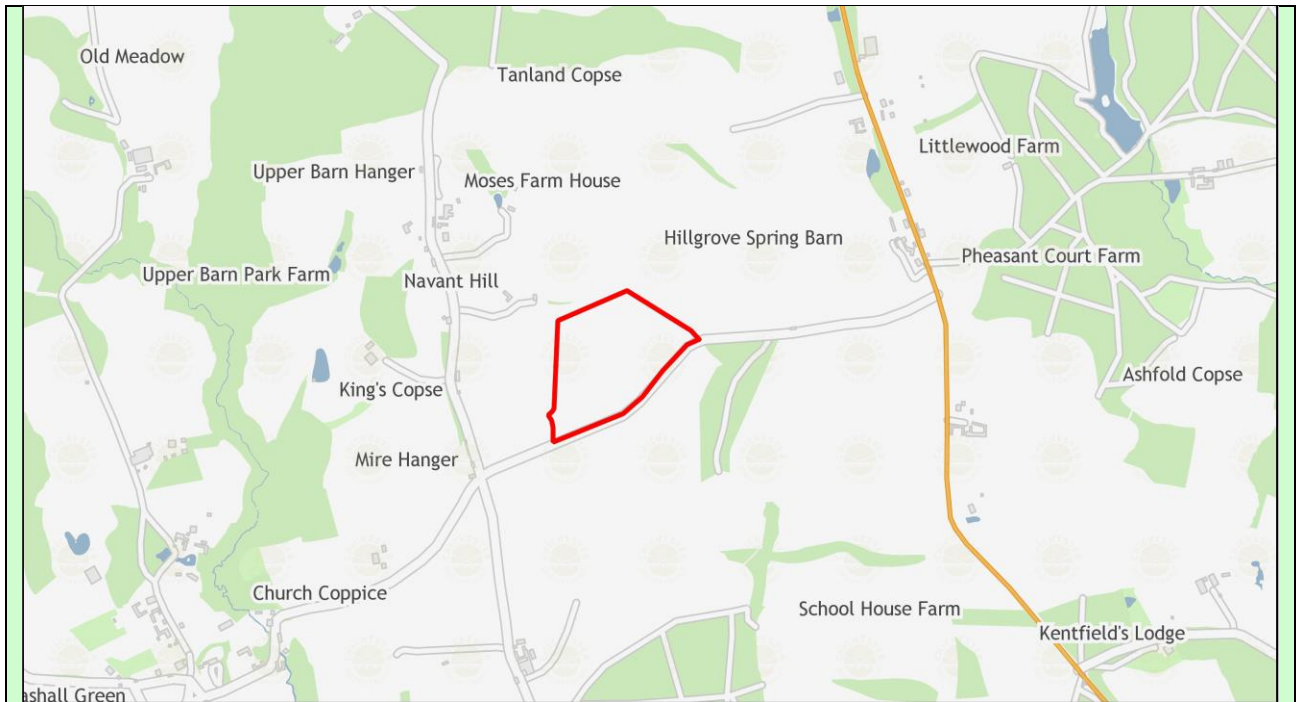
Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

## Appendix 1

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type_Reference	Version	Date Received	Status
BL1001	1	28.01.2022	Not approved
BL1002	3	28.01.2022	Not approved
BL1003	3	28.01.2022	Not approved
BL1004	3	28.01.2022	Not approved
BL1005	2	28.01.2022	Not approved
BL006	2	28.01.2022	Not approved

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

## Chichester District Council Planning Committee

**Wednesday 15 June 2022**

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

#### Appeals, Court and Policy Matters

**between 14-04-2022 - 24-05-2022**

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>* 20/01854/OUT</u></a>	
<b>Chidham &amp; Hambrook Parish</b> <b>Case Officer: Jo Prichard</b>  <b>Informal Hearings</b>	Chas Wood Nurseries Main Road Bosham PO18 8PN  Outline permission for 26 no. dwellings with access, public open space, community orchard and other associated works (with all matters reserved except for access).
<a href="#"><u>22/00137/FUL</u></a>	
<b>Earnley Parish</b> <b>Case Officer: Calum Thomas</b>  <b>Written Representation</b>	Russ Autos 132A Almodington Lane Almodington Earnley Chichester West Sussex PO20 7JU  Demolition of B2 workshop and erection of 1 no. live/work unit.

Reference/Procedure	Proposal
<a href="#"><u>21/03163/FUL</u></a>	
<b>East Wittering And Bracklesham Parish</b> <b>Case Officer: Calum Thomas</b>  <b>Written Representation</b>	Hanneys West Bracklesham Drive Bracklesham PO20 8PH  Replacement dwelling, garaging and associated works (alternative scheme to planning permission EWB/20/03303/FUL)
<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).
<a href="#"><u>21/02428/FUL</u></a>	
<b>Linchmere Parish</b> <b>Case Officer: Calum Thomas</b>  <b>Written Representation</b>	Land North Of 1 To 16 Sturt Avenue Camelsdale Linchmere West Sussex GU27 3SJ  9 no. new dwelling houses and 9 no. carports/studios with associated access, infrastructure, parking and landscaping.
<a href="#"><u>22/00144/PNO</u></a>	
<b>Sidlesham Parish</b> <b>Case Officer: Rebecca Perris</b>  <b>Written Representation</b>	Chalk Lane Nursery 17A Chalk Lane Sidlesham Chichester West Sussex PO20 7LW  Erection of agricultural building.



Reference/Procedure	Proposal
<a href="#">21/03424/FUL</a>	
<b>Wisborough Green Parish</b> <b>Case Officer: Sascha Haigh</b> <b>Written Representation</b>	Howfold Barn, Howfold Farm, Newpound Lane Wisborough Green RH14 0EG Erection of 1 no. custom/self build dwelling - alternative to permission WR/20/01036/PA3Q.

## 2. DECISIONS MADE

Reference/Procedure	Proposal
<a href="#">21/03278/FUL</a>	
<p><b>East Wittering And Bracklesham Parish</b>  <b>Case Officer: Emma Kierans</b>  <b>Written Representation</b></p>	<p>Land South Of Tranjoeen1 The PaddockBracklesham LaneBracklesham BayWest Sussex</p> <p>Proposed vehicle crossover (means of access to a highway Class B).</p>
<p><b>Appeal Decision: APPEAL - NO FURTHER ACTION</b></p>	
<p>“...We are unable to accept appeals unless all the essential supporting documents are received before the 12 week deadline expires. Unfortunately, there are some documents outstanding. ... We are therefore, unable to take any action on the appeal(s). ...”</p>	

Reference/Procedure	Proposal
<a href="#">20/02675/OUTEIA</a>	
<p><b>Lavant Parish</b>  <b>Case Officer: Jane Thatcher</b></p> <p><b>Public Inquiry</b></p>	<p>Field South Of Raughmere Drive Lavant West Sussex</p> <p>Outline Application with all matters reserved (except for access) for the development of 140 dwellings, public open space, landscaping, parking and associated works.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>“...The appeal is dismissed, The HEDNA is the most up-to-date analysis of the housing need and its underpinning issues within the SDNP. Its methodology is robust. The Council's approach considers the 'best available information' as set out within the PPG in cases where a locally determined method of assessing need is suitable,...Accordingly, the Council's housing requirement figure is the most appropriate for use in this appeal. Two sites were identified by the appellant as potentially being undeliverable within the current five-year HLS period. Firstly, Cooks Lane has outline permission for 199 dwellings, granted in March 2020. ...I see no reason to dispute this site's inclusion in the current HLS period. The second site, Tangmere, did not have outline permission at the base date. ...despite the Council's expectation of a successful outcome to the CPO process, this was not assured. ...The fact that there was an agreement signed with a national housebuilder does not alter my view that, as of the base date, the development was at too early a point to be considered deliverable in accordance with the Framework. Accordingly, I have removed 178 dwellings from the supply calculation. The Council has a total supply of 3,356 dwellings. With a small surplus of 26 dwellings above the agreed five-year housing requirement of 3,330 dwellings, I consider that the Council has a HLS of 5.039 years. I therefore conclude on this main issue that the Council can demonstrate that it has a five-year housing land supply. At present, despite its traffic, the appearance of Lavant Road is not urban. The proposed ...changes would result in a deterioration of the rural character of the site, a diminution of the gap and its purposes in separating Chichester and Lavant and harm the setting of the SDNP. I therefore conclude that it would have a harmful effect of the development on the character and appearance of the area. ...The effects of noise on prospective living conditions was also an issue in the 2014 appeal. ...The usage trends of the aerodrome do not indicate that there has been a substantial change since then, ...I therefore conclude that the proposed development would not provide satisfactory living conditions for the occupiers of the development, with particular regard to road traffic noise and noise associated with the operation of the Goodwood Aerodrome and the Goodwood Motor Circuit. ...The development would provide 13 shared ownership dwellings, 15 affordable rented dwellings and 14 social rented dwellings. ...An undersupply of 208 dwellings was recorded in 2019/2020 based on an affordable need of 348 dwellings and 140 completions. ... I give the provision of affordable homes significant weight in my decision. I acknowledge that the market homes would also meet local need but given that the Council can demonstrate a HLS and appropriate levels of past supply, this attracts only minimal weight. ...I have no evidence to suggest that the country park would meet any identified need for local open space ...a net gain in biodiversity through habitat creation attracts moderate weight. There would be a net loss of nitrogen into protected habitats, mostly as a result of the loss of the site's current agricultural status, which also attracts moderate weight. Nonetheless, the harm caused by the proposed development's impact on the character and appearance of the area, and the likely living conditions of residents, would be substantial. The adverse impacts of the proposal significantly and demonstrably outweigh the benefits such that the proposal does not represent sustainable development. Accordingly, there are no material considerations to indicate that I should determine the appeal otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed...”</p>	

Reference/Procedure	Proposal
<a href="#"><u>20/02541/FUL</u></a>	
<p><b>Sidlesham Parish</b>  <b>Case Officer: Martin Mew</b>  <b>Written Representation</b></p>	<p>Annabel Barns Chalk Lane Sidlesham PO20 7LW</p> <p>Single storey extension to existing office and storage building, including installation of solar photovoltaic panels and 3 no. additional parking spaces.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>"The appeal is dismissed. ...The main issue is whether the proposed development would be acceptable in the countryside. ... there is barely any evidence to explain why the appellant's construction business, or any other business operating from the proposal, would need to be located in the countryside. So, the proposal would be unjustified development in the rural area, contrary to LP Policy 45. ...Whilst the Framework aims to support a prosperous rural economy, and to enable the sustainable growth and expansion of all types of business in rural areas, as there is insufficient evidence to show that the proposal would need to be in the countryside, it could not be concluded that the proposal would be sustainable. ...Therefore, I consider that the proposal would not be acceptable in the countryside.</p> <p>Costs Decision – "“The application for an award of costs is refused. ...The application was made in a timely manner. ...the Council considered the Development Plan as a whole, and other material considerations including national policy, and it came to a different view. ...The Council was entitled to interrogate the appellant's evidence, and to use its knowledge of the locality and the aims of the Development Plan and national policy in its assessment of the scheme. ...The proposal was not development that could clearly be permitted,.....my appeal decision supports the Council's stance. ... the Council's procedural behaviour during the appeal process was also reasonable. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated."</p>	

Reference/Procedure	Proposal
<a href="#"><u>20/02858/FUL</u></a>	
<p><b>Sidlesham Parish</b>  <b>Case Officer: Emma Kierans</b>  <b>Written Representation</b></p>	<p>Land To The North Of Sunnybrook Highleigh Road  Sidlesham PO20 7NN</p> <p>1 no. single storey dwelling with garage and associated landscaping.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>"The appeal is dismissed. ... the proposal would have poor accessibility to local shops and services and it would be likely to increase trips and domestic activity in the rural area, ... .., it would harmfully intrude into that important verdant gap, and it would erode the sporadic pattern of development. ... the amorphous mounded form of the dwelling, which would take up much of its generous site, would look incongruous. ... The domestic paraphernalia associated with the dwelling, including gazebos, garden furniture and washing lines on its mounds and in its grounds would be harmfully dissonant in the rural scene. The activity related to the dwelling, including the comings and goings of the future occupiers and their visitors, would disrupt the present tranquillity in the largely undeveloped paddock. So, despite its soft landscaped appearance, the proposal would have a built-up residential character that would contrast starkly with its rural surroundings. ...Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. ... there is insufficient evidence to show that the future occupiers of the proposal would be safe from flooding [and] ... there is insufficient evidence to show that the proposed development would not adversely affect biodiversity interests on and near the site.... I have found that the proposed development would be contrary to the Development Plan when taken as a whole. ..."</p>	

Reference/Procedure	Proposal
<a href="#">20/02491/OUT</a>	
<b>West Wittering Parish</b> <b>Case Officer: Jane Thatcher</b> <b>Public Inquiry</b>	Land To The West Of Church Road Church Road West Wittering West Sussex  Outline planning application for residential development of 70 dwellings (some matters reserved except for access).
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p>“.....the identified supply for the period 2021-2016 would leave the supply at around 3,049 dwellings or around 4.6 years. ... although the scheme would have a limited impact upon the wider landscape it would have a significant, albeit localised effect on the appearance of the countryside in this location. These effects would lessen over time as landscaping around the site became established. Nevertheless, the loss of open views would have a significantly harmful effect on the rural character of the area around the site. .... I note that the settlement boundary in this case does not accurately reflect the extent of the built-up area, as it does not include Sandpiper Walk, a well-established part of East Wittering,. ... I am of the view that the available facilities in East Wittering would meet the day to day needs of most residents. ... These observations are consistent with the designation of East Wittering in both the adopted plan and emerging plan as a "settlement hub", ... I therefore conclude that the proposal would be in an accessible location with good access to most facilities and services. ... Foul drainage from the site would be treated at Sidlesham Waste Water Treatment Works (SWWTW) which I am advised discharges to Pagham Harbour. I [therefore] have no basis for concluding that the development, in combination with other development, ... would have a likely significant effect on the European site. .... I am satisfied that subject to the mitigation measures ... the proposal would not have a detrimental impact on the biodiversity of the site, including protected species. ... In order to ensure the proposed development does not increase the risk of flooding elsewhere the scheme includes proposals to restrict surface water discharge from the site to an equivalent greenfield runoff rate. This would be achieved through the implementation of a Sustainable Urban Drainage Scheme (SUDs) on site. ... I therefore do not consider that the proposal would be at risk of flooding, or that it would increase the risk of flooding to residents elsewhere. As the statutory undertaker Southern Water are obliged by The Water Industry Act 1991 to accept flows and provide the necessary capacity to drain property within their area and new connections charges are paid to provide any upgrades needed to serve new development. Southern Water as statutory undertaker have confirmed that they have capacity to facilitate the development. ... Notwithstanding the evidence of residents, I have no compelling basis for concluding that Southern Water are unable to treat the sewage arising from the proposal, or that the scheme would lead to a repeat of the recent illegal activity of the operator. ... Therefore, whilst I understand the strongly held views of residents in this regard, I cannot conclude that sewage from the development will not be adequately dealt with. ... The Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be considered out of date. In such cases planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme. Policy 1 of the LP reflects the presumption in favour of sustainable development within the Framework. The proposal would cause harm to the rural character and appearance of the countryside and in this regard would conflict with Policy 48 of the LP. As the site lies outside the settlement boundary, within open countryside, the proposal would conflict with Policies 2 and 45 of the LP and IPS1 and IPS5 of the IPS. The harm identified would be localised and would lessen as the development became established.</p>	

### Appeal Decision: APPEAL ALLOWED continued

Furthermore, policies 2 and 45 are out of date and the IPS is not adopted policy. Accordingly, I attribute this harm moderate weight in the planning balance. The proposal would lead to the loss of almost 4 hectares of Best and Most Versatile Agricultural Land and so would conflict with Policy 48 of the LP in that regard.. Having regard to the amount and grade of the land affected, I attribute this matter no more than moderate weight in the planning balance. The proposal would provide 70 homes in an accessible location, some of which would be bungalows and 21 of which would be affordable. Having regard to the need for housing nationally, including affordable housing, and the need for affordable housing in the district, I attribute the provision of housing substantial weight in the planning balance. The proposal would also bring some economic benefits through construction and through the additional spend generated by new residents, who would also help to sustain local services, and this carries some moderate weight, commensurate with the size of the development. The proposal would lead to a loss of a short stretch of hedgerow but would include extensive planting as part of the finished development. This would result in Biodiversity Net Gain as required by national policy. Having regard to the size of the site and the extent of ecological improvement that will result, I attribute this only limited weight in favour of the proposal. It would also provide open space and provision for play in accordance with policies 52 and 54 of the Local Plan.. ... The proposal would include a financial contribution towards improvements to the A27... .The harm that would arise due to the loss of agricultural land and harm to the rural character of the area would not significantly and demonstrably outweigh the very substantial collective benefits that the scheme would provide in relation to housing provision and the other identified benefits of the scheme. The proposal would therefore amount to sustainable development when assessed against the Framework and accordingly would not conflict with Policy 1 of the LP. This is a material consideration which would outweigh the identified conflict with policies 2, 45 and 48 of the adopted development plan and policies IPS1 and IPS5 of the IPS. Planning permission should therefore be granted. For the reasons given I conclude that the appeal should succeed...”

### 3. IN PROGRESS

Reference/Procedure	Proposal
<b>* <a href="#">20/02899/FUL</a></b>	
<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.
<b><a href="#">20/03034/OUT</a></b>	
<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)
<b><a href="#">21/00833/FUL</a></b>	
<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.
<b><a href="#">17/00361/CONMHC</a></b>	
<b>Birdham Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b> <b>21-Jun-2022</b> <b>Chichester District Council</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.



Reference/Procedure	Proposal
<a href="#"><u>17/00356/CONMHC</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b> <b>21-Jun-2022</b> <b>Chichester District Council</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>17/00362/CONMHC</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b> <b>21-Jun-2022</b> <b>Chichester District Council</b>	Plot 14 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Without planning permission change of use of the land to use as a residential caravan site.
<a href="#"><u>20/00379/CONCOU</u></a>	
<b>Birdham Parish</b> <b>Case Officer: Shona Archer</b> <b>Informal Hearings</b> <b>21-Jun-2022</b> <b>Chichester District Council</b>	Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex Appeal against BI/47
<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.
Reference/Procedure	Proposal
<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.

Reference/Procedure	Proposal
<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).
<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>23-Aug-2022</b> <b>Chichester District Council</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.

Reference/Procedure	Proposal
<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>23-Aug-2022</b> <b>Chichester District Council</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.
<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>19/02493/OUT</u></a>	
<b>Earnley Parish</b> <b>Case Officer: Andrew Robbins</b> <b>Informal Hearings</b>	Earnley Concourse Clappers Lane Earnley Chichester West Sussex PO20 7JN  Outline planning application with all matters except Access reserved. Demolition of Earnley Concourse buildings, Elm Lodge, Gate Cottage and the Ranch House and replacement with residential development of up to 32 no. dwellings with associated access and footway works, landscaping, open space and drainage infrastructure
<a href="#"><u>20/03125/OUT</u></a>	
<b>Earnley Parish</b> <b>Case Officer: Jeremy Bushell</b> <b>Public Inquiry</b> <b>14-Jun-2022</b> <b>Bracklesham Barn</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).

Reference/Procedure	Proposal
<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).
<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>21/02553/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>* 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.

Reference/Procedure	Proposal
<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>	Land South Of The Stables Scant Road East Hambrook Funtington West Sussex  Change of use of land to use as a residential caravan site for 2 no. gypsy families and construction of 2 no. ancillary amenity buildings, including the laying of hardstanding, erection of boundary wall.
<a href="#"><u>20/00950/FUL</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex  Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.
<a href="#"><u>20/00956/FUL</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Calum Thomas</b> <b>Informal Hearings</b> <b>09-Aug-2022</b> <b>Chichester District Council</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.

Reference/Procedure	Proposal
<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>21/01681/FUL</u></a>	
<b>Funtington Parish</b> <b>Case Officer: Rebecca Perris</b> <b>Written Representation</b>	Chapel Barn Chapel Lane Funtington PO18 9AW  Change of use of land to garden land for the construction of tennis court with fence enclosure and soft landscaping.
<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
<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>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>20/00109/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>	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex  Appeal against Enforcement Notice FU/80

Reference/Procedure	Proposal
<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>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 Lanefold Loxwood RH14 0UJ  New entrance gate at Oxencroft (retrospective).
<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

Reference/Procedure	Proposal
<a href="#"><u>* 19/03112/FUL</u></a>	
<b>Sidlesham Parish</b> <b>Case Officer: Calum Thomas</b>  <b>Informal Hearings</b> <b>22-Jun-2022</b> <b>Chichester District Council</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> <b>22-Jun-2022</b> <b>Chichester District Council</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.
<a href="#"><u>21/00622/FUL</u></a>	
<b>Sidlesham Parish</b> <b>Case Officer: Maria Tomlinson</b>  <b>Written Representation</b>	Land East Of 4 Cow Lane Sidlesham West Sussex PO20 7LN  Detailed application for an alternative 1 no. 3 bed dwelling following approval of 19/02349/FUL.
<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.



Reference/Procedure	Proposal
<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>21/00089/FUL</u></a>	
<b>Southbourne Parish</b> <b>Case Officer: Maria Tomlinson</b> <b>Written Representation</b>	Thornham Products Thornham Lane Southbourne PO10 8DD Retention of existing single mobile home on the land and to continued use for applicant's place of residence, following expiry of temporary period granted under condition 2 of SB/15/01837/FUL.
<a href="#"><u>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.
<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>	Land East Of Priors Orchard Inlands Road Nutbourne Chichester West Sussex PO18 8RJ Construction of 9 no. dwellings.

Reference/Procedure	Proposal
<a href="#"><u>* 20/00047/FUL</u></a>	
Westbourne Parish Case Officer: Calum Thomas Written Representation	Hopedene Common Road Hambrook Westbourne PO18 8UP  Change use of land to a single private gypsy pitch with associated hardstanding and day room.
<a href="#"><u>20/00785/FUL</u></a>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings 02-Aug-2022 Chichester District Council	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>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings 03-Aug-2022 Chichester District Council	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>	
Westbourne Parish Case Officer: Martin Mew Written Representation	Land Adjacent To 15 The Shire Long Copse Lane Westbourne West Sussex  Erection of 7 no. dwellings, access, landscaping and associated works.
<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/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>	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42
<a href="#"><u>19/00107/CONMHC</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Steven Pattie</b> <b>Written Representation</b>	Jubilee Wood Bridle Lane Woodmancote Hambrook West Sussex Appeal against Enforcement Notices WE/50 WE/51
<a href="#"><u>21/00169/CONDWE</u></a>	
<b>Westbourne Parish</b> <b>Case Officer: Tara Lang</b> <b>Public Inquiry</b>	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/53
<a href="#"><u>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/58
<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/59
<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

Reference/Procedure	Proposal
<a href="#">20/02824/OUT</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>

#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

#### 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

#### 6. COURT AND OTHER MATTERS

<b>Injunctions</b>		
Site	Breach	Stage
Birdham, Birdham Road	Of 4 Enforcement Notice	Injunction granted by the High Court to remove all caravans from the site, fixtures and fitting and restore the land to agricultural use. Defendants have left then site apart from 3 Plots. Papers with specialist barrister to advise on Contempt of Court proceedings for breach of the Injunction

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

<b>Prosecutions</b>		
Site	Breach	Stage
Oakham Farmhouse, Oving	Of Enforcement Notice	Court date for first hearing on 9 June at Crawley Magistrates' Court. Two defendants served with the initial prosecution papers required at this stage.
Crouchlands, Lagoon 3	Of Enforcement Notice	Barrister's opinion requested as to the viability of prosecution proceedings due to potential statutory defence.

#### 7. POLICY MATTERS

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## South Downs National Park

### Planning Committee

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

#### Schedule of Planning Appeals, Court and Policy Matters

Date between 14/04/22 and 24/05/22

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/21/03068/LIS</u> Fittleworth Parish Council Case Officer: Beverley Stubbington <b>Written Representation</b>	Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.
<u>SDNP/21/04109/FUL</u> Lurgashall Parish Council Case Officer: Lauren Cripps <b>Written Representation</b>	Land Adjoining Sods Farm High Hamstead Lane Lurgashall Petworth West Sussex GU28 9EX - Erection of new hardstanding area to allow vehicular access to site.
<u>SDNP/21/03067/HOUS</u> Fittleworth Parish Council Case Officer: Beverley Stubbington <b>Written Representation</b>	Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.

Reference/Procedure	Proposal
<p data-bbox="108 197 414 230"><u>SDNP/21/03527/FUL</u></p> <p data-bbox="108 230 454 264">Tillington Parish Council</p> <p data-bbox="108 293 507 327">Case Officer: Lauren Cripps</p> <p data-bbox="108 360 462 394"><b>Written Representation</b></p>	<p data-bbox="550 197 1390 338">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>



## 2. DECIDED

Reference/Procedure	Proposal
<p><u>SDNP/21/01499/FUL</u> Linch Parish Meeting</p> <p>Case Officer: Charlotte Cranmer</p> <p><b>Written Representation</b></p>	<p>Woodmansgreen Farm Linch Road Woodmansgreen Linch GU30 7NF - The erection of a replacement storage barn.</p>
<p><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p>..Deeply rural with a tranquil landscape. Development considerations for this area are to conserve the isolated farmsteads and their setting and ensure built development reflects the local vernacular. ... Fine example of the local vernacular. ... Jarring wider plan form than the historic barns and would lack an adequate sense of subservience due to its overall massing. Awkward, unattractive, and bulky form that would jar with the nearby historic barns. Building appearing discordant. ... Discernible from a public footpath to the northwest of the appeal site as well as Linch Road. Block a pleasant vista. Fail to conserve the landscape setting of the farmstead and would not reflect the local vernacular. Fail to conserve and enhance it. ...Whilst landscaping can be used to mitigate the impacts of a proposal, perhaps by softening and anchoring it in the landscape, it would nevertheless be unwise to seek to hide an otherwise unacceptable building in this way. This is because the landscaping could fail or be removed in the future. ... Harm caused by the size, siting and form of the building. Three times larger with a sprawling form and awkward bulky appearance. ... Discordantly shallow roof and bulky form. Not be in keeping with local character. ... Fail to conserve and enhance the landscape character of the South Downs National Park. ... Considerable historic and evidential value and significance. Setting of the listed buildings therefore adds to their value and significance. ... Unattractive design due largely to the wide span and low roof pitch causing a bulky appearance. It would also lack adequate subservience. Incongruous presence in views of the complex from several vantage points including the neighbouring field. Hampered by the presence of an awkward and unattractive barn in the foreground. ... The proposal would therefore visually and spatially jar with the historic farmstead complex. This would harm the way its historic and aesthetic value is experienced, understood, and experienced. ...As things apparently stand, the appellant submits that cropped hay must be sold immediately because the farm lacks space to store it alongside the farm equipment, which apparently includes the farm's biomass boiler/plant. This could mean that hay is not sold in the winter months when prices would likely be higher. ...The rural economy would benefit, and the farm could become more self-sufficient at a time of growing uncertainty in the industry. However, there is nothing of substance before me to demonstrate the agricultural business would fail without a new building or that its viability would be significantly hampered. Moreover, the appellant's submissions are contradictory, as they confirm that baled hay is stored elsewhere. ... Design of the proposal would be seriously lacking in quality given the combined impacts of the siting, bulky form, and corrugated roof. ... No evidence that damage has occurred, even with the current situation. Moreover, it is unclear whether vehicles would still need to enter the hay barn to deposit and retrieve hay bales. As a result, I am not convinced this is a meaningful benefit. As the hay barn is already in use and this use is generally unintrusive and agricultural in nature, there would only be a modest benefit in re-establishing its historic use as a hay store.... Benefits of the proposal, although notable, would be insufficient to outweigh the less than substantial harm identified to the setting of the listed buildings. ... Harm the landscape and the setting of listed buildings contrary to the development plan as a whole. Public benefits of the proposal, would not outweigh the harm to heritage. Dismissed..."</p>	

Reference/Procedure	Proposal
<p><u>SDNP/21/03427/HOUS</u> Trotton With Chithurst Parish Council</p> <p>Case Officer: Louise Kent</p> <p><b>Householder Appeal</b></p>	<p>Mottistone Cottage Terwick Hill Rogate GU31 5EJ - Erection of a new oak framed garage provided by English Heritage Oak.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>".. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area. ... The proposed 3 car garage, with its lean-to and external stairs to the upper floor in its roof space, would be sited in front of the dwelling, roughly parallel to, and close to, the road. Due to its substantial scale and prominent siting, the proposal would harmfully erode the important openness between the front of the dwelling and the road, so it would look dominant and squeezed in. Because its bulky built form would be seen above the fence, the urbanising effect of the proposal would damage the natural beauty and landscape character of its surroundings. So, in combination with the form and siting of the dwelling and its present garage, the proposal would look unacceptably built-up and incongruous. The hedge by the roadside boundary is taller than the fence ... However, because the hedge could not reasonably be controlled by condition for more than a few years, it could not be relied upon to screen the development in the long term. The Authority says that the present garage was permitted subject to a condition limiting the use of the garage as a business for 3 years, which has expired. As the existing garage is still used for his business, the appellant says that he would apply for permission to enable that use to continue. However, even if it were to be accepted that another garage could be acceptable, that would not outweigh the harm that the proposal would cause. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy SD1 of the South Downs Local Plan ... Policy SD4 which aims to conserve and enhance landscape character, LP Policy SD5 which seeks high quality design that adopts a landscape led approach and respects local character, and LP Policy SD31 which aims for extensions and outbuildings to not increase the floorspace of the existing dwelling by more than 30%. It would also be contrary to the first purpose of designation of the National Park which includes to conserve and enhance the natural beauty of the area, and the Framework which seeks to achieve well-designed places and to conserve and enhance the natural environment. ... contrary to the Development Plan when taken as a whole. ..."</p>	

### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>SDNP/20/01635/LDP</u> West Lavington Parish Council</p> <p>Case Officer: Derek Price</p> <p><b>Informal Hearing – awaiting decision</b></p>	<p>Kennels Farm Selham Road West Lavington Midhurst West Sussex GU29 0AU - Proposed use of buildings at Kennels Farm as Estate Maintenance yard including a joinery workshop, painters' workshop, stores and offices.</p>
<p><u>SDNP/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</p> <p>Case Officer: Jenna Shore</p> <p><b>Written Representation</b></p>	<p>Cokes Barn West Burton Road West Burton RH20 1HD - Annex extension including three bay garage, cycle store and bin store</p>
<p><u>SDNP/21/04110/LDE</u> Lynchmere Parish Council</p> <p>Case Officer: Louise Kent</p> <p><b>Written Representation – awaiting decision</b></p>	<p>1 Stone Pit Cottages Marley Combe Road Camelsdale Lynchmere GU27 3SP - Existing lawful development - rear garden cabin.</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>
<p><u>SDNP/21/00910/FUL</u> Rogate Parish Council</p> <p>Case Officer: Rebecca Perris</p> <p><b>Written Representation</b></p>	<p>Land North East of Paddock Lodge London Road Hill Brow Rogate West Sussex - 1 no. dwelling with associated work and extension of driveway.</p>

<b>Reference/Procedure</b>	<b>Proposal</b>
<u>SDNP/20/02935/CND</u> Harting Parish Council  Case Officer: Derek Price  <b>Informal Hearing – PINS yet to advise on date</b>	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.)
<u>SDNP/21/03527/FUL</u> Tillington Parish Council  Case Officer: Lauren Cripps  <b>Written Representation</b>	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.
<u>SDNP/21/01877/FUL</u> Fittleworth Parish Council  Case Officer: Beverley Stubbington  <b>Written Representation</b>	Rew Cottage Hesworth Common Lane Fittleworth RH20 1EW - Retrospective planning application for the retention of the realigned access road together with the replacement gates.
<u>SDNP/18/00609/BRECO</u> Rogate Parish Council  Case Officer: Steven Pattie  <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

#### 5. CALLED-IN APPLICATIONS

<b>Reference</b>	<b>Proposal</b>	<b>Stage</b>

## 6. COURT AND OTHER MATTERS

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

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

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

## 7. POLICY MATTERS

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