

Public Document Pack

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A meeting of **Planning Committee** will be held in the Committee Rooms, East Pallant House on **Wednesday 8 November 2023 at 9.30 am**

MEMBERS: Mr C Todhunter (Chairman), Mr J Cross (Vice-Chairman), Mr R Bates, Mr D Betts, Mr R Briscoe, Mr J Brookes-Harmer, Ms B Burkhart, Mrs H Burton, Mrs D Johnson, Mr S Johnson, Mr H Potter, Ms S Quail and Mrs S Sharp

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 - 16)

The minutes relate to the meeting of the Planning Committee on 27 September 2023 and 4 October 2023.

3 **Urgent Items**

The Chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 15b.

4 **Declarations of Interests** (Pages 17 - 18)

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 10 INCLUSIVE

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

- 5 **NM/22/02191/OUT - Charmans Field, Marsh Lane, Runcton, West Sussex**
(Pages 19 - 79)
Outline planning application (with all matters reserved except access) for the development of up to 94 residential dwellings, new access from Lagness Road, public open space, landscaping, sustainable urban drainage and associated works including new footway and cycleway links.
- 6 **SI/22/02887/FUL - Land South Of Telephone Exchange, Selsey Road, Sidlesham, West Sussex** (Pages 81 - 94)
Change of use of land to storage of caravans, erection of secure storage building and associated hardstanding.
- 7 **SY/23/01215/FUL - Public Conveniences, East Beach Road, Selsey, West Sussex, PO20 0SZ** (Pages 95 - 101)
Public conveniences refurbished, disabled WC enlarged, with direct access to outside.
- 8 **KD/22/02154/FUL - Foresters Arms,, Village Road Kirdford, West Sussex, RH14 0ND** (Pages 103 - 149)
Rear extension with associated internal reconfiguration and works to external front and rear trade areas.
- 9 **CC/23/00771/ADV - 4 New Town, Chichester, West Sussex, PO19 1UG** (Pages 151 - 160)
Replacement of 2no. non-illuminated existing aluminium powder coater sign tray with similar trays or similar size with new logo. Hand Painted geometric glasses design to fascia level.
- 10 **BI/22/03026/FUL - Chichester Marina, Birdham, Chichester, West Sussex, PO20 7EJ** (Pages 161 - 187)
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 from planning permission BI/12/00475/FUL (as amended by S.73 permission B1/22/01742/FUL) - Use Class variation of buildings A and D (Units A2 and D7 only) to allow greater flexibility, as amplified by email dated 22 May 2023.
- 11 **The Local List - Information required to support a valid planning application**
(Pages 189 - 244)
The Committee is requested to consider the report and its appendix and make the following resolution:

That the Local List (set out in Appendix 1 to this report) be endorsed for immediate use in validating planning applications, and that officers have delegated authority to amend the local list as necessary prior to the next formal review.
- 12 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 245 - 258)
The Planning Committee will consider the monthly schedule updating the position

with regard to planning appeals, litigation and recent planning policy publications or pronouncements.

13 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 259 - 266)

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

14 **Schedule of Contraventions** (Pages 267 - 299)

The Planning Committee is asked to note the schedule update of planning enforcement matters.

15 **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

16 **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 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 recorded. By entering the committee room they are also consenting to being recorded. If members of the public have any queries regarding the 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;
 - a. 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
 - b. Where a member of the public has registered to speak they will be invited to attend the

meeting and allocated a seat in the public gallery

c. You are advised not to attend any face-to-face meeting if you have symptoms of Covid-19.

6. How applications are referenced:

- a) First 2 Digits = Parish
- b) Next 2 Digits = Year
- c) Next 5 Digits = Application Number
- d) Final Letters = Application Type

Application Type

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

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

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



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 27 September 2023 at 10.30 am

Members Present: Mr C Todhunter (Chairman), Mr J Cross (Vice-Chairman), Mr R Bates, Mr D Betts, Mr R Briscoe, Mr J Brookes-Harmer, Mrs H Burton, Mrs D Johnson, Mr S Johnson, Mr H Potter and Ms S Quail

Members not present: Ms B Burkhart and Mrs S Sharp

In attendance by invitation:

Officers present: Mrs F Stevens (Divisional Manger for Planning), Miss N Golding (Principal Solicitor), Miss J Bell (Development Manager (Majors and Business)), Stephens (Development Manager (Applications)), Mr J Saunders (Development Manager (National Park)), Mr C Thomas (Senior Planning Officer), Cripps (Senior Planning Officer), Midlane-Ward (Assistant Planning Officer) and Ms J Thatcher (Senior Planning Officer, Majors and Business)

77 **Chairman's Announcements**

As the new Chairman (following a decision at Full Council on Tuesday 26 September) Cllr Todhunter welcomed all present to the meeting. He thanked the previous Chairman; Cllr Stephen Johnson for all his work during his time as Chair.

Cllr Todhunter read out the emergency evacuation procedure.

Apologies were received from Cllr's Burkhart and Sharp.

78 **Approval of Minutes**

For the minutes of Wednesday 12 July 2023 Cllr Todhunter requested the following amendment be made;

- Page 6, para 37; 'Following a vote, the Committee agreed to support the proposal by Cllr Briscoe' (Briscoe replacing Bates)

Following a vote, the minutes of the meeting held on Wednesday 12 July, including the agreed amendment were agreed as a true and accurate record.

For the minutes of Wednesday 16 August 2023 Cllr Bates requested the following addition to his proposal on page 21;

- 'Cllr Bates proposed a new recommendation to permit with the inclusion of a condition to manage the material being transported onto the site to raise levels **so as to ensure no toxic substances could pollute the harbour in case of flood.**

Following a vote, the minutes of the meeting held on Wednesday 16 August, including the additional text, were agreed as a true and accurate record.

Following a vote, the minutes of the meeting held on Wednesday 6 September were agreed as a true and accurate record.

79 **Urgent Items**

There were no urgent items.

80 **Declarations of Interests**

Cllr R Briscoe declared a personal interest in the following items;

- Agenda Item 5 - EWB/22/02214/FULEIA – as the Chichester District Council representative on the Portsmouth Water Forum
- Agenda Item 6 – EWB/2202235/OUTEIA – as the Chichester District Council representative on the Portsmouth Water Forum

Cllr D Johnson declared a personal interest in the following items;

- Agenda Item 5 – EWB/22/02214/FULEIA – as a member of West Sussex County Council and Selsey Town Council
- Agenda Item 6 – EWB/22/02235/OUTEIA – as a member of West Sussex County Council and Selsey Town Council

Cllr S Johnson declared a personal interest in the following items;

- Agenda Item 5 - EWB/22/02214/FULEIA – as the Chichester District Council representative on the Chichester Harbour Conservancy
- Agenda Item 6 - EWB/22/02214/OUTEIA – as the Chichester District Council representative on the Chichester Harbour Conservancy

Cllr Quail declare a personal interest in;

- Agenda Item 8 – CC/23/00950 – as a member of Chichester City Council

81 **EWB/22/02214/FULEIA - Land At Stubcroft Farm, Stubcroft Lane, East Wittering**

Miss Thatcher introduced the report and drew attention to the Agenda Update Sheet which included; an additional representation from WSCC Cllr Pieter Montyn; additional consultation responses from West Wittering Parish Council and West Sussex County Council Lead Local Flood Authority (WSCC LLFA); a revision to paragraphs 8.53 and 8.59; an additional response from Natural England and an amendment to recommendation for the reason for Refusal 1.

Miss Thatcher gave a verbal update informing the Committee of a correction on page 109; in the third reason for refusal the total of 16ha stated in the report was incorrect and was in fact 11ha.

Miss Thatcher outlined the site location and asked the Committee to note the separate outline location for sheltered accommodation which would be considered at Agenda Item 6.

The site was located outside the settlement boundary of East Wittering but did directly abound the boundary at the south. The proposed site was currently in crop and classed as Grade 2 Agricultural Land.

Miss Thatcher highlighted the proximity of other development sites including 'Sandpiper Way,' an outline permission for 70 dwellings which was recently allowed at appeal and the Hilton Park industrial park.

Miss Thatcher informed the Committee that 11ha in the northern part of the site had recently been designated as a Secondary Support Area for overwintering birds in the harbour of the Chichester and Langstone Harbours SPA and Ramsar site. She drew attention to the Agenda Update sheet and the additional comments received about the loss of habitat.

Miss Thatcher highlighted a small watercourse known as the Hale Farm ditch, which ran along the edge of the field before entering the sea at East Wittering. The majority of the site fell within Flood Zone 1 (low risk). However, the area of land around the Hale Farm Ditch did fall within flood zones 2 and 3. In addition, the Interim Strategic Flood Risk Assessment (SFRA) showed that the majority of the site was at high risk from future flooding (from tidal flooding taking into account climate change).

Miss Thatcher went through the proposal, which sought permission for 280 dwellings including 30% affordable housing. Full details of the proposal were set out in the report. Miss Thatcher showed the Committee the proposed layout and street scene.

Miss Thatcher detailed the reasons for refusal set out in the report including the amendment to reason 1.

Miss Thatcher explained that despite the Council not having a 5YHLS the tilted balance was not engaged due to flood risk and the unmitigated loss of Secondary Support Area for overwintering birds. Nonetheless, the benefits of the development did not outweigh the harms identified.

Representations were received from;
Cllr Steve Debege – West Wittering Parish Council
Mr Carey Mackinnon – Objector
Dr Carolyn Cobbold – Objector
Ms Dawn Abbott – Agent
Cllr Mark Chilton – CDC Ward Member
Cllr Brian Reeves – East Wittering & Bracklesham Parish Council

Before opening the debate Cllr Todhunter reminded the Committee that a decision was due by 29 September 2023

Officers responded to comments and questions as follows;

Regarding the recent circular from National Highways; Ms Bell confirmed that officers were aware of the circular and were in discussions with National Highways and its impact on planning applications. However, the application being considered was over a year old and therefore the updates introduced by the circular did not apply and would not be a reason for refusal.

On the matter of floodzones; Mrs Waters, WSCC Lead Flood Manager, explained that the EA identified floodzones did not consider future flood risk, only present flood risk was considered, that is why an SFRA was undertaken.

With regards to the proposed storage; Mrs Waters informed the Committee that because there was missing data the applicant had underestimated the volume of storage that would be required on site.

Following a vote; the Planning Committee agreed to support the report recommendation to **refuse**, including the amendment to reason 1 as set out the Agenda Update Sheet.

Resolved; **refuse**, for the reasons set out in the report and the amendment to reason 1 set out in the Agenda Update Sheet.

82 **EWB/22/02235/OUTEIA - Land at Stubcroft Farm, Stubcroft Lane. East Wittering - REPORT TO FOLLOW**

Miss Thatcher introduced the report and drew attention to the Agenda Update Sheet which included; additional consultation responses from WSCC highways, WSCC LLFA; a revision to paragraph 8.51; an amendment to the recommendation for the first reason for refusal and the removal of reason five for refusal from the report.

Miss Thatched informed the Committee the comments received from Natural England applied equally to both this application and the previous application.

Miss Thatcher outlined the site location and explained that the site shared the same access as proposed in the previous application. She informed the Committee that because the sites shared the same access officers had had to consider a scenario

where this application received approval, but application EWB/22/02214/FULEIA did not.

Miss Thatcher detailed the proposed site layout, highlighting the proposed areas of open space and garden area. The development would be located just to the south of proposed retail and community element.

Miss Thatcher reminded the Committee that the application being considered was an outline application with all matters reserved apart from access. This meant that layout, scale, appearance, and landscaping would all be considered as part of a reserved matters application, however the applicant had provided a Land Use Plan, which set out how the development would be delivered. The key features in the plan which would be carried forward in any reserved matter application were set out in paragraph 3.7 of the report.

Representations were received from;
Cllr Brian Reeves – East Wittering & Bracklesham Parish Council
Mr Carey Mackinnon – Objector
Mr Peter Cleveland – Agent

Following the representations, Cllr D Johnson proposed that the Committee moved straight to the vote.

Cllr Cross seconded the proposal.

Following a vote; the Planning Committee agreed to support the report recommendation to **refuse**.

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

83 **SI/23/00530/FUL - Cherry Tree Farm, Jury Lane, Sidlesham Common, PO20 7PY**

Mr Thomas introduced the report and drew attention to the Agenda Update Sheet which included; an amendment to the location plan and an amendment to the recommendation for the first reason for refusal.

Mr Thomas outlined the site location and highlighted the buildings that were currently in place, including the layout of the aviary cages.

Mr Thomas detailed the proposed layout and elevations of the composting toilet.

Mr Thomas informed the Committee that the keeping of the birds was not classed as agricultural and as such there was no demonstrable agricultural reason for the development.

Representations were received from;
Mr Steven Craig – Applicant

Cllr Val Weller – CDC member
Cllr Tracie Bangert – CDC member

Officers responded to comments and questions as follows;

With regards to any commercial activity onsite (currently or in the future); Mr Thomas confirmed that visitors did not enter the site to visit the owls they were taken off-site. He reminded the Committee that the application being considered did not seek any permission for on-site commercial activity.

With regards to the neighbouring property; Mr Thomas informed the Committee that this property was not associated with the application. He advised the Committee that if permission were granted it would set a precedent for the siting of mobile homes on adjacent land.

Responding to the agricultural need in looking after the sheep on site; Mr Thomas informed the Committee that the application had not been supported by an agricultural appraisal, therefore, no agricultural need had been demonstrated.

Mrs Stevens acknowledged the Committee's consideration and debate in allowing the application on a temporary basis. However, she advised that the justification for this would normally only be on a much larger agricultural holding, any decision made would also be a material consideration for future applications.

Following Mrs Stevens advice; Cllr Briscoe proposed that the application be deferred for further information including;

- An agricultural appraisal and;
- A viability assessment of the business.

Cllr Bates seconded the proposal.

Following a vote; the Planning Committee agreed to support the report recommendation to **defer for further information**, for the reason proposed by Cllr Briscoe.

Resolved; **defer for further information**; for the reasons proposed by Cllr Briscoe.

84 **CC/23/00950/ADV - 3A Crane Street Chichester West Sussex PO19 1LH**

Mr Thomas introduced the report. He outlined the site location and explained that it was within the Primary Shopping frontage as identified within the Chichester Local Plan.

M Thomas explained that the building was locally listed but did have a modern shop front. He confirmed that there was no hanging sign proposed as part of the application; in addition, the sign would not be illuminated, and a condition was included within the report to restrict any future illumination. The sign was hand painted.

Mr Thomas informed the Committee that the application was retrospective.

There were no representations.

Officers responded to comments and questions as follows;

Responding to concerns that there was no street number visible on the shop front; Mr Thomas informed that Committee that this could be included as an additional condition.

Mr Thomas clarified the weight that could be applied to the Chichester District Council Shopfront and Advertisement Design Guidance.

Following a vote; the Planning Committee agreed to support the report recommendation to **permit**, including the additional condition to include the street number on the sign.

Resolved; **permit**, subject to the conditions and informatives set out in the report, and the additional condition to include the street number on the sign.

85 **SDNP/23/02112/FUL - Public Conveniences North Street, Midhurst, West Sussex. GU29 9DJ**

Miss Cripps introduced the report. She highlighted the site location and explained the application sought to convert a currently disused disabled WC into a changing places facility.

Miss Cripps detailed the proposed changes. The Committee were shown the proposed layout and floor plan.

There were no representations.

Officers responded to comments and questions as follows;

Regarding the date of the building; Miss Cripps informed the Committee that she believed the original building had been dates from the 1970's, however it was modified in 2006.

Responding to the question of including a condition to consider the overall design and aesthetic of the blocked-up door; Mr Saunders advised the Committee that this would be difficult to do, instead a sample panel of how the door would be blocked could be requested in advance so as to minimise any potential visual harm.

Following a vote; the Planning Committee agreed to support the report recommendation to **approve**.

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

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

There were no late items.

87 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.00 pm

CHAIRMAN

Date:



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 4 October 2023 at 9.30 am

Members Present: Mr C Todhunter (Chairman), Mr J Cross (Vice-Chairman), Mr R Bates, Mr D Betts, Mr R Briscoe, Ms B Burkhart, Mrs H Burton, Mr S Johnson, Mr H Potter and Ms S Quail

Members not present: Mr J Brookes-Harmer, Mrs D Johnson and Mrs S Sharp

In attendance by invitation:

Officers present: Mrs F Stevens (Divisional Manger for Planning), Miss N Golding (Principal Solicitor), Miss J Bell (Development Manager (Majors and Business)), Stephens (Development Manager (Applications)), Smith (Development Manager (Applications)), Mr M Mew (Principal Planning Officer), Ms J Thatcher (Senior Planning Officer, Majors and Business), Mr C Thomas (Senior Planning Officer) and Midlane-Ward (Assistant Planning Officer)

88 **Chairman's Announcements**

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

Apologies were received from Cllr's Brookes-Harmer, D Johnson and Sharp.

89 **Urgent Items**

There were no urgent items.

90 **Declarations of Interests**

Cllr S Johnson declared a predetermination in Agenda Item 4 – SB/21/01910/OUT as he had already voted on the application when Chidham & Hambrook Parish Council had considered it.

Cllr Quail declared a personal interest in;
Agenda Item 7 – CC/23/01322/ADV – as a member of Chichester City Council

**SB/21/01910/OUT - Willowbrook Riding Centre Hambrook Hill South
Hambrook Chidham PO18 8UJ**

Having declared a predetermination in this item Cllr S Johnson withdrew from the table and moved to the Public Gallery.

Miss Thatcher introduced the report and drew attention to the Agenda Update sheet which included two additional representations. Miss Thatcher informed the Committee that Cllr Brown had also circulated some information regarding the modified Southbourne Neighbourhood Plan (copies of which had been uploaded on the planning portal).

Miss Thatcher reminded the Committee that the application had been in the system for two years and deferred twice by the Committee. The second deferral was for a site visit which was undertaken by the committee on Monday 2 October.

Miss Thatcher went over the objection raised by the West Sussex County Council Lead Local Flood Authority (LLFA) and how the applicant had addressed their concerns. The LLFA had since reviewed the proposed mitigations and were satisfied that these would address their concerns, as such they had withdrawn objection.

Miss Thatcher informed the Committee that the bold paragraphs in the report represented updates that had been received since it first came to Committee.

Miss Thatcher outlined the site location and highlighted the proximity of other sites which had recently been allowed at appeal.

Miss Thatcher highlighted the chalk stream and the proposed area of land which would be used for nitrate mitigation. Miss Thatcher informed the Committee that Natural England did not agree with the negative HRA produced by the council and were satisfied that adequate mitigation could be secured through conditions.

Miss Thatcher detailed the proposed access arrangements and confirmed that WSCC highways had raised no objections.

Miss Thatcher reminded the Committee that Nutbourne and Hambrook were Service Villages hub as identified in both the Local Plan and emerging Local Plan. Recent appeal decisions showed the Planning Inspectorate did consider the area to be a sustainable location.

The site was identified in the HEELA and as the council did not have a 5YHLS the tilted balance was engaged in favour of allowing the development.

Representations were received from;

Cllr Amanda Tait – Southbourne Parish Council

Cllr Jane Towers – Chidham & Hambrook Parish Council

Mr Andy Sargent – Objector

Mr Stephen Johnson – Objector (upon completing his statement Mr S Johnson withdrew from the room)

Mrs Penelope Gibson – Objector
Faye Goodson – Applicant
Cllr Oona Hickson – CDC Member
Cllr Jonathan Brown – CDC Member
Cllr Adrian Moss – CDC Member

Officers responded to comments and questions as follows;

On the matter of the emerging Southbourne Neighbourhood Plan; Mrs Stevens informed the Committee that there was no definite date as to when the examiners report for the Southbourne Neighbourhood Plan would be received, in addition, there was information to suggest how the examiner would judge the plan. She reminded the Committee that the application being consider had been with the council for two years, the applicant had agreed an extension of time which expired on 13 October 2023, after which they would likely appeal on the grounds of non-determination.

With regards to the weight of the emerging NHP; Mrs Stevens confirmed that the emerging NHP at its current stage carried a moderate weight.

Regarding the loss of employment and riding tourism; Miss Thatcher drew the Committees attention to page 100, paragraph 8.52 which considered this issue. The riding school employed only 1FTE and 1PTE therefore, whilst regrettable the potential loss of employment was minimal. In addition, the owners of the site were past retirement age and would close the riding school at some point in the future.

Responding to concerns regarding ecological damage; Mr Day acknowledged the concerns raised; however, he reminded the Committee that Natural England had not supported the council's negative HRA and the proposed conditions secured the best mitigation measures possible. The Strategic Wildlife Corridors were not adopted policy and would be hard to defend at appeal.

With regards to the chalk stream; Mr Day explained that the chalk streams were not granted any protected status. Natural England were satisfied that any potential impacts could be mitigated and secured through condition.

Regarding the additional impact on the highway network; Mr Brown, WSCC Highways, informed the Committee that a TRICS survey had been completed as part of the application process which confirmed there was capacity at the junction with Broad Road. The submitted transport assessment had suggested there would be approximately one vehicle movement every 5 minutes.

Regarding highway safety; Mr Brown explained there had been three issues identified as part of the road safety audit, however, these had been addressed through discussions between highways and the developer. Therefore, subject to securing the proposed conditions WSCC highways have raised no objections to the application.

On the matter of flood risk; Miss Bell reminded the Committee that the LLFA had raised no objection, subject to securing mitigation measures via condition. She

confirmed that all aspects of flood risk had been assessed including climate change data.

Miss Bell explained that the statutory bodies did not believe there would be any flood risk created downstream. The site was in floodzone 1 and as such did not have to undertake any sequential/exception test. She advised the Committee that there would be no grounds for refusing the application due to potential flood risk from the development.

On the matter of sewage; Miss Thatcher explained the sewage network would be sealed and elevated above the ground to prevent surface water from entering the network. A pump wet well, was included as part of the application to provide 24-hour storage should there be any back up in the sewage network. A 24/7 monitor would also be installed to mitigate any risk of surcharge into the chalk stream. Southern Water had confirmed that there was capacity for the development at the Thornham wastewater treatment facility.

With regards to the A27; Mr Brown drew the Committee's attention to page 36 of the report, which confirmed that National Highways had no objection to the proposal.

On the matter of HGV's; Mr Brown confirmed that highway officer had undertaken a site visit and confirmed that there were no concerns raised regarding the access strategy.

Responding to concerns that the site was not sustainable; Miss Thatcher advised the Committee that the Planning Inspector had allowed recent appeal sites such as Chaswood and Scant Road, as they were considered to be in a sustainable location.

Mrs Stevens advised the Committee that there were no reasonable grounds for refusing the application due to prematurity of the Southbourne Neighbourhood Plan. She agreed that SP13 would carry greater weight as the NHP progressed.

Cllr Briscoe proposed that the application be deferred for further information and to allow the publication of the Examiners report for the Southbourne Neighbourhood Plan.

Cllr Bates seconded the proposal.

Following a vote, the Committee agreed to support the recommendation to **defer** for further information.

Resolved; **defer for further information** and to allow the Examiners report for the Southbourne neighbourhood plan to be published.

**Members took a ten-minute break*

**SB/22/00593/FUL - Land South of West View Cottages South Lane
Southbourne West Sussex PO10 8QE**

Mr Thomas introduced the item and drew attention to the Agenda Update Sheet which included an amendment to Condition 1.

Mr Thomas outlined the site application which was located within Southbourne Parish. Whilst the site was not within the settlement boundary it was contiguous with the boundary and would sit between existing residential properties to both the north and south.

Mr Thomas showed the Committee the proposed layout, elevations and streetscene. He highlighted the proposed ecological zone, including a 5m buffer around the north, east and south boundary along with an orchard located in the north of the site.

Representations were received from;

Cllr Amanda Tait – Southbourne Parish Council
Cllr Jonathan Brown – CDC Member
Cllr Oona Hickson – CDC Member

Officers responded to comments and questions as follows;

Regarding the Planning Inspectors decision on the Southbourne Neighbourhood Plan; Mrs Stevens advised the Committee that there was no extension of time granted and it would be more satisfactory to make a decision.

In response to the Southbourne Green Ring; Mr Thomas informed the Committee, that the northern end of the development would lie within the proposed green ring. However, officers were satisfied that the proposed orchard and ecological buffer were an acceptable contribution.

With regards to the width of the Southbourne Green Ring; Mr Thomas explained the only plan of the Green Ring was in the made Southbourne Neighbourhood Plan. The plan did indicate the broad location, but it did not provide specific dimensions. In addition, Mrs Stephens clarified the difference between SP3 and SP13 as proposed within the new Southbourne Neighbourhood Plan.

Cllr Todhunter as Chairman used his discretion to allow Cllr Brown to comment on the Southbourne Green Ring. Cllr Brown informed the Committee that the Green Ring would vary in size but should remain wide enough to allow a two-lane road, foot and cycle space, and green space.

Mrs Stevens reminded the Committee that all relevant policies had been considered in the report. If the Committee chose to refuse the application on the grounds of demolition of the Green Ring, Mrs Stevens queried how would this be evidenced, pointing out that there was no neighbourhood plan policy in place which stated planning could not take place on the site. The proposed development did provide green space and had been amended during course of the application to remove development from the northern tip of the site.

Cllr S Johnson proposed the application be deferred on grounds of prematurity in relation to the Southbourne Neighbourhood Plan. The proposal received no seconder.

Following a vote, the Committee agreed to support the report recommendation to **defer for Section 106 then permit.**

Resolved; **defer for Section 106 then permit;** subject to the conditions and informatives set out in the report, including the amendment to Condition 1 as set out in the Agenda Update Sheet.

**Cllr S Johnson re-joined the meeting at the start of this item,*

93 **SY/23/00881/DOM - Beach House 1 - 2 Westcroft West Street Selsey
Chichester West Sussex PO20 9HD**

Mr Mew introduced the item and drew attention to the Agenda Update Sheet which included; an amendment to paragraph 8.16 of the report and amendment to the decided plans. He also gave a verbal update to condition 5 and explained that the condition should be amended to refer to a single privacy screen, and that reference to the word 'southeast' should be deleted from the condition as this is not proposed and is not relevant.

Mr Mew outlined the site location and access to the property, which he explained was shared.

Mr Mew detailed the proposed changes as part of the application, some of which were retrospective. He acknowledged concerns which had been raised regarding over development of the site but explained and showed the Committee that much of the proposed development was contained within current buildings already on the site.

The following representations were received;

Mr Gavin Jones – objector

Mr Andrew Heathorn (statement read by Alex McDevitt)

Cllr Tim Johnson – CDC member (statement read by Cllr Steve Boulcott)

Cllr Steve Boulcott – CDC member

Officers responded to comments and questions as follows;

Mr Mew reminded the Committee that the retrospective nature of the application was not a reason for refusal.

Regarding the proposed colour of the building; Mr Mew informed the Committee that there were no specific materials or colour palette for the area. In officer opinion the proposed cladding was acceptable and in keeping with the surrounding area.

Mr Mew clarified what permitted development rights were.

Responding to concerns regarding the over development of the area; Mr Mew reminded the Committee that much of the proposed development was taking place within buildings on site. the amount of new development was minimal and in keeping with the surrounding area.

Following a vote, the Committee agreed to support the report recommendation to **permit**.

Resolved; **permit**, subject to the conditions and informatives included in the report.

94 **CC/23/01322/ADV - Second Floor 1 Little London Chichester West Sussex PO19 1PP**

Mr Mew presented the report.

He outlined the site location, which was within the Chichester Settlement Boundary and the Chichester Conservation Area. The building was a modern building and not listed.

Mr Mew showed the Committee the proposed sign and how it would appear on the building.

Representations were received from;
Mrs Anna Whitty – Chichester City Council
Mr Bob Beckett – Applicant

Officers responded to comments and questions as follows;

With regards to the proposed material; Mr Mew confirmed that the signage would be a 'tongue and groove' effect aluminium fascia with would be powder coated. He had an example of the proposed material which he showed to the Committee.

Regarding the street number; Mr Mew informed the Committee that an informative to include the street number was included, however, if the Committee were minded this could be included as a Condition.

Responding to concerns about the slogan and design of the sign; Mrs Stephens advised the Committee that they did not have the authority to alter the design, they must determine the application that was in front of them.

Regarding the Shop Front Guidance; Mrs Stevens confirmed that the guidance was a material consideration, which officers had considered, alongside where the building was and what other signs where in the vicinity. The building is a modern building within a conservation area and the proposed sign would be smaller than what is currently in situ.

Following a vote, the Committee agreed to support the report recommendation to **permit**, including the additional condition to include the street number on the sign.

Resolved; **permit**, subject to the conditions and informatives included in the report and the additional condition to include the street number on the sign.

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

Mrs Stevens highlighted to the Committee the challenges CDC were facing in defending new housing at appeal.

The Committee agreed to note the update.

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

The Committee agreed to note the update.

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

There were no late items.

98 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.32 pm

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 8 November 2023

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 R Bates – Fishbourne Parish Council
- Mr R Briscoe – Westbourne Parish Council
- Mrs B Burkhart – Lurgashall Parish Council
- Mrs H Burton – Stedham with Iping Parish Council
- Mr J Cross – Sutton Parish Council
- Mrs D Johnson – Selsey Town Council
- Mr S Johnson – Chidham & Hambrook Parish Council
- Mr H C Potter – Boxgrove Parish Council
- Mrs S Quail – Chichester City Council
- Mr C Todhunter – Loxwood Parish Council

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
- 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 R Bates – Chichester Harbour Conservancy (reserve); the Standing Conference on Problems Associated with the Coastline (SCOPAC) and the West Sussex Health and Adult Social Care Committee
- Mr R Briscoe – Portsmouth Water Forum and the Sussex Police & Crime Panel
- Mr J Brookes-Harmer – Goodwood Airfield Consultative Committee
- Mrs H Burton – Action in Rural Sussex and LGA Sparsity Partnership for Delivering Rural Services
- Mr J Cross – South Downs National Park Authority
- Mrs D Johnson – Manhood Peninsula Partnership and the Western Sussex Hospital NHS Trust Council of Governors
- Mr S Johnson – Chichester Harbour Conservancy
- Mr H Potter – Goodwood Motor Circuit Consultative Committee
- Mrs S Quail – Chichester Conservation Advisory Committee
- Mr C Todhunter – West Sussex Rural Partnership

Personal Interests – Chichester City Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a Chichester City Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

NONE

Personal Interests – West Sussex County Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a West Sussex County Council appointee to the outside organisation stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

- Mrs D Johnson – Chichester Harbour Conservancy

Personal Interests – Other Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a member of the outside organisation stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

- Mr R Briscoe – Woodmancote Resident Association
- Mr S Johnson – Maybush Copse Friends
- Mrs S Quail – Westgate Residents Association

Parish: North Mundham	Ward: North Mundham and Tangmere
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NM/22/02191/OUT

Proposal	Outline planning application (with all matters reserved except access) for the development of up to 94 residential dwellings, new access from Lagness Road, public open space, landscaping, sustainable urban drainage and associated works including new footway and cycleway links.
Site	Charmans Field Marsh Lane Runcton West Sussex
Map Ref	(E) 488621 (N) 102428
Applicant	Mr Andrew Tice (Landlink Estates Ltd) Agent Mrs Lisa Jackson

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



	NOT TO SCALE	<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 at the 12 July 2023 Planning Committee for further information on the following matters:

- **Foul drainage – Clarification from Southern Water on infrastructure upgrades necessary to accommodate the development**
- **Surface water drainage – Clarification of the potential for surface water discharges arising from the development to negatively impact on the Pagham rife via existing watercourses**
- **Highways – Clarification from WSCC as the LHA regarding the safety of children getting to and from the local school in North Mundham**
- **Education – Clarification on the availability of school places at North Mundham Primary School**
- **Lighting – Clarification of the potential impact on future residential amenity of the use of growing lights at the Vitacress glasshouses**

2.0 The Site and Surroundings

- 2.1 The red lined application site comprises a total of 6.89ha and includes a portion of the Lagness Road B2166 as part of the access area. It is located on the eastern edge of the existing settlement of Runcton, separated from the settlement edge by Marsh Lane which forms the west and north boundaries of the site. North of Marsh Lane is a small cluster of former agricultural farm buildings (Marsh Barns) now converted to residential use as well as the large horticultural glasshouses at the Chichester Food Park Horticultural Development Area. The site is bounded to the south by the Lagness Road and by a shelter belt of trees on the east boundary beyond which are the glasshouses of 'Vitacress' at Runcton horticultural nursery.
- 2.2 The site comprises a single open field of 6.51ha, in long time arable use, with a Grade 3 (good to moderate quality) Agricultural Land Classification. It is not known whether the Grade 3 land is 3a (classed alongside Grades 1 and 2 as 'Best and Most Versatile' land) or Grade 3b (not classed as 'Best and Most Versatile' land). There are no internal hedgerows, fence lines or physical sub-division. The site is relatively flat and around 6m AOD. Existing vehicular access to the site is from two agricultural field accesses both located on the northern boundary onto Marsh Lane. Whilst there is some hedgerow planting to the site boundaries, the boundary screening is not continuous. There are long stretches along Marsh Lane without substantive planting where there are clear unhindered views into and across the site and likewise in the south-west corner at the junction of Marsh Lane travelling eastwards along Lagness Road. The line of the former Chichester to Arundel Canal which was filled in during the latter part of the 19th century tracks east-west across the northern part of the site. The former canal is now at grade with its surroundings. Approximately 145m to the south-west of the site is Runcton Conservation Area, so designated in 1976. The nearest listed buildings (4 x Grade II) are within the Conservation Area being between 209m to 234m away.
- 2.3 The site lies within the zone of influence for the Chichester and Langstone Harbours SPA, RAMSAR, Solent Maritime SAC areas (approximately 5km away), Pagham Harbour SPA (3km away) and the Singleton and Cocking Tunnels SAC (11.55km away). There are no statutory sites designated for nature conservation within 2km of the application site.
- 2.4 The site is entirely within EA Flood Zone 1. There is an ordinary watercourse running along the north/western boundary of the site. There is an existing 150mm Southern

Water gravity foul sewer on a north-south alignment towards the west site boundary that would be used to service the development. A 600mm Portsmouth Water water main with a 10m wayleave runs north-south approximately through the centre of the site. There are no Source Protection Zones within 500 metres of the site.

3.0 The Proposal

- 3.1 This is an outline application for a total development of up to 94 new dwellings. All matters save for 'access' to the site are reserved for consideration as part of a future planning application in the event that permission in principle for the development is given for this outline proposal. Matters relating to 'appearance', 'scale' and 'landscaping' are not therefore part of this application. However, to aid consideration of the quantum of development and to show broadly how the different components of the proposed development might be delivered on the site, a formal Parameter Plan is submitted which addresses the use and amount of proposed development, the amount of proposed development, the green infrastructure and building heights. A further layer of detail, albeit indicative only, is shown on an illustrative landscape masterplan which shows how the Parameter Plan might be advanced at reserved matters stage. Whilst 'layout' is a reserved matter and would not be approved under this application, the illustrative plan shows a housing development based on a perimeter block development with most dwellings fronting onto the public facing roads and spaces. A large central area of open space with an equipped play area for children up to age 11 is shown extending north into the site from mid-way along the south site boundary. There is a 'village green' with notional SuDS pond shown in the south-west corner of the site at the junction of Marsh Lane with Lagness Road and a further area of public greenspace towards the east site boundary. Across the northern part of the site, the E-W alignment of the former canal is shown as being 'remembered' with a footpath and cycleway link and canal interpretation boards. At its eastern end this E-W path is shown linking through to a proposed permissive path passing to the north of the Vitacress glasshouses along the line of the old canal. At its western end the path meets Marsh Lane and potential onward access to the bridleway going north up Green Lane.
- 3.2 The proposals rely on sustainable drainage principles (SuDS) and two shallow attenuation basins are shown at the north and north-west parts of the site to manage the surface water run-off from the site. An indicative pond is also shown in the south-west corner of the site. In terms of foul drainage the site will connect up off-site to the mains system with foul flows going to the wastewater treatment works (WwTW) at Paghams.
- 3.3 In terms of the submitted details for the 'access' to the site, a single point of vehicular access is proposed at the southern boundary onto Lagness Road. There are no other vehicle access points to the site. The site access is 100m east of Marsh Lane. It would be 6m wide for the first 15m then reducing to 5.5m wide with footways either side. Visibility splays accord with the 40mph speed limit on this stretch of road (2.4m x 120m). A 3.5m wide turning lane and ghost island in the centre of the Lagness Road carriageway, which will need to be widened at this point, would provide a right turn facility into the site for vehicles approaching from the east. The plans show a 2m wide central refuge island with bollards providing a pedestrian crossing point for Lagness Road. A new 2m wide footway on the south side of Lagness Road extending westwards from the pedestrian crossing point would give access to the

existing bus stop and shelter which would be improved with a Real Time Information Board (RTIB). On the north side of Lagness Road, the existing bus stop would be relocated and improved with a new shelter and RTIB. A new 2m wide footpath would link this back to the main site access. From the site access a 3m wide access route for pedestrians and cyclists is shown extending eastwards along the northern edge of Lagness Road continuing on to Runcton Farm shop. Two further pedestrian/cycle access points from the site would link into this new route.

- 3.4 The housing proposals would provide a mix of market and affordable housing including First Homes. The proposed mix and tenure for the 94 units is as follows:

Market Homes - 66

- 1 bed x 4
- 2 bed x 26
- 3 bed x 25
- 4 bed x 11

Affordable Homes - 28 (30% of total)

- 1 bed x 10 (3 x affordable rent; 4 x social rent; 1 x shared ownership; 2 x First Homes)
- 2 bed x 11 (2 x affordable rent; 4 x social rent; 2 x shared ownership; 3 x First Homes)
- 3 bed x 6 (1 x affordable rent; 1 x social rent; 2 x shared ownership; 2 x First Homes)
- 4 bed x 1 (social rent)

- 3.5 The submitted Design and Access Statement confirms that all dwellings are proposed up to a maximum 2 storeys. Little information is provided on the design and appearance as these are essentially reserved matters but the application advises that the development will have a character complementary to the existing venacular. The average density of development on a net residential developable area of 3.62ha is 26 dwellings per hectare.

4.0 History

21/02573/FUL	REF	Hybrid Planning Application - Phase 1 (Full application) comprising 26 residential dwellings, new access from Lagness Road, public open space, landscaping, sustainable urban drainage and associated works. Outline planning application for further phases of up to 87 dwellings and associated infrastructure (with all matters reserved)
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5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES

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 North Mundham Parish Council

18.10.2023

This application was deferred at the CDC Planning Committee Meeting on 12 July 2023 to allow additional information to be provided by 7 consultees, the results are addressed below.

Environmental protection. Vitacress admit to using lighting in their greenhouses of up to 10,000 lux for up to 12 hours per day between Nov and March. The reflection from this lighting back down to the local environment in low cloud conditions is very bright and has not been addressed in any way by the applicant's responses. This reflected light is visible from more than 2 miles away and has regularly been the cause of concern locally. It will without doubt cause a significant loss of amenity to the houses on the site due to the diffuse nature of the reflection back from a low cloud base. These recent images [photos on PC's letter] demonstrate the style of loom from greenhouse lights even out of their growing season. From November onwards the amount of reflected light is considerably greater. The letter from the applicant dated 16 Nov 2022 which describes their 'illustrative masterplan' modelling method simply does not reflect the reality of the actual loss of amenity that Runcton and surrounding residents currently suffer from these lights. All the 94 houses would be severely impacted by this reflected light loom over the winter period. About 200m to the north of the site there is also a very large greenhouse installation owned by Donaldson's Nursery Summer Berry Co. This greenhouse also uses lights of up to 10,000 lux but does not seem to have been addressed as part of any investigation into this light pollution problem and has a similar potential impact on the amenity of any houses on this site. This environmental issue has not been addressed to date and no answer has yet been seen from the CDC Environmental Protection Officer.

Foul water infrastructure. The response to the request for details of any necessary upgrades to local sewage infrastructure has been completely ignored by Southern Water (SW). Indeed, their response dated 8 August is completely worthless. An email response from Dr Nick Mills of SW dated 28 September to a request from the Parish Council for detailed information (copied to Jeremy Bushell and appended herewith) confirms (ongoing?) work to upgrade Pagham WTW, but without any technical details or expected increase in Permit flows, as well as the need for some (unspecified) infrastructure upgrades required for Land south of Lowlands development

(20/02989/FUL) when that application is permitted. All 4 potential developments noted in his email feed into the North Mundham Pumping Station (PS) catchment which SW know becomes hydraulically locked during heavy rain and indeed has overflowed raw sewage (partially diluted by rainwater) through its CSO/ECO into Pagham Rife for 100 hrs in 2021 and 270 hrs in 2022. Pagham WTW overflowed for 568 hrs and 1427 hrs in the same periods (data from southern-water-spill-data.xlsx). The under capacity of this catchment has been an issue known about by both SW and CDC for over 20 years without there being any satisfactory resolution despite the involvement of Gillian Keegan MP, an issue which our parishioners have had to live with in spite of repeated reports to SW (see below), contrary to Dr Mills's claim about there being a low flood risk in the Pagham catchment. In his response Dr Mills acknowledges that, once the Land S of Lowlands application (66 houses) is granted, there will be a need for some 'reinforcement' of the infrastructure, however it appears that, based on SW's modelling data, no such reinforcement is required for any of the other developments being proposed even though the Charmans Field development will feed into an entirely separate leg of the foul water sewer which has been causing flooding in Saltham Lane for many years. The applicant proposes to connect into the existing foul water sewer which crosses north to south across the western side of the site. This main runs south down Brookside and then west along Saltham Lane towards the North Mundham Pumping Station. The manhole covers in Saltham Lane regularly surcharge foul water and paper after heavy rain which has repeatedly been reported to SW as a health hazard. Saltham Lane regularly floods due to upwelling from the foul sewer rising main manhole during heavy rain and this foul water includes solids and paper. If local residents walk through this water they wash off their boots thoroughly on return home. Some residents may wash off the underside of their cars after driving through this foul water. This rising main that the applicants are proposing to connect into does not have the capacity today to cope with heavy rain events without contaminating the local roads and drives. Dr Mills claims that SW are unaware of flooding incidents in the Pagham catchment and asks if they are being reported to them. The floods in Saltham Lane, Runcton (above) were reported to SW Customer Services (SW ref 4189239). In N Mundham there have been flooding problems in and adjacent to School Lane and Church Rd for many years. Some of these go back to at least 2001 with problems from Lakeside Holiday Park discharging down School Lane with both CDC and SW being involved in meetings with N Mundham PC about the issues. SW chose not to upgrade the infrastructure but to throttle the flow from Lakeside to 4 l/s with a manual (unlocked) valve which required a larger holding tank on site to buffer the flow. This flow rate was increased to 8 l/s in 2016 (ref SW letter PLAN-014540 dated 04/07/2016). This has subsequently caused problems, not least in Stoney Meadow, the Village Hall and N Mundham Primary School with WCs backing up and overflowing (2017, SW ref 8001218857). More recently in Jan/Feb 2021 Stoney Meadow residents again suffered blow back into WCs and basins (reported via Stonewater developers, and also direct to SW refs 21921037/8001970189, Tracy Taylor Customer Relations Case Manager refers). This event was also reported to Gillian Keegan MP (ref GK21333) who said that Richard Bagwell from SW was 'on the case'. Again, in Aug 2021 the Stoney Meadow residents faced an identical blow back problem (SW ref 4286362). SW deploy contractors to flood events to undertake the initial investigation and one such attended a flood in Church Rd, N

Mundham in 2021 (TBC) and said to the then chairman of the Parish Council on site “the North Mundham pumping station was running correctly and at full capacity and was simply overwhelmed. When I asked what could be done about it he replied "Stop building houses””. The above information is re-presented to CDC (since CDC officers were involved in all the discussions about the Lakeside issues for instance) as the parishioners of N Mundham/Runcton are very concerned about the Environmental Health aspects of SW’s continued apparent blindness to this longstanding foul water flooding issue. Dr Mills does not acknowledge the reporting of any of these issues (see SW reference numbers above) and therefore implies that there is no existing problem that requires resolution and relies on their modelling techniques to demonstrate the need for infrastructure reinforcement. Our long experience ‘on the ground’ fully belies this innocent position and the connection of yet more houses to our local infrastructure (ie pipework and pumping station capacity) will certainly further exacerbate the situation. Our concern is one of Environmental Health, both existing and future. CDC’s concern must surely be your inability to get SW to own up to current infrastructure problems, to define what is required to resolve them NOW, and to ensure that such future investment as will be necessary is covered no later than AMP8, and preferably before. The Parish Council’s position is that this evidence shows unequivocally that there remains a capacity issue with the foul sewer infrastructure in the parish that SW are continuing to deny and refuse to address. It is our contention that no further development can be countenanced in the parish until at least SW have acknowledged the existence of the current problem, have come up with a detailed, fully funded and timed project plan to correct it and then provided an equivalently detailed plan to confirm how each and every housing development in the District will be properly accommodated into their foul water system before any planning decisions are taken. Given SW’s history of obfuscation and avoidance of these real issues, CDC has the power to demand this – please do so immediately.

Surface water drainage. CDC approached the EA, the LLFA and your CDE with leading questions about the rate of surface water run-off from the site quoting the normal assumption of SUDs attenuating the ‘as developed’ rate to the same as the calculated ‘Qbar’ rate. We know that Brookside floods during all heavy rainfall events and that that stream is only fed by the ditch around Charmans Field. The problem here is no different to any other current surface water flood assessment; nobody knows what the actual greenfield run off rates are (it will vary depending on the cultivation state of the field) because it is very difficult to actually measure it over a period of time. Qbar is calculated from modelling tools which make assumptions based on a number of geological features etc, but verifying/validating the output from these models is difficult so they are taken at face value. What we do know is that Brookside already floods regularly due to short term flow rates of something like Qbar. If the building on Charmans Field has been completed the flow rate into the ditch will be controlled at Qbar over a much longer time period and therefore Brookside will be flooded for much longer durations. This is very unsatisfactory and the resolution of the Brookside flooding issue must be made part of the conditions for this development.

National and WSCC Highways. National Highways have now confirmed that they have no objection to this application. WSCC have provided an analysis of the proposed walking route from Charmans Field to N Mundham Primary School. The route between Charmans Field and North Mundham Primary School was walked between 8am and 9am on Tuesday 10 October 2023 to review the route detailed in the WSCC consultation report dated 25 July 2023. Most of the route will be suitable for primary aged children once the improvements listed in the report are implemented, notably on the Lagness Road next to the site and the restoration of the footway on the southern side of Lagness Road between Willowmead Close and Vinnetrow Road. This pathway is extremely narrow and the buffeting by lorries is very disconcerting to an adult and would be unacceptable to a child or a pushchair. The Walnut Tree roundabout has been a junction of concern for many years. Children who go to North Mundham Primary School who live in Runcton either travel to school by car or walk across the fields to North Mundham to avoid crossing the Vinnetrow Road at the roundabout. There is NO visibility north at the current crossing point where there is a central island. A few yards further north there is better visibility if a pedestrian peers round the corner of the building, but there is no central island. There will need to be a pedestrian controlled crossing of the Vinnetrow Road at the Walnut Tree roundabout to make a safe route to the North Mundham Primary School from Charmans Field. With the weight of traffic at this roundabout this is not considered to be a realistic solution as it is likely to cause traffic chaos when used at school times. Therefore, the Parish Council do consider that this proposal is a suitable solution.

Education. In addition to CDC seeking further input from these 7 consultees, the WSCC LEA Objected to the development on 8 August and then, after a meeting with the applicant, they decided to withdraw this Objection on 12 September. The Parish Council is unnerved by this short term vacillation on this very important issue and wish to fully understand the reasons, assumptions and arguments both for Objecting and then subsequently withdrawing the Objection. The LEA have been vacillating over the number of places available at N Mundham Primary School for a number of years as proposed development applications have been brought forward and it is time for this issue to be properly and finally resolved. After you have completed your own full investigation into this matter we would welcome a full response to this query together with sufficient time to consider and discuss it with the relevant authorities.

07.09.2023

At its meeting on 5th September North Mundham Parish Council reviewed this application following the decision of the District Council Planning Committee to defer the application to ascertain further information to inform its decision. The Parish Council resolved to maintain its objection to the application and are currently reviewing those responses which have been submitted by the consultees. North Mundham Parish Council Planning Committee are in the process of compiling further information and evidence to support our objection and this will be submitted at the earliest opportunity. To assist us with this task it would be most helpful if we could have sight of each of the letters sent to the

relevant consultees in relation to the five items that the Planning Committee asked you to seek further information from.

04.01.2023

At its meeting on 3rd January 2023 North Mundham Parish Council reviewed the additional plans, the Parish Council were pleased to see that the improvements and the provision of footpath cycle link from the Walnut Tree roundabout to Runcton Farm Shop has now been included in the plans.

07.11.2022

North Mundham Parish Council has considered the additional information provided in the Agents Amending Letter dated 18/10 2022.

We have no comment to offer on the proposal to revise the housing mix.

However, we are disturbed to note the agents statement to the effect that: We have revised the illustrative design of the proposed shared footway / cycleway to 3.5m to meet the recent LTN1/20 standards allowing 0.5m separation with the 40mph carriageway this fits all the way down to the Runcton Farm shop. This is an existing Parish project for which we understand funds are already secured in part and we envisage the Parish will be responsible for delivering the part of the scheme beyond the site frontage.

The applicants agent addressed the parish council's planning committee at its meeting held on 30 August 2022. The minutes of that meeting record that the agent stated that they were making provision for the shared use path to the Runcton Farm Shop. The committee were given the clear impression that the applicant intended to provide the path as part of their contribution to local infrastructure. Indeed, that was the basis for the final paragraph of our response (10 October 2022) to the application which read: Should the application be permitted, despite our representations, we note that the applicant has suggested that they would provide some additional improvements to the local pedestrian and cycling network, most significantly a shared use path from the site to the Runcton farm shop and other businesses to the west. This facility lies outside the boundary of the application site, and we would wish to see the precise extent and nature of this facility clearly defined.

Although the shared use path is indeed an existing parish project, the phrase funds are already secured in part is misleading in suggesting that funds are available for the parish to make a significant contribution. Indeed, we were disappointed to find that the S106 monies, that we had hoped to use for the project, had been allocated elsewhere. The only funding currently available from the parish council's resources is a small budget reserve of just £20,000 intended to fund necessary pre-project work, some of which we plan to use to fund the production of an Active Travel Plan.

10.10.2022

North Mundham Parish Council has considered this application and resolved to object. We believe there are a significant number of reasons why this application should not receive consent. We note that the applicant has suggested that this application addresses the issues which led to the rejection of the earlier hybrid application 21/02573/FUL but we find the arguments unconvincing, as explained in detail below.

1. Transport Infrastructure.

1.1 There are a number of areas of concern. Marsh Lane is already in use as a 'rat run'. It is a narrow lane totally unsuited to through traffic, and development on this site will only encourage further use. The B2166 is suffering ever-increasing volumes of traffic, which will only be exacerbated by planned housing developments at Pagham, and the developments in North Mundham which have already received consent or for which consent is anticipated. This application proposes a further junction on a road that is already heavily used. The traffic levels have now reached the state where they are seriously detrimental to the quality of life in the Parish, and threaten to divide the community. For far too long the Highways Authority has accepted development proposals on the basis that the growth in traffic is incremental - this approach will inevitably lead to 'the straw that breaks the camel's back' and we believe the time to call a halt is now. Finally, we are aware of the serious reservations about the ability of the A27 to accommodate traffic growth, and the concerns that the necessary improvements to the junctions are unfundable and unachievable.

1.2 One particular problem affecting the quality of life for local residents, which has received no attention in this application, is the issue of air quality. The applicant suggests that, in the future, local residents should help to mitigate the traffic loads by increased use of walking and cycling routes which, in many cases, parallel the B2166. Any increased burden of traffic on that route also exacerbates the problems of air quality, which will affect not only cyclists and pedestrian road users but will also impact the village school with a playground immediately adjacent to the road.

1.3 While the Highways Authority has indicated that the additional access junction does not present any road safety concerns, this only addresses a small part of the problem that this development would introduce. Local residents are only too aware of the problems presented by the increasing congestion on the B2166 particularly, but not exclusively, at peak hours, as evidenced by the numerous individual objections to this application from residents of this and neighbouring parishes. As a result, we find the suggested journey times quoted in the application unconvincing and extremely optimistic, and this position is supported by numerous comments both from local residents and those living outside the parish.

1.4 The applicant has suggested that adequate pedestrian links exist, using existing footways. The applicants' Transport Assessment claims (paragraph 3.30) that "As can be seen although the site is in a relatively rural location, it is still within acceptable walking and cycling distance of several local facilities and amenities via the existing pedestrian and cycle network." However, a journey from the application site to the village school, the Walnut Tree pub or the church would involve two crossings of the busy B2166, one at the site to reach the footway on the south side of the road, and another at the Walnut Tree roundabout to reach the footway further west on the north side of the road. Despite the review of potential pedestrian improvements at the Walnut Tree roundabout carried out by Amey on behalf of the Highways Authority as long ago as 2013, pedestrian crossing at the roundabout remains hazardous, and no viable solution has been identified.

1.5 We note that the applicant has identified a possible permissive path from the north-east corner of the site to link into the existing public footpath network. However, this will make little contribution to the pedestrian connectivity of the site since the

adjacent footpaths are unsurfaced rough grass routes suitable for leisure use but making no contribution to improve access to the site.

2. Surface water drainage.

2.1 The applicants argue that they are able to mitigate the effect of hard surfacing within the development by the use of porous surfaces and a SUDS system. However, it is acknowledged that the run-off from the site will find its way into the existing ditch system. The existing ditch system is already unable to cope, as the experience of frequent flooding of the brook in Brookside will attest. This flooding brings with it increased hazards of pollution of the watercourses, from the flooded road surface itself, and from the flooding of numerous sewage manhole covers which allow raw sewage to mix with the flood water.

2.2 All this pollution enters Pagham Rife and threatens the environment, not least that of Pagham Harbour, as a Site of Special Scientific Interest. We are concerned that all the focus on harbour pollution is directed towards water quality in Chichester Harbour, no doubt because of its use as a popular watersports venue as well as for ecological reasons. There seems to be far less focus on Pagham Harbour which, as a protected bird reserve, has little human interaction. But this should not allow a risk of pollution to be accepted.

3. Sewage Disposal.

3.1 We are aware that the capacity of the Pagham Water Treatment Works is limited, and this development would place a further load there. But we are also concerned that the capacity of the local sewage system which serves it is already overloaded. We are already aware of regular instances of sewage surcharging within the North Mundham system both in Runcton and in North Mundham, and this development would introduce a further burden.

3.2 Records for 2021 reveal that the Combined Storm Overflow at the North Mundham pumping station was activated 10 times for a total of 100 hours causing discharges of untreated sewage into Pagham Rife, which flows past a number of gardens attached to residential property, and through the gardens of at least three of them. All this ends up in Pagham Harbour, with the unacceptable consequences outlined above (para 2,2).

4. Settlement Boundary. The applicants have argued that the proposed site is adjacent to the existing settlement boundary. We would argue that the connection is tenuous. In the report that accompanied the request for an EIA screening opinion, the adjacent settlement of Runcton was characterised as 'urban'. It is debatable whether any part of the Runcton settlement area can be described as 'urban'. The only part of the Runcton settlement area which comes close to the site is a short length of the boundary on the western side of Marsh Lane which is made up of just three houses each on its own generous size plot with a wooded boundary. It is a misrepresentation to describe this as 'urban'. We believe that the development fails to meet the first of the Interim Position Statement Housing Delivery criteria, that "The site boundary in whole or in part is contiguous with an identified settlement boundary as approved in the adopted development plan."

5. Impact on Community. The proposal would bring a total of 94 additional dwellings to the Parish. In recent months we have seen consent given for 39 dwellings on the

Lowlands site (20/01686/FUL), and a further 66 dwellings on the site south of that (20/02989/FUL). The Parish Council's current delivery list for newsletters in the parish delivered to every residence shows 319 dwellings in North Mundham, and 222 in Runcton, and the Runcton total includes many that lie outside the settlement area. Therefore, this application would add substantially more than half the existing community in Runcton, and the total impact of all the applications would represent an increase in the parish as a whole of 40%. We believe this is an unacceptable burden to place on the community and fails to meet the second of the Interim Position Statement Housing Delivery criteria, that "The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy and the range of facilities which would make it a sustainable location for new development."

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

7. Land Loss. Finally, we would note that this proposal would result in the loss of a significant area of land currently in agricultural use. We believe the wider community can ill-afford the loss of further land used for food production.

We note that the applicant has suggested, in Jackson Planning's 'Supporting Planning Statement' that, simply because developments have been approved west of the North Mundham settlement area, they should somehow be 'balanced' by this further proposed development east of the Runcton settlement area development. We find the disparaging tone of section 11 of this document, and the implication that the Parish has somehow been derelict in a duty to contribute to housing provision in the District, both inaccurate and unhelpful. We are concerned with the totality of the additional burden on the local community. Despite the parish having two separate settlement areas we are very much one community, with one church, one pub and one primary school. We have already alluded to the difficulty of pedestrian access from the application site to the rest of the key elements of the parish community. Reflecting the vision statement in our emerging Neighbourhood Development Plan, we seek a future whereby "By 2030 the Parish will be a peaceful, thriving and inclusive rural community of distinct settlements with excellent and sustainable transport connections to nearby places of employment, entertainment and education." We do not see how development on this site would further those aims. We believe that development on this site is inappropriate and request that this application should be refused.

Should the application be permitted, despite our representations, we note that the applicant has suggested that they would provide some additional improvements to the local pedestrian and cycling network, most significantly a shared use path from the site to the Runcton farm shop and other businesses to the west. This facility lies outside the boundary of the application site, and we would wish to see the precise extent and nature of this facility clearly defined. We also note that the applicant proposes a permissive path to link the site to parts of the existing public footpath network. Since the route of this path lies outside the application site, we need to understand what measures will be put in place to secure this facility in perpetuity.

6.2 Oving Parish Council

17.10.2022

Oving Parish Council has met to consider the above mentioned application and would like to object with the following comments/concerns:

- The unassessed transport impact on Marsh Lane as a dangerous, single-track road rat run
- The high impact on the setting and landscaping of grade 1 listed St Giles Church
- The impact of light pollution from the adjacent glasshouses on the residents of the proposed development.

6.3 Pagham Parish Council

28.09.2022

The proposed access for this development is another access onto the Pagham Road. There are accesses for 2 retail sites 3 industrial food/flower production sites, private house drives, an access road to Woldhurst and South Mundham, the accurately named Brookside and the site is opposite the Marsh Lane entrance. The road is a narrow B road, is in a terrible condition and requires upgrading to deal with the volume of traffic it takes at the moment, without even considering the impact of the 1200 homes proposed for Pagham and the 2500 proposed for Bersted under Arun District Council's local plan. Roads are congested and access to A27, both at Whyke Hill roundabout and via Vinnetrow Road to the Bognor Road roundabout are difficult at all times of the day.

A development of this size will place undue pressure on existing overwhelmed infrastructure. There are insufficient school places to support development of this size, and local GP surgeries are already full.

The Council has considerable concerns over the drainage from this site. The aptly named Marsh Lane and Brookside indicate that water is a constant presence in this area, which drains through a series of open ditches around the perimeter of the proposed development and then is culverted underneath Lagness Road and into the stream that flows alongside Brookside. This road is notorious for flooding despite the open stream being accessed to the field ditches that carry surface water from the areas of housing and agricultural land along its route to the Pagham rife and then on through farmland to the Pagham harbour.

To the north west of the proposed development there are a series of open water lakes the residue of gravel extraction in the past. These indicate the very permeable sub soil of the area. Heavy rainfall rapidly flows from the downs and the plains below Goodwood into these lakes and on through the gravels and occasional open ditches. Rain falling in these areas and along the course of the ditches is rapidly absorbed into open ground or cropping areas. However, it is obvious on occasion that absorption is often stopped because of the subsurface flow of water through the gravel layer. i.e. the ground is saturated and needs time to absorb the water or flow it away in the field ditches/road ditches. On some occasions it is known to cause sufficient flow to emerge above ground see the effect at Crimsham Manor.

If the land proposed is covered in houses and roads especially at the density proposed then a large area of water absorbing land will become repellent to water and cause a surface water problem to the natural drainage and the surface ditches resulting in localised flooding and a surge through the total drainage system which will result in water flooding across the low lying areas. These localised floods will

therefore become more frequent due to the surge from local excess run off in the new areas of housing. Such water will cause sewage drain water to be under pressure and it will rise back the house down stream of this development. The area proposed is likely to be designated part of the Pagham sewage water processing plants' catchment. Currently the waste water in Pagham is being put under great pressure and has no capacity to take any increase in supply either from the 5 sites being built in Pagham or this site in Runcton. The existing ditch system leads to Pagham Harbour via the Pagham Rife. Pagham Harbour is classified as an SPA, SSSI and RAMSAR site and world renowned for the bird life it attracts.

Water quality is of vital importance in the rife and the harbour. There is a danger that this will be worsened due to the development at this site. Southern Water are also able to discharge into the harbour under licence from the Environment Agency, which further deteriorates water quality. Such discharge requirements are increased with further development.

6.4 Southern Water

08.08.2023

The comments in our response dated 27/09/2022 remain unchanged and valid for the amended details.

27.09.2022

150mm public gravity foul sewer requires 3m clearance on either side to protect from construction works and allow for future maintenance. Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. It is critical that the effectiveness of the SuDS facilities is maintained in perpetuity. Good management will avoid flooding from the surface water system which may result in the inundation of the foul sewerage system.

6.5 National Highways

05.10.2023

We are interested as to whether there would be any adverse safety implications for the SRN because of this proposal. Having reviewed the submitted documents, we do not consider the proposed development in isolation to have an unacceptable adverse impact on the SRN. We are satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network. As such, National Highways would recommend no objection (no conditions)

27.09.2022

No objection provided that Chichester District Council apply their Supplementary Planning Document (SPD) and the applicant makes a relevant contribution to the A27 Local Plan mitigations in line with Chichester District Council's SPD 'Planning Obligations and Affordable Housing'. On this basis, the proposed development should make a contribution of 94 x £2,615 (in line with the 'Other Chichester City' development zone) which equates to £245,810 based on 2012 Quarter 3 prices (index linked to the ROADCON Tender Price Index). This contribution is to be

indexed from 2012 Quarter 3 prices to current prices at the time of payment and paid prior to the occupation of 50 dwellings.

6.6 Natural England

13.06.2023

The Council's appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the European Sites within the zone of influence. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

03.10.2022

Nitrates

This proposal potentially affects Habitats Sites vulnerable to nutrient impacts. Within the Solent and River Itchen catchments, impacts of additional nutrients on Habitats sites from new plans or projects should be considered. Development in the Solent catchment

should consider impacts in relation to nitrogen. The supporting information for this proposal should include a nutrient budget and details of any proposed mitigation to address nutrient impacts. To demonstrate that proposed mitigation will remain effective for

the lifetime of the development, information on management and monitoring will be required, together with details of how this will be secured and funded in perpetuity.

[Planning Officer Comment: The foul drainage from the proposed development would drain to the Pagham Wastewater Treatment Works (WwTW) which discharges into Pagham Rife and the downstream coastal water body of Pagham Harbour. The catchment area is therefore outside of the Habitat sites currently identified by Natural England in Chichester Harbour SPA and the Solent Maritime SAC which are vulnerable to nutrient impacts. No nitrate mitigation is therefore required to be demonstrated in terms of the Habitat Regulations. It is also outside of the groundwater catchment for the Solent Maritime SAC]

Recreational Pressure Mitigation

Your authority has measures in place to manage potential recreational disturbance impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant zone of influence

6.7 Sussex Police

The NPPF demonstrates the governments aim to achieve healthy, inclusive, safe and accessible places so that crime and disorder, and the fear of crime, do not undermine

the quality of life or community cohesion. Levels of crime and anti-social behaviour in Chichester district are below average compared with the rest of Sussex. Given the application is in outline, no detailed comments to make at this stage but would direct applicants to principles of Secured by Design in terms of crime prevention measures.

6.8 WSSC – Highways

25.07.2023

No Objection. CHA has been asked to provide additional highways comments regarding the routes and crossing points to the local primary school. The applicant is providing minor improvements to the existing footway along Lagness Road and Vinnetrow Road, and a new informal crossing point as part of the off-site highway improvements. A person would have to make 5 crossings to reach the school. WSSC have identified these crossings – Lagness Road next to the site, Brookside, Willowmead Close, Lagness Road near to Walnut Tree roundabout, Vinnetrow Road. All the improvements have been subject to a Stage 1 Road Safety Audit. The improvements travelling from east to west which will include wayfinding signs to direct people to the school and village are:

Lagness Road next to site – 2m wide pedestrian refuge island provided to assist crossing road and provide access to new 2m wide footway and existing bus stop on south side of Lagness Road.

Brookside – tactile paving and footway restored to ensure full width available.

Willowmead Close – re-set tactile paving.

Lagness Road near to Walnut Tree roundabout – tactile paving at the dropped crossings on each side of the road and on the central splitter island.

Vinnetrow Road – tactile paving provided at existing crossing point.

WSSC are satisfied these improvements enable an enhanced continuous walking route from the site to the local primary school. WSSC has considered the information above and are satisfied the proposed ‘off-site’ highway works provide appropriate proportionate pedestrian facilities, which are related in scale and kind to the application for 94 dwellings and are in accordance with CIL regulation 122.

11.07.2023 (these comments were reported verbally to 12 July Committee as received too late to go on Agenda Update Sheet for that Committee)

West Sussex County Council (WSSC), as Highway Authority, are aware of vehicles using Marsh Lane as a means to travel between the A259 and B2166 and vice versa. This currently takes place and there are no restrictions in place to prevent this from happening. The development proposals have been designed in a way to encourage vehicle traffic to use Lagness Road (B2166), with the site access and single vehicular access point to the site, located on this road. The applicant forecasts that the development will generate 54 two-way vehicle trips in the AM peak and 45 in the PM peak. Of these trips 31 in the AM peak and 12 in the PM peak will be heading in a direction where they could use Marsh Lane. Whilst some vehicles from the site could choose to use Marsh Lane, even if all of these vehicles decided to use Marsh Lane, it is not considered to be of a number that would cause significant or material increases in traffic that would cause capacity issues that warrant a reason to refuse the application.

There is an additional pedestrian and cycle connection onto Marsh Lane in the north west corner of the site where it meets the junction of Green Lane. The purpose of this access is to increase levels of permeability to the site and through the site and to encourage active and sustainable forms of travel. The Road Safety Auditors have reviewed and commented on this access and taken account of the likely traffic levels of Marsh Lane. Another access, for maintenance purposes, is located opposite Marsh Barns in the northeast corner of the site. This is to be retained purely for maintenance purposes and this has been reviewed by the safety auditors and no outstanding safety issues remain.

In terms of wider road safety on Marsh Lane a review of the last 3 years most recent accident data (2019, 2020 & 2021) confirm that there has only been one slight accident in the last 3 years. This was at the junction of Marsh Lane/Green Lane. There is therefore not considered to be an existing unacceptable highway safety impact on Marsh Lane that could be exacerbated by this development.

In terms of a strategic improvement to this issue and to try and encourage vehicles to use higher priority A and B classified roads rather than adjacent lower priority roads WSCC have recently consulted upon potential improvements to the A259 corridor between Bognor Regis and Chichester. With a view to improving the sustainable and active travel infrastructure and ensuring that all the necessary infrastructure is provided to cater for all types of movement along this key corridor.

Use of Marsh Lane is an existing occurrence and the forecast level of trips from this development is not considered to be of a level which would warrant the refusal of this application or cause congestion/highway capacity issues. From a review of the accident records there is also not considered to be an existing road safety issue on Marsh Lane that could be exacerbated by the development.

19.06.2023

Summarised - WSCC raise no objection to the development. All highway works secured via the S.106 process to be delivered as part of a S.278 agreement. All highways works should be provided prior to first occupation. [List of S.106 obligations including required off-site highway improvement works are attached later in the report.]

30.01.2023

Summarised - The principle of the development of 94 dwellings is acceptable. Trip generation would equate to 54 two-way trips in the morning peak hour and 45 two-way trips in the evening which is estimated at 1 vehicle movement per minute. WSCC do not consider the proposal to cause any highway capacity impacts. Cycle link to Runcton Farm shop should have a minimum 1m separation between the footway and the carriageway and guidance in LTN 1/20 should be referred to. Detail of Temporary Construction Access (to Marsh Lane) should be included in Construction Management Plan. Creation of Permissive Path is welcome and will enhance the site's ability to connect with the natural environment and provide a good permeable walking network for leisure travel to other parts of the area.

23.11.2022

Summarised - more information required. Stage 2 RSA needs revising. Move existing bus stop east of Marsh Lane further east out of the visibility splay. Further information needed regarding Temporary Construction Access - should be 6m wide access with visibility splays and advance warning signage on each approach.

21.09.2022

Summarised - more information required. Stage 1/2 safety audits should include additional off-site highway works, Designers response to RSA plus Design Audit Report, details of temporary construction access onto B2166 Lagness Road. Principle of 94 dwellings agreed. List of conditions provided in the event that planning permission granted.

6.9 WSCC - Rights of Way

The proposal to create a permissive path linking the development to Public Right of Way (PRoW), Footpath (FP)200 is very welcome. Should plans to upgrade FP200 become a reality then both the permissive path and this Canal Towpath will be important links between PRoW200 and Bridleway (BW)2792_1. Making the Canal Towpath a path that is usable by all non-motorised users including cyclists and equestrians would be advantageous.

6.10 WSCC - Lead Local Flood Authority

26.09.2023

Following a review of the submitted documents and the revised FRA the details are in accordance with NPPF and Local Planning Policies subject to 2 conditions:

- **At time of or prior to reserved matters application, provide surface water drainage scheme via SuDS in accordance with the approved Flood Risk Assessment and Drainage Strategy dated 22nd August 2022.**
- **No development to commence until submission and approval of details and method statement by LPA of interim and temporary drainage measures during the construction phase. Shall demonstrate how the site will be drained to ensure there is no increase in off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system.**

We received some questions about the impact on Paghams Rife, however discussions with the Environment Agency and the conditions we have recommended will ensure there should be no impact.

04.08.2023

The LLFA object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA), Surface Water Strategy or additional supporting information relating to:

- **Up to date calculations for relevant climate change scenarios and return periods for calculated runoff rates and storage.**
- **Use of superseded parameters (eg loH124, FSR/FEH13).**

26.09.2022

No objection. We are satisfied with the proposals submitted within the Flood Risk Assessment and Drainage Strategy which can be achieved via appropriate conditioning. With respect to the potential for Groundwater issues, the modelled risk will remain high however potentially downgraded through mitigation (residual effect). Seasonal fluctuations will need to be monitored within detailed design and construction phases.

6.11 WSCC - Fire and Rescue Service

Condition required to ensure that all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting.

6.12 WSCC – Education

12.09.2023

An objection was made to the application on 8 August 2023 as the educational provision in North Mundham and the wider Chichester Planning Area, is deemed to be exceeding capacity. Since the objection was made, a further education assessment, similar to the one undertaken in May 2022, of the area has been undertaken to ensure mitigation could be achieved. The County Council as LEA has been investigating the impact of the additional housing across the area and the impact this will have on the local school to accommodate the additional children from this application site, and other development sites in the Chichester Planning Area. The LEA can now inform Chichester District Council, as the determining authority, that at this point in time (September 2023) the local school has the capacity to cater for the additional pupils it is anticipated to come from the above application, provided the number of dwellings does not exceed the current proposal of 94. This is an area of the county where we will continue to monitor pupil numbers and movement and reserve the right to change our position for any future applications we may receive.

In view of the work the County Council as LEA has undertaken in the assessment of education capacity **the objection is now removed**. There is now no education objection to the application, however if there are significant delays to the application being considered by committee, we would need to be reconsulted to ensure the capacity still remains.

08.08.2023

Having received the most up to date education projections it is now found that North Mundham Primary School is at capacity and is now full, with in area children on a waiting list for starting school in September 2023. The projections show that with the current approved planning applications (up to March 2022) the school is predicted to be 133% full, (40 children for 30 places of which 34 are in area) in that there are more children wanting a place at the school than there is capacity. Currently 79% of the children attending the school are from the local catchment area, which has increased from 70% in 2020 and by 2027 is predicted to be 113% meaning the school will be full with in area children. [This]

leads us to the need to object to planning applications in the area for any further development.

21.06.2023

We have no education comments to make in relation to this application.

6.13 CDC - Housing Enabling Officer

No objection to the proposed housing mix. It is noted that the applicant commits to pepper-potting the affordable housing units. We would advise that there should be no more than 10 in any one location and they should be tenure blind.

6.14 CDC - Archaeology

I agree with the conclusions of the desk-based assessment for this site with regard both to its potential to contain deposits of interest and that there are no archaeological grounds for refusal. I also agree that the site should be evaluated ahead of development in order to identify significant deposits that might be present and to implement appropriate measures for their preservation. Condition recommended.

6.15 CDC - Coastal and Drainage Engineer

21.07.2023

The surface water scheme remains unchanged from when we were last consulted, but we understand a question has been raised over potential impact on the Pagham Rife because of any discharge from this site. The proposal does involve a connection to an existing watercourse, which ultimately will discharge into the Pagham Rife. All applications must demonstrate that they will not increase flood risk on, or off site. In this instance this is achieved by restricting the discharge post development to greenfield rates (QBar) and attenuating surface water for storm events up to 1 in 100 years + CC within the boundaries of the site. Thus, there should be no impact on flow rates within the Pagham Rife.

30.07.2022

Site is wholly within tidal/fluvial flood zone 1 (low risk). There are small areas shown on our mapping to be at significant surface water flood risk (greater than 1 in 100 year event), but these tend to follow or abut the existing watercourses and no new dwellings are proposed in these areas. Surface water will have to be dealt with sensitively and carefully to ensure flood risk is not increased. Subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds. The proposal for surface water drainage is a restricted discharge to the existing watercourse at greenfield rates, with surface water up to a 1 in 100 year plus CC event attenuated within on-site basins. Surface water will first pass through swales of permeable sub-base which will provide a level of treatment for the surface water. This approach will only be considered acceptable should infiltration be demonstrated to not be viable in isolation. We are satisfied that they have demonstrated that the site can be adequately drained and are therefore happy for the details to be controlled via condition. Existing watercourses which abut the site must

be protected / retained during and post development. No development should be permitted within 3m of the top of each bank to ensure future access for maintenance.

6.16 CDC - Environment Officer

22.06.2023

Reptiles

I am happy with this condition to help move things forward.

'Before the development commences a reptile activity survey shall be carried out and the results of that survey together with a reptile mitigation strategy (if required) including a program for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be implemented fully in accordance with the approved details.'

07.12.2022

Bats

Following submission of the Technical Note (Nov 2022) regarding SAC bat species we are satisfied that this has now been fully considered and the mitigation proposed within this document and the Ecological Appraisal (Oct 2021) to ensure there is no disturbance to these species is suitable and a condition should be used to ensure this takes place.

14.11.2022

Bats

Due to the site's location within the Singleton and Cocking Tunnels buffer zone and the presence of barbastelle bats foraging and commuting onsite the bat survey needs to assess the impact this development may have on SAC barbastelle species using the site using the site and mitigation for this.

There are a number of mature trees onsite with bat roosting potential. If any works are required to these trees or if they will be subject to any disturbance further bat emergence surveys will be required.

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 construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Lighting

Though lighting is discussed within the EIA (Oct 2021) it relates predominately to lighting during the construction period with the lighting strategy for the development being submitted by condition at reserve matters. However as detailed above due to the location of the site within the SAC buffer zone and presence of Barbastelle bats onsite this information needs to be provided now so we are unable to undertake HRA and AA.

Reptiles

As it has been assumed within the ecological appraisal that there is a good population of reptiles within the site margins and boundaries. Due to this we require that a full mitigation strategy is produced to reflect this assumption. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works and submitted with

this application prior to determination. The mitigation proposed within the EIA (Oct 2021) is not extensive enough for a good population of reptiles.

Water Voles

We are pleased to see that there will be a 7m buffer around the water courses onsite will be put in place. If any works are required in these areas further surveys are required. However as detailed within EIA (Oct 2021) as the northern culvert is proposed to be removed, an updated survey for water voles will need to be undertaken prior to commencement of the works. A condition should be used to ensure this takes place.

6.17 CDC - Contract Services Waste Lead

Guidance provided for provision of bins, bin collection points and site layout to enable refuse freighter to manoeuvre.

6.18 CDC - Conservation and Design Officer

Establishing coherent and desirable connections to Runcton should be a priority for the scheme and it is not clear that this has been done at this stage. The proposals for footpath and cycleway connectivity are quite sparse and need to be founded on key principles of desire lines and pedestrian level navigation. The use of the former canal route at the top of the site is intriguing and cycleway and footpaths should provide soft signposting into the countryside beyond. The village green element at the southernmost edge of the development is well located, within comparatively easy reach of most of the homes proposed. It is somewhat sparse at present with a large expanse of grass, little in the way of footpaths representing desire lines that cross this expanse. The playpark is only overlooked to its western side and would benefit from nearby housing being located closer, as well as more prominent and wider footpaths that facilitate a wider variety of non car uses and provide incidental overlooking to the play space. Moving the village green to the south west corner does have some clear benefits in terms of access to the green space for the existing village which could encourage some more integration between what at present are quite separate areas of housing. Amenity space and particularly play access should generally be located centrally within a scheme to facilitate its easy use by residents.

Overall, the scheme is well defined by perimeter blocks and parking spaces are not overly concentrated in a few areas but are spread out amongst units making use of end to end spaces adjacent to housing wherever possible. The level of street tree planting is welcome, at full application stage details should be submitted as part of the application that take into account the position of underground services under pavements and how they interact with the proposed planting.

[Planning Officer Comment: Following these comments the applicant amended the scheme in terms of the illustrative layout and submitted a Parameter Plan to include the 'village green' element which is now shown located in the south-west corner of the site as suggested]

6.19 CDC – Environmental Protection

11.08.2023

Lighting - Our department agrees that the E2 Environmental Zone as per 'Guidance Notes for the Reduction of Obtrusive Light (Institute of Lighting Professionals (ILP), Guidance Note 01/20)' is appropriate criteria. It is noted that, further to their commissioned Alan Tulla Lighting Assessment, Vitacress provided higher lighting levels than those that were used in the initial lighting assessment. Jackson Planning have stated that they have commissioned a lighting assessment based on the higher levels and conclude that the E2 criteria can be met on the proviso that Vitacress use internal blackout blinds and the existing vegetation (hedge) is maintained. Both these mitigation measures, I understand, are out of the applicant's control. I believe there are no planning requirements for Vitacress to maintain these forms of lighting mitigation. It is therefore suggested that an agreement is secured between the applicant and Vitacress or else the applicant proposes independent mitigation. [A lighting condition is recommended to ensure the design/layout of the development does not exceed ILP guidelines for artificial light relevant for the E2 zone].

Noise - It is considered that any noise from the Nursery is appropriately assessed, to predict impact at the proposed neighbouring residential receptors. This can be adequately addressed by way of a condition, to be satisfied as a reserved matter. A further condition is recommended in the event that Air Source Heat Pumps are to be installed.

6.20 Landscape Consultant for CDC

The [existing] settlement has a soft edge to the east and the majority of dwellings are screened from the site by boundary vegetation. The site is open and expansive, providing long views, particularly from the south-west to north-east. This openness provides a visual relief to the enclosure of the adjacent settlement and approach roads, which is locally distinctive. The 2019 landscape capacity study has assessed the site as having a Medium/Low capacity for development. The site forms part of Sub-area 130 within the capacity study.

The submitted Landscape and Visual Impact Appraisal (LVIA) description of the site is accurate, however the relationship to the adjacent rural landscape is downplayed. There is little physical or visual connection between the site and the settlement of Runcton, which has a soft eastern edge and is highly enclosed from the B2166 Lagness Road. The character of the site is of an open arable field which forms a rural edge / entrance to Runcton. There is a perceived connection with the pastoral landscape to the south and the countryside to the north-east has a rural influence on the site. The judgement of Medium landscape Value is agreed. The rationale for the Medium susceptibility judgement [of the landscape to change] is more limited. Development of the site for housing would be atypical of the settlement pattern of Runcton, which is generally nucleated, has a soft eastern edge and includes limited development to the north of Lagness Road. The scale of development proposed would also be atypical. Furthermore, the site in its current form assists in defining the edge of Runcton and provides a rural gateway to the village.

The susceptibility of the site to the type of development proposed within the site would be high. The overall sensitivity of the site to development would be High. The

site forms an important function as an open agricultural field, forming the space between wider agricultural land uses and the current village edge. The proposals would primarily affect the visual amenity of people using stretches of Marsh Lane and Lagness Road adjacent to the site boundaries and people on Green Lane along its southern section nearest to the site.

The proposed village green is a beneficial feature but in landscape terms would be better placed to the south-west of the site. This would then create a new feature and facility for the village and would maintain an area of open landscape, from which the rural connections to north and south could still be appreciated. It may also allow a naturalistic SuDS feature to be implemented instead of below ground storage. The proposed permissive route to the north-east of the site would provide enhanced links to the wider countryside and is viewed as a recreational benefit. The concept of the 'SuDS street' is positive and has potential. The inclusion of a variety of new habitats is positive, as is the space allowed for street trees.

It is still considered that the scheme would result in harm to landscape character and visual amenity, a view which is consistent with the findings of the Landscape Capacity Study. The location of the site outside the settlement boundary and the tenuous connection with the existing settlement pattern, exacerbated to some extent by the proposed enclosure of the site would harm the existing landscape setting to the village. The loss of an open rural agricultural field, which has connections to the wider landscape to the south and north-east, would cause lasting harm to local landscape character. This harm should be considered within the planning balance of the submitted application. It is acknowledged that the scheme is an improvement on the previously submitted (and refused) application (ref 21/02573/FUL), both in terms of quantum of development, design and recreational benefits.

[Planning Officer Comment: Following these comments the applicant amended the scheme in terms of the illustrative layout and submitted a Parameter Plan to include the 'village green' element which is now shown located in the south-west corner of the site as suggested]

6.21 CDC – Planning Policy Team

As part of the Local Plan process the Council has been carrying out work to understand the implications of increasing build costs/inflation, for delivery of the highways infrastructure necessary to enable planned residential development in the plan area. This analysis has shown that unless materially enhanced financial contributions are provided in respect of that residential development, then the improvements necessary to the A27 (or any other alternative measures linked to generating capacity on the Strategic Road Network) in order to enable the highways network to accommodate it, will not be deliverable (Draft Policy T1 of the Proposed Submission Local Plan refers). This will frustrate/preclude delivery of residential development, and thus prevent the Council from meeting housing targets in either the current pre proposed submission plan, or any variant of it. If development the subject of this application is found acceptable in all other respects, it is essential that it makes the requisite contribution toward A27 improvements envisaged within draft proposed Policy T1 of the Proposed Submission version of the Local Plan, in order that it enables the mitigation required to overcome the cumulative impact of further dwellings and the effect they have on the highway network. The Council has now

received legal advice on the basis for collecting contributions in accordance with the emerging policy and is satisfied that would meet the tests set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 and those in paragraphs 203 and 204 of the NPPF.

If contributions were to be secured in line with proposed draft Policy T1 of the Chichester Local Plan 2021-2039: Proposed Submission then no objection on this basis would be raised. In that case the decision taker would need to weigh the potential for the development in question to undermine a 'plan-led' approach and the proper delivery of the emerging Local Plan in general against the need to take account of the potential benefits for the provision of additional housing. The weight to be attributed to these benefits will depend upon the need to apply Paragraph 11 (d) of the National Planning Policy Framework - the 'tilted balance'. [see paragraphs 8.20 and 8.21 below for commentary on how the development is impacted in this regard].

6.22 61 Third Party Objections

- a) Loss of valuable agricultural land needed to feed the nation at a time of food insecurity
- b) harmful to character and appearance of rural landscape
- c) too much development
- d) will massively expand population of Runcton
- e) will overwhelm local services already at capacity including schools, GP's surgery, dentists and roads
- f) new housing estate will have separate identity to existing settlement and will not be integrated
- g) B2166 already overloaded will become worse
- h) development will be out of character
- i) local roads and A27 cannot cope with existing traffic flows
- j) sewage infrastructure cannot cope
- k) site is in countryside outside of settlement boundary
- l) likely to result in pollution of brook running along Brookside from surface water run-off which is already subject to flooding
- m) will increase use of narrow Marsh Lane as a rat-run which is a highway hazard
- n) footpath to Runcton Farm Shop only for occasional items, would not replace normal supermarket shopping trips made by car
- o) wildlife habitat loss
- p) cycling benefits of Green Lane are overstated it is just grass and does not provide a safe cycle route connection to Bognor Road
- q) objections raised to previous application for 113 dwellings equally relevant to this proposal
- r) North Mundham Parish has done more than its bit in providing 'much needed' housing
- s) will create a faux village tagged onto Runcton
- t) negative impact on existing business and future operations of the Vitacress site. Needs to provide a planting buffer on east boundary as a woodland edge
- u) plans do not respect original alignment of old canal and propose to build over it according to illustrative plans.

6.23 Agents Supporting Information

The application is submitted with a full suite of supporting documents which can be accessed in full on the Council's website. The applicant states that following the refusal of the previous application on the site the proposals have been amended to address the Council's concerns. In particular, the applicant states the number of dwellings has been reduced to reduce the perceived harmful impact to local landscape character, a central area of open space is introduced to preserve the perceived rural setting of the village and a further area of open space is located in the south-west corner of the site allowing the development to now address Lagness Road in a positive way.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is currently no made neighbourhood plan for North Mundham/Runcton. Work on producing a plan is at an early stage.
- 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 Dev
Policy 2 Dev Strategy and Settlement Hierarchy
Policy 4 Housing Provision
Policy 5 Parish Housing Sites 2012 - 2029
Policy 6 Neighbourhood Development Plans
Policy 8 Transport and Accessibility
Policy 9 Development and Infrastructure Provision
Policy 33 New Residential Development
Policy 34 Affordable Housing
Policy 39 Transport, Accessibility and Parking
Policy 40 Carbon Reduction Policy
Policy 42 Flood Risk and Water Management
Policy 45 Development in the Countryside
Policy 47 Heritage and Design
Policy 48 Natural Environment
Policy 49 Biodiversity
Policy 50 Development and Disturbance of Birds in Chichester and Langstone Harbour Special Protection Area
Policy 51 Development and Disturbance of Birds in Pagham Harbour Special Protection Area
Policy 52 Green Infrastructure
Policy 54 Open Space, Sport and Recreation

Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19)

- 7.3 The Chichester Local Plan 2021-2039: Proposed Submission (**LPPS**) has now completed its 'Regulation 19' consultation (17 March 2023) and it is anticipated that

the plan will be submitted for examination later this year (the Council's published Local Development Scheme **in January 2023** anticipated Summer 2023, **this is now anticipated to be during the Autumn**). Accordingly the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF. Policies relevant to this application are:

Policy S1 Spatial Development Strategy
Policy S2 Settlement Hierarchy
Policy NE2 Natural Landscape
Policy NE5 Biodiversity and Biodiversity Net Gain
Policy NE6 Chichester's Internationally and Nationally Designated Habitats
Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours
Policy NE8 Trees, Hedgerows and Woodlands
Policy NE9 Canals
Policy NE10 Development in the Countryside
Policy NE15 Flood Risk and Water Management
Policy NE16 Water Management and Water Quality
Policy H1 Meeting Housing Needs
Policy H3 Non-Strategic Parish Housing Requirements 2021 - 2039
Policy H4 Affordable Housing
Policy H5 Housing Mix
Policy H10 Accessible and Adaptable Homes
Policy P1 Design Principles
Policy P2 Local Character and Distinctiveness
Policy P3 Density
Policy P4 Layout and Access
Policy P5 Spaces and Landscaping
Policy P6 Amenity
Policy P14 Green Infrastructure
Policy P15 Open Space, Sport and Recreation
Policy P16 Health and Well-being
Policy T1: Transport Infrastructure
Policy T2 Transport and Development
Policy T3 Active Travel - Walking and Cycling Provision
Policy T4 Parking Provision

National Policy and Guidance

- 7.4 Government planning policy comprises the National Planning Policy Framework (NPPF July 2021 revision) and related policy guidance in the NPPG.
- 7.5 ~~On 6th December 2022 a Written Ministerial Statement (WMS) was published setting out the Government's proposed changes to the planning system. The WMS made clear that further details of the intended changes were yet to be published and consulted upon. Details of the changes are set out in a National Planning Policy~~

Framework prospectus (published 22nd December 2022) for which the consultation period ended on 2nd March 2023.

~~7.6 On 8th December 2022 the Planning Inspectorate published PINS Note 14/2022 that provides advice to Planning Inspectors on the action to be taken as a result of the WMS across all areas of PINS casework. Paragraph 3 states that a 'WMS is an expression of government policy and, therefore, capable of being a material consideration (or important and relevant) in all casework and local plan examinations. It should be noted, however, that this WMS states that further details are yet to be published and consulted upon'. Paragraph 5 of the PINS Note confirms that 'no action is required in any casework areas at present, as the WMS sets out proposals for consultation rather than immediate changes to government policy. Consequently, the starting point for decision making remains extant policy, which we will continue to implement and to work to until such time as it may change.'~~

~~7.7 At the time of writing the consultation responses to the proposed changes to the NPPF are still being considered and to that extent only very limited weight can be attached to the proposed changes. Given that very limited weight, the application should be assessed as outlined below, until such time the amended NPPF is published.~~

7.5 Paragraph 11 of the 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(8), 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 Footnote 8 for Paragraph 11 d) clarifies that one situation where the policies most important for determining applications for housing are out-of-date (and planning permission should therefore be granted) is when a local planning authority cannot demonstrate a five year supply of deliverable housing sites.

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

Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD

- Planning Obligations and Affordable Housing SPD
- **A27 Chichester Bypass Mitigation SPD August 2023 (Draft)**
- CDC Waste Storage and Collection Guidance
- National Character Areas (2014): South Coast Plain Character Area (Area 126)
- West Sussex Landscape Character Assessment (2003): Chichester to Yapton Coastal Plain Character Area (Area SC9)
- Chichester District Landscape Capacity Study (2019): Runcton Horticulture (West) Sub-area (Area 130)
- WSCC Transport Plan (2011-2026)
- WSCC Parking Standards (September 2020)
- Interim Position Statement for Housing Development

Interim Position Statement for Housing Development

- 7.9 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its Five Year Housing Land Supply was published on 5th December 2022 and provides the updated position as of 1 April 2022. At the time of preparing this report the published assessment identifies a potential housing supply of 3,174 net dwellings over the period 2022-2027. This compares with an identified housing requirement of 3,350 net dwellings (equivalent to a requirement of 670 homes per year). This results in a housing deficit of 176 net dwellings, equivalent to 4.74 years of housing supply. Through recent appeals and associated statements of common ground this figure has been refined and **at the time of writing** the Council maintains its current position is a supply equivalent to **4.65 years (the Council's stated position at the Highgrove Farm, Bosham appeal)**.
- 7.10 The Council therefore does not benefit from a Five-Year Housing Land Supply. To help proactively ensure that the Council's housing supply returns to a positive balance prior to the adoption of the new Local Plan, the Council resolved in June 2020 to use the Interim Position Statement for Housing Development (IPS) to help increase the supply of housing by encouraging appropriate housing schemes. Following minor modifications, the IPS was approved by the Council's Planning Committee for immediate use for development management purposes in November 2020. New housing proposals considered under the IPS, such as this application, will therefore need to be assessed against the 13 criteria set out in the IPS document. The IPS is a development management (DM) tool to assist the Council in delivering appropriate new housing at a time when it cannot demonstrate a 5 year supply of housing land. It is not a document that is formally adopted and neither does it have the status of a supplementary planning document, but it is a material consideration in the determination of relevant planning applications and appeals. It does not override the implications of the Framework in terms of housing supply issues but it is a document that the decision maker shall have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use i.e. speculative, sporadic un-planned for housing in inappropriate locations outside of settlement boundaries.
- 7.11 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- 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 By way of background, the Committee is advised that this application is effectively a re-submission of an earlier proposal for 113 dwellings on the same site. That application reference 21/02573/FUL was submitted in August 2021 as a hybrid application with detailed planning permission sought for 26 dwellings and outline permission for 87 dwellings. The application was refused by the Council on 13 April 2022 under officer delegated powers. It was refused because at that time the Council could demonstrate that it had a 5 year supply of housing equating to 5.3 years and had made full provision for its parish housing numbers set out in the Local Plan. It did not therefore need to look outside of the settlement boundary for Runcton to find additional housing sites ahead of adoption of the new Local Plan with its revised housing strategy and numbers. The application was also refused on the basis that it would cause harm to local landscape character and the rural setting of and approach to Runcton. The layout of the housing and the design of the dwellings was also considered to be poor and the scheme lacked any successful integration with the existing settlement. The applicant has resubmitted the proposals under the current outline application with 19 fewer dwellings at a time when the Council cannot currently show that it has a 5YHLS. Crucially this lack of a housing supply changes the dynamics in which the proposals are required to be assessed as the report below explains. Attention has also been paid by the applicant to addressing the elements of harm identified on the previously refused scheme for 113 dwellings.

8.2 The main issues arising from this proposal are:

- i. Principle of development and the policy position
- ii. Integration of Development with Runcton and Impact on Character of Area
- iii. Landscape Impact
- iv. Highway Impact
- v. Surface Water Drainage and Foul Water Disposal
- vi. Ecology
- vii. Habitat Regulations Assessment
- viii. Sustainable Design and Construction
- ix. Other matters - Heritage Assets, Residential Amenity and Education

i) Principle of development and the policy position

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

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

- 8.4 For certainty and clarity a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. The Council has acknowledged that the Local Plan in terms of its policies for the supply of new housing are out-of-date because the settlement boundaries haven't been reviewed and when the Standard Methodology for calculating local housing need is applied (as required by NPPF paragraph 61) there is a shortfall of allocated sites to meet that identified housing need. Policies 2, 5 and 45 are therefore out of date, in so far as they relate to housing numbers. Policy 45 as a countryside policy is out of date insofar as it is linked to policy 2 and is therefore reliant on there being up to date settlement boundaries within which to accommodate new housing as part of the Development Strategy. Policy 2 is considered up to date only in the relatively narrow sense that it identifies the settlement hierarchy for future development in the Local Plan area, a hierarchy which is proposed to be carried forward under draft policy S1 in the ~~new Regulation 19 Submission Local Plan~~ **LPPS**
- 8.5 The Council has acknowledged that the adopted Local Plan in terms of its policies for the supply of new housing are out-of-date and has accepted that it can't currently demonstrate 5 years' worth of housing land supply. Without a 5-year housing supply in place the 'tilted balance' in paragraph 11 d) ii) of the NPPF i.e. the presumption in favour of permitting sustainable development where there is no housing supply is engaged. In other words, there is a heightened imperative to deliver more housing to comply with government policy ahead of adoption of the new local plan. Officers consider that to simply adopt a position where all new housing proposals are resisted ahead of adoption of the new Local Plan is not a tenable approach and this has been borne out through a succession of recent appeals for **major housing development outside settlement boundaries** being allowed (**at the time of writing the 3 most recent upheld appeals being: Broad Road/Drift Lane 200 dwellings; Flat Farm, Hambrook 30 dwellings; and Harris Scrapyard, Nutbourne 103 dwellings**). Housing supply is calculated on a rolling year-on-year basis and in order to ensure that the Council can demonstrate and then maintain a supply with a suitable buffer ahead of adoption of the new Local Plan, it will be necessary for some new housing development to be permitted on green fields outside of established settlement boundaries.
- 8.6 The application site is considered to be developable in the Council's Housing and Economic Land Availability Assessment (HELAA) March 2021. The HELAA has identified that the site is capable of delivering an indicative capacity of 120 dwellings. Although the HELAA is a technical background study to assist the Council in its consideration of potential housing sites under the new Local Plan, it is not a policy document to rely on in decision making on planning applications. Nevertheless, its significance as a material consideration is that it has identified the site as being suitable, available and deliverable to provide new housing and this is relevant at a time when the Council is not able to show it is demonstrably producing enough dwellings to satisfy the government's housing requirement **and in the context of the substantial weight the government attaches to significantly boosting the delivery of new housing in sustainable locations (NPPF paragraph 60)**

8.7 The Council has committed to continue using the Interim Position Statement for Housing Development (IPS) to provide a set of criteria against which to measure the potential acceptability of new housing proposals outside of current settlement boundaries. It is relevant to consider the Charmans Field application against each of the IPS criteria in turn:

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

The settlement boundary for Runcton closest to the application site is defined on the Local Plan policies map by the western edge of Marsh Lane. The application site located to the east of Marsh Lane does not therefore adjoin the settlement boundary. However, the site is adjacent to the settlement boundary in that the site and the settlement boundary are on opposite sides of the same road. Notwithstanding subsequent commentary in this report on the relationship of the site to the existing settlement boundary, the site is sustainably located and therefore the criterion is considered met.

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

Runcton, paired as it is in the Local Plan with nearby North Mundham, is defined as a Service Village in Local Plan (Policy 2) and draft Policy S2 in the Regulation 19 Submission Local Plan and is a sustainably located settlement. In this context the proposed scale of development, when considered cumulatively with the permitted development of 39 dwellings to the north on the Former Lowlands Nursery and the development of 66 dwellings on the land south of Lowlands (which has a resolution to permit pending completion of the associated S.106 agreement), is more than the draft Parish allocation of 50 dwellings in the Local Plan Regulation 19 Submission. A large extension of this nature is therefore in conflict with this criterion.

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

It is considered that the development meets this point. There is no actual or perceived coalescence (the joining up of two neighbouring settlements) likely to arise from permitting this development. There is no direct inter-visibility between settlements. The criterion is considered to be satisfied but see section below on Landscape Impact for more specific commentary.

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

The density of the residential component of the application site would be approximately 26 dwellings per hectare (dph). This is lower than the Council's average benchmark density figure of 35 dph but a higher density would be inappropriate in this rural edge of settlement context. The site is a single field which would be utilised in its entirety with no artificial sub-division and so purely when viewed in this way the density of development would not be inappropriate. The criterion is satisfied in terms of use of the available land.

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

The proposed development would have no impact on the setting of the South Downs National Park or the Chichester Harbour AONB including inter-visibility between the two, however it would have a harmful impact on localised landscape character as the section on Landscape Impact below makes clear. The criterion is satisfied.

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

The application site is outside of the proposed Strategic Wildlife Corridors set out in the Regulation 19 Submission Local Plan. The criterion is therefore not applicable in this instance.

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

Wastewater disposal via Pagham WwTW will be through the statutory undertaker. Affordable housing, open space, and the identified highways improvements would all be secured through a Section 106 agreement and/or by planning conditions. The applicant has agreed to meet the necessary infrastructure requirements and on this basis the criterion is considered satisfied. Commentary on the highway impacts including the level of financial contribution towards the overall package of mitigation measures necessary to address the impacts of development on the A27 is discussed in the report below. This criterion will be met if all infrastructure requirements are secured through the S106 Agreement.

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

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

The development will meet this criterion through a combination of fabric first and solar PV panels. A maximum 110 litres per person per day water use is proposed and will be conditioned and electric vehicle charging points will be provided in accordance with the requirements of the June 2022 revision to the Building Regulations (as a minimum). The applicant's Sustainability Statement addresses the individual criteria in Local Plan policy 40. The IPS criterion is considered to be met and further commentary is provided later in the report.

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

The application is submitted in outline with all matters save 'access' reserved and there is no indication in the Design and Access Statement to suggest that within the site itself individual streets and dwellings and the spaces between and surrounding them will not be appropriately designed and detailed. In this sense there is no reason to suggest that this aspect of the criterion cannot be met. The relationship of the site to the existing settlement of Runcton is discussed later in the report.

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

North Mundham/Runcton is defined in the extant Local Plan and in the Regulation 19 Submission Local Plan as a 'Service village'. In terms of its proximity and accessibility to existing services and facilities, the site is within the 1.6km (1 mile) threshold below which the National Travel Survey indicates that most journeys are undertaken on foot. The Chartered Institute of Highways and Transportation (CIHT) identifies that 2km is a reasonable maximum distance on foot to locations such as schools and other local facilities. Within 1.1km of the site is Runcton Farm shop (650m to east) which includes a greengrocer, butchers, delicatessen, pick your own, pet supplies store and cafe and the development would deliver a 3m wide pedestrian and cycle link to access these facilities. The Walnut Tree Pub and Restaurant is 600m to the west

and Sunbeams Pre-School, North Mundham Village Hall, Playing Field and Tennis Courts and North Mundham Primary School are all within 1.1 km. For journeys further afield the nearest bus stops are located on the B2166 Lagness Road (1 each side) which are within a 300m walk from the farthest part of the proposed development. The existing bus stops are to be improved as part of the proposals with Real Time Information Boards. Existing bus services operate as a minimum a half hourly service Monday-Saturday serving Chichester, Elmer, Pagham, Felpham and Bognor Regis with direct access to Chichester Free School and Chichester High School. Cyclists and walkers would be able to access the bridleway 2792_1 along Green Lane at the north-west corner of the site which provides an off-road link to the A259 and the designated cycle route between Chichester and Bognor. In the north-east corner of the site the applicant has committed to opening a permissive bridleway which will provide a continuous right of way from the existing footpath to the east of the site, across the site and then linking up with Green Lane. This is a significant benefit of the application. Regarding its location in accessibility terms the site is considered to meet this criterion.

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

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

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

Not applicable in this instance. The site ultimately discharges to the waters at Pagham Harbour and is not within the Solent Maritime SAC catchment.

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

The site is under the control of a single landowner and there are no significant abnormal circumstances that would otherwise restrict or delay implementation of the development following the discharge of pre-commencement conditions in the event that planning permission were granted. The applicant has stated it is their intention to

bring forward the land for development via a housebuilder as soon as possible following the grant of planning permission and approval of subsequent reserved matters. A reduced time frame of 2 years (instead of 3 years) to submit the reserved matters application/s, together with a 2 year period thereafter in which to begin implementation of the approved details is accepted by the applicant. As such, it is considered criterion 13 of the IPS would be satisfied.

8.8 When measured against the preceding IPS criteria the application at Charmans Field with the exception of conflict with criterion 2 (scale) and criterion 5 (landscape impact) is considered to score fairly well, being sustainably located and relatively unconstrained. Sites for housing development which score well under the IPS criteria are likely to be supported by officers. The landscape function of the site in terms of its contribution to the rural setting for Runcton is explored in more detail along with other material considerations in the subsequent sections of this report.

ii) Integration of development with Runcton and impact on character of area

8.9 The proposals would effect a fundamental transformation in the appearance of the application site from its current baseline appearance as an open arable field to a housing development. That is the inevitable consequence of building new development outside of a settlement boundary on a greenfield site and is not in itself a reason to refuse the application. The Council's Design Officer has studied the proposals from an urban design perspective and provided comments on the illustrative layout derived from the submitted Parameter Plan which sets out in broad terms how the site would be laid out under the subsequent reserved matters application.

8.10 Runcton is observed to be a rural village providing a modest sized settlement formed of development of various ages. Whilst the appearance of some of the existing dwellings in Runcton is perhaps more consistent with a suburban character, it is considered that the rural character of the settlement overall is retained. The proposals are considered to foster this rural impression by the provision of more spacious plot sizes, buildings set back from the road, the softer appearance of boundaries and informal vegetation / tree planting both within plots and to verges. The proposed site is, by its relatively flat nature and openness, one which has a significant amount of visibility both from the adjacent Marsh Lane and the main Lagness Road. The site is large in area, particularly in comparison to the existing small settlement size of Runcton, with the proposals potentially increasing the number of dwellings in the settlement by around 50% and therefore making up a large portion of its built form. Its development therefore has significant potential to impact and alter the character of Runcton not only in terms of scale, which conflicts with IPS criterion 2, but also in terms of appearance and character.

8.11 The Council's Design Officer in commenting on the illustrative layout, finds that the scheme overall is well defined by perimeter blocks with a welcome level of street tree planting. The scheme avoids concentrating parking areas in a few areas and makes use of end to end spaces adjacent to new housing wherever possible. The open space at the southernmost edge of the site is well located and within comparatively easy reach of most of the homes proposed. Locating a second area of open space - the 'village green' - to the south west part of the scheme is considered to have some clear benefits in terms of access to the green space for the existing community in

Runcton which could encourage some more integration between what at present are quite separate areas of housing. The delivery of an east-west 'towpath' link across the north part of the site broadly on the alignment of the long disused Chichester-Arundel canal is welcomed and finds support through Local Plan policy 53 and draft policy NE9 in the Regulation 19 Proposed Submission Local Plan.

8.12 Whilst the proposals are submitted in outline, it is considered that the applicant has demonstrated through the illustrative layout plan and the Parameter Plan (which forms part of the formal submission) that, notwithstanding the amount of development, it is possible to develop the site in a satisfactory way. The lower density and large areas of open space better respond to the edge of settlement location and will allow for significant landscaping to visually soften the development. Whilst the density of development at 26dph is below the suggested Local Plan benchmark of 35dph, it is considered that the balance in this instance between making effective use of the land for new housing and reflecting the need to provide a development which can accommodate new housing amidst a landscaped rural setting has been appropriately struck. Throughout Runcton vegetation plays an important role in softening the appearance of boundaries. It is considered that the greater thought that has gone into designing this scheme, as opposed to the previous refused scheme, better reflects the existing housing context in Runcton and would allow the development to be successfully integrated rather than appearing as a separate enclave or outlier.

iii) Landscape Impact

8.13 The assessment under this issue considers the wider contextual point about the value and function of the site in landscape terms rather than the way in which the field is proposed to be developed. As with the previous refused scheme for 113 dwellings, the Council has commissioned comments from a landscape consultant at Hankinson Duckett Associates (HDA).

8.14 The landscape consultant identifies the site as being open and expansive, providing long views, particularly from the south-west to north-east. This openness is seen as providing a visual relief to the enclosure of the adjacent settlement and approach roads, which is locally distinctive. The rural character and open nature of the site assists in defining the eastern edge of Runcton. Reference is made to the 2019 Landscape Capacity Study prepared for the Council by consultants Terra Firma as a background paper to inform the potential allocation of new housing sites as part of the Local Plan review process. The 2019 capacity study has assessed the site as having a Medium/Low capacity for development. The site forms part of Sub-area 130 within the capacity study, where it is concluded that:

'Sub-area 130 has a medium/low capacity, constrained by Runcton Conservation Area, PRow and some areas of flood zone. Although it is partly influenced by the Lagness Road and neighbouring glasshouses to the north and east it retains a generally strong rural character. There are some views out to open countryside and the SDNP where built form permits, and the sub-area has a generally well-vegetated boundary and retains a strong relationship with the wider landscape.'

8.15 The site in its current form is an open arable field which forms a rural edge/entrance to Runcton helping to define the edge of Runcton, providing a rural gateway to the

village. One function that the site is seen as performing is the perception of a village surrounded by agriculture. HDA find that the development of the site for housing would therefore be a substantive and permanent departure from the baseline condition. HDA go further and question the development potential of the site due to the adverse effects that it would have on the open and rural character of the site, the poor relationship to the existing settlement and the adverse effects that the proposal would have on the settlement pattern of the village, particularly given the volume of development being considered. The proposal would remove the existing rural definition between the existing settlement edge and the glasshouses to the east and in doing so, would sever the connectivity between the rural agricultural landscapes to the north-east and south of the site.

8.16 Notwithstanding the reservations expressed by HDA to the Council regarding the suitability of the site to come forward for housing development, the scheme is seen by HDA as an improvement on the previously submitted application (ref 21/02573/FUL), both in terms of the quantum of development, the design and the recreational benefits. There are elements of the proposals which are seen as more positive. The proposed location of an area of open space in the south-west corner of the site - a Village Green - is seen as a beneficial feature in landscape terms by creating a new feature and facility for the village which would maintain an area of open landscape, from which the rural connections to north and south could still be appreciated. Similarly, the proposed permissive route to the north-east of the site would provide enhanced links to the wider countryside and is viewed as a recreational benefit. The concept of providing a pedestrian/cycle link to the farm shop is also regarded as having the potential to be beneficial. Six 'C' category trees on the site's south boundary are proposed to be removed in order to provide the pedestrian/cycle link but the remaining trees on this boundary (all 'C' class) are shown in the submitted Arboricultural Report to be retained and protected from the construction works. The root protection areas of the trees will be protected by cell-web. The existing soft verdant edge to the site as viewed approaching from the east along Lagness Road would therefore be retained in large part and could be supplemented with additional planting as part of the reserved matters consideration of landscaping. The introduction of new planting within the site and particularly street tree planting as advocated by the NPPF could also provide a new landscape framework within which to locate the new housing and mitigate for some of the overall character change on the site.

8.17 The degree to which the extent of the identified landscape harm can be a material factor in tipping the tilted balance towards refusing the application is a matter which is discussed in more detail under the Planning Balance section later in this report.

iv) Highway Impact

8.18 There are essentially two components to this assessment, the traffic impact on the local road network and that likely to result on the A27 strategic road network arising from increased vehicle movements. In respect of the local roads, the proposals have been subject to a lengthy assessment by the local highway authority at WSCC initially as part of the previous refused application and now under this current proposal. The trip generation figures from the site which have been agreed by WSCC would equate to 54 two-way trips in the morning peak hour and 45 two-way trips in the evening which is estimated at 1 additional vehicle movement per minute. On this basis WSCC

does not consider that the traffic impacts from the development would be 'severe' which is the test which must be applied under the NPPF (paragraph 111). Comments received from third parties and North Mundham Parish Council regarding the amount of traffic already on Lagness Road in particular are noted but the evidence is that the road, whilst busy at times, is not operating at capacity or to a point where there are safety issues. With the various technical amendments carried out to the current application since submission, WSCC has confirmed it has no objection to the principle of the development subject to conditions which are reflected in the officers' recommendation to approve the application.

- 8.19 In terms of the potential traffic impact from the development on the A27, particularly in respect of the impact on the affected junctions - Bognor roundabout being in the closest proximity - the proposals have been examined by National Highways. In its consultation response dated 27 September 2022, National Highways confirmed that it has no objection to the proposals on condition that the applicant makes a relevant contribution to the A27 Local Plan mitigations in line with the Council's SPD on planning obligations. On the basis of the SPD, a contribution of £2,615 per dwelling based on the 'Other Chichester City' development zone would be required equating to a total contribution of £245,810.
- 8.20 However, since the planning application was received it has been necessary for the Council through its transport consultants to review the scheme of A27 improvements and contributions which are not necessarily just restricted to the existing junctions. The current Local Plan was adopted on the 14 July 2015 and set out a scheme of A27 improvements and contributions in accordance with Policy 9, alongside the Planning Obligations and Affordable Housing SPD. As part of the evidence base for the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19), transport studies have been undertaken to understand the impacts of development on the highway network in the plan area and surrounding area. These transport studies have identified that a number of highway improvements will be required to mitigate the impact of the development, particularly in relation to junction improvements on the A27 Chichester Bypass. Policy T1 (Transport Infrastructure) of the Chichester Local Plan 2021-2039 Proposed Submission (Regulation 19) makes provision for a co-ordinated package of improvements to junctions on the A27 Chichester Bypass that will increase road capacity, reduce traffic congestion and improve safety.
- 8.21 The Transport Study (2023) identified an indicative package of measures at the Fishbourne Roundabout costing between £9,520,000 and £12,900,000 and the Bognor Roundabout costing between £19,390,000 and £30,420,000. The ~~Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19)~~ **LPPS** sets out that this sum will be met from financial contributions provided by the outstanding housing developments in the 2015 Local Plan (Phase 2 West of Chichester and Tangmere SDL's) and all other housing developments where there is a net increase in dwelling numbers. The formula is set out in draft Policy T1 and at this point in time equates to £7,728 per dwelling. Officers acknowledge that draft Policy T1 of the ~~Local Plan 2021-2039: Proposed Submission~~ **LPPS** is emerging and not adopted policy. That said, the circumstances currently facing the Council, with regard to the A27 scheme of improvements, is such that unless all housing permitted ahead of the adoption of the ~~Local Plan 2021-2039: Proposed Submission~~ **LPPS** delivers the financial contributions of the scale envisaged in draft Policy T1, the Council will be unable to

secure sufficient funding for the requisite improvements to the A27 necessary to enable the planned housing development set out in the ~~Local Plan 2021-2039: Proposed Submission~~ **LPPS**.

8.22 In its letter to the Council dated 11 September 2023, National Highways (NH) acknowledge that the Council has provided strong evidence through the Transport Study that the costs of delivering improvement works for the A27 Chichester bypass (Fishbourne, Bognor, Stockbridge and Whyke roundabouts) have increased significantly and are no longer viable under the current Planning Obligations and Affordable Housing SPD. In other words, NH accept that the non-indexed 7-year-old figures set out in the 2016 SPD are no longer fit for purpose in terms of securing the level of financial contributions necessary for mitigation measures to the junctions of the A27.

8.23 Given this implicit support from NH to the Council's revised position on seeking financial contributions from housing developments through draft policy T1 and the draft SPD on A27 Chichester Bypass Mitigation which updates the 2016 SPD policy, it is officers recommendation that non-compliant schemes are not supported on the basis of the acute nature of the Council's position and the risk to housing delivery in the district (see paragraph 6.21 for additional commentary in this regard).

8.24 The applicant has formally agreed to provide the financial contribution envisaged in draft Policy T1 of the ~~Local Plan 2021-2039: Proposed Submission~~ **LPPS**. The figure for the 94 dwellings proposed at Charmans Field is £726,432 and a S.106 obligation is recommended below to secure this financial contribution.

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, the proposed access into and out of the site, as proposed 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. With payment secured through the S.106 agreement for the A27 mitigation measures, there is no technical highway objection raised to this application.

8.26 In terms of walking and cycling, the development delivers connectivity benefits to Runcton and the countryside beyond by facilitating an east-west link across the site towards the northern boundary of the site. This will need to be 3 metres wide and constructed to WSCC standard bridleway specification. At the north-west corner of the site, this cross-site link will enable connectivity with the existing bridleway no. 2792_1 at Green Lane on the west side of Marsh Lane which provides a route thereon to the cyclepath alongside Bognor Road. The proposal is to also connect the cross-site link at the north-east site boundary with a Permissive Bridleway passing to the north of the glasshouses at Runcton Nursery and connecting up with the existing PROW network FP 200 to the east. The Permissive Bridleway would pass over land within the applicant's control and would be delivered by a separate formal agreement with WSCC secured through the S.106 linked to an outline planning permission given for this development. The Permissive Bridleway would be required to be in place for a

minimum of 10 years (with a review period at that time) during which time WSCC will take on responsibility for its maintenance. At the south boundary to the site adjacent to Lagness road, a 3m wide pedestrian/cycleway will be provided linking the site to Runcton Farm Shop with its range of facilities/services. Providing a safe, off-site link in this location has been an aspiration of the Parish Council and will be delivered by this application through the S.106 agreement.

8.27 At the Planning Committee meeting in July members sought clarification of the safety of the route for school children and parents travelling from the site westwards along Lagness Road to North Mundham School. WSCC as the local highway authority (LHA) has looked at the route again and a site visit attended by the Area Highways Manager and the local member took place on 1 August to consider the issue. WSCC's subsequent consultation response is summarised at 6.8 above. This sets out the intended improvements to the 5 no. crossing points all of which have been subject to a Stage 1 Safety Audit. WSCC has also looked at the safety record of the stretch of road between the site and the school over a 5-year period 2018-23. Whilst there have been some incidents, WSCC do not consider there to be any patterns that would suggest defects in the highway itself. Of the 5 road safety incidents recorded on the route between the site and the school (3 at Walnut Tree roundabout and 2 on Lagness Road) all were due to either poor driver awareness, behaviour or impairment. WSCC as the LHA conclude that the proposed package of minor off-site highway improvements which the applicant has agreed to deliver via the S.106 agreement which will include 'children crossing' warning signs on the Vinnetrow and Lagness Road approaches to Walnut Tree roundabout will enable a safe, enhanced and continuous walking route from the site to the local primary school to be delivered. WSCC LHA continue to raise no objection to the application.

v) Surface Water Drainage and Foul Water Disposal

Surface Water

8.28 The site is wholly within tidal/fluvial flood zone 1 i.e. at the lowest risk of flooding. The applicant's surface water drainage strategy relies on sustainable drainage principles (SuDS) and to that effect two shallow attenuation basins are shown at the north and north-west parts of the site to manage the surface water run-off from the site. The precise form and shape of these will be confirmed as part of the reserved matters application when 'layout' is formally considered. The Council's Drainage Engineer confirms that he is aware of flooding incidents immediately downstream of the development (notably the brook at Brookside) and a number of third party objectors as well as North Mundham and Pagham Parish Councils have also made reference to this. Southern Water makes it clear that maintaining the effectiveness of the proposed SuDS systems in perpetuity will be critical. Good management will be required to avoid flooding from the proposed surface water system which may result in the inundation of the foul sewerage system which some of the third party objections record there is an existing experience of. Surface water disposal will therefore need to be dealt with sensitively and carefully to ensure any off-site flood risk is not increased. To that end the proposals are to restrict discharge to the existing watercourse on the north/north-western boundary to no more than existing greenfield rates. Shallow on site attenuation basins following the alignment of the former canal

will be fed by swales and engineered to manage surface water from up to a 1 in 100 year plus climate change event. The Council Drainage Engineer is satisfied from the reports submitted with the application that a technical solution can be secured to avoid harmful off-site impacts and subject to the imposition of appropriate but necessary conditions raises no objection.

- 8.29 In terms of groundwater, the Lead Local Flood Authority at WSCC has pointed out that the modelled risk of groundwater flooding for the site is indicated as high. However, as the groundwater flood map makes clear, this is an assessment based on national modelling to be used only for broad-scale assessment of the groundwater flood hazard and is not based on the results of detailed on site specific investigations. The applicant has carried out some initial percolation tests on the site producing infiltration rates which the Council's Drainage Engineer is of the opinion should accommodate a partial infiltration based solution. The applicant's groundwater monitoring to date shows that groundwater levels beneath the site are in the range 1.8 to 3.9 metres below ground level.
- 8.30 Subject to a condition requiring winter groundwater monitoring and winter shallow percolation testing the Council's Drainage Engineer is satisfied that the development can be adequately drained. It is considered that with the imposition of appropriate conditions the surface water drainage arrangements can be designed to ensure there is no overall increase in flows into the existing surface water system and its long-term management and maintenance can be secured.
- 8.31 **In deferring the application from the July Planning Committee, members wanted clarification of the potential for surface water discharges arising from the development to negatively impact on the Pagham Rife via existing watercourses. Surface water drainage issues have been re-visited in the meantime both with the Council's Drainage Engineer and WSCC as the Lead Local Flood Authority (LLFA). Further comments from these consultees are identified in bold type in the report at paragraphs 6.15 and 6.10 respectively. The Council's Drainage Engineer confirms that the development proposes a connection to the existing watercourse (west boundary) and that this will ultimately discharge downstream into the Pagham Rife. However, it is re-affirmed that surface water flows from the site will be restricted to no more than existing greenfield rates with attenuation of surface water for storm events up to 1 in 100 years plus 45% for climate change within the boundaries of the site. The conclusion is that there should be no impact on flow rates within the Pagham Rife.**
- 8.32 **From the perspective of the LLFA, there is no objection on surface water drainage grounds subject to the imposition of two conditions which are embodied in the schedule of conditions on the recommendation. The second of the recommended conditions requires the developer to demonstrate during the construction phase how the site will be drained to ensure there is no increase in off-site flows, nor any pollution, debris and sediment to any receiving watercourse. This condition will therefore ensure that there is no negative impact on Pagham Rife.**
- 8.33 **The applicant has additionally provided evidence direct from the Environment Agency on the EA's management and maintenance of the Pagham Rife in the**

two main areas closest to the application site which are part of its Maintained Assets. This shows that the Pagham Rife is maintained by the EA on a year-by-year basis. By controlling surface water outfalls from the application site in the way proposed there is no evidence to imply that the condition of the Rife will be made worse by the proposed development.

Foul Water Drainage

- 8.34** Foul flows from the 94 dwellings would be discharged via a gravity fed network extending across the whole site before feeding into the existing public main sewer on Lagness Road from where it will be routed to the Pagham WwTW. Southern Water has stated that it can provide a connection to the public sewer to facilitate foul sewerage disposal for the development and makes no reference to any prior need for network reinforcement associated with the development to avoid a potential increased risk of flooding.
- 8.35** Officers note the concern of North Mundham and Pagham Parish Councils with regard to the foul drainage implications arising from the proposed development, including the reference to ongoing issues associated with wastewater flows in the parish and the lack of capacity at Pagham WwTW. However, on the basis of the evidence available, the Local Planning Authority is confident that there is capacity at the Pagham WwTW to accommodate the additional foul flows. The most recent dry weather flow figure for the estimated remaining capacity at Pagham WwTW is 624 dwellings. Ultimately it is the statutory duty of Southern Water to ensure that the off-site infrastructure to service the proposed development is fit for purpose, that the development is satisfactorily drained and that the proposed development does not lead to problems elsewhere in the system. Any failings on behalf of SW to deliver required improvements to the offsite network to satisfactorily service the proposed development are failings under Part 4 of the Water Industry Act 1991 not under the Town and Country Planning Act and the recourse for such failure therefore falls to be addressed under that Act through OFWAT.
- 8.36** At the July 2023 Planning Committee members sought deferral of the application to seek clarification from Southern Water on off-site infrastructure upgrades necessary to accommodate the development. Southern Water's subsequent consultation response at paragraph 6.4 confirms that its earlier comments remain unchanged and valid. It is noted that in separate correspondence between North Mundham Parish Council and Southern Water, Southern Water confirm there is capacity in the network for the proposed 94 dwellings. Southern Water state that it has run hydraulic models to understand expected flows from the development and to see if there is any potential detriment from, for example, flooding or pumping station hydraulic overload. The Charmans Field proposals have been deemed as 'not detrimental'. Southern Water also confirm to the Parish Council that Pagham WTW is currently being upgraded and this will incorporate quality (nutrient) improvements and a future growth allowance up to 2035. There is therefore no evidence before the Council that foul flows arising from the proposed development cannot be managed by the statutory undertaker. Government planning policy (NPPF paragraph 188) is very clear that planning decisions should focus on whether a proposed development is an acceptable use of land rather than seeking to control processes or emissions which are subject to

separate pollution control regimes. It states that planning decisions should assume that these regimes will operate effectively. If Southern Water fails in its statutory duty, then the recourse is through the industry regulator OFWAT.

vi) Ecology

- 8.37 From its baseline position of being an open agrarian field with low ecological interests principally confined to the field margins, the application proposals with the areas of new planting including tree and hedgerow planting and SuDS features are likely to result in an overall increase in the net biodiversity of the site. Whilst the provision of biodiversity net gain (BNG) assessment is not yet mandatory until secondary legislation to the Environment Act comes into force in November 2023, the applicant's biodiversity assessment based on the DEFRA Metric 3.1 calculation shows a substantial increase in BNG above the 10% currently required in the Environment Act. On both the east and north site boundaries the submitted Parameters Plan shows that a ~~8 metre wide~~ planted landscape buffer will be provided. ~~on both the east and north site boundaries.~~ Over time this will provide an enhanced ecological wildlife corridor and will be secured by condition. The proposals are considered to satisfy the criteria in Local Plan policy 49 which, like the NPPF, doesn't currently have targets to be met for BNG.
- 8.38 The Council's Ecologist has confirmed that the submitted Ecological Report (and Updated Technical Report and shadow habitat regulations assessment) sufficiently address the potential issues regarding bats and water voles and that these are capable of being addressed by condition. In terms of HRA protected bats species, the site lies within the 12km Singleton and Cocking Tunnels SAC buffer zone for the rare barbastelle bats species. In accordance with Natural England's standing advice on HRA protected species, the applicant has specifically addressed the very limited and occasional presence of barbastelles. The applicant's reports identify that even without mitigation for the potential impacts of the proposed development, there would be no likely significant effect on barbastelle bats. The reasons for this are the fact that the distance of the site from the closest part of the tunnels is 11.55km. This is therefore at the outer limits of the 12km buffer zone and the bats typical foraging range. The site is not within the 6.5km zone which is the key conservation area where the SDNP's Technical Advice Note on HRA's (March 2021) indicates that the closer proximity can have direct impacts on bat habitats. The SAC is also well beyond the 6km core zone for barbastelles identified by the Bat Conservation Trust. Additionally, the applicant's surveys have recorded a very low number of flypasts of barbastelles (0.3% or 16 out of over 5200 recorded flypasts). The very low recorded use of the site by barbastelle bats indicates that the site is too marginal to the SAC population for the proposals to represent a material risk of impact or for the site to be regarded of functional importance to the barbastelle population for which the SAC is designated. A further important aggravating factor discouraging light sensitive barbastelles from potentially using the site is the presence of internal light spill during dark hours from the commercial glasshouses at Runcton Nursery which are immediately adjacent to the east site boundary. In terms of the habitat regulations therefore, the conclusion is that mitigation is not required in order for there to be no likely significant effect from the development and on that basis the proposals can be 'screened out' from the habitat regulations.

8.39 Additional measures secured by condition on this application include habitat protection and enhancements together with a lighting strategy to avoid light spill and the careful positioning and orientation of dwellings relative to the site boundaries as part of the reserved matters layout. These measures will benefit the overall bat assemblage but are not required to avoid impacts on the SAC site. The applicant's updated shadow Appropriate Assessment reflects this. The Council's Environment Officer has agreed this and confirmed that the 'without mitigation' approach is satisfactorily set out and that the approach to ensuring there is no disturbance to this bat species is suitable. Appropriate conditions are attached to the recommendation in this regard. On the basis of the above it is considered there is no identified conflict with the Habitat Regulations.

vii) Habitat Regulations Assessment

Recreation Disturbance

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

8.41 When a development proposal falls into an area where the Chichester and Langstone Harbours SPA zones of influence and the Pagham Harbour Special Protection Area zone of influence overlap, as in this case, Natural England advise that some reduction in the contribution is reasonable. This is on the basis that the occupiers of the new dwellings cannot be at both Harbours at the same time. However the Local Planning Authority still has to ensure that a robust package of mitigation can be implemented. In order to do this, within the area of overlap, only one contribution per net new dwelling unit will be payable. This contribution will be whichever is the higher of the two contributions at the time - currently Pagham for units of 3 bedrooms or fewer, or Bird Aware Solent for 4 or 5 bedroom units. This will ensure that the development does not pay twice but will also ensure that the funding of neither scheme is undermined. On this basis a total contribution of £88,676 would be required. A completed S106 agreement is required to secure this contribution. When paid the contribution will be divided in two, half for each of the two SPA mitigation schemes. Natural England has confirmed that this provides acceptable mitigation against the potential recreational impacts of the development on the protected site and officers have completed an Appropriate Assessment.

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

Nutrient Neutrality

8.43 Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and

Species Regulations 2017. As this development will be draining to Pagham WwTW, the impact onto a European protected Habitat site (namely the Solent Maritime SAC and Chichester and Langstone Harbours SPA and Ramsar site) has been screened out and therefore nutrient neutrality does not need to be considered by way of an Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Similarly, the site is outside Solent Maritime SAC catchment so that no surface water drains from the site to the protected areas.

viii) Sustainable Design and Construction

8.44 The application is submitted in outline and therefore the detailed design of the dwellings at this point in time is not for consideration. However, in response to Local Plan policy 40 the applicant has provided a Sustainability Statement which details how the 10 criteria of the policy will be met. A carbon saving fabric first approach to achieving thermal efficiency of the proposed dwellings will be coupled with maximising the use of renewable energy through the use of PV solar panels inset into the roof of favourably orientated dwellings. Water consumption will be restricted to 110 litres per person per day. The detailed layout to be submitted as part of the reserved matters will incorporate electric vehicle charging in accordance with building regulations (as a minimum). Details of the sustainable design approach will be secured at the reserved matters application stage of the development but the recommendation to permit this outline application contains relevant conditions in that regard. The Council's Environment Officer has confirmed that the approach set out within the Sustainability Statement will meet the requirements of policy 40 with the details to be approved as part of the reserved matters.

ix) Other Matters

8.45 Heritage Assets - Officers have considered the potential impact of the proposals on the nearest heritage assets to the site, these being the four listed buildings and Conservation Area located to the south/south-west and the listed St. Giles Church to the north. It is concluded that whilst the proposed development would result in the loss of open land, the application 'field' is located some 570 metres away from the listed church, the western boundary of which is well screened with established trees. Beyond that churchyard tree screen is another large expanse of open field with the intervening glasshouse development at Runcton Nursery forming a notable part of the landscape setting. At such a distance it is considered that any perceived impact on the setting of the church is extremely minor. The site is also both physically and visually removed from the immediate and wider setting of the listed buildings in the Conservation Area being separated from the historic core of Runcton by the B2166.

8.46 Therefore, whilst there is potential for some limited visibility of the proposed housing it is not considered this would amount to a level of harm that would impact on the significance of the heritage assets. In terms of the test to be applied in section 16 of the NPPF in considering the potential impacts on the significance of the proposals on the designated heritage assets, the conclusion is that the development would not amount to even less than substantial harm and is therefore acceptable in that regard.

8.47 Residential Amenity - One consequence of developing out a field where there is currently no development is the potential for some bearing on the established amenities of existing adjacent residential properties who might currently enjoy a rural

outlook. However, loss of or change of outlook is not a reason for not permitting new development. There are only a very few dwellings around the site perimeter, and these are on the opposite side of Marsh Lane and Lagness Road. Whilst the marked change to the character and appearance of the site resulting from development will clearly create a different outlook for those existing residents who might have a view of it, this change does not automatically translate into a development that would be harmful to their established amenity. Loss of view is not a planning consideration. The layout of the proposed dwellings is not being determined under this application and under any subsequent reserved matters application attention will be paid to layout and orientation to ensure that overlooking is avoided. It is not considered that the proposals would result in material harm to established residential amenity.

- 8.48** The Council has received a letter of objection to the proposals from Vitacress who operate the commercial horticultural nursery beyond the east boundary of the site at Runcton Nursery and notes the concern raised by Oving Parish Council with regard to the impact of light pollution from the glasshouses on the proposed development. The objection from Vitacress cites the 'agent of change' principle (NPPF paragraph 187) in terms of the potential for the proposed development to result in unreasonable restrictions being placed on Vitacress's continued lawful operation of the nursery site for horticultural purposes which includes the use of internal lighting for growing purposes. Officers have considered this aspect and note in this regard the use of existing internal blackout blinds, the well-established existing hedgerow on this boundary and the fact that this screening is to be further strengthened with a 5 metre wide landscaping belt as part of the required landscaping under the reserved matters. Taking these factors into consideration it is considered that the development would not result in unacceptable light levels for the rear bedroom windows on properties adjacent to the eastern boundary of the site, the positioning and orientation of which remain yet to be determined as part of the subsequent reserved matters.
- 8.49** **The July Planning Committee wanted to better understand the potential impact on future residential amenity of the proposed dwellings from the use of growing lights at the Vitacress glasshouses which during the period November to March are typically used (according to information supplied by Vitacress) to supplement natural light levels from circa 4am to 4pm with reduced lighting use outside this period of the year.**
- 8.50** **The guidance note of the Institute of Lighting Professionals (ILP) is that where there is a potential for lighting to cause disturbance to residential amenity, the maximum level for light intrusion on to the windows of impacted dwellinghouses is 5 lux where that site is identified - as this site is - as being within an E2 environmental zone (characterised as sparsely inhabited rural areas, village or relatively dark outer suburban locations). By way of comparison, streetlighting in residential areas is typically 3-5 lux and the sky glow from a full moon on a cloudless night 0.5 lux.**
- 8.51** **Officers have sought consultation advice from the Council's Environmental Protection (EP) service and the comments received are at paragraph 6.19. The Council's EP service agrees that the E2 zone categorisation is appropriate. The applicant maintains that the E2 zone upper limit of 5 lux can be achieved through a combination of the existing blinds within the glasshouse, the existing boundary vegetation and the proposed 8m landscape buffer which can**

include evergreen planting. The Council's EP service has furthermore recommended an additional condition which it is considered can provide the necessary level of certainty at reserved matters stage that an acceptable living environment can be achieved for those dwellings to be sited closest to the eastern boundary. The applicant accepts the condition and confirms they can achieve the necessary light levels to meet the guidance.

8.51 Education – The local education authority (LEA) has advised **in its original comments** that it had no comments to make in respect of the application. This site will be CIL liable. CIL will be sought by the County Council as local education authority from the charging authority to provide the necessary education mitigation for the proposed development.

8.52 Since the July Planning Committee, further clarification has been received from the local education authority as to the situation with regard to school places and the capacity of North Mundham Primary School. WSCC in its most recent response at paragraph 6.12 has re-assessed the impact of additional housing across the area and the impact this will have on the local school's capacity to accommodate the additional children from this development, and other development sites in the Chichester Planning Area. As a result of the additional work it has undertaken, the LEA has no objection to the application, it is satisfied that there is currently capacity at the school for a development of no more than 94 dwellings but it will continue to monitor pupil numbers and movement and if there are significant delays with the application it reserves the right to review this position to ensure the capacity still remains.

Significant Conditions

8.42 The key conditions that are recommended to make this development acceptable would include details of the construction management plan, site levels, compliance with land uses shown on submitted Parameter Plan, surface water drainage and its long-term management and maintenance, sustainability components, tree protection measures, waymarking for the former canal route across the site, the provision of ~~an 8-metre wide~~ planting buffers on the east **and north** site boundaries, ecological mitigation and enhancements and a **3m wide** boundary watercourse maintenance buffer.

Section 106 Agreement

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

- 30% Affordable Housing (28 units) with a tenure mix as follows:

- 1 bed x 10 (3 x affordable rent; 4 x social rent; 1 x shared ownership; 2 x First Homes)
- 2 bed x 11 (2 x affordable rent; 4 x social rent; 2 x shared ownership; 3 x First Homes)

- 3 bed x 6 (1 x affordable rent; 1 x social rent; 2 x shared ownership; 2 x First Homes)
- 4 bed x 1 (social rent)

Appropriate management by an approved body and a nominations agreement.

- Financial contribution of £726,432 (£7,728 per dwelling) towards the A27 Local Plan mitigation works in line with the Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass' with an uprated tariff based on the methodology set out in draft policy T1: transport Infrastructure (A27 Mitigation contributions) in the Chichester Local Plan 2021-2039:Proposed Submission (Regulation 19)

- Financial contribution of £88,676 (12 x £980 and 82 x £938) for recreational disturbance mitigation at Chichester and Langstone Harbours SPA and Pagham Harbour SPA, in accordance with Planning Obligations and Affordable Housing SPD.

- Provision of Amenity Open Space including a Local Equipped Area of Play (LEAP) (required minimum of 283 sqm of equipped play space and 943 sqm of amenity open space, based on CDC Open Space Calculator). Management and on-going maintenance to also be secured.

- Highway works:

- Provide both bus stops on Lagness Road with RTPI (North and South)
- Provision of a new bus shelter and relocate the existing bus stop on the western side of the new access to the eastern side of the new access on Lagness Road
- Provision of a right turn ghost lane in centre of B2166
- Provision of a new footway to wrap around the site access and extend to the west to meet an informal crossing point with refuge island to meet a newly constructed 2m footway on the southern side of Lagness Road to link to the bus stop there.
- Provision of a 3 metre wide shared pedestrian/cycleway from the site to Runcton Farm Shop along the north edge of B2166
- Provision of a short section of footway from the Runcton Farm Shop access to the bus stop outside the farm shop
- Restore footway along southern stretch of Lagness Road to meet the Vinnetrow Road Roundabout
- Upgrade the tactile paving on the north and western arms of the Vinnetrow road roundabout
- Provision of wayfinding signs to direct people to the primary school and village
- Extension of 40mph speed limit across site frontage
- Travel Plan and a £3,500 WSCC Travel Plan monitoring fee
- Provision of a surfaced 3 metre wide Permissive Bridleway path from north-east corner of site eastwards to the north of Runcton Nursery to the point where it meets PROW network FP 200. Applicant to be required through the S.106 to enter into an agreement with WSCC under S.25 of the Highways Act 1980 to deliver a Permissive Bridleway for a minimum 10 year period. Maintenance of the path to be provided by WSCC
- Provision of a pedestrian/bridleway access onto Marsh Lane. WSCC require further details as part of the S.106 regarding the proposed visibility splays and

design width of the PROW/Bridleway where it meets the public highway on Marsh Lane.

- Section 106 monitoring fee of £6,638

Conclusion and Planning Balance

- 8.44 The Council is unable to demonstrate that it has a 5 year supply of housing land and therefore the housing policies in the Local Plan are now out of date. In the absence of an up-to date Local Plan, the Council cannot rely on a plan-led approach to decision making on major housing applications as it ordinarily would. When there is less than a 5 year supply the NPPF engages what is known as the 'tilted balance', that is a presumption in favour of permitting new sustainable housing development. The Council by reason of paragraph 11 d) of the NPPF is required to consider favourably planning applications for sustainable new housing unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- 8.45 The application has been tested against the 13 criteria in the IPS and with the exception of landscape impact and the scale of new housing there are no significant or demonstrably adverse consequences that would result from the development being permitted. Whilst the wider concerns and objections of the Parish Councils and third parties are noted, the development is considered to be sustainable development and a proposal which responds to the constraints of the site. There is no compelling evidence arising from consideration of this application that the existing infrastructure cannot cope with the new development proposed. Through the S106 Agreement and the CIL payment and the associated Infrastructure Business Plan, the development will provide the necessary infrastructure requirements to mitigate the impact of the development on the wider infrastructure in the locality. The application will deliver much needed housing including 28 units of affordable housing and will help to address the Council's housing supply shortfall. In an already significantly constrained district in terms of opportunities to build new housing development on available sites outside of existing settlement boundaries, this weighs heavily in support of the proposals when carrying out the planning balance.
- 8.46 It is considered that the harm identified by the Council's landscape consultant on the preceding hybrid application for 113 dwellings on the site which was refused, has been partly addressed in the current application. The large areas of open space now proposed at the junction of Marsh Lane and Lagness Road and mid-way along the south boundary extending north into the site are elements which the landscape consultant and the Council's Design Officer consider would result in a better development in of itself and in terms of its relationship with the established settlement at Runcton. Notwithstanding these changes and the lower number of dwellings proposed on the current application, it is considered the proposal would have a localised rather than a widespread adverse effect on the character and appearance of the area due to the extent of built development that would be visible from Lagness Road and Marsh Lane. It would therefore fail to accord with Local Plan policies 33 and 48, due to the localised harm that it would cause to the rural character of the area and the loss of agricultural land.

8.47 However, the site itself is not in an Area of Outstanding Beauty and is not subject to any particular landscape designation. It is not a 'valued' landscape within the meaning of the NPPF (paragraph 174) which should be protected and enhanced and neither has it been identified as part of any settlement gap which should be retained in order to protect the individual identity of Runcton. The site is a pleasant open expanse of farmland which will clearly undergo a radical change but the very fact that a change in the appearance of the land would occur is not in itself a reason for refusing the application. This is particularly so when weighed in the context of a site which is acknowledged to be in a sustainable settlement and in the context of the Council not being able to demonstrate that it has a current supply of housing land. The importance the government attaches to the timely delivery of new housing is underscored in paragraph 60 of the NPPF and has been a consistent theme with planning inspectors in recent appeal decisions. In carrying out the tilted balance it is considered that the adverse landscape impacts and the scale of new housing resulting from developing an undesignated field on the edge of a sustainable settlement would not significantly and demonstrably outweigh the benefits associated with delivering new housing on that site when assessed against the planning policies in the NPPF taken as a whole. The application is therefore recommended for approval, subject to the applicant entering into a S106 agreement to secure the required affordable housing and other infrastructure.

Human Rights

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

RECOMMENDATION

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

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

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

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

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

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

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

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

1001-PL-A

1034-ST-01

A355 -001 P16

A355-004 P7

A355-005 P7

A355-006 P2

A335-007 P1

A355-008 P3

A355-009 P1

1034-MP-01 Rev C (Illustrative Landscape Masterplan)

Reason: To ensure the development complies with the planning permission.

4) **No development shall commence** including any works of demolition, until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that development 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 construction works;

(b) the anticipated number, frequency and types of vehicles used during construction,

(c) the location and specification for vehicular access from Marsh Lane during construction including signage and visibility splays,

(d) the provision made for the parking of vehicles by contractors, site operatives and visitors,

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

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

(g) the erection and maintenance of security hoarding,

(h) the location of any site huts/cabins/offices,

(i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

(j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,

(k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,

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

- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning and the disposal of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction,
- (r) hours of construction.

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

5) **Development shall not commence** until the full details of the proposed surface water drainage scheme which shall be designed to manage and attenuate surface water discharges up to a 1 in 100 year event plus 40% for climate change 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 shallow 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.

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.

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

Reason: The details are required pre-commencement to ensure the continued effectiveness of the surface water drainage system is maintained.

7) **No development/works shall commence on the site** until a written scheme of archaeological investigation of the site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of

importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

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

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

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

9) **No development shall commence on site** until protective fencing has been erected around all trees, hedgerows, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012 and the Arboricultural Impact Assessment/Method Statement and Tree Protection Plan, Revision A December 2022 by Hillside Trees Limited. 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.

10) The reserved matters for the development hereby permitted shall provide for a minimum ~~8~~ **12** metre wide ~~planted landscape~~ buffer on the eastern boundary **to include a 5 metre wide planted buffer, and a 8 metre wide planted buffer on the northern boundary** of the site as shown indicatively on the Land Use Parameters Plan drawing no. 22/02191/OUT together with details for the future management and maintenance of the buffer to be approved in writing by the Local Planning Authority. At no time shall the landscape buffer be subdivided or included within the curtilage of any dwelling on the site hereby permitted.

Reason: To accord with the terms of the application and to enhance the biodiversity of the development in accordance with policy 49 of the Local Plan.

11) The reserved matters layout for the development hereby permitted shall include a 3 metre wide shared use surfaced path constructed to bridleway status from the north-east boundary of the site extending westwards to the north-west boundary of the site linking through to Marsh Lane and following the indicative dashed purple line on the Land Use Parameters plan drawing no. 1034-ST-01. The proposals shall additionally include a scheme of waymarking setting out the former route of the Chichester - Arundel Canal. The shared use path shall be provided and made ready for use in accordance with a **timetable to be submitted to and agreed in writing by the Local Planning Authority before the development commences.**

Reason: To facilitate the provision of onward sustainable transport links in accordance with Local Plan policy 39 and in the interests of Local Plan policies 52 (green Infrastructure) and 53 (District Canals).

12) **Before the development commences** full details shall be submitted to and be approved in writing by the Local Planning Authority showing how the development is to achieve the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and criterion 8 in the Interim Position Statement for Housing (November 2020). The detailed proposals shall demonstrate how they accord with the measures set out in the submitted Sustainability Statement by Campbell Reith dated August 2022. The development shall thereafter be carried out in accordance with the approved details.

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

13) **Before the development commences** a reptile activity survey shall be carried out and the results of that survey together with a reptile mitigation strategy (if required) including a program for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be implemented fully in accordance with the approved details.

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. 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.

14) **No development shall commence** until a Landscape and Ecological Management Plan (LEMP) setting out measures to ensure the delivery and long-term management of open spaces, boundary trees and hedgerows, and the establishment of new habitats and areas of ecological value, has been submitted to and been approved in writing, by the Local Planning Authority. The LEMP shall be prepared in accordance with the ecological mitigation, compensation and enhancement measures within the Ecological Appraisal by the Landmark Practice dated October 2021 and the Technical Note by Holbury Consultancy Service dated November 2022 regarding

SAC bat species unless an alternative is agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the measures included in the LEMP, including timing and any phasing arrangements, unless otherwise agreed in writing, by the Local Planning Authority.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for enhancement of the nature conservation value of the site in line with national planning policy.

15) No development shall commence until a detailed lighting mitigation scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out how the development shall be designed to ensure that artificial light shall not exceed thresholds from the Institution of Lighting Professional's, 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20)', in respect of the Environmental Zone relevant to the site.

The scheme shall include an isolux diagram showing the predicted luminance in both the horizontal and the vertical plane (at a height of 3.5 metres) for the development.

The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details. The works and scheme shall thereafter be retained, in accordance with the approved details.

Reason: In the interests of amenity and to protect residents from light pollution.

16) Notwithstanding that 'layout' and 'landscaping' are reserved matters on this application, the subsequent reserved matters details to be submitted for approval by the Local Planning Authority shall incorporate the following mitigation measures and ecological enhancements:

- species rich wildflower meadow grass planting
- filling gaps in tree lines and hedgerows with native species
- SuDS wetland habitat
- the provision of bat brick/boxes to be installed into the dwellings and bird boxes to be installed within the retained trees on site
- the installation of bird boxes
- the provision of 2 no. log piles as hibernacula for reptile mitigation
- gaps to be provided at the bottom of the fences to allow movement of small mammals across the site.
- hedgehog nesting boxes included across the site

Reason: In the interest of conserving and enhancing biodiversity.

17) Before commencement of works to remove the culvert on the northern site boundary a water vole survey shall be carried out 20 metres each side of the culvert and the results of that survey including any necessary mitigation shall be submitted to and be agreed in writing by the Local Planning Authority.

Reason: To ensure the works do not destroy, damage or compromise protected species habitat.

18) **No part of the development shall be first occupied** until such time as a timetable covering the construction of the vehicular and non-vehicular accesses serving the development has been submitted to and been approved in writing by the Local Planning Authority. The accesses shall thereafter be constructed in accordance with the approved timetable with the vehicular access details shown on the drawing titled Proposed Site Access Ghost Island Right Turn Arrangement and numbered A355-007 P1.

Reason: In the interests of road safety.

19) **No part of the development shall be first occupied** until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Lagness Road 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.

20) **No part of the development shall be first occupied** until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site pedestrian access points onto Marsh Lane, in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above the adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety

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

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

22) 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. **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.

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

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

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

24) Prior to or in conjunction with the submission of each Reserved Matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and be approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment & Drainage Strategy dated 22nd August 2022. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters.
- Demonstrates that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration,
- Demonstrates that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes
- Follow the drainage hierarchy through the completion of winter groundwater monitoring and winter percolation testing to BRE 365 standards

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 42 of the Chichester Local Plan.

25) Development shall not commence until details and a method statement for interim and temporary drainage measures during the construction phase has been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF.

26) No development shall commence on the Sustainable Urban Drainage System (SuDS) until full details of the maintenance and management of the SuDS system, set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. The SuDS drainage system shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation,

II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Upon completed construction of the SUDS system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual, including the approved access and maintenance details for any watercourse or culvert.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan.

27) All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 22nd August 2022), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan

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

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

5) The developers attention is drawn to the letter dated 27/09/22 from Southern Water regarding establishing with Southern Water the exact position of the public foul sewer on the site before the layout of the development is finalised.

6) The applicant is required to obtain all appropriate consents from 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.

7) The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

8) The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary

construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

9) The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

10) Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Chichester District Council on behalf of West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals.

For further information on this application please contact Jeremy Bushell on 01243 534734.

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RH4LPFER0ZU00>


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Parish: Sidlesham	Ward: Sidlesham With Selsey North
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SI/22/02887/FUL

Proposal	Change of use of land to storage of caravans, erection of secure storage building and associated hardstanding.		
Site	Land South Of Telephone Exchange Selsey Road Sidlesham West Sussex		
Map Ref	(E) 485659 (N) 97768		
Applicant	MR W Hughes	Agent	Mr Ben Kirk

RECOMMENDATION TO REFUSE



	NOT TO SCALE	<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 D Johnson - The parish is of the view that this land is not in the rolling countryside, but forms part of Sidlesham which is semi urbanised. The storage facility is not visible from outside the parcel of land in which it sits, and the land fronts onto the B2145, one of the busiest B roads in the UK. Further, other small business and industrial units are nearby.

2.0 The Site and Surroundings

- 2.1 The site comprises a parcel of land measuring approximately 0.22 hectares, located on part of an area of land to the west of Selsey Road and to the north of Keynor Lane. The Applicant owns adjoining land to the north and east, which has the benefit of planning permissions for eight gypsy and traveller pitches located beyond the northern boundary of the site. The remainder of the site benefits from planning permission for a stable block and paddocks, although at the time of the site visit there did not appear to be horses on the land.
- 2.2 The wider site is bordered by Muttons Farmhouse to the south (a grade II listed building), and a recreation ground with pavilion building to the north and a telephone exchange to the north/east. The site is generally flat and open and covered in grass. There is an existing vehicular access to the south of the site from Keynor Lane. The boundary treatments of the application site are mainly formed by vegetation and close boarded fencing.

3.0 The Proposal

- 3.1 The description for the development comprises the change of use of land to storage of caravans, and the erection of a secure storage building and associated hardstanding (retrospective).
- 3.2 The proposal involves the use of the site to store caravans. The site layout indicates 20 touring caravans. The land would be serviced via the existing vehicular access which progresses north off Keynor Lane, then turns at 90 degrees within the relative centre of the applicant's wider landownership land, and progresses westwards and then runs south into the subject land.
- 3.3 A building is also proposed to provide four internal storage units, which would be rectangular in form with pitched roofs and designed with gable ends and a canopy. The building would measure; 15.4m in length x 5m deep, 2.35m to underside of eaves and 3.6m ridge height. The external materials would include corrugated sheeting to the roof and unstained timber weatherboarding to the walls.

4.0 History

17/02640/FUL	REF	Change of use of land from agricultural land for stationing of caravans for residential purposed by 3 no. gypsy-traveller families, with associated utility building, hard standing, widened gateway, landscaping and access.
18/01173/FUL	REF	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveller families with facilitating development (utility buildings, hard standing, widened gateway, septic tank and landscaping).

18/02925/FUL	NDET	Proposed private stable block and associated hard standing. New access to the highway.
19/02507/DOC	SPLIT	Discharge of condition 4, 5, 7, 8, 9 and 10 from planning permission SI/18/01173/FUL.
20/00193/DOC	PER	Discharge of condition 4, 5, 6, 7 and 10 from planning permission SI/18/02925/FUL(APP/L3815/W/19/3232132).
20/01916/DOC	SPLIT	Discharge of Conditions 4, 5 and 10 of planning permission SI/18/01173/FUL (APP/L3815/W/18/3209147).
20/01981/FUL	PER	Proposed private stable block and associated hard standing. New access to the highway. (Variation of condition 2 of permission 18/02925/FUL - amended the plan numbers to reflect the materials used in the construction of the building).
20/02956/DOC	PER	Discharge of condition 4 _ 5 from permission SI/18/01173/FUL (APP/L3815/W/18/3209147).
21/00322/FUL	PER106	Alterations to allowed appeal under reference 18/01173/FUL to include; change the use of the land and increase number of gypsy-traveller pitches from 3 to 4 including; utility buildings, hard standing, landscaping and amended access position.
21/00404/FUL	REF	Erection of brick wall and timber field gates to form entrance along with planting of laurel hedge to replace boundary treatments permitted under application 18/02925/FUL.
21/02786/FUL	REF	Change of use of land to storage of caravans and boats. Erection of secure storage building and associated hardstanding. (part retrospective).
22/00452/FUL	PER	Change of use of land and part of stable building to garden land and utility building as an alternative to the utility building approved under application 21/00322/FUL. Changes to the layout and elevation treatments of the approved stable building approved under application SI/18/02925/FUL and associated landscaping works.

22/00453/FUL	PER	Change of use of land to dog agility along with associated hardstanding and fencing.
22/00585/FUL	REF	Stationing of 1 additional caravan for gypsy-traveller families along with associated utility building, hard standing and landscaping.
22/02244/DOC	PER	Discharge of conditions 2 (boundary treatments), 3 (landscaping), 4 (EV charging) & 5 (parking, bins & bikes) of Planning Permission SI/22/00452/FUL.
22/02245/DOC	PER	Discharge of Conditions 2 (dog waste), 3 (parking) and 5 (landscaping) of planning permission SI/22/00453/FUL.
23/01476/FUL	PER106	Stationing of 4 no. additional caravans for gypsy-traveller families along with associated utility building, hard standing and landscaping.
22/02244/DOC	PER	Discharge of conditions 2 (boundary treatments), 3 (landscaping), 4 (EV charging) & 5 (parking, bins & bikes) of Planning Permission SI/22/00452/FUL.
22/02245/DOC	PER	Discharge of Conditions 2 (dog waste), 3 (parking) and 5 (landscaping) of planning permission SI/22/00453/FUL.

Appeals

18/00052/REF	ALLOW	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveller families with facilitating development (utility buildings, hard standing, widened gateway, septic tank and landscaping).
18/00053/REF	DISMIS	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 no. gypsy-traveller families, with associated utility building, hard standing, widened gateway, landscaping and access.
19/00032/NONDET	ALLOW	Proposed private stable block and associated hard standing. New access to the highway.

5.0 Constraints

Listed Building	Grade II nearby
Conservation Area	No
Rural Area	Yes
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

Further Comments

Further to our emails, I can confirm that at our meeting last night, it was agreed to withdraw our objection to this application.

Original Comments

At the Sidlesham Parish Council Meeting last night it was agreed that they are unable to make any comments until further investigation has been carried out by the Planning Officer of certain irregularities that have occurred over the past month, namely addition of two more caravans and the removal of the owner's caravan. The Parish Council would seek your Officer to carry out a site visit as soon as possible to ascertain the current position and also to check past applications and permissions given for how many caravans are allowed on this plot of land. When this has been carried out and the results forwarded to the Parish Council, who will then review them and respond accordingly. Object

6.2 WSCC Local Highway Authority

This application is for the change of use of land to storage of caravans with erection of secure storage building and associated hardstanding. This application is part-retrospective, with the works having started on 01/05/2022. The site is located on Keynor Lane, a C-classified road subject to a speed restriction of 30 mph in this location.

WSCC in its role as Local Highway Authority (LHA) previously provided consultation advice pertaining to highway matters for this site for application SI/21/02786/FUL, raising no highway safety concerns. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

From inspection of the application documents, the proposals for the current application appear similar to what was proposed for refused application SI/21/02786/FUL, but with boat storage omitted from the plans. As per the LHAs previous comments, the proposed development is not anticipated to give rise to a significant material intensification of use of the existing access. The internal layout appears acceptable, and the site exhibits suitable space for an appropriate amount of vehicular parking, with space for turning.

In summary, 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 Economic Development

The Economic Development Service has no objection to this application.

6.4 Third party representations

No third party representations have been 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 Sidlesham.

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 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 45: Development in the Countryside
Policy 47: Heritage
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 55: Equestrian Development

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 2039 is now well-advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in late 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

Relevant policies from the published Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19) are:

- Policy S1 Spatial Development Strategy
- Policy S2 Settlement Hierarchy
- Policy NE2 Natural Landscape
- Policy NE3 Landscape Gaps between settlements
- Policy NE5 Biodiversity and Biodiversity Net Gain
- Policy NE6 Chichester's Internationally and Nationally Designated Habitats
- Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
- Policy NE8 Trees, Hedgerows and Woodlands
- Policy NE10 Development in the Countryside
- Policy NE15 Flood Risk and Water Management
- Policy NE16 Water Management and Water Quality
- Policy NE20 Pollution
- Policy NE21 Lighting
- Policy P2 Local Character and Distinctiveness
- Policy P4 Layout and Access
- Policy P5 Spaces and Landscaping
- Policy P6 Amenity
- Policy P15 Open Space, Sport and Recreation
- Policy E3 Addressing Horticultural Needs
- Policy E4 Horticultural Development
- Policy T1: Transport Infrastructure
- Policy T2 Transport and Development

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from 5 September 2023. Paragraph 11 of the

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

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

7.5 Consideration should also be given to the following paragraph and sections: Sections 12, 14, 15 and 16. In addition, the relevant paragraphs of the National Planning Practice Guidance have also been considered.

Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

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

- Maintain low levels of unemployment in the district
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services 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. Design and impact upon character of the surrounding area
- iv. Impact upon heritage assets
- v. Impact upon amenity of neighbouring properties
- vi. Impact upon highway safety and parking
- viii. Ecological considerations
- xiii. Other matters

Assessment

i. Principle of development

- 8.2 Policies 2 and 45 of the Local Plan allow development within the Rest of the Plan Area where a countryside location is required, where it supports rural diversification or where it meets a need which cannot be met within existing settlements. Policy 1 of the Local Plan requires development to accord with these policies. Current Development Plan policy requires that proposed development in the Rest of the Plan Area to be sustainable, essential for agriculture, and to protect the character of the countryside. Also, the policies require that applicants demonstrate need/demand which is small scale, structurally sound, of traditional or architectural merit and connected to existing buildings and supporting the local rural economy.
- 8.3 Policy 45 in the Local Plan accepts sustainable development in the countryside under certain criteria stating that; 'Planning permission will be granted where it can be demonstrated ALL the following criteria have been met:
1. The proposal is well related to an existing farmstead or group of buildings or located close to an existing settlement,
 2. The proposal is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses; and
 3. Proposals requiring a countryside setting, for example agricultural buildings, ensure that their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area'.
- 8.4 The application site has been developed, and the application under consideration is retrospective. The lawful use of the land however, is agricultural grazing land. The wider site has a mixed use, including gypsy and traveller pitches, dog agility training, stables and animal grazing. It is not considered that the nature of the storage use would be compatible with the area, as it does not constitute any form of agricultural use and does not require a location within the designated Rest of the Plan Area.
- 8.5 The increased vehicular movements would attract additional daily traffic, but with those who use the site for long term storage, likely to visit only occasionally. However, the contrived extension of vehicular access to serve the additional use on the site and the intensification of its use is not considered appropriate in this countryside location and would be more appropriate to within a more urban or settlement location as set out by CLP policies 1 and 2.
- 8.6 Given the site's location and the proposed use as caravan storage, the development could not be supported by other more sustainable modes of transport. It may be argued that this type of use would create additional journeys, no matter where located by its very nature. However, when planned more strategically in accordance with the Development plan, it is likely such journeys would not cover extended distances and would be linked with trips to other locations and purposes.
- 8.7 The NPPF 2023 promotes policy which seeks to balance the rural economy with the need to protect the intrinsic character and beauty of the countryside and to promote sustainable modes of transport. Paragraph 84 of the NPPF supports the growth of rural economies through the diversification of agricultural enterprises and the sustainable expansion of existing businesses. The proposed development does not meet either of these objectives,

rather it would introduce a new, non-agricultural use in an area that would not support an existing business on the site. Therefore, in conclusion, the weight that should be given to the benefit of economic growth in this rural area is limited and does not in Officer's opinion outweigh the harm arising from the unsustainable nature of the proposal and to the character of the countryside.

- 8.8 The applicant has failed to demonstrate the level of need for this use to require development of this site which is located in open countryside. Therefore, it is considered that the change of use of land to storage of caravans, and the erection of a secure storage building and associated hardstanding is not supported by current development plan policy. In summary the proposed use and building would be more appropriate within, or close to, either an urban area, coastal or caravan park setting that conforms with the hierarchy of settlements established by CLP policies 1 and 2 or the policies that support the extension of an existing employment site or tourism facility.
- 8.9 The LPA note the application submitted has removed the boat storage which was proposed under application 21/02786/FUL. Whilst this has overcome some of the concerns raised in relation to the distance of the site from the coast, slipways and moorings, the fundamental conflict with the Development Plan and the identified harm to the character of the area has not been overcome. The removal of boat storage from the proposal is not considered to be so significantly different that officers could come to a different recommendation on this application.

ii. Design and impact upon character of the surrounding area

- 8.10 Sidlesham is characterised by its agricultural and horticultural history, and this establishes a pattern of low-rise dwellings set around outbuildings, fields and glasshouses forming the Land Settlement Association Plots. The site is framed by roads to two frontages, a grade II listed building (Mutton's Farmhouse) and Sidlesham Football ground, with a small cluster of linear rows of dwellings fronting the football ground and opposite side of the roads. A dwelling and arable farmland adjoining lies to the opposite side of Keynor Lane. The combination of the dispersed arrangement of Sidlesham with gaps between areas of development, as provided by the grazing land on and around the application site, and the hedgerow boundaries ensure a rural character is retained despite the range of uses nearby.
- 8.11 There are a mix of uses adjacent to the site, including the recently permitted and implemented gypsy and traveller pitches with stables and grazing land and the nursery to the west. However, it maintains an open rural character with gaps between the existing development north of the application site and the surrounding properties. As such, the existing development on the site has maintained the rural character of the locality.
- 8.12 The proposed storage facility would cluster together caravans, a storage building and hardstanding and include associated fencing and gates. The external finishes of the caravans and associated structures/surfaces clustered together in this manner would constitute a discordant feature within open land to the detriment of the character of the area. This contrasts with visual impact of the use of adjoining land which is for landscaping, gardens (for each pitch) and a suitable amount of grazing for the horses. As a consequence, the adjoining uses by the applicant provides sufficient natural space for each plot so that the visual impact is respectful of its countryside setting. The cluttered effect of the proposal comprising of external and internal storage would undermine the efforts to protect the character of the area and would instead erode it as a result of the visual impacts

of the storage. The development would detract from the visual amenity and character of the locality. In addition, the increased level of use associated with the proposed development would impact upon the rural character of the site and its surroundings.

- 8.13 The Inspector in decisions APP/L3815/W/18/3209147 (appeal A) APP/L3815/W/18/3209145 (appeal B) for the pitches assessed the character as semi-rural. The Inspector considered that that development to the road frontage with Keynor Lane (appeal B) as visually harmful due to its prominence. The application site being considered here is further south than the allowed appeal and encroaches into the undeveloped greenfield land in a manner that would not respect the pattern of development within the locality. Landscaping and fencing is proposed to provide some screening of the land use which would be set back from the road, but is still visible from the wider public realm. Development Plan policy require such proposals to be compatible with its countryside setting and it is considered that landscaping in itself cannot override the impact of the built form and uses which are compatible with more urban areas.
- 8.14 Recent planning application 23/01476/FUL was approved despite the identified impact on the character of the area. In this instance, the planning balance meant that the provision of 4no. new gypsy and traveller pitches outweighed the identified harm. In the balancing exercise, significant weight was given to the Council's current failure to deliver sites to meet the district's need for gypsy and traveller sites. The same conclusion cannot be drawn in this instance as there are no comparable benefits of the proposal which would outweigh the identified harm.
- 8.15 Therefore, Officers conclude that the proposal would not respect the character of locality and a storage facility by its nature, in a semi-rural setting would be a visually harmful urbanisation of the site and surroundings. The proposal would therefore be contrary to the 2023 NPPF and policies 45 and 48 of the Chichester Local Plan: Key Policies 2014-2029.

iii. Impact upon Heritage Assets

- 8.16 In the above references appeal decisions, the setting of Mutton's Farmhouse was considered by the Inspector in paragraphs 35 to 47. The Inspector commented that; 'the significance of the listed building is derived from its original detailing and historic fabric', and that; 'the immediate relationship between the field and the dwelling has been somewhat diminished by the extensions to Mutton Farmhouse's garden and its domestic features. Also, I agree that both appeals would alter the land use of part of the adjoining field, the details that give rise to heritage significance are not seen in the context of the field. I conclude that neither development would result in harm to the significance of the listed building, as the appreciation of the dwelling's listed features and historic fabric would remain unchanged'. The Inspector concluded on this point as follows:-

'As such, there is nothing before me to suggest that the field has particular significance in relation to the listed building, I conclude that the developments would preserve the listed Mutton's Farmhouse and its setting and any features of special architectural and historic interest which it possesses. In any case, the extension of Mutton Farmhouse's garden into areas of the field has created a buffer and I find the Council's argument in respect of the visibility of this dwelling from Keynor Lane overstated. Moreover, the planting I noticed on the garden boundaries suggest that views across and from within the field will in any case be obscured with the passage of time. This buffer would also provide spatial separation between Mutton's Farmhouse and the development of Appeal B'.

8.17 In the case of the application site, the siting of the open storage and associated building storage facility would be close to Mutton's Farmhouse abutting its northern boundary. Weight is given to the Inspectors previous discussion, even though the development nature is different. However, as was the case in the recent approval at the neighbouring site under 23/01476/FUL, in the context of the 2023 NPPF, it is considered that due to the proximity of the proposal adjacent to the northern boundary of its garden that the proposal would detract from the setting of listed Muttons Farm. However, the level of harm is considered to be less than substantial and at the lower end of the scale. The harm to the setting of the listed building would therefore not be sufficient to warrant a reason for refusal when considering the application in the round acknowledging there would be modest benefits from the proposal in supporting a local business as supporting by policy 3 of the CLP.

v. Impact upon amenity of neighbouring properties

8.18 Para 130 NPPF states that planning should ensure a good quality of amenity for existing and future users (of places).

8.19 The closest residential properties are Muttons Farm and the implemented Gypsy and Traveller pitches. The proposed storage use would be of a type of activity and scale that potentially have a harmful impact on neighbours. However, it is considered that the development would be sufficiently distanced from the residential neighbours such that their amenity would be safeguarded provided if the use were to be permitted that restrictions on type of storage (caravans only with no stacking and no other external storage), hours of use, no other associated activities such as maintenance or washing, and the absence of external lighting could be controlled by condition. Therefore, it is considered on balance that that the development would not warrant refusal of residential amenity grounds.

vi. Impact upon highway safety and parking

8.20 The existing vehicular access would be utilised and is already used by towing vehicles. WSCC Highways have advised that there is no reason to consider that this part of Keynor Lane could not cope with the type of vehicles or the limited amount of traffic this development is likely to attract, and so severe harm would not be caused to highway safety. Therefore, the proposal would accord with policy 39 of the CLP which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

vii. Environmental considerations

8.21 Flood risk: The storage facility and its access would be located within flood zone 1, an area identified as having the lowest flood risk. Additional risk to life and property in zone 1 would be at its lowest. That said, water management would be necessary and surface water from the building and hardstanding would require management via soakaways and permeable surfaces would be necessary. It is considered that conditions could adequately manage these matters and therefore drainage and flood risk are not of concern.

8.22 Biodiversity: Surveys have been submitted and the recommendations for ecological enhancements include new native hedge planting to the western boundary to link the northern and southern hedgerows. This would include the use of flowering plants as listed within the RHS 'Plants for Pollinators' plant list to provide year-round interest for invertebrates. The provision of one general purpose nest boxes to the northern aspect of a

mature tree within the blue line boundary, installation one Crevice bat boxes, to the southern aspect of a mature tree, the use of log and compost piles to the margins of the adjacent paddocks to provide refuge for reptiles and common amphibians. The proposed ecological enhancements could be secured by condition and therefore the proposal is considered to be acceptable in this respect.

Viii Loss of grazing land

8.23 Relevant to the considerations of this case is application 18/02925/FUL which permitted 3 stables on adjoining land owned by the applicant. During that application the number of stables were reduced to 3, as there was not enough land to provide suitable grazing land for more than 3 stables. Consequently, only 3 stables were permitted.

8.24 Whilst this development is for storage, it is on land that formed a fundamental part of the permitted land for horse grazing. This would be a concerning reduction to the amount of land for the horses and a materially diminished scheme between the permitted and implemented use of the site resulting from this proposal which is a requirement for consideration under para 135 of the 2023 NPPF. Officers also note that the recently permitted application 23/01476/FUL also resulted in the loss of grazing land.

Conclusion

8.25 The proposed storage use, and its associated building, hardstanding and fencing would not be compatible with its countryside setting outside any existing settlement. Also, in Officers' view the proposed use and buildings, also reduce the opportunity for grazing/agriculture which would result in a loss to the rural character of the site and area.

8.26 Furthermore, the proposed development would generate use of private motor vehicles and delivery vehicles in a countryside location. In addition, the proposal storage arrangements which would include open storage of caravans plus a storage building would be visually harmful to the amenities of the site and rural character of the surrounding area. The potential level of employment and associated economic benefits, whilst recognised and attributed weight accordingly, would not outweigh the unsustainable nature of the proposed use in this location and the harm to the character of the countryside. The proposal is therefore contrary to the 2023 NPPF and policies 1, 2, 8, 39, 45 and 48 of the Chichester Local Plan: Key Policies 2014-2029.

8.27 It is therefore recommended that the proposal does not comply with the relevant National or Development Plan policy and there being no other overriding material considerations, that it is recommended that permission should be refused.

Human Rights

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

RECOMMENDATION

REFUSE for the following reasons:-

1) The proposed storage use for caravans and its associated storage building, hardstanding and fencing would be located on open grazing land outside of the existing settlement boundary as designated by the Chichester Local Plan 2014- 2029. It would therefore constitute inappropriate and unjustified development within the countryside, resulting in the unacceptable loss of the land for grazing/agriculture, and thereby also causing harm to the rural economy.

2) The commercial use would be situated within a relatively isolated, and unsustainable location. The visual harm to the countryside would be exacerbated by the proposal's clustering of caravans and additional storage building on the site which would be detrimental to the pattern of open fields and low-density residential development in the locality, causing harm to the character of the site and local residential amenity. The proposal would therefore be contrary to the NPPF 2023 and policies 1, 2, 8, 39, 45 and 48 of the Chichester Local Plan: Key Policies 2014-2029.

3) This decision related to plans: 210824_R0_001 REV2, 210824_R0_300 REV 2, 210824_R0_002 REV2 and 210824_R0_200 REV 2

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

For further information on this application please contact Sascha Haigh on 01243 534734

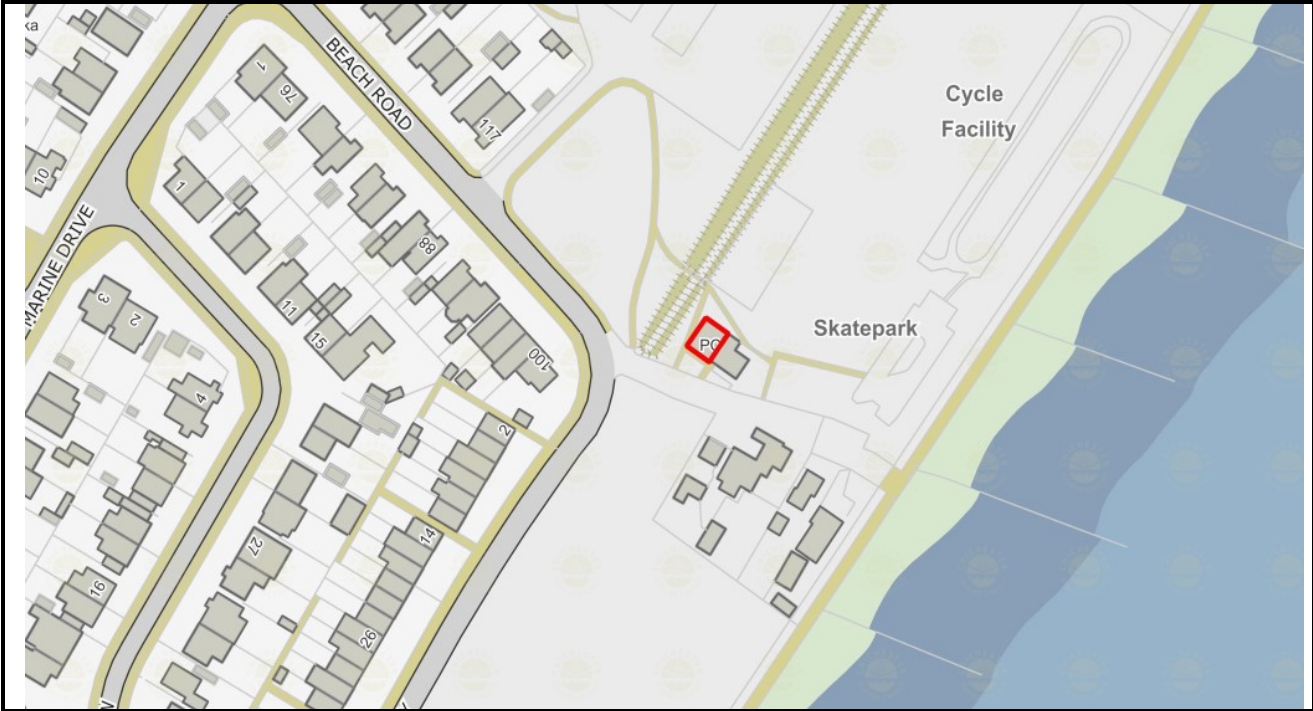
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RLCGJGERFU100>


Parish: Selsey	Ward: Sidlesham With Selsey North
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SY/23/01215/FUL

Proposal	Public conveniences refurbished, disabled WC enlarged, with direct access to outside.		
Site	Public Conveniences East Beach Road Selsey West Sussex PO20 0SZ		
Map Ref	(E) 486574 (N) 93309		
Applicant	Tania Murphy	Agent	Mr Craig Taylor

RECOMMENDATION TO PERMIT



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

1.1 Applicant is an Officer of Chichester District Council

2.0 The Site and Surroundings

2.1 The application site is public toilet conveniences located adjacent to the Selsey foreshore outside of the Selsey Settlement Boundary Area.

- 2.2 The toilet building has a flat roof, a footprint of 9m x 7.4m and ridge height of 2.6m.
- 2.3 It is located on the corner of Beach Road within a prominent position adjacent to a large recreational area that includes; a children’s play area, a promenade along the foreshore, a pond, public car park, skate park, open green area, fishing facilities and is adjoining a retail kiosk.

3.0 **The Proposal**

- 3.1 To enlarge the disabled toilet and add a direct external access door.
- 3.2 The new external door will match the existing in design and appearance. It will open outwards and be wide enough to enable wheelchair access. It will have a level entry and have a door swing open protector rail.
- 3.3 The proposed external door would be in the south elevation. There are two existing doors in the southern elevation, as well as a further existing door on the west elevation and the north elevation.
- 3.4 The proposal also includes the repair of the existing external doors and the relocation of the defibrillator on the western elevation.
- 3.5 There are further internal alterations proposed to create the larger disabled toilet and an overall refurbishment of the facilities, however these do not require planning permission.

4.0 **History**

00/02022/CMA	PER	Continuation of use of site as a mobile civic amenity site.
14/04140/CMA	NOBJ	WSCC Ref: WSCC/082/14/SY Location: Mobile Civic Amenity Site, Beach Car and Boat Park, Beach Road, Selsey, West Sussex PO20 0EP Proposal: Amendment of Condition 1 of planning permission SY/00/2022 to allow use of facility two days each week instead of one

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
EA Flood Zone	
- Flood Zone 2	YES
- Flood Zone 3	YES

6.0 Representations and Consultations

6.1 Parish Council

There being no grounds for objection. The Council support the application.

6.2 Third party other comments

1 representation, neither supporting nor objecting, has been received concerning the following matters:

- a) Night time fishing is regularly undertaken by recreational anglers. The refurbishment would allow opportunity to include provision of 24 x 7 toilet access. Could be a single unisex facility, recognising that there would need to be some security considerations. It is also worth noting that there is a well-used skate park adjacent, and provision of 24 x 7 facility would benefit those users as well.

7.0 Planning Policy

The Development Plan

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

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 38: Local and Community Facilities

Policy 42: Flood Risk and Water Management

Policy 45: Development in the Countryside

7.3 Selsey Neighbourhood Plan

Policy 001 - Design and Heritage

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.4 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in late 2023. In accordance with the Local Development

Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

National Policy and Guidance

7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from September 2023. 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.

7.6 Consideration should also be given to the following paragraph and sections: 1, 2, 8 and 12. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

- Support and empower communities and people to help themselves and develop resilience.
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area.

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Flood Risk
- iv. Other matters

Assessment

i. Principle of development

- 8.2 The proposal provides an enlarged toilet facility for disabled members of public within existing East Beach public conveniences. The enlarging of the toilet will help facilitate greater access to public places for disabled people and those with access needs. Whilst the internal works do not need planning permission, the upgrading of the baby change facilities, replacement internal doors, insulation and heating system, new tiles/decorative finish and repair of the ceiling are all welcome enhancements which will be on benefit to all members of the visiting public.
- 8.3 Paragraph 92 of the NPPF states planning decisions should achieve healthy, inclusive, and safe places which are safe and accessible and enable and support healthy lifestyles. The proposed works to the public convenience makes a positive contribution to providing a more inclusive and safer place for disabled people living in or visiting Selsey to use.
- 8.4 The location is very popular with visitors due to the proximity to the sea, the children's play area, the pond, food kiosk and skate park. The large car park further enables a high volume of visitors.
- 8.5 Policy 38 of the Local Plan requires new or replacement community facilities to meet an identified need in locations which are well related and easily accessible to the settlement or local community. The public conveniences are well related and easily accessible to the local community.
- 8.6 Policy 45 of the Local Plan advises that development in the countryside should meet a need that cannot be met within or immediately adjacent to existing settlements and should be close to an established settlement. The proposed development comprises the refurbishment and alteration of conveniences; therefore the development could not be located anywhere else. The site is also adjacent to the existing settlement.
- 8.7 The proposals are considered to meet the objectives of both Policies 38 and 45 and the NPPF, therefore, the principle of the development is supported.

ii. Design and impact upon character of the surrounding area

- 8.8 The NPPF states in paragraph 130 that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment.
- 8.9 Policy 45 of the Local Plan advises that the scale, siting, design and materials of development should have a minimal impact on the landscape and rural character of the area.
- 8.10 Policy 001 of the Selsey Neighbourhood Plan advises that new development should recognise the distinctive character of the Parish and sensitively contribute to creating buildings of a high-quality architectural design. Materials in any new development should complement the established vernacular by being in keeping with the materials used in the immediate area.

- 8.11 The proposal to enlarge the disabled toilet will require some modest external alterations to the existing building consisting of a new external door and the relocation of the defibrillator. There are two existing external doors with metal security shutters on the southern elevation. The new external door will match the existing doors. A low-level door swing protector rail will be installed outside the new external door.
- 8.12 These alterations are considered to have a minor impact on the external appearance of the building and would have a minimal impact on the character of the surrounding area.
- 8.13 The general refurbishment of the public conveniences including the repair of the existing doors to match existing would be an overall improvement to the visual amenity of much-used public conveniences.

iii. Flood Risk

- 8.14 The application site is located within the flood zones 2 and 3, however, the proposal is for minor amendments to existing public conveniences, with no increase in floor area, and would not result in an increased risk with regards to flooding.

iv. Other matters

- 8.15 The comments from a third party representative have been noted. The opening hours of the public conveniences are as follows:
From 1st April to 30th Sept – every day between 7am and 8pm
From 1st October to 31st March – every day between 8am and 6pm

This would remain the same after refurbishment.

Conclusion

- 8.16 Based on the above it is considered that the proposal is acceptable. The development therefore complies with development plan policies 1, 2, 38, 42 and 45 and Paragraphs 94, 130 and 174 of the NPPF and Policy 001 of the Selsey Neighbourhood Plan and 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 three years from the date of this permission.

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

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

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

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

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

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - LOCATION & SITE PLAN	400	1	25.05.2023	Approved
PLAN - LAYOUT PLAN - EXISTING	410	5	25.05.2023	Approved
PLAN - DEMOLITION PLAN	420	5	25.05.2023	Approved
PLAN - LAYOUT PLAN - PROPOSED	430	8	25.05.2023	Approved
PLAN - PROPOSED ELEVATIONS	440	3	25.05.2023	Approved
PLAN - LOCATION PLAN	PP-12182557V1		25.05.2023	Approved

INFORMATIVES

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

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RV7O4OERKOH00>

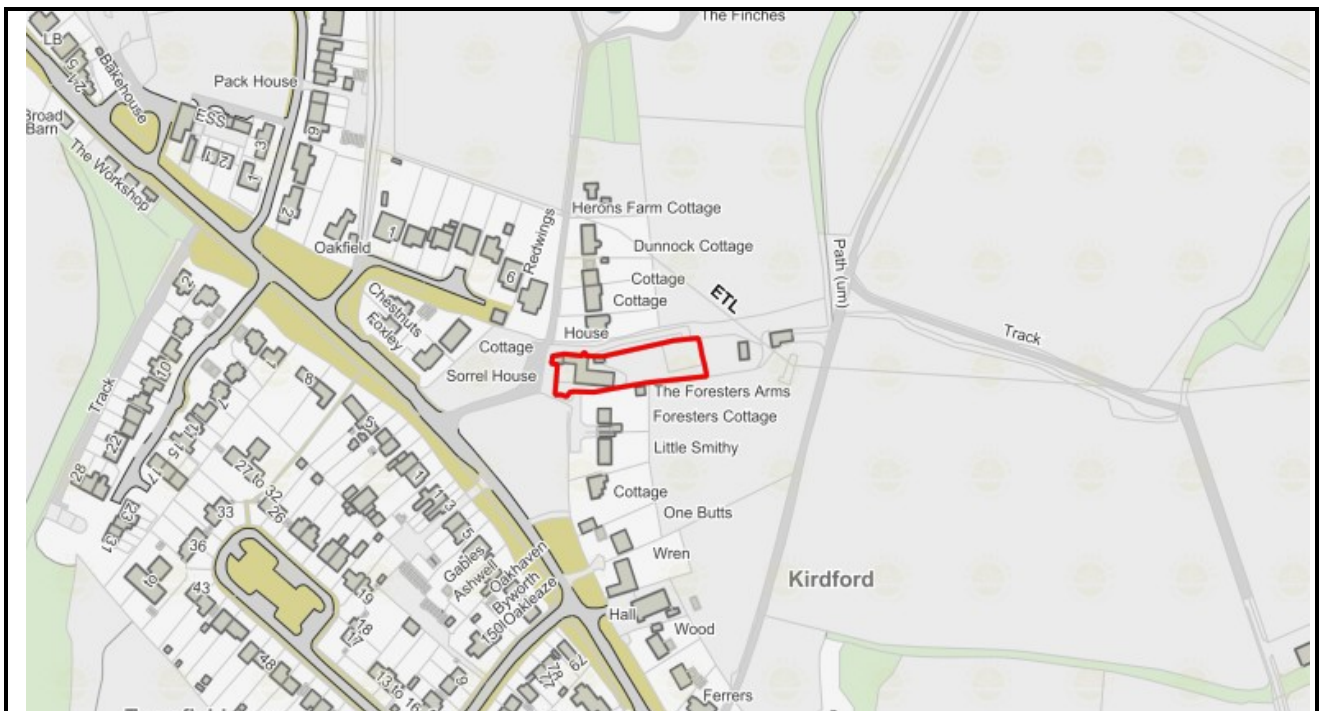
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Parish: Kirdford	Ward: Loxwood
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KD/22/02154/FUL

Proposal	Rear extension with associated internal reconfiguration and works to external front and rear trade areas.		
Site	Foresters Arms Village Road Kirdford West Sussex RH14 0ND		
Map Ref	(E) 501693 (N) 126892		
Applicant	Mr Tim Jones	Agent	Mr Chris Hewitt

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application property is a Grade II Listed two storey detached building in use as a public house. It is located on the north-east side of Village Road, Kirdford and situated within the settlement boundary of Kirdford and the Kirdford Conservation Area. The building is constructed of bricks and clay tile hanging with clay tiles to the roof and timber fenestration.
- 2.2 To the front of the main part of the building there is an area of gravel with external seating, timber benches, sited on the gravel. In the middle of the gravelled area there is a Cherry tree. Adjacent to the north and south of the gravelled area are paved pathways leading to the building. To the north of the northern path is some planting. To the south of the southern path there are some trees. The garage to the north-west end of the building opens onto the road. To the south side of the building there is a detached smoking shelter and some paving stones which lead to the rear of the site. The front boundary of the site is open, the building forms the northern boundary and there are trees and hedging to the south boundary.
- 2.3 To the rear of the site there is an outbuilding, a paved patio area which is surrounded by a dwarf brick wall, grass, trees and planting. There is external seating and timber benches, to the patio and grass. At the far end of the site there is a petanque court. To the boundaries there is planting, trees and timber fencing. To the west and south-west of the site there is a road with open areas of grass beyond this which separates the site from the road. An access road to the north of the site separates it from the dwellings to the north, there are dwellings to the south of the site and agricultural land to the east.

3.0 The Proposal

- 3.1 The application proposes a rear extension with associated internal reconfiguration and works to the external front and rear trade areas.
- 3.2 The extension would be single storey and sited to the rear of the building, attached to part of the north elevation. It would have a half hip roof with the ridge height being sited below the eaves of the adjacent existing two storey part of the building. The extension would be approximately 6.2m in length, 6.1m in width and the ridge height would be 4.5m. It would be constructed of the same materials as the existing building, red bricks and timber fenestration, with clay tiles to the roof. As part of the works, part of an existing single storey storeroom would be demolished. The storeroom is approximately 1.8m in length and 2.8m in width.
- 3.3 A ground floor window on the north elevation and a door on the east elevation are proposed to be bricked up.
- 3.4 The existing paving and gravelled external seating area to the front of the site is proposed to be replaced with new paving. A timber pergola is proposed to be installed to the south-east of the seating area adjacent to the south-west of the building. The pergola would be approximately 2.25m in length, 2.22m in width and 2.29m in height. Four light bollards are proposed to be installed along the south path. Three light bollards are proposed to be installed to the planting to the north of the north path. A timber picket fence is proposed to be installed to the front, west, boundary of the seating area and it would wrap round the north and south of the seating area. The fence would be approximately 6.5m in length to

the front, west, boundary of the seating area, 1.9m in length to the north boundary of the seating area and 2.6m in length to the south boundary of the seating area. It would be approximately 0.75m in height.

- 3.5 To the rear of the site the patio and dwarf wall are proposed to be removed. These would be replaced with a new paved patio which would be sited adjacent to the rear elevation of the proposed extension and the part of the building to which the extension would be attached. The patio would also wrap round the north elevation of the proposed extension. It would extend from the rear elevation by approximately 5.4m and be 13.8m in length. Three planter beds and six light bollards are proposed to the east boundary of the patio.

4.0 History

87/00030/KD	PER	Convert store to restaurant and 1 additional window.
95/00699/ADV	PER	Existing sign writing on south elevation rewritten. New sign written lettering on west gable with new floodlight. New lantern under porch. Replacement pictorial sign & secondary signboards on existing roadside signpost (illuminated).
95/00700/LBC	PER	Existing sign writing on south elevation rewritten. New sign written lettering on west gable with new tungston halogen floodlight. New lantern under porch.
96/00275/DOM	PER	Erection of an outbuilding comprising a loose box and feed/hay store.
98/02723/LBC	PER	Removal of internal partition and fireplace. Re-positioning of ladies toilet.
07/01913/FUL	PER	Proposed erection of pergola style shelter for smokers.
07/02949/LBC	PER	Re-open old doorway presently part bricked up and hang new door.
16/03226/LBC	PER	Replacement of roof coverings, lead valley, tiles and timber board cladding. Rebuild chimney stack on side elevation. All materials to match existing.

17/00832/DOC	DOCDEC	Discharge of condition 3 from permission KD/16/03226/LBC.
22/02155/LBC	PER	Rear extension with associated internal reconfiguration and works to external front and rear trade areas.
22/02205/TCA	NOTPO	Notification of intention to fell 1 no. Ash tree.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Kirdford Parish Council

Further comments 28.09.23:

Thank you for the opportunity to comment on this application and to restate Kirdford Parish Council's (KPC) support for the Foresters Arms. It was a long standing member of the village's "Asset Register" until CDC changed the selection criteria, but KPC remains supportive of its continued operation.

KPC supports Natural England (NE) as the competent authority on WN, when it states; "... it is up to CDC as the LPA to decide whether the WN statement is water neutral and can be conditioned and monitored in perpetuity".

KPC is not aware of any CDC process that actively monitors planning conditions in perpetuity, let alone WN. By example, KPC highlight application 23/01616/DOC for planning permission 21/00427/FUL, where CDC was wholly unaware that a pre-occupancy WN condition was breached since mid-March 2023, with all the water consumed to date not being water neutral and continues to be breached. Today we understand that the "Enforcement Team will seek to negotiate a resolution". If this is a portend to how the LPA handles WN breaches, then KPC is concerned.

NE support for this proposal is conditional, in that "... provided that your authority is satisfied that the occupancy rate used is reflective of the business and that maximum occupancy will not occur for the vast majority of the year." This places an additional obligation on the LPA to monitor the occupancy rate. Equally, KPC are not aware of how the LPA proposes to achieve occupancy monitoring.

KPC are aware of several CDC statements on how hard they are working to agree a cross-LPA mechanism, but despite it being two years since NE issued their Position Statement, no such agreement is evident to KPC.

We remind the LPA of NE FAQ V3, last para p14: "Any assessment methodology on water consumption for non-residential development must be consistent between authorities across the supply zone ... The alternative to using the strategic solution assumptions is to provide evidence from the meter readings from historic use where these are available ... The most important point to consider in the choice of methodology is to ensure the assumptions applied are sufficiently precautionary to meet the legislative test."

KPC agrees with NE that during maximum occupancy and peak water demand, this application is not WN. It is reasonable to argue, therefore, that the proposal fails to pass the 'legislative certainty test' with potential damage to protected habitats. KPC is minded to remind CDC that on the workshop application (21/00427/FUL), NE corrected that Planning Officer with; "... we have advised that in order to ascertain no adverse effect on integrity (AEOI) of the Habitats Sites developments within Sussex North must not result in even the most minor adverse impact (demonstrating water neutrality being one way of doing this). This is because environmental caselaw states that where existing impacts are already causing designated sites to decline in condition than any further change, however small, must be considered significant".

For these reasons, reluctantly, KPC maintains its objection to the proposal.

Finally we draw your attention to KPC's legal opinion on Water Neutrality submitted to CDC on 12th September 2023, on which we would rely.

Further comments 12.09.23:

On 12th September 2023 a legal opinion was submitted by Kirdford Parish Council. The legal opinion was from Cornerstone Barristers to Kirdford Parish Council in relation to the correct approach Local Planning Authorities should take to enforcement action against breaches of the requirement that development in the Sussex Northern Water Resource Zone should maintain water neutrality.

Further comments 08.08.23:

KPC's main concerns relate to the Forester's compliance with WN and so long as those are being properly considered under application 22/02154/FUL, it is content that the Officers will have scrutinised the plans in relation to the preservation of a Grade II listed building under application 22/02155/LBC.

Further comments 26.07.23:

Further to the NE letter dated 12th July, we make the following observations:

o KPC maintains that the water mitigation plans are not sufficiently precautionary. Habitat harm therefore cannot be discounted with certainty, which is at variance to the regulations and all European and domestically applied case law.

o Certainty is required to ensure that the protection to the relevant habitats is secured beyond all reasonable doubt. We consider that you cannot reach such a conclusion in the absence of (1) a robust precautionary water neutrality strategy that delivers water neutrality against all possible usage scenarios and (2) without a credible enforcement mechanism which will step in to ensure that the problems are remedied swiftly.

o We consider that water neutrality is an area which is difficult to remedy post-permission, consequently we feel habitat protection needs to be vigorously pursued at the application stage.

o Finally, we consider NE's response to this application to be a departure from their published advice and extant FAQs (FAQ V3 - March 2022).

Further comments 27.06.23:

Please find below Kirdford Parish Council's comments on the Water Neutrality Statement for the Foresters Arms.

Kirdford Parish Council welcomes the latest update to the Water Neutrality Statement, however there remain a few points for consideration to achieve water neutrality:

o In a letter to KPC from Head of business Partnerships Operation at Hall & Woodhouse dated 12 May 2023, he confirms "Following the feedback received from Natural England, a further revision of the Water Neutrality Statement is currently being finalised, including reflecting a longer 9-month trade period of previous water consumption (including a summer season) at the Foresters". It appears that only 6 months has been evidenced in the calculations.

o KPC would have preferred to see water bill summaries laid out, going back as far as records allow, and the highest quarter be used for the purposes of calculating the base usage. This is a commercial business which presumably is seeking greater success and popularity through these improvements which would translate to greater usage, greater footfall, higher rates of consumption, all leading to significant rates of water usage. Natural England needs to satisfy itself that the current approach sufficiently addresses their concerns.

o The water calculations appear somewhat confusing. It would be clearer and more accurate to have a comparison for water usage before and after the proposed work is carried out. This should therefore be based on the daily assumption of 40 pax before and 76 after. Additionally, there is no evidence to support the assumption of an average of 40 pax per day being a current "norm". It has been 'several years' since the pub has operated at that level.

o The applicant proposes a tank of 3,500 litres to achieve a maximum daily rainwater requirement of 234.25 litres, ie, 14.94 days of supply. British Standard BS8515 dictate that 18 days water storage is required, however additional drought storage is now required

by NE equivalent to 35 days of full capacity (for information, Horsham DC are the lead LPA on WN and provide this website: <https://www.horsham.gov.uk/planning/water-neutrality-in-horsham-district/water-neutrality-and-planning-applications>).

o It is disappointing to still see a "cut and paste" approach to an official document. "Grand Parade Water Neutrality Statement" Pages 3-5

In summary; KPC is pleased with the progress. It is now for the LPA and NE to make its own judgement on whether the proposed mitigation plan for a commercial operation of this nature is capable of meeting the tests of "certainty" and "perpetuity" requirements laid out for the Water Neutrality Zone.

Further comments 17.04.23:

Kirdford Parish Council welcomes the submission of the Water neutrality Statement uploaded to the portal on the 05th April 2023. KPC endeavours to maintain a consistent appraisal to WN, and to that end provides the following comments:

A. Section 2: Water Neutrality

Makes reference and relies on documents that have been superseded by more recent studies with higher provenance. JBA Part C. NE position Statement & FAQs. The applicant also makes reference to "Crawley Borough Council".

B. Section 3: Water Neutrality in Practice

(i) The applicant makes obscure references not commonly used or recognised by CDC or KPC.

(ii) Grey water harvesting and its proposed deployment as mitigation measures requires new paperwork outlining design, pipework, and location of storage tanks. As a listed building CDC may require a further pass through LBC.

(iii) If CDC permit the development, the replacement of bath, taps and other water fixtures will need to be conditioned and a monitoring process in place to confirm water neutrality is maintained.

C. Section 4: Water usage assessment methodology

(i) The applicant says "As previously stated, the proposed development is to be constructed in place of an existing building, therefore water neutrality in this particular instance can only compare the water consumption of the existing building against the proposed.". The proposal is to "extend", not to replace and is materially in error.

(ii) Regarding the BREEAM calculation, the NE FAQ V3 says (bold added for accentuation); "Any assessment methodology on water consumption for non-residential development must be consistent between authorities across the supply zone but also is consistent with the assumptions for non-residential water consumption used in the calculation of the strategic water budgets. The alternative to using the strategic solution assumptions is to provide evidence from the meter readings from historic use where these are available. The data, for example the use of full occupancy for the historic use needs to

be justified by evidence. The most important point to consider in the choice of methodology is to ensure the assumptions applied are sufficiently precautionary to meet the legislative test. The test is a high bar and full occupancy supports legal certainty".

(iii) The applicant claims 20 additional covers from 56 to 76. The design and heritage statement states "another 24 seats" Section 2.4.

D. Appendix C

This appendix shows a water bill for period Oct 2022 - Jan 2023. We believe this does not provide a fair reflection of use. During this period the pub had been operating on a reduced level of service and our recollection are that the provision of food in the restaurant had been stopped or significantly reduced. This should be easy to verify through till receipts. It is clear however that it is possible to establish real water usage of The Foresters over a busy/successful period as it has been on a water meter for some years. It would not be too onerous of a task to obtain these bills from the water company and set as the base, the highest 3 or 4 months on record.

KPC stresses that when it comes to Water Neutrality it is not sufficient to look at historical data and assume that this trend will continue into the future, any calculation based on historical data provides little certainly going forward. The only way to ensure a greater level of certainty is to take the precautionary principle approach and apply an aggressive overestimation of usage and mitigate the very worst case scenario, thereby future proofing the commercial operations. Any approach to take "averages" are not sound, as this is counter to the direction from NE to achieve the necessary legislative test.

Heritage Statement:

We welcome the heritage statement but offer the following comments:

- (i) Section 2.4 claims growth of 24 covers, counter to WN calculations.
 - (ii) Section 3.1 - The use of double glazing will require LBC
 - (iii) Section 4.1 - Should read River Kird
 - (iv) Section 5.2 - Makes reference to Barford Inn (another Hall & woodhouse Pub).
- On reading that Heritage Statement it makes reference to Halfway Inn. It is clear this document stems from an earlier heritage.

In conclusion, the Parish Council is supportive of the proposed plans. However, we stress the need of ensuring that mitigation plans for Water Neutrality are robust and future proofed in the expectation that the commercial operation will be successful and will fully utilise its water neutral state.

Further comments 27.01.23:

The Parish Council did meet on the 16th January and discussed this application. We note that the applicant has submitted a subsequent update to the plan which has not been considered by the full Parish Council. I am however authorised to respond with the following comments:

1. The garage - We are pleased to see that change of use of the garage has been removed from the plan which both satisfied the concern of the conservation officer and that of the Parish Council.
2. We acknowledge the removal of the 1.8m high fencing from the plans.
3. Bats/ Lighting - We remain alert to the fact that any development needs to respect and protect natural habitats and species. As such we look forward to CDC's ecology officer's comments once the appropriate surveys have been carried out.
4. We have not yet seen a water neutrality calculation to accompany this application. Officers will want to be certain that actual use / intensity of use is well assessed before presenting a final view on this application's impact on WN. Logic would suggest that an increase in capacity would lead to an increase in usage and officers should take great care in satisfying it's duty to deliver certainty of no additional pressure on the system.

Finally, and more generally, the Parish Council supports any internal modifications and design improvements to the existing footprint which respects the status of the building.

Further comments 25.11.22, summarised as thirteen pages (see Appendix 1 for full comments):

- o It is not clear what is being proposed in regards to the fence and gates.
- o The application does not refer to the Kirdford Neighbourhood Plan and the NPPF.
- o The submitted Design and Access Statement and Heritage Statement are not in accordance with CDC's Validation requirements.
- o A Lighting Assessment, a Noise Assessment and a Preliminary Ecology Appraisal have not been submitted.
- o A Pre-application was not made prior to the submission of the application.
- o The proposal is not in accordance with Policy 47 of the Chichester Local Plan: there is not a strong design rational or functional need for the pergola, the works to the garage would give it a domestic appearance rather than be in keeping with the local area, the proposed landscaping is not necessary, would not be in keeping with the character of the Listed Building and would impact on wildlife.
- o The works proposed to the garage have not been correctly described.
- o The proposed works would impact on neighbouring amenity in regards to noise.
- o The proposed lighting would impact on the dark skies of the area and biodiversity.
- o The doors proposed to the garage would cause a safety issue between patrons on the public house and vehicles using the adjacent access road.
- o The site is within Sussex North's Water Supply Zone. No reference has been made to this in the application and a Water Neutrality Statement has not been submitted. The proposal is likely to impact on water usage therefore a statement should be submitted.
- o The application should be refused for these reasons.

Further comments 04.10.22:

Additionally, the application is in the water neutrality area. The proposed plans will increase capacity (24 additional seating) and proposed function space. Increasing capacity will result in additional pressure on water resources. Natural England has made it

clear that not even the smallest increase must be permitted within the zone. On that basis, this application should be rejected.

Original comments 28.09.22:

While the Parish Council welcomes the idea of these improvements to the business, the following should be taken into consideration:

The new bifold doors to the existing garage appear to open directly onto the car park area and access road to Herons Farm Lane. This could pose a serious safety issue for children running out into the path of a moving vehicle.

The design for outside lighting of gardens and planters would not conform to the village's Dark Skies status - this should be reconsidered.

6.2 Natural England

Summarised:

Further comments 21.09.23:

Thank you for your consultation regarding the application 22/02154/FUL following additional comments by the parish council.

Natural England has previously commented on this proposal and made comments to the authority in our response dated 12 July 2023 reference number 438157. Our previous response sets out our advice to your authority regarding this proposal with an explanation provided in the Additional Advice section.

Given this our view is that advice provided in our previous response applies equally to this consultation.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Further comments 12.07.23:

No objection - Subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

o Have an adverse effect on the integrity of Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site
<https://designatedsites.naturalengland.org.uk/>.

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:

- o Delivery, management and maintenance of measures identified in the Water Neutrality Statement to achieve water neutrality.

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

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Water Neutrality: The proposed development falls within the Sussex North water supply zone; As set out in Natural England's Advice Note regarding Water Neutrality within the Sussex North Water Supply Zone, the existing water supply in the Sussex North water supply zone cannot be ruled out as contributing to the declines in wildlife within internationally protected sites in the Arun Valley SPA, SAC and Ramsar site. Achieving water neutrality is recognised as a suitable method to rule out potential adverse effects on the integrity of these sites arising from development.

Habitats Regulations Assessment (HRA): Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. You, as the competent authority, should ensure conditions are sufficiently robust to ensure that the mitigation measures can be fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations.

Additional Advice: Natural England notes that the submitted Water Neutrality Statement dated 02 June 2023 provides two separate proposed water use calculations, one for 'reasonable use' and another for the 'maximum use' scenario. The reasonable scenario is based upon an average capacity of 40 persons and the maximum scenario is based upon a 76 person capacity. While the maximum use scenario does not quite demonstrate water neutrality, it is stated clearly in the document that the maximum capacity does not constitute a typical day and is only expected during peak holiday season. Natural England is therefore satisfied that the proposal will be water neutral, provided that your authority is satisfied that the occupancy rate used is reflective of the business and that maximum occupancy will not occur for the vast majority of the year.

In addition, the water use calculated in the reasonable use scenario results in a water surplus of 132m³ per annum. Should the applicant seek to utilise any of this surplus as credits to enable further development, we would recommend that calculations are revised

to reflect fluctuating occupancy rates over the 12 month operational cycle to ensure no double counting.

Further comments 04.05.23:

Thank you for your consultation on the above dated 05 April 2023 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Summary of Natural England's Advice

Further information required to determine impacts on designated site.

As submitted, the application could have potential significant effects on:

- o Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site
- o Pulborough Brooks and Amberley Wild Brooks Site of Special Scientific Interest (SSSI)

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- o Further evidence of the application's existing water use.
- o Further evidence of the application's proposed rainwater harvesting measures.

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

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Water Neutrality Arun Valley SPA, SAC and Ramsar Site: The proposed development falls within the Sussex North water supply zone; As set out in Natural England's Advice Note regarding Water Neutrality within the Sussex North Water Supply Zone, the existing water supply in the Sussex North water supply zone cannot be ruled out as contributing to the declines in wildlife within internationally protected sites in the Arun Valley SPA, SAC and Ramsar site. Achieving water neutrality is recognised as a suitable method to rule out potential adverse effects on the integrity of these sites arising from development.

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

assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage.

We advise that the following additional work on the assessment (please see below) is required to enable it to be sufficiently rigorous and robust. We welcome ongoing engagement with your authority to address these matters. Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

Additional Information Required: We advise that the Water Neutrality statement dated 23 March 2023 is revised to include the following supporting evidence:

Existing Water Use: It is our understanding that the existing water use figures given, 630m³ per annum for reasonable usage and 908m³ for maximum usage, are based upon a combination of BREEAM Wat 1 calculations and data from water meter readings for the period October 2022 and January 2023 (170m³ total).

This would be an acceptable method of calculation, however an email from Kirdford Parish Council (17 April 2023) has raised concerns regarding the accuracy of the water meter readings. They have advised that during the period October 2022-January 2023, the pub had been operating on a reduced level of service (i.e. food service had been stopped or significantly reduced) and therefore the meter readings would not provide an accurate baseline figure.

We would advise that if your authority does not have certainty in the values being proposed, then they should not be considered at HRA AA and further evidence demonstrating actual water use should be submitted. In addition, we recommend that the applicant confirms the number of additional seats proposed as two differing figures have been given within the submitted documents.

Rainwater Harvesting Measures: It is noted that rainwater harvesting has been proposed as part of the mitigation package, to meet the demands of toilet flushing within the building. While this is an acceptable form of mitigation, there is currently no information available confirming that there will be a sufficient drought capacity incorporated into the proposed tank.

We advise that either a sufficient drought contingency is included or the amount of mains water required as a 'back-up' in the event of a system failure is factored into the calculations.

Securing Mitigation Measures in Perpetuity: Natural England advise that any offsetting measures required to achieve water neutrality will need to have their maintenance and management appropriately secured with the competent authority, in perpetuity.

Original comments 10.03.23:

Thank you for consulting with Natural England regarding the proposal 22/02154/FUL.

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

Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of any of the European sites in question; chiefly due to insufficient water neutrality consideration with regards to potential impacts on the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. Having considered the assessment, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.

Your authority may now wish to consider the exceptional tests set out within regulation 64. Specific guidance about these tests can be found at:
<https://www.gov.uk/government/publications/habitats-and-wild-birds-directives-guidance-on-the-application-of-article-6-4>.

6.3 CDC Conservation and Design

Summarised:

Further comments 23.03.23:

The lighting scheme details submitted show a very low key and unobtrusive lighting scheme. The luminance levels are low and focused on the walking surfaces around the property. The festoon lights are not designed to project light and will merely wash a warm yellow light over the immediate area.

I am convinced that the proposed lighting scheme presents no harm to either the listed building or conservation area. As part of a well received refurbishment the proposals will assist the Foresters in maintaining its viability as a historic inn.

Further comments 24.01.23:

I have thoroughly reviewed the submitted information from the applicants and asked for revisions and additional detail where I felt it was required. The information submitted was useful and did not need to be exhaustive to enable an assessment of the works proposed. In conservation terms the amount and detail of the information provided should be in accordance with the detail and complexity of the works and the significance of the heritage asset. It is my view that following revisions and additional information received this has been achieved by the applicants.

I have already given detailed comments on why I consider the works to be acceptable in general terms, and further to additional details and the fulfilment of conditions I still consider this to be the case.

Further comments 22.12.22:

The plan submitted for the relocation of the internal bar negates the need for these details to be submitted by condition.

Original comments 19.12.22:

The proposed extension would be well sited in terms of avoiding the 17C core and will entail the removal of historic fabric that is only of incidental importance to the wider significance of the listed building. The chimney stack in this area is preserved with internal circulation patterns to each side. The external materials and design are appropriate for the location.

Internally the relocation of the bar is acceptable, the bar is not of any clear historic merit and bisects two very different phases of the historic building, rather than confining itself to one, which it will do in the new location. A short section of wall is to be removed here but it is not clear where, and whether it is significant so details are requested. All other internal alterations are minor and will have a negligible impact on the listed building.

The conversion of the existing garage is almost certainly acceptable in principle but we need more information about the survival of the interior. It is highly likely that this is the building that contained the original forge and careful consideration must be given to the survival of any interior features that may recall this use, a condition is suggest to secure this information. Full interior details of the refit of this area will also need to be submitted. The external treatment of the garage door elevation is likely to be acceptable subject to the above details.

The NPPF, Historic England guidance and conservation best practice make it clear that the best way to ensure the survival of historic buildings is to ensure they remain within a long term viable use. The Foresters Arms like many important historic public houses faces

a battle to remain viable. If the public house functionality were to cease the property would only be suitable for residential use which would entail a great deal of unsympathetic alterations and forever change its relationship with the wider historic village. The proposals seek to address the viability in a positive manner, with a modest number of extra covers and some long overdue improvements to the external areas. As such, the application is very clearly in the interests of the continued conservation of this important heritage asset and should be approved subject to conditions.

Details on the following to be submitted as part of the application or by condition: the relocation of the internal bar, external lighting and works to refit the forge/garage building.

6.4 CDC Environmental Protection - Land contamination

Further comments 20.01.23:

Further to your email as below I have reviewed the comments from the Parish Council and discussed with Paul Thomson. Our response is as follows:

The application is for extensions and reconfiguration of the pub - the fundamental use is still the same, ie as a pub. Although there will be new outdoor seating on the west side facing the village green and nearer neighbours, it is not a large area and there are other controls in place to restrict noise eg the Licence requirements currently only allow use of the outside areas till 11pm and it appears that the outside area is not licensed so no regulated entertainment can currently take place there (will check this with the licensing team).

We don't have a history of noise complaints from the current use of the pub. From our point of view it would appear onerous to require a noise impact assessment. It may be that if there is to be an intensification of use of the premises eg for functions, the landlord should consider producing a noise management plan - this is something we would regulate under the Environmental Protection Act 1990 provisions. Controls can then be agreed on managing noise from the premises depending on the types of events that are to be held.

Original comments 12.12.22:

Thank you for consulting the EP team on the above application. Our comments are as follows.

Land contamination: A desk study and preliminary risk assessment has been submitted dated Oct 2022, produced by Apple Environmental. The report has been undertaken in accordance with appropriate guidance and has concluded that there are no identified sources of potential land contamination at or close to this location. The report recommends that a 'watching brief' is undertaken while construction works are taking place - we agree with this strategy and recommend condition DC13 is applied.

It is noted that a new oil tank is to be installed - if an existing tank is to be removed, care must be taken to ensure there is no pollution of the ground during the removal process. It is recommended that the new tank is double skinned and located on hardstanding in order to reduce the chance of land contamination if there was to be a leak or spillage of oil in the future. The tank should be installed by an accredited installer and should be regularly maintained.

Noise: It is noted that the former garage area is to be converted to increase the trade area and that this area may be used as a function room at times. The applicant is advised to check with the Council's licensing team to determine if it is necessary to apply for a licence for this new trading area.

Construction works: Measures should be taken during demolition and construction works to minimise noise, dust, wastes, traffic and other environmental impacts to reduce the impact of the works at neighbouring properties.

The applicant should ensure that any asbestos containing materials are identified prior to demolition commencing in order that the requirements of the Control of Asbestos Regulations 2012 can be taken into account.

Parking: It is recommended that cycle parking spaces are provided and electric vehicle charging points in order to encourage the use of sustainable forms of transport.

6.5 CDC Environmental Strategy

Further comments 16.02.23:

Following submission of the lighting plan we are satisfied that this is suitable for the proposal. Please can we ask that any festoon lighting avoids any light spill into any trees surrounding the site.

Further comments 26.01.23:

Bats: Following submission of the Preliminary Bat Roost Assessment Report (Dec 2022) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes 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.

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

Nesting Bird: 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 garden of the property.

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.

Further comments 19.01.23:

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 and guidance can be found on the CDC website:
<https://www.chichester.gov.uk/waterresources>

Further comments 11.01.23:

Bat: Following submission of the Preliminary Bat Roost Assessment Report (Dec 2022) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes 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.

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 garden of the property.

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.

Further comments 19.12.22:

Bats: Following submission of the Preliminary Bat Roost Assessment Report (Dec 2022) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes 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.

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

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

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.

Original comments 08.12.22:

Bats: Due to the location of the site, the propose works and the records of bats within close proximity of the site there is a moderate likelihood of bats roosting within the building. Unfortunately no bat surveys have been undertaken on the site so we are unable to establish if bats are present. Prior to determination we require that an initial bat survey is undertaken on the building to determine if there is evidence of bats roosting within the building. If there is evidence of bats, further bat activity surveys would be required and mitigation strategies will need to be produced. These surveys plus mitigation strategies required will need to be submitted as part of the planning application prior to determination. Due to the level of protection bats hold within European legislation, if bats are found to be roosting onsite the application will also require a Natural England Protected Species License for the works.

Due to the sites location within the Mens and Ebernoe Common SAC buffer zone the bat survey will need to also assess the impact this development may have on any SAC species potentially using the site.

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

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.

Hedgehogs: Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to 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 building / and or tree within the site.

6.6 Third party objection comments

3 no. third party representations of objection have been received concerning the following matters, summarised:

- a) A separate change of use application should be submitted for the garage.
- b) The proposed change of the garage to use as a seating area would impact on neighbouring amenity due to additional noise.
- c) The doors of the proposed seating area within the garage would be a safety issue as children would run out of them into an area where cars pass.
- d) The gates and fence would impact on access for neighbouring properties and delivery vehicles, the character of the property and the area and would block off a wildlife corridor.
- e) The proposed lighting would impact on the dark skies nature of the village.
- f) The proposed hard landscaping would not be in keeping with the area.
- g) An assessment on the impact of the proposed works on bats in the area has not been submitted.
- h) The proposal would increase water usage.

2.23 Third party support comments

7 no. third party representations of support have been received concerning the following matters, summarised:

- a) The Foresters Arms is an important community hub in Kirdford and it is extremely disappointing that this facility is no longer available.
- b) The Foresters Arms is an important employer of hospitality staff.
- c) It is sensible that the landlord of The Foresters Arms wants to upgrade the facilities and improve the ambiance and capacity of the restaurant so that it becomes a more pleasant environment and a viable business.
- d) Water Neutrality should not be used as a reason to not improve the property.
- e) Appropriate signage and information on the public house's website would prevent a lack of parking at the site being an issue. This should not be a barrier to the proposed works.
- f) The delay with the application is impacting on the community.

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 Kirdford Parish Neighbourhood Plan was made on the 22nd July 2014 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 6: Neighbourhood Development Plans
Policy 25: Development in the North of the Plan area
Policy 33: New Residential Development
Policy 38: Local and Community Facilities
Policy 39: Transport, Accessibility and Parking
Policy 47: Heritage
Policy 48: Natural Environment
Policy 49: Biodiversity

Kirdford Parish Neighbourhood Plan:

Policy EM.3 - Conserving and enhancing the historic environment
Policy DS.2 - Encouraging quality design
Policy DS.3 - Provision of Off-road Parking
Policy R.4 - Tourist accommodation and facilities

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 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in late 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

7.4 Relevant policies from the published Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19) are:

Policy S2 Settlement Hierarchy
Policy NE2 Natural Landscape
Policy NE5 Biodiversity and Biodiversity Net Gain
Policy NE6 Chichester's Internationally and Nationally Designated Habitats
Policy NE16 Water Management and Water Quality
Policy NE17 Water Neutrality
Policy NE21 Lighting
Policy NE24 Contaminated Land
Policy P1 Design Principles
Policy P2 Local Character and Distinctiveness
Policy P6 Amenity
Policy P7 Alterations and Extensions
Policy P8 Materials and Detailing
Policy P9 The Historic Environment
Policy P10 Listed Buildings
Policy P11 Conservation Areas
Policy P17 New and Existing Local and Community Facilities including Local Shops
Policy E8 Built Tourist and Leisure Development
Policy T4 Parking Provision

National Policy and Guidance

7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from 5 September 2023. 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.

7.6 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 12, 15 and 16.

Other Local Policy and Guidance

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

- Kirdford Village Design Statement
- Kirdford Conservation Area Character Appraisal and Management Proposals
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Conservation of Habitats and Species Regulations 2017

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 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. Design and impact upon character of the surrounding area/heritage assets
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Ecological considerations
- vi. Water Neutrality
- vii. Land contamination
- viii. Trees

Assessment

- i. Principle of development

8.2 The application site is located within the settlement boundary, where development is generally supported, providing that the proposal respects the setting, form and character of the settlement. The general principle of the development is therefore acceptable, subject to the considerations set out within this report.

- ii. Design and impact upon character of the surrounding area/heritage assets

8.3 S. 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 130 of the NPPF states that decisions should ensure that developments are visually attractive and are sympathetic to local character including the surrounding built environment. Policy 47 of the Local Plan requires that development proposals conserve or enhance the special interest and setting of heritage assets. Section 16 of the NPPF reiterates this requirement to conserve and enhance the historic environment.

- 8.4 The Council's Conservation and Design officer was consulted on the proposal. They commented that the extension would be well sited in terms of avoiding the 17C core and would entail the removal of historic fabric that is only of incidental importance to the wider significance of the Listed Building. They also stated that the proposed external materials and design are appropriate for the location. In order to ensure that the proposed materials for the extension and the fenestration would not cause harm to the character and appearance of the Listed Building, it is considered that a condition be added requiring that full details of the materials be submitted. Subject to this condition, the proposals would safeguard the special interest of the listed building.
- 8.5 Due to the siting of the extension being to the rear of the building and that it would be mostly obscured from the street scene, it is considered that the extension would not have a harmful impact on the character of the area.
- 8.6 Listed Building Consent for 'Rear extension with associated internal reconfiguration and works to external front and rear trade areas' was granted on 4th September 2023. The planning application remained un-determined due to the issues around Water Neutrality, rather than any concerns regarding design or the impact upon heritage assets.
- 8.7 Due to the size, siting and design of the proposed pergola, picket fence and paving area to the front of the site, they are considered appropriate to both the site and the area. Furthermore, the proposed paving area to the rear of the site, is considered appropriate given the character of the site being a public house. Its rear location also reduces any impact, and this part of the proposal would not impact on the character of the area.
- 8.8 Details of the proposed external lighting were submitted as part of the application. Conservation and Design were consulted on the proposed lighting, and they do not have any concerns with these works. Due to the amount of lighting proposed and its siting, it is considered that the proposed lighting would be appropriate to the site and would not impact on the site or on the character of the area. To ensure that the lighting installed is appropriate, a condition is recommended requiring the lighting to be installed in accordance with the submitted details.
- 8.9 When the application was first submitted, works were proposed to the garage to enable it to be used as part of the public house for an additional serving area. Following the raising of concerns by the Parish Council and third parties on noise and safety issues from using the garage for these purposes, these works were removed from the application. No further assessment on the design impact of this original part of the proposals is therefore needed. In addition, when the application was first submitted, a fence and gates were also proposed. These would have been sited across the entrance to the access to the north of the site. Following the raising of concerns with these works by third parties during the consultation of the application regarding ownership issues and the impact of these works on the character of the area, these works are no longer proposed.
- 8.10 During the consultation of the application, the Parish Council commented that the submitted Design and Heritage Statement was not in accordance with the Council's Local List requirements. The Council's Conservation and Design Team have advised officers that the amount, and detail, of the information provided is in accordance with the detail and complexity of the works and the significance of the heritage asset. The information is sufficient for the local planning authority to make an informed assessment of the likely impact of the proposals on this designated heritage asset. The information submitted for

the application has demonstrated that the proposed works would be in accordance with local and national policy including Policy 47 of the Chichester Local Plan and Section 16 of the NPPF. The works would safeguard the special interest of the listed building and would preserve the significance of the heritage asset. Due to this reason, there are no concerns with the proposed works.

8.11 The proposed works would help to ensure that the public house would remain a viable use for the Listed Building. By keeping the use viable, this would help to keep the building maintained and therefore preserve and enhance both the Listed Building and the Conservation Area in the long term. Subject to conditions, the proposed works would be appropriate having regard to the building and would not cause significant harm to the special interest of the Listed Building or be detrimental the character of the area. The proposal would therefore be in accordance with Policy 47 of the Local Plan, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and the Kirdford Parish Neighbourhood Plan.

iii. Impact upon amenity of neighbouring properties

8.13 The NPPF states in paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the Chichester Local Plan include requirements to protect the amenities of neighbouring properties.

8.14 Due to the size and siting of the proposed works, they would not impact on the amenities of the neighbouring properties in regards to overlooking and overshadowing.

8.15 It is advised that a condition requiring a Construction Method Statement be submitted prior to any development taking place at the site. This would ensure that the construction of the proposed works would not have a harmful impact on the amenities of the neighbouring properties.

8.16 During the consultation of the application concern was raised from third parties about the impact of the proposed works on the amenity of neighbouring properties in regards to noise. The Council's Environmental Protection team have been consulted and have not raised any concerns with the proposed works. It is considered that due to the existing use of the building and the size and siting of the proposed works, the development would not have a harmful impact on the amenities of the neighbouring properties in regards to noise. The use is well established at the site, and the extension and outside areas created are not so great to cause a material increase in the noise generated from the public house.

8.17 Subject to conditions the proposed works would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy or available light.

iv. Impact upon highway safety and parking

8.18 The existing public house does not have any formal parking and no additional parking is proposed as part of the application. The site is within the settlement boundary and is in existing use as a public house. In addition, the access road to the site connects to

pedestrian footpaths. There is space around the pub for informal parking. Due to these reasons, it is considered that the proposed works would not have a harmful impact on parking and highway safety in the area.

iii. Ecological considerations

8.19 Part of the site is within a bat movement area and the whole of the site is within 6.5km of the Ebernoe Common and The Mens Special Areas of Conservation. A Preliminary Bat Roost Assessment was submitted as part of the application. The report found no evidence of bats internally or externally. Mitigation measures for during construction works and ecological enhancements for the site were included in the report. An external lighting plan for the site was also submitted.

8.20 The Council's Environmental Strategy team were consulted on the proposed works. Subject to conditions being added that the proposed works are undertaken in accordance with the submitted details, they do not have any concerns. It is advised that a condition be added that the works are undertaken in accordance with the assessment and that additional ecological enhancements are also conditioned.

viii. Water Neutrality

8.21 Water neutrality has arisen as a significant issue affecting applications located within the Sussex North Water Resource Zone. New development can result in water consumption increasing and the application site is situated in an area of serious water stress. Much of this area's water (i.e. 'North of the Plan Area') is sourced from abstraction points within the Sussex North Water Supply Zone, which drains water from the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar Site (all designated sites under the Habitats Regulations).

8.23 Natural England sent a Position Statement to Chichester District Council and adjoining Local Planning Authorities in September 2021 expressing a very serious concern that such abstraction may be causing significant adverse impacts on the biodiversity of such areas. The Position Statement confirms that new developments must not add to these adverse impacts and new development should be water neutral. This can be achieved by having significant water efficiency measures built into development and by providing offsetting measures to reduce water consumption from existing development.

8.24 A Water Neutrality Statement was submitted as part of the application as the proposed extension would allow for an extra 20 patrons to the public house. Water saving measures are proposed within the building to achieve water neutrality. These measures include: restricting existing water flow taps, installing low flushing volume toilet cisterns to existing toilets, installing solenoid shut off valves to isolate water supplies to all existing toilets unless they are occupied and making the existing urinals waterless. In addition to these measures, a rainwater harvesting system is proposed to be fitted to meet the demands of toilet flushing within the building.

8.25 The proposed water saving measures would all be onsite, therefore it is advised that these measures be secured by condition. It is also advised that the condition requires that no part of the new development shall be first occupied until the on-site water neutrality mitigation measures have been fully implemented and are operational. In addition, it is advised that the condition also requires that a verification report for all the onsite water

neutrality mitigation measures be submitted to and approved in writing Council. This would ensure that the proposed works are water neutral and that the measures are retained in perpetuity.

- 8.26 Natural England have been consulted on the application and it was confirmed on 12 July 2023 that they have no objection to the application subject to appropriate mitigation (as set out in the submitted Water Neutrality Statement) and it being secured by condition.
- 8.27 Kirdford Parish Council object to the application due to water neutrality. In response to Natural England's confirmation of no objection on 12 July, they stated that they maintain that the water mitigation plans are not sufficiently precautionary. The Parish Council also stated that 'in the absence of (1) a robust precautionary water neutrality strategy that delivers water neutrality against all possible usage scenarios and (2) without a credible enforcement mechanism which will step in to ensure that the problems are remedied swiftly. We consider that water neutrality is an area which is difficult to remedy post-permission, consequently we feel habitat protection needs to be vigorously pursued at the application stage.'
- 8.28 Officers have considered this matter very carefully, and Natural England were reconsulted on the application and asked to comment on Kirdford Parish Council's comments. On 21 September 2023, they commented 'our previous response sets out our advice to your authority regarding this proposal with an explanation provided in the Additional Advice section.'
- 8.29 To expand on this point of objection from Kirdford Parish Council; the Water Neutrality Statement states provides two separate proposed water use calculations, one for 'reasonable use' and another for the 'maximum use' scenario. The reasonable scenario is based upon an average capacity of 40 persons and the maximum scenario is based upon a 76 person capacity. As stated by Natural England in their comments of 12 July 2023, while the 'maximum use' scenario does not quite demonstrate water neutrality, it is stated clearly in the Water Neutrality Statement that the maximum capacity does not constitute a typical day and is only expected during peak holiday season. Natural England then confirmed that they are satisfied that the proposal would be water neutral, provided that the Council is satisfied that the occupancy rate used is reflective of the business and that maximum occupancy will not occur for the vast majority of the year. Natural England also stated that the water use calculated in the reasonable use scenario results in a water surplus of 132m³ per annum.
- 8.30 It is considered important to recognise that the application site is located within a rural area where, unlike in busy a town or city, the amount of passing trade will likely be less frequent. Taking into account the size of its immediate catchment of customers and the rural location of the site it is considered reasonable to conclude that the public house would not be operating at full capacity all day every day throughout the year, with periods of use expected to be in line, or indeed below, the 'reasonable use' scenario; for example during the day on non-weekend day in winter. The approach taken by the applicant is considered pragmatic and proportionate, and it noted that if only ever operating as under the 'reasonable use' scenario, a significant water surplus would be achieved. Weight is also given to Natural England's conclusion which is supportive of the strategy, including when specifically consulted on the 'reasonable use/maximum use' approach.'

8.31 The Council agrees with Natural England's comments that subject to securing the water neutrality mitigation measures by condition, the proposed works would be water neutral. The development would therefore not have an adverse effect on the integrity of the European Protected site and would be in accordance with the Habitat Regulations.

vii. Land Contamination

8.32 The site is shown on the Council's GIS system as being within an area of contaminated land. An Environmental Desk Study and Preliminary Risk Assessment was submitted as part of the application. The assessment has concluded that there are no identified sources of potential land contamination at or close to this location. It recommends that a watching brief is undertaken while construction works are taking place. The Council's Environmental Protection team were consulted on the proposed works. They agree that a watching brief should be undertaken. It is therefore considered that a condition requiring that if any contamination is found during the construction works, the Council be immediately notified be included.

8.33 A new oil tank is to be installed at the site. The Council's Environmental Protection team have commented that if an existing tank is to be removed, care must be taken to ensure there is no pollution of the ground during the removal process. They have also recommended that the new tank is double skinned and located on hardstanding in order to reduce the chance of land contamination if there was to be a leak or spillage of oil in the future. It is considered that this advice should be added as an informative.

viii. Trees

8.34 The root protection area of a Yew tree to the rear of the site is partly within the area where the rear paving is proposed. An Arboricultural Survey and Impact Assessment was submitted as part of the application. Mitigation measures are included within the assessment to protect the tree during construction works. These include a no-dig construction methodology, tree protection barriers and ground protection measures. It is considered that a condition requiring the proposed works to be undertaken in accordance with the Arboricultural Survey and Impact Assessment be included. This would ensure that the construction of the proposed works would not cause harm to the tree.

Conclusion

8.35 Due to the siting, size and design of the proposed works and subject to the advised conditions, the development would be acceptable in terms of its design and impact upon the heritage assets, the surrounding area, amenity of neighbouring properties and biodiversity. In addition, as confirmed by Natural England, subject to the advised condition, the proposed works would be water neutral and in accordance with the Habitat Regulations. The proposal therefore complies with development plan policies including Sections 2, 3, 4, 12, 15 and 16 of the National Planning Policy Framework, the Chichester Local Plan Key Policies; with particular reference to Policies 47, 48 and 49, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Kirdford Parish Neighbourhood Plan and the Habitat Regulations. The application is therefore recommended for approval.

Human Rights

8.36 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) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) loading and unloading of plant and materials;
- (iii) storage of plant and materials used in constructing the development;
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) turning on site of vehicles;
- (viii) the location of any site huts/cabins/offices.

Reason: To ensure safe and neighbourly construction.

4) Notwithstanding any details submitted no development/works shall take place, above slab level, until a full schedule of all materials and finishes to be used for the external walls and roof for the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a development of visual quality.

5) Notwithstanding the approved plans, no windows or doors shall be inserted until details of the windows and doors have been submitted to and approved in writing by the local planning authority. The details shall include:-

- a) Plans to identify the windows and doors in question and their locations within the property, cross referenced to an elevation drawing or floor plan for the avoidance of doubt;
- b) 1:20 elevation and plan;
- c) 1:10 section with full size glazing bar detail;
- d) the position within the opening (depth of reveal) and method of fixing the glazing (putty or beading); and
- e) a schedule of the materials proposed, method of opening, and finishes.

Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved in perpetuity.

Reason: To ensure appropriate design and appearance in the interests of protecting the visual amenity/character of the development and surrounding area, and to preserve the special character and appearance of the host listed building.

6) No part of the development hereby permitted shall be implemented until the on-site water neutrality mitigation measures for the development have been fully implemented and are operational and a verification report for all the on-site water neutrality mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The ongoing water neutrality measures shall be adhered to in perpetuity.

Reason: To ensure that the necessary mitigation measures to ensure an alternative water supply is in place prior to the use of the development. In the interests of biodiversity.

7) Prior to substantial completion or occupation of the works hereby permitted, whichever is the earlier, the following ecological enhancements shall be provided:

- a) A bat box integrated into the building facing south/south-westerly positioned 3-5m above ground.
- b) A bird box on a building onsite or a tree within the garden.
- c) A hedgehog nesting box installed within the site to provide future nesting areas for hedgehogs.

Thereafter the ecological enhancements shall be maintained in perpetuity.

Reason: To ensure that the protection of ecology and/or biodiversity 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.

8) 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.

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

i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and

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

iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

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

10) The development hereby permitted shall be carried out in strict accordance with the mitigation measures and enhancements detailed in the Preliminary Bat Roost Assessment produced by Imprint Ecology.

Reason: To ensure that the protection of ecology and/or biodiversity 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.

11) 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 and 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: To ensure that the protection of ecology and/or biodiversity 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.

12) During construction should any brush pile, compost and debris piles be removed, they must first be checked for hedgehogs. These piles must only be removed outside of the hibernation period mid-October to mid-March inclusive and undergo soft demolition only.

Reason: In the interests of protecting biodiversity.

13) The development hereby permitted shall be carried out in strict accordance with the mitigation recommendations detailed in the approved Arboricultural Survey and Impact Assessment produced by 2C Design Consultants Ltd.

Reason: To safeguard the health and well-being of the tree(s).

14) The development hereby permitted shall be carried out in strict accordance with the lighting specification.

Reason: In the interests of protecting biodiversity and the visual amenity 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 – EXISTING AND PROPOSED INTERNAL TIMBER PARTITION WALL	2CD02028TP W	A	22.12.2022	Approved
PLAN - LOCATION PLAN	2CD02028- LOPL			Approved
PLAN - PROPOSED PERGOLA DETAILS	2CD02028- PGDT			Approved
PLAN - PROPOSED ELEVATIONS	2CD02028- PREL	REV C	19.01.2023	Approved
PLAN - PROPOSED LAYOUT	2CD02028- PRLY	REV C	20.10.2023	Approved

INFORMATIVES

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

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

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

3) When removing the old tank and any pipework, extreme care must be taken to ensure pollution to the ground or surface waters does not occur. It is recommended that the new tank is double skinned and located on hardstanding in order to reduce the chance of land contamination if there was to be a leak or spillage of oil in the future. The tank should be installed by an accredited installer and should be regularly maintained.

For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RGV2RCERKAW00>

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Chichester District Council
Louise Brace
Planning Officer

25th November 2022

22/02154/FUL | Rear extension with associated internal reconfiguration and works to external front and rear trade areas including new fence and double gate. | Foresters Arms Village Road Kirdford West Sussex RH14 0ND

Dear Ms Brace,

Please find enclosed our representations to the planning application 22/02154/FUL (Foresters Arms, Village Road, Kirdford) prepared on behalf of Kirdford Parish Council.

Our representations focus on matters relating to:

Validation

- o Design and Access Statement
- o Heritage Statement
- o Lighting Assessment
- o Noise Assessment
- o Biodiversity Survey and Assessment

Pre-Application Engagement

Heritage, Design & Landscape

Change of Use

Amenity

Lighting

Safety

Water Neutrality

The red line boundary for the planning application is included below.

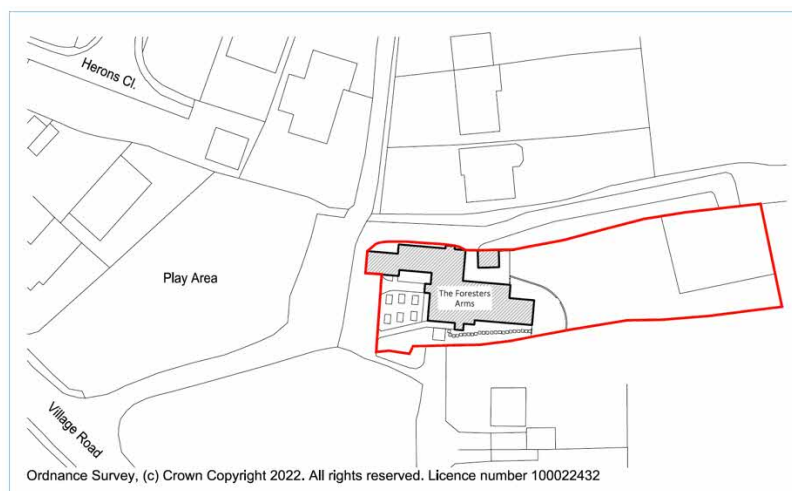


Figure 1: Location Plan

From the plans and elevations submitted by the Applicant it is unclear what it is proposing regarding the close board fence proposed at the northwest of the site. Based on the 'West Elevation' drawings the fence appears to extend beyond the application boundary and into the lane located to the north (see Figures 2 and 3 below). KPC questions whether this proposed fence would prevent access to the lane as well. The fence is not indicated on the 'Layout Plan' therefore KPC is unable to confirm the details of this proposal and requests that the Applicant provides a full set of drawings, measurements and explanation in relation to the fence.



Figure 2: Proposed West Elevation (indicating close board fence)

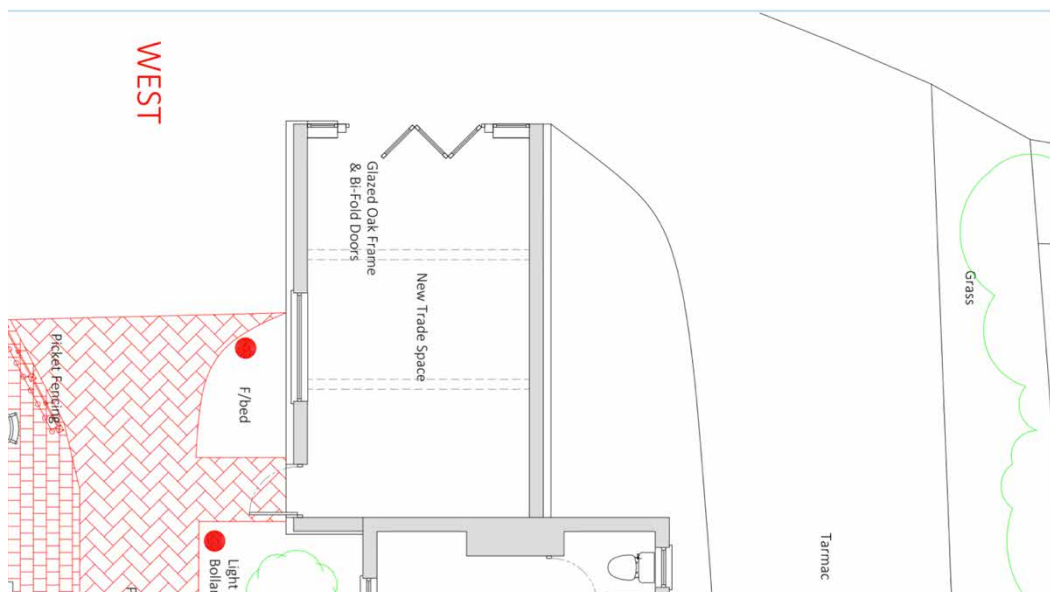


Figure 3: Proposed Site Layout (not indicating close board fence)



Policy Context

The NPPF is clear that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.¹

Therefore, the starting point for decision-making is the Chichester Local Plan – Key Policies 2014 – 2029, Kirdford Neighbourhood Development Plan (‘made’ 2014) and the Kirdford Village Design Statement (2011). We refer to NPPF policies in our response as appropriate. We note with disappointment that the Applicant does not appear to refer to any of the adopted development plan policies nor does it refer to the National Planning Policy Framework (NPPF).

1. Validation

Design and Access Statement

CDC’s Local List (Information required to support a valid planning application) (July 2017) clearly states the following regarding applications for listed building consents and the specific requirements for what the Design and Access Statement must include:

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

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

(See Page 9)

The Applicant has failed to explain the design principles and concepts it has applied to the scheme. It fails to explain how points a-c have been taken account of. The Applicant simply provides historical context of the buildings but does not explain how the proposals take this into account.

¹ NPPF (2021) Paragraph 12



The Local List also requires that the Applicant to explain how issues relating to access to the building have been dealt with, its approach to access, what alternative means of access have been considered and how relevant Local Plan policies have been taken into account:

“Unless the proposed works only affect the interior of the building, Design and Access Statements accompanying applications for listed building consent must also explain how issues relating to access to the building have been dealt with. They must explain the applicant’s approach to access, including what alternative means of access have been considered, and how relevant Local Plan policies have been taken into account”.
(See Page 9)

This required access information has simply not been provided by the Applicant. This is of particular concern given that there are valid concerns locally about the safety of the access due to the proposed new opening the old forge building onto the car park which is also the access road for Village Road (leading to Herons Farm).

Heritage Statement

The Local List normally requires the following from the Applicant’s Heritage Statement:

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

(See Page 21)

The Applicant’s Planning Design and Heritage Statement (PDHS) falls well short of these requirements as the Case Officer can see upon inspection of the Applicant’s Statement. The Local List also advises applicants to discuss proposals with either a planning officer or the historic buildings adviser officer before any application is made so that the necessary information regarding heritage can be provided by the applicant – presumably the Applicant did not discuss the proposals with CDC.



Lighting Assessment

The Local List requires a Lighting Assessment for “All development that includes external lighting systems within sensitive areas (such as conservation areas, listed buildings and Areas of Outstanding Natural Beauty) and within or adjoining residential areas”. The proposals are within a Conservation Area and the building is Grade II listed therefore a Lighting Assessment is required yet the Applicant only refers to lighting in passing in its PDHS. Yet the Local List specifies what is required:

“It is expected that the written scheme will include a description of the lighting requirement referring to relevant standards; the layout and composition of the scheme; isolux diagrams showing the showing the predicted luminance in both the horizontal and the vertical plane (at a height of 3.5 metres); the periods of operation for the lighting; a description of the area where the lighting is to be installed detailing any sensitive receivers. The report shall provide the information in relation to sky glow (max %), light intrusion into windows (lux) luminaire intensity in candelas and building luminance as an average in candelas / metre squared as appropriate to the application.” (See Page 23)

Noise Assessment

The Local List requires a Noise Assessment “When there is an alteration to a site with existing industrial or commercial use. Alteration can take many forms including introduction of a new noise source such as fixed plant, a change to the layout or a change to working hours.”. In the case of this Application, the proposed increased indoor and outdoor space is likely to lead to an increase in noise locally and the Applicant should be required to assess the impact of this in line with the Local List requirements.

Biodiversity Survey and Assessment

On-Site Impacts. The Local List explains that Applicants are required to submit Biodiversity information where the proposals include “Conversions and the demolition of buildings where there is a reasonable expectation that protected species such as owls and bats may be present”.

“When required all applications must be accompanied by:

Preliminary Ecological Appraisal (PEA), and
completed [Protected Species Survey Checklist](#)

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

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



The Local List goes into far great detail setting out what is required than what we provide above. The Applicant has simply not provided any of this information as required and without such information the Application should not have been validated.
(See Page 13 -14 of the Local List)

For the reasons set out above, the Application should not have been validated and in any case the Applicant still needs to provide this information for the impacts of the proposals to be fully considered and consultees, including KPC, will need ample opportunity to review the submitted documentation and provide their comments.

2. Pre-Application Engagement

Under the heading of 'Pre-application engagement and front-loading' the NPPF states that "Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community."²

There has been no pre-application consultation with CDC, KPC or the local community and immediate residents which would have further informed the applicant on the current issues and opportunities for the application site. It would be beneficial to the applicant / business owner to understand how proposed changes to the pub would affect the community it serves and to come to a mutually agreeable resolution before submission of the application.

3. Heritage, Design & Landscape

Local Plan Policy 47 (Heritage and Design) states that:

"The Local Planning Authority will continue to conserve and enhance the historic environment through the preparation of conservation area character appraisals and management plans and other strategies, and new development which recognises, respects and enhances the local distinctiveness and character of the area, landscape and heritage assets will be supported.

However, the Applicant fails to refer to any Local Plan Policies In the information it submitted and does not refer to CDC's Kirdford Conservation Area – Character Appraisal & Management

²NPPF Paragraph 39



Proposals (September 2010) despite this clearly being an important document given that the Foresters Arms (and its adjoining former smithy) is Grade II listed building and within the Conservation Area. CDC's Appraisal document refers to the Foresters Arms and its setting in a number of places however this has clearly been missed by the Applicant.

The Conservation Area Appraisal states that: "Looking across Butts Common, views focus on the Foresters Arms Public House, but the building itself is only two storeys so although it can be described as a focal building it is not in any way visually dominant"³. The building is current a 'focal building' and it does not visually dominate the area or the view across Butts Common. However, the proposals in the front of the building will result in the building being more visually dominate and are likely to negatively impact on the listed building, its setting and the Conservation Area.

Local Plan Policy 47 (Heritage and Design) also states that Planning permission will be granted where it can be demonstrated that all the following criteria have been met and supporting guidance followed:

1. The proposal conserves and enhances the special interest and settings 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;
 - Historic buildings or structures/features of local distinctiveness and character;
 - Conservation Areas; and
 - Historic Parks or Gardens, both registered or of local importance and historic landscapes.
2. Development respects distinctive local character and sensitively contributes to creating places of a high architectural and built quality;
3. Development respects existing designed or natural landscapes; and
4. The individual identity of settlements is maintained, and the integrity of predominantly open and undeveloped character of the area, including the openness of the views in and around Chichester and Pagham Harbours, towards the city, the Cathedral, local landmarks and the South Downs National Park, is not undermined."

KPC considers that the proposals fail each of the tests set out in Policy 47 as we set out below.

³ Kirdford Conservation Area – Character Appraisal & Management Proposals (Sep 2010) Section 4.3



The submitted PDHS states that the site is “in a largely rural setting”, we would therefore expect that a landscape-led approach to design would have been taken to capture the rural character of the village in the design proposals. Guidance and policies to inform the design proposals and identify an appropriate approach can be found in the [Kirdford NP Design Policy](#) and [Kirdford Village Design Statement](#) neither of which have been referred to in the PDHS.

It is understandable that the business would like to expand its seating areas and enhance its outdoor offer for customers to support viability of this important amenity use in the village, and in principle is supported, but several the building materials and architectural detailing proposed are not acceptable for a Grade II listed building of this significance in the Conservation Area, in centre of the village.

While the internal reconfiguration may be acceptable (Heritage Consultant to advise), the external treatment proposed falls short on retaining the intrinsic character of the Grade II listed building within a Conservation Area as described in the applicant’s PDHS.

It is notable that the [Kirdford Conservation Area Appraisal and Management Proposals](#) expanded the Conservation Area boundary to include the rear garden of the Foresters Arms in 2011 for good reason. The setting of the Grade II listed buildings is equal importance as the building itself and therefore the materials proposed should respond to guidance that explains the importance of using local (locally sourced) materials in order to reflect the character and appearance of the listed building.

3.1.1 Garden to the Foresters Arms Public House

Add the whole of the back garden to the Foresters Arms Public House, a grade II listed building.

Reason:

- *The current boundary cuts through the back garden of the public house. This garden forms part of the historic curtilage to the public house, as shown on the 1912 map, and also contains a number of mature trees.*

Figure 4: Kirdford Conservation Area Appraisal and Management Proposals

In 4.2 of the submitted PDHS it acknowledges the historic use of clay and flint in the village of Kirdford, this information is baseline evidence that should have informed the applicants decision when deciding on specific materials to propose. Neither sandstone nor grey concrete block pavements are local materials, nor do they reflect any locally distinctive construction material. The PDHS identifies the abundance of surrounding woodland and timber indicating that the use of timber and oak frames is appropriate. Similarly, ironwork, ironstone and



greensand are typically used local materials and should be considered in the proposals. We would therefore recommend rethinking which materials that will add value to the listed building and enhance its setting should be used to deliver a high-quality proposal.

Front outdoor seating area and west elevation:

There does not appear to be a strong design rationale or functional need for the pergola except to attach festoon lights to and it is not particularly characterful of West Sussex, it may be perceived to be adding unnecessary clutter to the frontage of the building and further, disrupts the view of the front elevation of the main building within the hierarchy of three buildings.

Local Materials: As set out in the overview above, good design often means using a simple high-quality palette of materials, in this case references should be taken from the applicant's own PDHS where the historic use of specific materials has been identified. Policy DS.2 – Encouraging quality design of the Kirdford Neighbourhood Plan states in reference to applicant's proposals "They should adopt design, materials and landscaping in keeping with the local vernacular unless an acceptably high standard of alternate or contemporary design can be demonstrated".

Garage (former foundry):

An opportunity has been missed to ensure that any improvements to the garage are tied to 'place' and are distinctive of Kirdford's historic local trades. The garage, part of the cluster of buildings has a rich history as a former forge and foundry using local iron, therefore an attempt should be made to retain the overall character of this former use and making sure it continues to be subservient within the hierarchy of three buildings and retains a rural character that is rooted in its historic use. This can be done for example by integrating ironwork, untreated local timber cladding (as can be seen in the provided historic images in the PDHS) and a palette of materials to reflect its historic form and character as a foundry and offer a continued sense of place.

This can still be achieved through a contemporary approach as long as the building form is simple, and the materials are appropriate. Bi-fold doors and the proposed fenestration does not complement the host building/s or create a frontage which is legible as a public house. It is too domestic in character, generic and can be seen in residential properties throughout the UK rather than being specific to the local area.

In the PDHS states that the pub provides for and welcomes "walkers and cyclists, wet dogs and wellies" yet there appears to be no provision for these user groups individual needs in the design. Instead of a function space it would seem plausible to provide covered cycle storage or a covered indoor / outdoor area for people to sit during light rain in summer or



inclement weather in autumn / winter as well as with wet dogs (water bowls) and muddy boots without having to go through to the pub itself.

Rear extension to the east wing:

Landscape treatment / landscaping materials:

As well as the materials for the buildings themselves, external ground materials and landscaping should be carefully considered in the context of the setting of the listed building. The cherry tree has been identified as a positive landscape feature to the front of the property and as such will require enough space to accommodate root growth. The plan indicates that paviours will be placed very close to the trunk which may need to be reconsidered for tree health. The plans for both the front and rear of the site show an overly large area of uncharacteristic hard surfacing which even if permeable does not seem necessary, does not enhance the character of the listed building, nor will it support biodiversity. Sandstone is not an appropriate local material and rather than 'planter beds...to help demarcate the area and soften the transition from patio to lawn', functional landscape enhancements that provide wildlife habitat and biodiversity should be a preferred option.

Opportunities for an increase in biodiversity and wildlife habitat have not been included in the proposals, and further work towards integrating functional pollinators and beneficial planting should be proposed. Including the use of raingardens and vegetative SuDs to capture rainwater run-off (while also) providing amenity value and is critical to mitigate against the effects of climate change.

Similarly, provision should be made for bat boxes / tiles and bird boxes in the proposals and should be informed by a PEA, survey and report which assesses the existence of protected species in the area. As stated previously, this has not been submitted by the Applicant.

A large close board fence is proposed on the west elevation which is not appropriate to face onto the public realm, especially on the frontage of the listed building. A close board fence of this style will prevent wildlife movement. A small wall (with integrated hedgehog holes) with hedge planting may be more aesthetically attractive as a boundary treatment. See Figure

4. Change of Use

KPC questions whether the Applicant has provided a correct description of the site in its Application Form. It states that the 'existing use' is a 'Public House' and that it is not currently vacant. Yet it explains in its PDHS (see Paragraph 2.3) that the "garage to the front is unused which presents an opportunity for it to be utilised to support the public house".



This does suggest that the garage is a separate use to the public house and that the Applicant would need to apply for a change of use.

This is particularly important not just in terms of ensuring the lawful planning process is following correctly, there may be a conflict between the proposed change of use as a function room and the neighbouring properties (noise and amenity) as well as public safety issues which we explain further below.

5. Noise & Amenity

NPPF Paragraph 185 states that:

“decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life (See Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010);
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

The point has already been regarding the fact that the Applicant has not provided enough of the required information regarding the existing baseline noise situation and the potential noise increases that are likely to result from the increase in the proposed internal and outdoor space for patrons. This is an important issue for local residents living near to the pub whose amenity will be impacted through the proposals if they were to be approved.

6. Lighting

Referring to NPPF Paragraph 185 above, KPC has concerns about the lighting proposed and require more information about the baseline situation, the specification of proposed lighting and the impact of that lighting on the area.

The NPPF (Paragraph 185) is clear that proposals should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.



Kirdford is an intrinsically dark landscape, there are potential local amenity impacts from lighting in the proposal and there is a need for the proposals to protect nature conservation.

The proposed festoon lighting and lit bollards could prevent birds nesting and could potentially deter bats from travelling along their identified feeding flight paths, an ecology report should make recommendations on this. The outdoor areas would be mostly used in the summer months when it is light outside for the majority of opening hours. In the dark hours of the winter people are likely to be inside so external lighting will not be necessary.

The excessive number of light bollards in the outdoor areas are not necessarily functional and could create an urban feel, that of a car park. Low level, floor or oak posts with down lights may be a better option if required at all.

7. Safety

The proposed changes to the existing garage into a dining area includes bi-fold doors that access directly onto an area that is regularly used by cars for pub parking, deliveries and accessing the properties on Village Road (leading to Herons Farm). This presents a safety risk and conflict between patrons of the pub and passing cars. The proposals should be reconsidered and properly assessed in terms of highway safety.

8. Water Neutrality

The site falls within Sussex North's Water Supply Zone. As set out by [Natural England's Position Statement for Applications with the Water Supply Zone \(September 2021 Interim Approach\)](#), the Sussex North Water Supply Zone includes supplies from a groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of;

Arun Valley Special Area Conservation (SAC)

Arun Valley Special Protection Area (SPA)

Arun Valley Ramsar Site.

Natural England states that it cannot be concluded that the existing abstraction within Sussex North Water Supply Zone is not having an impact on the Arun Valley site, we advise that developments within this zone must not add to this impact. It states that developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality.

CDC sets out the requirements for Applicants on its [website](#)⁴:

"If a development will create demand (regardless of any existing use of the site) for mains water from the Sussex North Water Resource (Supply) Zone, the applicant must

⁴ <https://www.chichester.gov.uk/waterresources>



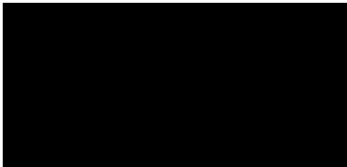
submit a Water Neutrality Statement setting out the existing and proposed water consumption figures and a scheme for how water neutrality will then be achieved. In the future, the submission of a water neutrality statement will likely become a local validation requirement”.

The Applicant has made no mention of Water Neutrality and has not provided a Water Neutrality Statement. Given that the construction phase and operational phase of the proposals is likely to lead to an increase in water usage there is clearly a need for the Applicant to prepare the necessary evidence regarding Water Neutrality so that the evidence can be assessed, and the application determined accordingly.

Conclusion

We urge CDC to refuse this planning application for the reasons provided in our representations. If the Applicant wishes to withdraw the Application and prepare a new Application KPC would encourage the Applicant to engage with KPC and the local community as part of its pre-application process.

Yours sincerely,



Troy Hayes BSc, MSc, MRTPI, AICP

Founder & Managing Director

TROY PLANNING + DESIGN

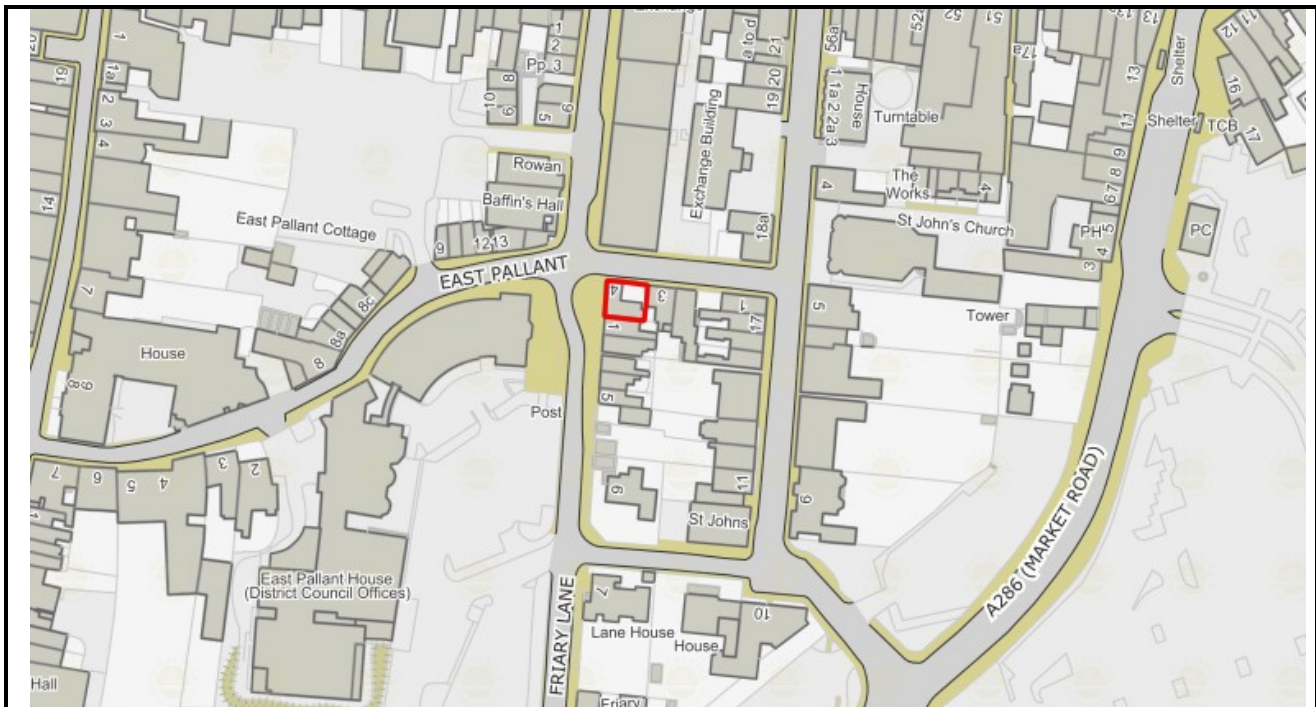
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Parish: Chichester	Ward: Chichester Central
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CC/23/00771/ADV

Proposal	Replacement of 2no. non-illuminated existing aluminium powder coater sign tray with similar trays or similar size with new logo. Hand Painted geometric glasses design to fascia level		
Site	4 New Town Chichester West Sussex PO19 1UG		
Map Ref	(E) 486302 (N) 104691		
Applicant	Mr Joseph Seaman	Agent	

RECOMMENDATION TO PERMIT



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

1.1 Officer recommends Permit, Parish council objects.

2.0 The Site and Surroundings

- 2.1 The application site is an optometrist located within the Chichester Conservation Area.
- 2.2 The site is located on the junction between Friary Lane and New Town. The property is a two storey semi-detached building with hipped gable roof, with white rendered walls and arch top windows. The property has two existing fascia signs on the north and west elevations.
- 2.3 Surrounding properties are largely Grade II Listed, with a mix of residential and commercial use.

3.0 The Proposal

- 3.1 This application seeks advertisement consent for the replacement of 2no. non-illuminated existing aluminium powder coater sign tray with similar trays or similar size with new logo and hand painted geometric glasses design to fascia level.
- 3.2 The proposed aluminium signs would replace existing signs of similar design. The signs would be situated on the north and west elevations. These signs would be comprised of white powder coated aluminium trays measuring 900mm high by 1200mm wide. The signage would comprise of a main logo to the top of the tray positioned centrally. Below this would read "Optometrists" positioned centrally. At the bottom of the tray would read "Claudine Ickeringill Since 1990" which would be positioned centrally.
- 3.3 The main logo sign would have a 5mm black acrylic letters with grey vinyl to face and affixed via plastic locators positioned approximately 19mm from the main sign tray. This would measure 483mm wide by 347mm high. The "Optometrists" section of the sign would comprised of 5mm black acrylic letters with grey vinyl to face taped directly to the face of the tray. This would measure 100mm high by 1089mm long. The "Claudine Ickeringill Since 1990" would comprise of Grey vinyl fixed flat to the face of tray.
- 3.4 The proposed repeated glasses logo would be hand painted to fascia level and would be coloured a light grey.

4.0 History

94/00394/FUL	REF	Provision of a car parking space on land adjoining no 4 Newtown, and creation of a vehicular access to it.
CC/00012/90	PER	9" and 6" raised letters, one board above windows and lettering on windows.
CC/00014/92	PER	Change of use to Estate Agency Offices.
CC/00144/85	REF	Use of land for provision of a car parking space

with access onto New Town.

CC/00146/91	REF	Change of use to Restaurant from gallery.
CC/00926/87	REF	Two fascia signs.
09/04860/ADV	REF	2 no. non illuminated fascia signs.
10/04265/ADV	PER	2 no. non illuminated fascia signs.

5.0 **Constraints**

Listed Building	NO (Adjacent)
Conservation Area	YES
Rural Area	NO
AONB	NO
Strategic Gap	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**

Comment received 30th August 2023 on revised plans:

Thank you for advising of the amendments to the proposal which now proposes to reduce the area painted with glasses to a horizontal band in line with the fascia signage, which is also to be replaced. This is a very bold design within the Conservation Area, wherein development must preserve or enhance the character and appearance of the Conservation Area.

The Advertisement design guidance sets out appropriate materials and details within the Conservation Area. Signage should be hand painted; plastic or acrylic applied lettering is not acceptable. Generally graphics are not appropriate, however, if the signage, including all lettering was of appropriate material (i.e. Hand painted), due to the unique design and its specific context, and the position of the proposal site, the proposal would contribute to the character of the area and the City Council's objection would be withdrawn on this basis.

The City Council would object to the use of any inappropriate materials, such as plastic or acrylic lettering on the replacement signage; these would be unacceptable in their own right, and being incorporated into such a bold design with a band of painted glasses around the building drawing attention to the signage, and with the

fascia boards being of non-traditional shape and design, featuring multiple lines of text which is not usually acceptable in this area, it is particularly important that appropriate materials are used in this unique proposal. Inappropriate materials would harm the character and appearance of the area, contrary to policy 47 of the Local Plan.

Comments received 18th April 2023 on original plans:

Objection. This is a listed building within the Conservation Area for which appropriate advertisement design guidance is available. The proposal is inappropriate in terms of materials, appearance and excessive graphics and text, contrary to the relevant design guidance, and would harm the character and appearance of the building itself and the conservation area. Hand painted timber signage with limited text and minimal graphics would be more appropriate for this location.

6.2 Conservation and Design Officer

Comments received on original plans 14th July 2023:

In general terms, especially within the Conservation Area we seek to avoid adverts spreading out over the façade of buildings. The character of Chichester Conservation area is defined by commercial premises with signs at fascia level (above ground floor window lintels, and below the first floor window cills). I appreciate that the applicant is seeks an innovative and attractive way of marketing their business and as such I have the following suggestions:

1. The use of the geometric smaller glasses stencil at fascia level could wrap around the building
 - a. This would mean the location of the design is traditional, while allowing its content to remain attractive and innovative
2. The smaller aluminium signs shown are acceptable in combination with the above

If the application can be amended in line with the comments I would have no objection in conservation and design terms.

6.3 CCAAC

The Committee objects to this Application. The signage does not comply with CDC guidelines. The proposed wall art (large spectacles on the west elevation and array of spectacles on the north elevation) should only be allowed for a limited time if this type of advertising artwork is permitted in the Conservation Area.

6.4 Third party support comments

Eight letters of support have been received as part of this application. A summary of the comments are below:

- a) Blend nicely with the character of the city
- b) Add character to the building
- c) Assist in advertising the independent business
- d) Benefit the local economy of the city

- e) Tray signs are modest and non-illuminated - would not cause harm to the character or appearance of the Chichester Conservation Area
- f) Glasses provide visual interest
- g) Art remains sympathetic to the character of the conservation area
- h) Would accord with advert guidance in the CDC Shopfront & Advertisement Design Guidance note (2010) and the Chichester Conservation Area Character Appraisal
- i) Contribute to growth and vitality of our City
- j) Sympathetic and modern addition to the building
- k) Good advertisement of services
- l) The BID comments that it is a long held tradition in shop keeping is to advertise your goods in a graphic and eye catching way outside your premises. I believe this proposal does exactly that but with a contemporary and modern twist.
- m) The Chichester Society considers that the painted graphics are in the realm of street art and as such should be attractive, inoffensive and subject to short term existence. No objection to the replacement of the existing signs and ask that permission for the elevation graphics be for a 3 year period.

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 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 2: Development Strategy and Settlement Hierarchy

Policy 10: Chichester City Development Principles

Policy 47: Heritage

Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19)

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well-advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in late 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of

unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

National Policy and Guidance

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

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

7.5 Consideration should also be given to Sections 1 (Introduction), 2 (Achieving sustainable development), 12 (Achieving well-designed places), and 16 (Conserving and enhancing the historic environment). Consideration has also been given to paragraph 132 in particular, as this relates specifically to the control of advertisements. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Chichester District Council Shopfront and Advertisement Design Guidance Note (revised June 2010)
- Chichester Conservation Area Character Appraisal

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

- 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. Design and impact upon character of the surrounding area
 - ii. Impact upon public amenity and safety

Introduction

- 8.2 Advertisement applications must be considered in accordance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. These regulations allow the LPA to consider amenity and public safety; taking into account the development plan, so far as they are material, and any other relevant factors.
- 8.3 Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural, or similar interest. Factors relevant to public safety include the safety of persons using any highway, whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of any traffic sign, and whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 8.4 The proposal for artwork depicting glasses would be considered a commercial sign due to the fact that it is representative of the business and depicts the service offered, in this case being an opticians. The artwork must therefore be considered as an advertisement and assessed under the appropriate policies and guidelines.
- 8.5 Officers note that comments from the Parish Council reference the building being listed. This is not the case. The property is not listed, but is surrounded by a number of listed buildings including the two properties it is adjacent to, and regard has been given as to the impact upon the setting of these buildings.

Assessment

- i. Design and impact upon character of the surrounding area
- 8.6 The application site is located within the Chichester Conservation Area which is acknowledged of being of high visual quality and contains 700 buildings of which are listed as being of special architectural or historic interest. S. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, and this is an important consideration.
- 8.7 Policy 47 of the Chichester Local Plan requires that proposals must conserve and enhance the special interest and setting of Conservation Areas, respect distinctive local character, maintain the individual identity of settlements and must not undermine views toward the city centre or Chichester Cathedral.
- 8.8 NPPF Paragraph 197 requires local authorities to take into account when determining applications, the desirability of sustaining and enhancing the significance of heritage

assets, the positive contribution that the conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to the local character and distinctiveness. In addition, Policy 47 of the Chichester Local Plan requires that proposals must conserve and enhance the special interest and setting of conservation areas, respect the distinctive local character and maintain the individual identity of settlements.

- 8.9 The proposed advertisements have been discussed with the Council's Conservation and Design Team, and their comments have been incorporated into the report.
- 8.10 The application site sits on the corner of New Town, surrounded by a number of Grade II Listed buildings and close to East Street. The property stands out for its largely modern appearance when compared to the attractive historic buildings in its immediate context. The proposed replacement of signs in relation to the aluminium tray signage would be considered acceptable when giving weight to what currently exists on site. The property currently displays examples of similar tray signage including their materiality. The replacement of these almost like-for-like with the alteration of the logo would not result in harm to the Chichester Conservation Area and surrounding character of the streetscene. This area of the Conservation Area is characterised by a mix of residential and commercial properties, with a large number of the commercial properties having similar tray signs including Henry Adams across the road. The proposed fascia signage is considered to be appropriate within its setting and is considered to be an improvement to the appearance of the commercial property.
- 8.11 The proposed hand painted glasses graphics have been reduced from the previously submitted scheme to fall in line with the Conservation and design officers comments. The proposal now boasts a unique and attractive form of advertisement which would sit within the fascia section of the property. The hand painted nature of the graphics, the siting, and the use of muted colours would ensure that design remains comparable to a traditional shopfront. By this reason the proposal would conserve the character and appearance of the Conservation area and surrounding streetscene.
- 8.12 The proposed signage would not be illuminated and would not alter the appearance of the property in a way which would be considered harmful to visual amenity. The CDC advertisement design guidance highlights the fact that there is more scope for modern buildings in terms of advertisement, with the design remaining in keeping with the surrounding historic buildings and streetscene. The proposal would retain much of its existing character in relation to the proposed tray signage. With regards to the glasses graphics, these would be muted and hand painted in line with the CDC advertisement design guidance.
- 8.13 Furthermore, as the property does not have the style of a traditional shopfront with wooden fascia, it is considered that there is more scope for the advertisement to reflect the modern setting whilst also respecting the surrounding historic streetscene.
- 8.14 The new signage would result in an innovative and attractive design which would mimic existing advertisement onsite whilst also providing a contemporary take on the traditional shopfront design. Having regards to the above the proposal would be appropriate in terms of size, colour, siting and design. The proposals would conserve

the character and appearance of the Conservation area and surrounding streetscene and would not result in a harm to the setting of the neighbouring Listed buildings.

ii. Impact upon public amenity and safety

- 8.15 Section 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) permits the display of advertisements where they do not, inter alia, adversely impact upon the interests of public safety.
- 8.16 The proposal does not include illumination or hanging signs. All signage would be focused within the fascia level of the proposal and fixed to the wall. The proposals do not raise any concerns relating to public safety.
- 8.17 Therefore the proposal is considered to be in accordance with Section 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Conclusion

- 8.18 Based on the above it is considered that the proposed advert would not be harmful to the character and appearance of the surrounding area or wider conservation area, nor would it harm the setting of the neighbouring listed buildings. The proposal would conserve the character and appearance of the shopfront and conservation area and is therefore acceptable in visual amenity terms. It would not cause harm to the public users of the highway and so is acceptable when considering its impact upon public safety. The proposal therefore complies with the development plan and the Town and Country (Control of Advertisements) (England) regulations 2007, and the application is recommended for approval.

Human Rights

- 8.19 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 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 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 - REVISED PROPOSED SIGNAGE DETAILS	V6		07.08.2023	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 Freya Divey on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RSBNSKERJSZ00>

Parish: Birdham	Ward: The Witterings
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BI/22/03026/FUL

Proposal	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, reprovion 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 from planning permission BI/12/00475/FUL (as amended by S.73 permission B1/22/01742/FUL) - Use Class variation of buildings A and D (Units A2 and D7 only) to allow greater flexibility, as amplified by email dated 22 May 2023.		
Site	Chichester Marina Birdham Chichester West Sussex PO20 7EJ		
Map Ref	(E) 482896 (N) 101105		
Applicant	C/O Agent	Agent	Andy Pearce

RECOMMENDATION TO DEFER FOR S106 THEN PERMIT



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

- 1.1 Parish Objection - Officer recommends Permit
- 1.2 Statutory Consultee Objection - Officer recommends permit

2.0 The Site and Surroundings

- 2.1 Chichester Marina comprises an area of approximately 20 hectares within Chichester Harbour AONB and is adjacent to the both the harbour waterside and Chichester Canal, located to the east. Chichester Marina is a commercial site providing in-water berthing for boats. The site is accessed from the A286 Birdham Road to the east. A coastal path/PROW runs around the edge of the marina.
- 2.2 The application site is located close to the harbour waterside, positioned between the Chichester Canal (to the south) and the marina berths (to the north and east). The buildings have on-site parking and are accessed along the Chichester Marina approach road from the east. The Commercial Units at Chichester Marina are set within four blocks, titled "A" to "D" running from east to west.
- 2.3 The closest settlement is Birdham to the south-west.

3.0 The Proposal

- 3.1 The application is submitted under Section 73 of the Town and Country Planning Act 1990, to amend condition 3 of planning permission 12/00475/FUL (as amended by S73 Permission 22/01742/FUL).
- 3.2 Planning application 12/00475/FUL was granted on 28/06/2012 for the '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.'
- 3.3 Condition 3 of that planning permission stated:
 - a) Buildings A, B, and C shall be used for marine related uses only (with ancillary sales). These uses can include boat brokerage or B1, B2, B8; and for no other purpose (including any other purpose in Class B1, B2, B8 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).
 - b) Building D shall be used for
 - i) B1, B2, B8, marine related uses only (with ancillary sales) and/or
 - ii) a chandlery (to a maximum of 468 sqm) and/or
 - iii) a mixed use cafe/restaurant within use class A3/A4 (to a maximum of 244sqm) and for no other purpose (including any other purpose in Class B1, B2, B8 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005 or in any provision equivalent to

that Class in any other statutory instrument revoking and re-enacting that Order) and notwithstanding any change permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Reason: To accord with the terms of the application and to retain the provision of accommodation for marine related uses in compliance with policy C7 of the Chichester District Local Plan First Review 1999.

- 3.4 The Town and Country Planning (Use Classes) Order was amended in September 2020. The former A3 use now falls within use class E (b), and the former A4 use is now a sui generis use, which means it does not have a specific use classification. Class B1 was revoked and effectively replaced by Class E(g).
- 3.5 Planning permission was granted under S73 application on 11/11/2022 (reference: 22/01742/FUL) to amend section b) iii) of condition 3 to allow building D to have a mixed use cafe/restaurant (use class Eb) to a maximum of 365sqm, i.e. an uplift in the permitted floor area by 121sqm (50% increase).
- 3.6 The current proposal seeks to further amend condition 3 to allow for units known on site as A2 and D7 to have a flexible use under the following classes of the Town and Country Planning (Use Classes) (England) Regulations 1987 (as amended). During the course of this application the use classes sought were refined as follows:

Unit A2: Use Classes

- E(a) Display or retail sale of goods, other than hot food (Marine related use and non-marine use)
- E(c) (i) Financial services, E(c)(ii) Professional services (other than health or medical services), E(c)(iii) Other appropriate services in a commercial, business or service locality (Marine related use and non-marine use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity: (i) Offices to carry out any operational or administrative functions (ii) Research and development of products or processes (iii) Industrial processes (Marine related use and non-marine use)
- B2 General industrial (Marine related use and non-marine use)
- B8 Storage or distribution (Marine related use and non-marine use)

Unit D7: Use Classes

- E(a) Display or retail sale of goods, other than hot food (Marine related use only)
- E(c) (i) Financial services, E(c)(ii) Professional services (other than health or medical services), E(c)(iii) Other appropriate services in a commercial, business or service locality (Marine related use and non-marine use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity: (i) Offices to carry out any operational or administrative functions, (ii) Research and development of products or processes, (iii) Industrial processes (Marine related use and non-marine use)
- B2 General industrial (Marine related use and non-marine use)
- B8 Storage or distribution (Marine related use and non-marine use)

- 3.7 It should be noted that the numbering of the units on the original planning application differ to the numbering on site. What is known as Unit A2 on site is shown as part of a wider Unit A2 on the approved plans for 12/00475/FUL. Building A as built has

been subdivided in 6 units on site, whereas this is shown as 2 units on the approved plans. Unit A2 on plans approved under 12/00475/FUL has a ground floor area of 372sqm and mezzanine of 211 sqm (583sqm). Whereas Unit A2 as built has a total floor area of 156sqm as shown on plan number 23-4100-111 Rev PL3 (Drawing as-built) submitted on 15/03/2023.

3.8 What is known as Unit D7 on site is Unit D6 on the approved plans for 12/00475/FUL. Unit D7 (as built) is at first floor level and has a floor area of 376sqm and is shown on plan number 23-4100-112 Rev PL2 (Drawing as-built) submitted on 15/03/2023.

4.0 History

12/00475/FUL	PER106	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.
12/03668/DOC	DOCDEC	Discharge of condition nos. 18, 20 and 21 from permission BI/12/00475/FUL.
12/03850/DOC	DOCDEC	Discharge of condition nos. 4, 7 and 24 from permission BI/12/00475/FUL.
12/03935/DOC	DOCDEC	Discharge of condition nos. 6, 11, 12 and 13 from permission BI/12/00475/FUL.
12/03959/DOC	DOCDEC	Discharge of Condition no. 5 from permission BI/12/00475/FUL.
15/04153/FUL	WDN	Variation of condition 3b of permission BI/12/00475/FUL. To allow for the vacant unit to be occupied by a retail (A1) occupier.
21/00833/FUL	REF	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. - Appeal Dismissed 18/07/2022

22/01742/FUL

PER

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, reprovion 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 from planning permission BI/12/00475/FUL - To allow building D to have a mixed use cafe/restaurant (use class Eb) to a maximum of 365 sqm.)

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Birdham Parish Council

Further comments received 13/10/23

Birdham Parish Council maintains and reiterates its STRONG OBJECTION to this application. These units are positioned where they are to be of use to the boat owners. The units should be for marine trades only. Birdham's research has shown that the rent for these units is unrealistically high. The units could either be reduced in size or the rent reduced.

Original comments received 13/01/23

These units are positioned where they are to be of use to the boat owners. The units should be for marine trades only. Birdham's research has shown that the rent for these units is unrealistically high. The units could either be reduced in size or the rent reduced.

6.2 Apuldram Parish Council

No comments received.

6.3 Chichester Harbour Conservancy

The proposal is opposed on the following grounds:

- The loss, or potential loss, of marine based employment use of buildings located within this marina and countryside setting that are provided to primarily serve marine and coastal users to the site, this would be contrary to AONB PP01 (AONB as a protected area), and AONB PP02 (Safeguarding Marine Enterprise), as well as the Joint Chichester Harbour AONB SPD (Section 24: Marine Enterprise).
- This application contravenes the Joint Chichester Harbour AONB SPD, and AONB guidance which requires a clear demonstration that no harm is caused to the AONB. The proposed open flexibility in allowing non-marine based users, which do not require such key waterside location and could operate from any location elsewhere, reduces the availability of such waterside sites for business which are primarily focused towards marine activities.

Chichester Harbour Conservancy is keen to ensure that all appropriate and necessary planning considerations, on and off-site, are fully addressed to safeguard the quality of the AONB.

Many 'Planning Permitted Development' allowances do not apply within an AONB. 'Permitted Development' works may therefore require a planning application to be submitted to the Local Planning Authority for formal consideration.

The requirement under AONB PP02 for a marketing exercise before the consideration of any Change of Use is responded to by the applicant as being unnecessary as the flexibility in the wider usage band sought would allow proactive management of tenants without the need of an 18-month marketing.

However, the submitted statement indicates that Unit D7 has been marketed since 19 February 2019, and unit A2 since 20 April 2020. The marketing details provided with the submission indicates either marine based business users (such as kayak sales, marine wrapping/graphics, marine upholstery, water sport retail, etc.) who considered the rental asking price too expensive, or non-marine based users (a range including student accommodation, joinery business, car sales, fitness instruction, general office use, veterinary, etc.), who found the units unsatisfactory for various reasons (too large, too expensive, too remote, etc.).

It is noted that the site is one of 10 owned and operated by the applicant company. The applicants state that in none of the other sites are there planning restrictions to the level that operate at Chichester Marina. Of the 10 other sites, only one is referred to, Port Solent Marina, Portsmouth. It should be noted that this site does not lie in an AONB, is within a predominantly built-up residential and commercial area, with a significant number of residential flats and apartments up to three and four storey height around the water area. The commercial uses include retail, entertainment (cinema), and restaurants. The character and scale is not comparable to the current application site, and serves a different community profile, within a diametrically different environmental landscape.

Other Premier Marinas sites exist locally within the south-central coast at Gosport, Portsmouth; at Southsea, Portsmouth; at Swanwick, Southampton; and at Premier Universal, Southampton. All lie within urban built-up locations where there are a mix of residential, retail, and commercial activities on the site or in close location to the site. None have the characteristic of Chichester Marina which lies in the AONB countryside and relatively separate from any main or major urban centre. The operational requirements of the current site are therefore clearly different from other local sites operated by the applicant company.

AONB PP02: Safeguarding Marine Enterprise, requires that existing marine based employment sites are retained where possible. The applicant's case (see Para 18-1.9) above claims the Change of Use variation make the units more flexible without removing the marine based possibility of occupation in the future. Whilst this is technically correct, the availability of the units for marine related uses is more an economic consideration by prospective tenants. If a higher rental income is available to non-marine activities, then there is a clear economic advantage to 'price-out' traditional marine service uses even though this is a marine focused site, for more financial lucrative non-marine occupiers. The removal, or as in the current submission, the wider flexibility of occupational user groups, would make this option of the removal of marine-related users more likely, to the detriment of the site and other site users, contrary to the aims and intention of AONB PP02.

Joint SPD Section 24: Marine Enterprise, reflects to approach of AONB PP02, in that marine sites are retained for the long-term viability of the Chichester Harbour's marine infrastructure and the boats and businesses that depend on it. Marine related or other appropriate commercial / employment uses should not be marginalised within the development so as to affect its viability in the long term. (Joint SPD page 40)

The Chichester Harbour Management Plan Policy 13: Prosperous Economy, states that "Chichester Harbour will continue to be a place where marine businesses prosper." This emphasises the importance of the marine based economy within the AONB protected national landscape and the unique nature of the Chichester Harbour AONB. Any diminution of the marine based employment activity within the AONB would therefore be strongly resisted. This is the underlying framework to AONB PP02 which supports this approach.

The character and atmosphere / ambiance of the AONB locality is unlikely to be substantially altered by this proposal. The use of the two units identified would continue to provide staff and visitor interaction on the site.

In matters of ecology, biodiversity, or wildlife habitat, hibernation, foraging, mating, or spawning / nesting / rearing areas, the development proposal in the AONB would be unlikely to have any identifiable harmful impact. The proposal is unlikely to have any significant impact or effect on the AONB in relation to wildlife conservation and protection. There are no mitigation measures necessary in relation to this proposal.

6.4 WSSC Highways

The LHA consider there is no highway safety or capacity concerns associated with the current proposal; therefore, no objection is raised.

6.5 CDC Environmental Health Officer

Our department raises no objection to the proposed variation of Condition 3, namely the removal of the marine restriction for Units D7 and A2. It is considered that adequate safeguards will remain from an Environmental Health perspective, notably Condition 4 (Illumination), Condition 8 (Storage of Fuels) and Condition 12 (External plant and machinery) (Ref: 22/01742/FUL).

6.6 CDC Planning Policy

In relation to Policy 43 and the requirement to meet the policy aims of the Chichester Harbour Management Plan, Planning Consideration PP02 Safeguarding Marine Enterprise requires an applicant to demonstrate that a site is not fit-for-purpose for a marine-related business and that any marine-related business use is unviable. A sequential approach in relation to marketing is set out within the planning consideration and requires an initial 12 months of marketing for marine-related business prior to a planning application being submitted. PP02 further states that other commercial/employment uses may be acceptable provided that any proposed non-marine-related employment use retains easy access to the water and features of the building which allow boats to be easily taken into and out of the converted buildings. In addition, marine related uses are not to be marginalised within the redevelopment so as to affect their long-term viability. It should be noted that the Planning Inspector, on the appeal of refused planning application reference 21/00833/FUL, stated that the Management Plan was a material consideration to which significant weight was given - this could prove helpful in determining this application.

The applicant's agent's covering letter explains that the application to vary Condition 3 in respect of units A2 and D7 seeks for these units to be used for marine and non-marine related uses falling within Class B2, B8 and E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 to allow for greater flexibility in the use of the existing business units, to enable retention and creation of employment opportunities. The applicants substantiate their application with marketing evidence which appears to evidence active marketing of both units since 2019 and 2020 respectively for marine-related employment uses.

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 provided marketing evidence which would appear to meet the marketing requirements, including in relation to the Chichester Harbour Management Plan Planning Consideration "Safeguarding Marine Enterprise".

Nonetheless, the pre-text to Policy 26 places an emphasis on preserving marine-related uses and both the Birdham Neighbourhood Plan (Policy 23) and Chichester Harbour Management Plan PPO2 require that marine-related businesses must not be adversely impacted by a re-development/change of use. In this regard, it is considered that any variation of condition 3 should afford adequate protection to current marine-related businesses in order to reflect the overall policy aims.

6.7 CDC Economic Development

The Economic Development Service supports this application.

Despite continuing to be marketed at what we view as realistic rents units A2 and D7 remain vacant (see below for further comments on marketing). Allowing greater flexibility in the use of units A2 and D7 will increase the likelihood of them being occupied and is therefore expected to result in the economic benefit of jobs being created at the marina.

Much like the high street, marinas over the country are changing. While the core of operations will be marine based, the focus of marinas is increasingly geared towards becoming attractive to non-boat owners and more leisure and hospitality based. The vibrancy and longevity of marinas as leisure locations, not just for boat owners, will depend on the ability to attract the right mix of businesses, boat owners and visitors to the site. Premier Marinas want to remain relevant and successful but they also realise the importance of making sure that the services that boat owners would expect are on site.

Regarding the marketing of units A2 & D7, in Chichester District Council's Statement of Case (SoC) for appeal reference APP/L815/W/21/3289832 the Council stated that the applicant, "has submitted an update which demonstrates that units A2 and D7 have been marketed for an appropriate period and at an appropriate rent" (see paragraph 5.4.5.2 of the Council's July 2022 SoC). The update which the applicant submitted included benchmarking against its two other south coast marinas which showed that Chichester marina's average rent of £12.47/sqft was lower than both Port Solent's £13.42/sqft and Swanwick's £19.50/sqft.

Since July 2022 units A2 and D7 have continued to be marketed at the same rent of £11.61/sqft for unit A2 and £12.84/sqft for Unit D7 (D7's rent falls to £7.54 sqft if the storage area is included) and both units still currently remain vacant. In our view the rents being asked in the marketing materials for A2 and D7 remain realistic as currently light industrial units in the Chichester District are being marketed in the range of £11/sqft to £13/sqft.

For these reasons, the Economic Development Service believes that for units A2 & D7 the marketing requirements of Appendix E of the Chichester Local Plan have been met and that it is important that these two units at the marina evolve with the economy.

6.8 Third Party Support

- a. Frustrating to see units vacant for months/years
- b. All related trades are very well represented in the marina
- c. Would support existing business having units occupied

6.9 Third Party Other

- a. Berth holders with larger boats require an appropriate balance of service support. A "man in a van" is not the whole solution and marine businesses with

- specialist expertise, workshops and tooling who operate within commercial premises adjacent to the haul out crane and boatyard remain important.
- b. Important not to price out the essential on-site marine businesses.
 - c. Many units occupied by Premier owned business, leaving few units for marine uses.
 - d. Henry Adams marketing does not mention marketing in the marine print or digital press.
 - e. Haven't explored subdividing units.
 - f. Marketing shows more interest from marine than non-marine tenants. Marketing refers to concerns about "covenant", "occupier budget not suitable" and "concerns about the costs" for the marine tenants but less so for others. - Were they all put off by unrealistic landlord expectations?
 - g. Set a precedent for Unit C5.
 - h. Ensure long term sustainability of the e Chichester Marina "ecosystem".

6.10 Applicants supporting comments

- a. Marinas are complex ecosystems that need to evolve.
- b. Impact of Covid-19 resulted in business closures and change in operations to a more footloose manner without waterside premises.
- c. 33.4% of available floorspace in the boatyard is currently unoccupied.
- d. The applicant expects a further 31.3% (10,615 sqft NIA) could become vacant upon expiry of leases end of November 2023 (subject to lease renewal discussions).
- e. Other sites owned by Premier marina not subject to stringent condition. Eg. Port Solent, Portsmouth 87% of occupants in "The Slipway" buildings are marine related tenants.
- f. Current condition overly restrictive and prevents successful letting of a number of a number of commercial units to a variety of interest occupiers, as their operations may not be principally marine related but are considered suitable and appropriate for a marina environment.
- g. Creation of jobs and supporting local economy.
- h. Marketing evidence confirms that commercial unit A2 has been actively marketed since 30 April 2020 and Unit D7 since 19 February 2019. This was accepted in the Council's SoC in appeal APP/L3815/W/21/3289832.
- i. The proposal would not be a departure from the local plan as the requirements of Policy 26 and Appendix E are met.
- j. The design of the units does not make subdivision practical.
- k. Business rates relief will no longer be available to most occupiers following the Government's latest rates review.
- l. Noss-on-Dart Marina benefits from marine and non-marine land use flexibility and is a good example of a high quality development in a sensitive AONB setting.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Birdham Neighbourhood Plan was made on the 19

July 2016 and forms part of the Development Plan against which applications must be considered.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 26: Existing Employment Sites
Policy 30: Built Tourist and Leisure Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 44: Development around the Coast
Policy 45: Development in the Countryside
Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings 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

Birdham Neighbourhood Plan

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

The Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19)

- 7.3 The Proposed Submission Local Plan was published for a 6-week consultation from 3 February 2023 to 17 March 2023 under Regulation 19 of the Town and Country Planning (England) Regulations 2012 (as amended). Following this the Plan will be submitted to the Secretary of State for Independent Examination, together with representations and a statement of consultation.

Relevant policies from the Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19) are:

Policy S2 Settlement Hierarchy
Policy NE2 Natural Landscape
Policy NE10 Development in the Countryside
Policy NE12 Development around the Coast
Policy NE13 Chichester Harbour Area of Outstanding Natural Beauty
Policy NE21 Lighting
Policy NE22 Air Quality
Policy NE23 Noise
Policy P1 Design Principles
Policy P2 Local Character and Distinctiveness
Policy P6 Amenity
Policy E1 Meeting Employment Land Needs
Policy E2 Employment Development
Policy T2 Transport and Development
Policy T4 Parking Provision

National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.5 Consideration should also be given to the following paragraph and sections: 2, 4, 6, 8, 9, 11, 12, 14,15 and 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.6 The following Supplementary Planning Documents are material to the determination of this planning application:
- o The Chichester Harbour Management Plan Third Review (2019 - 2024)
 - o The Chichester Harbour AONB Joint SPD (2017)
 - o Chichester Harbour AONB Landscape Character Assessment
- 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.
- Maintain the low levels of crime in the district in the light of reducing resources.
- Support and empower communities and people to help themselves and develop resilience.
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area.

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development, planning policy and planning history
- ii. Loss of marine enterprise and harm to the local economy
- iii. Impact on the AONB
- iv. Flood Risk
- v. Highways

- i. Principle of Development, planning policy and planning history

8.2 The principle of the development of '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, re-provision 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' was established by the granting of planning permission 12/00475/FUL. Whilst the applicant is applying for a variation of Condition 3 of that permission, under Section 73 of the Town and Country Planning Act 1990 (as amended), this is in effect a fresh planning application. The development approved under application 12/00475/FUL has been completed and occupied for some time. The current application seeks to vary part of the approved use of the development.

Relevant changes to Planning Policy

- 8.3 The original planning condition was imposed to safeguard waterside sites for boating related facilities in accordance with Policy C7 of the Chichester District Local Plan First Review 1999.
- 8.4 Policy C7 of the Chichester District Local Plan First Review (1997) stated: 'In order to safeguard waterside sites for boating related facilities, the development or redevelopment of boating and marina sites will only be permitted for uses associated with boat building, fitting out, maintenance and repair of boats and ancillary uses'.
- 8.5 The justification behind the Policy (C7) stated (inter alia) that existing boatyards are situated on prime waterfront sites which makes them attractive for redevelopment for alternative uses. Loss of boat building, fitting out, repair, maintenance and ancillary services would not be in the interests of the harbour users or the local economy. In addition, loss of boatyard capacity could create demand for greenfield extensions to

the remaining active boatyards. Changes of use to other users not dependant on a waterside location is also wasteful of that resource and damaging to the character of the harbour. Non-marine industrial activities could also generate more traffic on the narrow roads within the AONB leading to the boatyards.

- 8.6 Since the determination of planning application 12/00475/FUL, the Chichester District Local Plan: Key Policies 2014-2029 (CLP) has been adopted and the policies contained in the Chichester District Local Plan First Review (1997) no longer apply. Further to this the Council published a Proposed Submission Local Plan under Regulation 19 on 3rd February 2023. At this stage, it is considered that moderate weight can be attached to the policies contained within the Proposed Submission Local Plan.
- 8.7 The current CLP includes Policies 26 and 43. Policy 26 seeks to safeguard existing employment sites and supports more efficient use of underused employment sites. Paragraph 16.8 of the supporting text for Policy 26 states that 'Given the limited opportunities for employment uses with direct access to water, particular scrutiny will be given to the marketing evidence for marine related employment sites with the aim of preserving these uses'. Paragraph 16.8 of the adopted Local Plan is carried forward in the Proposed Submission Local Plan at paragraph 7.17.
- 8.8 Policy 43 of the CLP relates to the AONB, which amongst other things seeks to ensure that development accords with the policy aims of the Chichester Harbour Management Plan (CHMP). Draft Policy NE13 Chichester Harbour AONB in the Proposed Submission Local Plan also carries forward the requirement for development to be consistent with the policy aims of the CHMP.
- 8.9 Planning principle PP01 of the CHMP requires that 'great weight to the protection of the landscape, the conservation of nature and the special qualities of Chichester Harbour, as defined in the AONB Management Plan and Landscape Character Assessment'. Principle PPO2 of the CHMP supports 'the retention and continued development of marine business uses and only support a change of use if the site is demonstrated as not being fit-for-purpose for a marine related business or being unviable. In all cases, proposals should not have an adverse impact on the landscape and nature conservation interests of the AONB.' Change of use applications should demonstrate a sequential test approach to marketing.
- 8.10 Policy 13 of the CHMP seeks to ensure that Chichester Harbour is a place where marine businesses prosper. In the supporting text it sets out that 'Many businesses support the Harbour's use as a recreational destination, with employment in boat building, services and visitor facilities'...'The Conservancy and its partners support sustainable tourism. This is when visitors make a positive impact on the economy, society, and environment.'
- 8.11 The Birdham Neighbourhood Plan (BNP) was made on 19th July 2016. Policy 22 of the BNP states that support will be given for 'small-scale development and expansion of existing businesses'. Policy 23 of the BNP states that 'Proposals that adversely affect businesses related to the marine heritage of Birdham (i.e. Birdham Pool & Chichester Marina) will be discouraged. Support will be given to the retention of all business related to tourism, marine, horticulture and agriculture against any proposals for redevelopment or for a change of use in accordance with Local Plan

Policies 3 and 26. Accordingly, proposals for development must not have a significantly adverse impact on the tourism, marine, farming and horticultural businesses.'

- 8.12 The Chichester Harbour AONB Joint SPD is dated 17th May 2017. Paragraph 24.1 of the SPD states 'Marine and tourism uses are closely associated with the special qualities of the AONB. Once sites are lost from marine-related use it is extremely unlikely that they will be replaced by new ones. It is therefore vital that marine sites are retained for the long-term viability of the Chichester Harbour's marine infrastructure and the boats and businesses that depend on it.
- 8.13 The NPPF has been updated several times since the determination of 12/00475/FUL (latest revision 2023) and includes amendments to the presumption in favour of sustainable development, greater focus on making effective use of land and support for a prosperous rural economy.
- 8.14 As stated in paragraph 3.4 of this report the Town and Country Planning (Use Class) Order 1987 (as amended) was updated in September 2020. Class A was revoked. Class A3 was replaced with Use Class E(b). Class A4/5 uses were not covered by Use Class E and became defined as 'Sui Generis'. Class B1 was revoked and effectively replaced by Class E(g).

Relevant Planning History

- 8.15 Planning Application 21/00833/FUL previously sought to vary condition 3 of 12/00475/FUL to allow 'Class use variation' on buildings A, B, C and D allowing greater flexibility in the use of the existing business units, to enable retention and creation of employment opportunities.' This application was refused on 29/06/2021 for the following reason:
1. The application site is located on the harbour waterside, within the Chichester and Langstone Harbour Area of Outstanding Natural Beauty (AONB). The removal of the marine related only occupancy condition relating to the commercial and business units (buildings A-D inclusive) would be likely to result in the unacceptable loss, or potential loss, of marine-related floor space along the harbour waterside site, where marine uses are traditionally and practically best placed, which would have a significant adverse impact on the marine industry in this location. Furthermore, the removal of businesses that have a relationship with the waterside environment would fail to conserve and enhance the character of the AONB. Inadequate marketing evidence has been provided to justify the removal the marine related only occupancy condition in relation to all units within buildings A-D inclusive. The proposal is therefore contrary to Appendix E of the Chichester Local Plan 2014-2029, Policy 23 of the Birdham Neighbourhood Plan, AONB planning principles PP01 and PP02 and policy 13 of the Chichester Harbour Management Plan Third Review (2019 - 2024) and policy 24 of the Chichester Harbour AONB Joint SPD (2017).
- 8.16 This application was subsequently dismissed at appeal on 18/07/2022. The Planning Inspector concluded that:
- 8.17 Paragraph 7 '...it is relevant to look at levels of vacancy and the marketing that has been undertaken to secure marine-based tenants. The Council's decision refers to

Appendix E in the LP, which relates to marketing requirements in connection with various policies. These do not include policy 43 and I am not convinced that the provisions of Appendix E are particularly pertinent in the present case. Of more relevance is the MP and the marketing expectations in the planning principle PP02.'

- 8.18 Paragraph 9 '...apart from unit D7 and possibly unit A2, there is insufficient evidence to justify the Appellant's assertion about long term vacancy indicating a lack of demand. I can appreciate that such vacancy is not beneficial to the vitality and viability of the marina enterprise as a whole or this group of business uses in particular. In such circumstances there could therefore be justification for adopting a more flexible approach for unit D7 and possibly unit A2 in accordance with PP02 in the MP. This suggests that a mix of marine related business use and other appropriate commercial or employment uses should be explored. '...
- 8.19 Paragraph 10 'The proposal as it stands would allow any of the units to be operated as B2, B8 and E class uses without any marketing at all.'...' The MP and SPD indicate that once a change has occurred, a marine-based use is unlikely to be re-established.'
- 8.20 Paragraph 11 '...' the condition is reasonable and necessary and that its variation as proposed would be detrimental to the local economy and fail to conserve the character of the Chichester Harbour AONB. This would be contrary to policy 43 in the LP and policy 23 in the NP, which seem to me to be the most important policies in this case. The proposal would also fail to accord with the policy and principles in the MP and the SPD, which are material considerations to which I give significant weight in this case.'
- 8.21 Paragraph 13 'It is acknowledged that no external changes would necessarily be required to the buildings. However, the importance of the marine-based enterprises relates to the character of the AONB.'
- 8.22 Unit D7 which is subject to this application and referred to in the appeal decision for 21/00833/FUL, is located in the roof space of Building D. (N.B. the numbering of units on the original planning application differ that to the numbering on site, the unit marketed as D7 is Unit D6 on the approved plans).
- 8.23 Since the above appeal decision, planning permission has been granted under a S73 application on 11/11/2022 (reference: 22/01742/FUL) to allow building D to have a mixed use café/restaurant (use class Eb) to a maximum of 365sqm, i.e. an uplift in the permitted café/restaurant floor area by 121sqm (50% increase). The amended condition did not specify the units within the building. The indicative plans accompanying 22/01742/FUL showed the existing café located in Unit D6 with back of house in Unit D4 (Unit D1 and part of Unit D3 on the original approved plans of 12/00475/FUL) and the extended café into Unit D5 (Unit D2 and part of Unit D3 on the original approved plans of 12/00475/FUL).
- 8.24 Having regard to the planning history and current policy the main considerations in the determination of this application are:
- Whether the proposal would result in the unacceptable loss of marine enterprise that would be harmful to the local economy

- Whether the proposed use would conserve the character of the Chichester Harbour AONB.

ii. Loss of marine enterprise and harm to the local economy

- 8.25 Both units are currently vacant. The applicants supporting statement states that Unit A2 has been actively marketed since 30 April 2020 and Unit D7 since 19 February 2019, this has been substantiated through evidence contained in the submitted document titled 'Commercial Marketing Overview' dated December 2022.
- 8.26 With regards to Unit D7 the Council's Statement of Case for appeal APP/L3815/W/21/3289832 stated; '5.4.3.1 At the time of determination, the Council acknowledged that the unit had been marketed for the prescribed period. However, due to the lack of benchmarking data to confirm that the rental being asked was realistic, it remained concerned that the exercise had not been undertaken realistically. 5.4.3.2 The appellant, in Appendix Two, supporting the Statement of Case provides some benchmarking by comparing rents at other marinas owned by the appellant. The Council would have liked to see a wider benchmarking exercise including premises in alternative ownership. It has therefore undertaken some research of its own, identifying similar premises at Hamble Point Marina and Port Solent Marina and based on this, considers that Unit D7 is being marketed at a realistic rate.'
- 8.27 This was not disputed by the Planning Inspector (as referenced in the above section) who found that there could be justification for adopting a more flexible use for unit D7. Since the determination of this appeal on 18/07/2022, the submitted supporting information with this application shows that there has been no further interest in the unit. The marketing of Unit D7 therefore meets the requirements of Appendix E and Policy 26 of the CLP and the marketing requirements of PPO2 of the CHMP.
- 8.28 With regards to Unit A2 the Council's Statement of Case for the appeal of application 21/00833/FUL (APP/L3815/W/21/3289832) stated; ' 5.4.2.1 At the time of determination the unit had been subject to marketing efforts for a period of 11 months, below the prescribed period of 18 months which is contained within Appendix E of the Chichester Local Plan which specifies the general requirements of marketing. 5.4.2.2 It is now accepted that the unit has been marketed for the requisite time period. It is also noted (on the Rightmove website that the unit is "under offer", one assumes to a business which is compliant with the existing planning restrictions. This somewhat undermines the appellant's general argument about lack of demand.'
- 8.29 The supporting information submitted with this planning application states that Heads of Terms were agreed in April 2022 for the unit to be rented to a company specialising in the storage and distribution of marine related electronics and Audio Visual equipment, but the letting did not happen. Officers have sought further clarification on this from the applicant. In an email dated 09/03/2023 the applicant's agent explained that 'the prospective tenant 'AVN Solutions' despite having a marine element to their business ultimately decided that the risk of investing in setting up in a unit at the marina with the possibility of the planning enforcement officer taking action was too great'. Unit A2 has therefore been marketed for a sufficient length of time to accord with the requirements of Appendix E and Policy 26 of the CLP and the marketing requirements of PPO2 of the CHMP. Furthermore, Officers consider that

the amended condition, as sought via this application, will allow businesses that are not exclusively a marine enterprise but provide a marine element, such as AVN, to operate on the site. Such businesses would complement and not prejudice the businesses contained within the wider marina.

- 8.30 Officers note that Chichester Harbour Conservancy and Birdham Parish Council have objected to this planning application. The Conservancy acknowledge that the submitted statement indicates that the units have been marketed since 2019 and 2020. The Conservancy also acknowledge that that the proposed change of use makes the units more flexible without removing the possibility of marine based of occupation in the future. The Conservancy do however raise concern that if higher rental income is available to non-marine activities, traditional marine services could be 'priced out' and argue that this is contrary to the aims of and intention of policy PP02 of the CHMP. The Parish Council has also raised concern that the rent for the units is unrealistically high.
- 8.31 The Council's Economic Development Service supports this application and have commented that in their view the rents being asked in the marketing materials for A2 and D7 remain realistic as currently light industrial units in the Chichester District are being marketed in the range of £11/sqft to £13/sqft. Furthermore, allowing greater flexibility in the use of units A2 and D7 will increase the likelihood of them being occupied and is therefore expected to result in the economic benefit of jobs being created at the marina.
- 8.32 The Parish Council and a third party have commented that the subdivision of units has not been explored. It is clear from the differences in the approved plans and the development as built that Building A has already been subdivided into smaller units than that originally intended at the application stage for application 12/00475/FUL. Furthermore, the applicant has responded to the Parish Council's comments that 'the design of the units does not make subdivision practical'.
- 8.33 A third party has also raised that the Henry Adams marketing does not mention marketing in the marine print or digital press. Paragraph 2.19 of the Marketing Overview Statement sets out for Unit D7 advertisements were placed in the monthly "Boating Business" specialist marine trade publication. Evidence was submitted by email on 10/03/2023, that confirms that the advert appeared in the March 2019, June 2019 and September 2019 editions and web tile from March until September. It is noted that Unit A2 has not been advertised in such a publication, but both units have been advertised online on the websites for Premia Marinas, Henry Adams LLP, Estates Gazette and Rightmove commercial property.
- 8.34 The remaining units on the site would still be subject to the current restrictions of condition 3 and could only be used by marine related enterprises. This application seeks to allow units A2 and D7 to be used for Use Class B2 (general industrial), B8 (Storage or distribution) and specific E (Commercial Business and Service) classes of the Town and Country Planning (Use Classes) (England) Regulations 1987 (as amended). These uses would complement and not prejudice the operations of marine enterprises across the wider marina and would not result indirect loss of marine enterprise.

8.35 There would be no alterations to the exterior or structure of the building and the variation of Condition 3 would still allow for Units A2 and D7 to be used by marine related enterprises if there was interest in the future. Whilst the amended condition cannot ensure that marine related businesses are given preference in the future occupation of these units, the applicant has stated in their submission documents that they are committed to championing marine-related businesses.

8.36 There would be no significant harm to the local economy. The variation of Condition 3 would likely enable long term vacant units to be filled, which would add to the vitality of the marina and generate jobs.

iii. Impact on the AONB

8.37 The proposed variation of condition relates to the use of floor space only and there would be no operational development, as such, there would be no physical impact on the AONB. Nonetheless, as set out in the previous sections, the proposed change of use could have an impact on the character of the AONB.

8.38 The Planning Inspector stated the existing marine-based enterprises relate to the character of the AONB. Whilst the Chichester Harbour Conservancy have objected to the application they acknowledge that the character and atmosphere/ambiance of the AONB is unlikely to be substantially altered by this proposal.

8.39 Notwithstanding this, Officers have negotiated with the applicant on the specific use classes that could be acceptable in this location. Currently Unit A2 is restricted by condition 3 on 12/00475/FUL to be used for marine related uses only (with ancillary sales). These uses can include boat brokerage or Business uses (formerly Use Class B1, which includes offices, research and development and light industrial), general industrial (Use Class B2) and storage and distribution (Use Class B8). Given the relatively small size of this unit, 156m (18% of Building A), it is considered that subject to condition there would be no material harm to the tranquillity of the area by removing the marine only restriction, whilst keeping the same use classes and allowing the display or retail sale of goods, other than hot food.

8.40 Unit D7 is currently restricted to be used for Marine only Business uses (formerly Use Class B1, which includes offices, research and development and light industrial), general industrial (Use Class B2) and storage and distribution (Use Class B8) with ancillary sales, and/or a chandlery and a mixed use cafe/restaurant (as amended by application 22/01742/FUL). Unlike Unit A2, Unit D7 is a large unit measuring 376sqm (approximately 28% of Building D). Non-marine retail could result in a more intensive use of the site and without evidence to the contrary non-marine retail in this unit could result in the site becoming a retail destination, resulting in an increase in vehicular movements to and from the marina. As such officers have negotiated that any retail use of Unit D7 shall be restricted to marine uses only. Officers considered that the non-marine use of this unit as light industrial, general industrial or storage and distribution is unlikely to result in material harm to the tranquillity of the AONB above marine related uses.

8.41 There is a risk that non marine related E(c) (i) Financial services, E(c)(ii) Professional services (other than health or medical services), E(c)(iii) Other appropriate services in a commercial, business or service locality and E(g) (i) Offices (ii) Research and

development could without control result in intensification of the use of the site. To mitigate the risk of any intensification of the site, Officers recommend an additional pre-occupation condition requiring the submission of parking details and a travel plan should at anytime these units be used for non-marine E(c)(i),(ii),(iii) and E(g)(i)(ii) uses. Further to this a Unilateral Undertaking (legal agreement) would secure a financial contribution for the monitoring of this travel plan by WSCC Highway Authority.

8.42 Subject to the above, Officers consider that the proposal would conserve the character of the Chichester Harbour AONB and the development would be in accordance with Policy 43 of the CLP.

iv. Flood Risk

8.43 The application site is located within flood zones 2 and 3. Paragraph 168 of the NPPF states that applications for changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments. This is also required by Policy 42 of the CLP.

8.44 Marinas are considered water-compatible development as set out in Annexe 3 Flood risk vulnerability classification of the PPG. Whilst buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution are classed as 'less vulnerable'.

8.45 Given that the original planning application (12/00475/FUL) sought 'less vulnerable' uses, and the current application also seeks 'less vulnerable' uses there is no material increase in the flood risk of the development. The original planning application was supported by a Flood Risk Assessment as part of an Environmental Statement which was considered acceptable in consultation with the Environment Agency, which commented that the finished floor levels of 4.4m AOD would likely prevent internal inundation and the flood resilience measures would help to protect the buildings against more extreme events and wave action at the site. This mitigation was secured by condition. As such officers are satisfied that the proposal accords with the requirements of Policy 42 of the CLP and the NPPF.

v. Highways

8.46 It is noted that the supporting text for policy C7 of the former of the Chichester District Local Plan First Review 1999 (now superseded), stated 'non-marine industrial activities could also generate more traffic on the narrow roads within the AONB leading to the boatyards'. Policy 39 of the current CLP requires that developments are located and designed to minimise additional traffic generation and movement and should not create or add to problems of safety, congestion, air pollution, or other damage to the environment.

8.47 Having regard to this, Officers have negotiated during the course of the application specific use classes that would be unlikely to result in a material increase in vehicular movements over that already permitted. The WSCC Local Highway Authority has commented on the application that there is no highway safety or capacity concerns associated with the current proposal.

8.48 As previously stated, Officers recommend an additional pre-occupation condition requiring the submission of parking details and a travel plan should at anytime these units be used for non-marine E(c)(i),(ii),(iii) and/or E(g)(i)(ii) uses. Further to this a Unilateral Undertaking (legal agreement) would secure a financial contribution for the monitoring of this travel plan by WSCC Highway Authority.

8.49 The proposal therefore accords with policy 39 of the CLP and the objectives of the superseded policy C7 of the Chichester District Local Plan First Review 1999.

Planning Obligations

8.50 Planning permission 12/00475/FUL was subject to a S106 agreement. This was in the form of a Unilateral Undertaking that required a public art contribution and bus stop contribution prior to the first occupation of the development. As such, no deed of variation is required in this instance.

8.51 As previously mentioned, this recommendation is subject to a S106 agreement. This would be in the form of a Unilateral Undertaking to secure a financial contribution for the monitoring a travel plan by WSCC Highway Authority.

CIL

8.52 There are no amendments to floor space, as such there will be no implications to CIL requirements.

Significant Conditions

8.53 A new decision notice was issued under planning application 22/01742/FUL which carried forward all the relevant conditions from 12/00475/FUL with amendments where appropriate to reflect those that had been discharged. Condition 3 was amended to allow building D to have a mixed-use cafe/restaurant (use class Eb) to a maximum of 365sqm and reflect the amended Town and Country Planning (Use Class) Order. Reference to B1 was changed to E(g) as well as reference to use class A3/A4 being replaced by class E(b).

8.54 The conditions listed on the decision notice for 22/01742/FUL are proposed to be carried over in full, with the exception of condition 3 (now condition 4) that would be further amended as follows:

a) Buildings A, B, and C (**excluding Unit A2 as shown on plan number 23-4100-111 Rev PL3 (Drawing as-built) submitted with application 22/03026/FUL on 15/03/2023**) shall be used for marine related uses only (with ancillary sales). These uses can include boat brokerage, E(g), B2 and/or B8; and for no other purpose (including any other purpose in Class B2, B8 or E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Unit A2 as shown on plan number 23-4100-111 Rev PL3 ((Drawing as-built) submitted with application 22/03026/FUL on 15/03/2023) shall only be used for marine and non-marine related uses falling within Class B2, B8, E(a), E(c)(i),

E(c)(ii),E(c)(iii), E(g)(i), E(g)(ii) and/or E(g)(iii) of the of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose and notwithstanding any change permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

b) Building D (excluding Unit D7 as shown on plan number 23-4100-112 Rev PL2 (Drawing as-built) submitted with application 22/03026/FUL on 15/03/2023) shall be used for

i) marine related uses only (with ancillary sales) within E(g), B2 or B8, and/or
ii) a chandlery (to a maximum of 468 sqm) and/or
iii) a mixed use cafe/restaurant (use class E(b)) to a maximum of 365sqm.)
and for no other purpose (including any other purpose in Class B2, B8 or E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order) and notwithstanding any change permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Unit D7 as shown on plan number 23-4100-112 Rev PL2 ((Drawing as-built) submitted with application 22/03026/FUL on 15/03/2023) shall only be used for marine and non-marine related uses falling within Class B2, B8, E(c)(i), E(c)(ii), E(c)(iii), E(g)(i), E(g)(ii) and/or E(g)(iii) and marine only E(a) use of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose and notwithstanding any change permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Reason: To accord with the terms of the application and to retain the provision of accommodation for marine related uses and conserve the tranquillity of the AONB in compliance with policies 26 and 43 of the Chichester District Local Plan: Key Policies 2014-2029, Principle PPO2 and policy 13 of the Chichester Harbour Management Plan Third Review (2019 - 2024) and policy 23 of the Birdham Neighbourhood Plan 2016.

8.55 In addition to this, an additional pre-occupation condition (condition 3) is recommended to require the submission of parking details and travel plan, as discussed in the earlier sections of this report.

Conclusion

8.56 The marketing of Units A2 and D7 meets the requirements of Appendix E and Policy 26 of the CLP and the marketing requirements of PPO2 of the CHMP. The proposed flexible B2 (general industrial), B8 (Storage or distribution) and specific E (Commercial Business and Service) marine and non-marine uses of units A2 and D7 would complement and not prejudice the operations of marine enterprises across the wider marina and would not result indirect loss of marine enterprise, subject to the amended and additional conditions. There would be no alterations to the exterior or structure of the building and the variation of Condition 3 (now condition 4) would still allow for Units A2 and D7 to be used by marine related enterprises if there was interest in the future. The variation of Condition 3 would enable long term vacant units to be filled, which would add to the vitality of the marina and generate jobs. The

proposal would conserve the character of the Chichester Harbour AONB and the development would be in accordance with Policy 43 of the CLP.

8.57 The proposal to vary condition 3 of 12/00475/FUL is considered acceptable and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

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

1) The development hereby permitted shall be carried out in accordance with the approved plans:

28819-A-02-S-001 rev T-1, A-bIA-03-P-00-001 Rev T, A-bIA-03-P-01-001 Rev T, A-bIA-27-P-001 Rev T, A-bIB-03-P-00-001 Rev T, A-bIB-27-P-001 Rev T, A-bIC-03-P-00-001 Rev T, A-bIC-03-P-01-001 Rev T, A-bIC-27-P-001 Rev T, A-bID-03-P-00-001 Rev T, A-bID-03-P-01-001 Rev T, A-bID-27-P-001 Rev T, A-bIA-05-E-001 Rev T, A-bIB-05-E-001 Rev T, A-bIC-05-E-001 Rev T, A-bID-05-E-001 Rev T, A-04-D-101 Rev T, A-04-D-102 Rev T, A-02-D-101 Rev T, A-02-D-103 Rev T, 0004-PL-3D-NW, 0004-PL-3D-SE, 08-881-205 P2 , 0004-PL-GA-00-CONTEXT submitted with application

DD2205-01 Rev AB, DD2205-02 Rev AB submitted with application 22/01742/FUL.

23-4100-101 Rev PL3 (Drawing as-built), 23-4100-111 Rev PL3 (Drawing as-built), 23-4100-112 Rev PL2 (Drawing as-built) submitted with application 22/03026/FUL on 15/03/2023.

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

2) Prior to the first use of the café hereby permitted a wastewater grease trap shall be installed on all the kitchen waste pipes or drains and maintained by the owner or operator of the premises thereafter.

Reason: To ensure adequate foul drainage.

3) Notwithstanding Condition 4, Unit A2 (as shown on plan number 23-4100-111 Rev PL3 (Drawing as-built) submitted with application 22/03026/FUL on 15/03/2023) and/or Unit D7 (as shown on plan number 23-4100-112 Rev PL2 (Drawing as-built) submitted with application 22/03026/FUL on 15/03/2023) shall not be first occupied by a non-marine business falling within use classes E(c)(i),(ii),(iii) or E(g)(i)(ii) uses of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) until a parking plan and travel plan associated with that use of the site, has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council as the Local Highway Authority. The

Parking Plan and Travel Plan once approved shall thereafter be implemented as specified within the approved document and in accordance with the agreed timescales. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. The Parking Plan shall show the quantity and location of the parking spaces to be used by occupiers of Unit A2 and/or Unit D7.

Reason: To encourage and promote sustainable transport and to safeguard the amenity of the AONB.

4) a) Buildings A, B, and C (excluding Unit A2 as shown on plan number 23-4100-111 Rev PL3 (Drawing as-built) submitted with application 22/03026/FUL on 15/03/2023) shall be used for marine related uses only (with ancillary sales). These uses can include boat brokerage, E(g), B2 and/or B8; and for no other purpose (including any other purpose in Class B2, B8 or E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Unit A2 as shown on plan number 23-4100-111 Rev PL3 ((Drawing as-built) submitted with application 22/03026/FUL on 15/03/2023) shall only be used for marine and non-marine related uses falling within Class B2, B8, E(a), E(c)(i), E(c)(ii), E(c)(iii), E(g)(i), E(g)(ii) and/or E(g)(iii) of the of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose and notwithstanding any change permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

b) Building D (excluding Unit D7 as shown on plan number 23-4100-112 Rev PL2 (Drawing as-built) submitted with application 22/03026/FUL on 15/03/2023) shall be used for

- i) marine related uses only (with ancillary sales) within E(g), B2 or B8, and/or
 - ii) a chandlery (to a maximum of 468 sqm) and/or
 - iii) a mixed use cafe/restaurant (use class E(b)) to a maximum of 365sqm
- and for no other purpose (including any other purpose in Class B2, B8 or E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order) and notwithstanding any change permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Unit D7 as shown on plan number 23-4100-112 Rev PL2 ((Drawing as-built) submitted with application 22/03026/FUL on 15/03/2023) shall only be used for marine and non-marine related uses falling within Class B2, B8, E(c)(i), E(c)(ii), E(c)(iii), E(g)(i), E(g)(ii) and/or E(g)(iii) and marine only E(a) use of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose and notwithstanding any change permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Reason: To accord with the terms of the application and to retain the provision of accommodation for marine related uses and conserve the tranquillity of the AONB in compliance with policies 26 and 43 of the Chichester District Local Plan: Key Policies

2014-2029, Principle PPO2 and policy 13 of the Chichester Harbour Management Plan Third Review (2019 - 2024) and policy 23 of the Birdham Neighbourhood Plan 2016.

5) There shall be no departure from the permitted method of illumination of the car parking areas and any external lighting within the application site, pursuant to condition 6 of planning permission 12/00475/FUL (under application 13/03700/DOC), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of amenity and safeguarding bats.

6) A minimum of 10% on-site renewable energy shall be retained and maintained in full accordance with the details specified in the submitted "Interim Statement Compliance Form" submitted with planning application 12/00475/FUL.

Reason: In the interest of sustainable development.

7) The parking and turning areas shown on approved plan number 28819-A-02-S-001 rev T-1 shall be used and retained exclusively for their designated purpose.

Reason: To ensure a satisfactory standard of development.

8) Notwithstanding the submitted details, this permission does not authorise any removal of vegetation adjacent to the canal and any alteration to the surfacing of the public rights of way unless otherwise agreed in writing by the Local Planning Authority.

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

9) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To safeguard the amenities of the area and of neighbouring properties and to prevent pollution.

10) The foul drainage scheme shall be maintained in accordance with the approved details and plan 09-881-S102 P3 submitted pursuant to condition 18 of planning permission 12/00475/FUL (under application 12/03668/DOC).

Reason: To ensure the protection of water quality at Chichester Harbour, a European designated site and compliance with the Water Framework Directive (WFD) and in accordance with the NPPF.

11) The mitigation measures detailed within section 7.1 of the approved Flood Risk Assessment (FRA) produced by URS Infrastructure and Environment UK Ltd (Report ref. MARP0001) and dated 03/08/2011 shall be retained and finished floor levels shall be retained no lower than 4.4m above Ordnance Datum (AOD), as specified in section 6.1 of the FRA.

Reason: In the interest of mitigating flood risk

12) The surface water drainage scheme shall be maintained and managed in accordance with the approved details and plan 09-881-S101 P2 submitted pursuant to condition 20 of planning permission 12/00475/FUL (under application 12/03668/DOC).

Reason: In the interest of mitigating flood risk

13) No external plant or machinery shall be erected or installed within the site without the prior written approval of the Local Planning Authority following the submission of full noise and visual details.

Reason: The mechanical installation details submitted for external condenser units, heat pumps etc does not indicate the proposed location or appearance of such units and the visual and noise impacts would need to be assessed.

14) Bird and bat boxes shall be retained as set out in Appendix 3 of the Environmental Management Plan prepared by URS and dated October 2012, submitted pursuant to condition 5 of planning permission 12/00475/FUL (under application 12/03959/DOC).

Reason: To ensure appropriate ecological mitigation.

INFORMATIVES

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

2) The applicant should be advised that under the Water Industry Act 1991 it is an offence to throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

3) The applicant is advised that the nearest fire hydrant to this site is 240 metres away, 150 metres further than the 90 metre distance required for a commercial premises. An alternative supply of water for firefighting will need to conform with the details identified in Approved Document - B (AD-B) Volume 2 2019 edition: B5 section 16.

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

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RM40TXERGF200>

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Chichester District Council

PLANNING COMMITTEE

8 November 2023

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

1. Contacts

Report Author:

Jo Bell, Development Manager (Majors and Business)
Telephone: 01243 534899. Email: jbelle@chichester.gov.uk

2. Recommendation:

- 2.1 That the Local List (set out in Appendix 1 to this report) be endorsed for immediate use in validating planning applications, and that officers have delegated authority to amend the local list as necessary prior to the next formal review.**

3. Background

- 3.1. The Local List sets out Chichester District Council's (CDC) policy on the information which must be provided in support of all planning application types within Chichester District, outside of the South Downs National Park (SDNP), for the Council to determine their validity. The South Downs National Park Authority (SDNPA) has separate Local Requirements to CDC which are applicable within the SDNP. The CDC Local List includes the mandatory national requirements as specified within the Town and Country (Development Management Procedure) Order (DMPO) and additional information reasonably necessary to enable the Council to determine the application.
- 3.2 The National Planning Policy Framework (NPPF) at paragraph 44 states that "Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question." This is reiterated in the National Planning Practice Guidance which states that "A local planning authority may request supporting information with a planning application. Its requirements should be specified on a formally adopted 'local list' which has been published on its website less than 2 years before an application is submitted. Local information requirements have no bearing on whether a planning application is valid unless they are set out on such a list." (Paragraph: 039 Reference ID: 14-039-20140306).

3.3 The Council's current Local List was last updated in September 2020, and therefore it is no longer possible to rely on the list for the validation of applications. The Planning Committee agreed an updated Local List for consultation on 16 August 2023. The public consultation was carried out for a period of 4 weeks ending on 12 October 2023.

4. Outcomes to be achieved

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

5. Proposal

- 5.1 Following consideration of the representations received (see section 8) number of amendments have been made to the local list. The changes include:
- A requirement for an Overheating/Ventilation Statement where measures to address the impacts of noise risk overheating or a negative impact upon amenity
 - Changes to the information provided regarding water neutrality and the guidance regarding provision of private water supplies and abstraction licences
 - Removal of the requirement for applicants to provide photos of the application site
 - Updated linked to documents and guidance where necessary
 - Amendments to the Transport and Parking Assessment sections including reference to circular 1/2022 and amended criteria for parking assessments.
- 5.2 It is important to note that the Local Validation List sets out the information requirements to submit a valid planning application. The local list must be reasonable having regard to the nature and scale of development proposals. Should further information be required to fully assess a proposal this can be sought during the course of an application. The local list must also be based on the information available at the present time.
- 5.3 It is not possible for the local validation list to control matters that are within primary legislation, such as definitions of prior approvals, or to introduce requirements for applications such as request for works to trees. Nor is it for the local validation list to provide information on other legislation, such as building control requirements, the onus is on the applicant to ensure that they meet all the legislative requirements of the separate consent regimes that they are likely to require as part of a development. It is also important that the requirements are proportionate, and it is not possible to request information that might be helpful, rather than a necessity, such as 3D images or computer

generated drawings. Therefore it has not been possible to incorporate some of the suggested amendments from consultees and third parties.

- 5.4 The proposal is therefore that the document as amended and presented as an appendix to this report is endorsed for immediate use in the validation of planning applications, and that delegated authority is given to officers to amend the document as necessary prior to its next formal review.

6. Alternatives considered

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

7. Resources and Legal Implications

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

8. Consultation

- 8.1 A 4 week public consultation period has been carried out in respect of the proposed Local Validation List. All statutory and non-statutory consultees, parish councils and planning agents who regularly submit planning applications to CDC were notified directly. In addition the Council released a press statement and publicised the Local Validation List on social media to make residents and members of the public aware of the document.

- 8.2 Comments were received from 7 consultees and 6 third parties. A summary of the responses are set out below.

8.3 Natural England

Natural England does not have any comments on this draft Local List.

8.4 Southern Water

Comments provided regarding Water Neutrality and Odour assessments. Clarification provided regarding abstraction licences and private water supplies plus additional requirements concerning odour and the agents of change principles.

8.5 National Highways

In relation to 21. Transport Assessments, Statements and Road Safety Audits, the transport assessments/transport statements will need to reference, and be produced in line with, DfT Circular 01/2022. This is a fundamental change in how TA/TS's are produced so think it would be prudent to mention it in the validation list.

8.6 West Sussex County Council (WSCC) - Highways

Please find attached some very minor changes/updates that need to be added.

21A Transport Assessments and Transport Statements. Information required – both transport assessments and transport statements should include ...

- A Stage 1 Road Safety Audit (RSA) (only necessary if required under WSCC Safety Audit policy) and an RSA Response log in line with GG 119 in the format of the template detailed under appendix F of GG 119 must accompany any RSA.

23 Parking Assessment – when required. WSCC don't have any thresholds for when a parking assessment is required. LL should delete 2 stated thresholds and instead should be amended to require a parking assessment for all planning applications where there is an increased requirement for vehicle parking and/or where existing vehicle parking arrangements are changing.

8.7 CCAAC

General comments provided regarding Section 4 of Part II on Biodiversity and Ecology.

We have comments on other sections of Part II, including some clauses which should, in our opinion, be improved as follows:

Section 12 Lighting Assessment - This seems mostly concerned with external light sources and fails to address the problem of light leakage from internal sources via excessive numbers and/or sizes of roof lanterns or other rooflights

Section 16 Plans and drawings - It would be useful to add wording to the effect that all plans should be drawn to scale in a conventional manner rather than as free-hand sketches. In addition the use of 3D or perspective views to provide supplementary information should be encouraged.

Section 20 Sustainable Construction and Design - It is disappointing that there is no particular mention here about the unsustainability of uPVC. Published data from Historic England shows that it takes seven times more energy to make a uPVC window than a wooden one. uPVC is a material which does not last in ultra violet light and when buried in landfill does not decompose. Given CDC's declared commitment to address the Climate Emergency the use of uPVC should be actively discouraged and timber or aluminium used instead. On non-listed buildings within the Conservation Area the use of slim-line timber double glazing should be actively encouraged. The only mention of embodied energy is very superficial and it fails to encourage re-purposing rather than demolition of old buildings. Again, in the light of CDC's declared commitment to address the Climate Emergency, this should be an essential consideration.

Section 24 Trees - The poorest planning applications we see are by far those for tree works (TCA and TPO) which frequently comprise no more than a rough, not-to-scale sketch plan to support the application form which itself does not usually include enough information to justify the proposed works – especially so in the case of fellings. As such it is disappointing that only TPA and TPO trees within 15m of proposed building works are covered by this clause. There are no requirements laid down for applications for tree works per se. so it is not surprising that validated applications are so poor if there is nothing against which to validate them.

Applications for tree works should include:

- A scale site plan in accordance with Section 16
- Photographs
- An arboriculturalist's report for all except the most basic works, justifying the works.
- Replacement planting where felling is proposed

Section 25 Ventilation/Extraction Equipment - We are seeing increasing numbers of applications for changes of use to catering establishments within the city centre compounding potential nuisances from noise and air pollution, so the inclusion of the requirement for a report with reference to EMAQ (05-05-2022, 2nd Edition), Control of Odour and Noise from Commercial Kitchen Exhaust Systems - is welcomed.

There seem to be no requirements in any of the sections for provision of facilities for secure storage of waste, particularly for restaurants, leading to the unsightly proliferation of waste bags left out on the streets overnight when they are attacked by seagulls and their contents spread across the pavements.

8.8 CDC – Environmental Protection Team

New section proposed – Overheating and Ventilation

It is considered that the assessment of overheating and the provision of adequate ventilation and noise control are inextricably linked. Noise can be a material consideration at Planning. It is not accepted that, when required, an overheating assessment should be addressed post-planning. Overheating assessment and mitigation can have material impacts on design features, orientation of facades etc. As such, it should be incorporated into the design of a development as early as possible.

The revised edition of the Planning Noise Advice Document: Sussex (PNADS) should be referred to.

14 Noise Assessment

Minor updates to dates of documents

Amendment to 20. Sustainable Construction and Design Statement and 23. Parking Assessment To include provision of Electric Vehicle charging points requirements under Building Regulations (Part S)

8.9 Third party comments

6 third party comments have been received concerning the following:

- a) Concerns that the requirement for an arboricultural impact appraisal (AIA) only to works that come “within 15 metres of: 1) A tree the subject of a tree preservation order, either within the application site or on adjoining land, or 2) A tree that lies within a conservation area.” fails to give necessary weight to other trees which have not qualified to be the subject of a TPO. It would be appropriate to expand the new Local List requirements for tree information. At minimum, some calculation of before and after planned tree canopy cover (with a time horizon) would be useful.
- b) the Local List makes no reference to the information required of an applicant applying to undertake works to/fell a tree subject to a Tree Preservation Order.
- c) Local list is good and comprehensive except for the fact that I could not find any mention of energy sourcing for developments. Why has there not been something on this included so as to get developers to include whether they will include solar panels on roofs or ground source heat pumps or other similar energy-conservation ways of proving power for heating etc? The Local List should be amended to include such requirements.
- d) GDO- should definition/ examples of permitted development be part the local list, particularly class ‘O’ and ‘Q’?
- e) Waste Water Treatment - whilst Apuldram Waste Water Treatment Works (WWTW) continues to be a significant issues all WWTW feeding into Chichester and Pagham harbours have proven major issues associated with under capacity and resultant discharge of untreated/ partially treated waste water. Better proof of Southern Water’s (SW) capacity to accept new discharges from development should be a condition of registration combined with a statement from SW of what upgrade/ new infrastructure is required to accommodate any new development plus time scales and estimated costs.
- f) Environmental Gain - Whilst not entered legislation provision should be made for an addition to the ‘list’ require a development to define the nature of the environmental gain that will result from their proposals how it will be implemented and how it’s sustainability will be managed.
- g) According to media the requirement for a BNG of 10% + is likely to be delayed. I think the LPA should reconsider the wording of the current draft text of the LL as well as the need for this requirement to be part of the LL until the requirement to demonstrate a BNG of 10%+ becomes a mandatory requirement.
- h) Indirect impacts on Special Areas of Conservation (SAC) designated for bat species. Please could the LPA provide a clear map of where these ‘zones’ are?
- i) Photos showing the site and its surroundings. I could understand why there was a requirement for the provision of photographs of a site during the covid-19 pandemic. However, now that there are no longer restrictions in place restricting access by an officer to a site, I believe that this should now not be a validation requirement. Officers are able to take their own

photos of a site when visiting – or could request a particular photo of part of a site during the processing of an application.

- j) Agree that (a) the amendments proposed to all sections to make the requirements clearer and to update the references to current legislation, guidance and standing advice and (b) revision of new requirements to reflect nutrient neutrality, water neutrality and Biodiversity net gain are necessary and should be actioned.
- k) Mandatory requirement to submit CIL form 2 causes unnecessary delays in expense in the validation process. If a planning submission is not CIL liable, as should be confirmed by the submission of CIL Form 1, we do not believe it is necessary for the authority to request a copy of CIL Form 2: Assumption of Liability to validate the submission.
- l) Request that a proportionate approach to the information requested to support applications is applied and set out in the local list.
- m) Query whether it is necessary for evidence to be submitted that a development proposal would comply with building regulations, particularly with regards to water usage and carbon reduction, given that separate legislation is in place to ensure these requirements are met.
- n) Request further clarification on when a Flood Risk Assessment is required. There is a new requirement to provide a flood risk assessment where the Lead Local Flood Authority (LLFA), Environment Agency, and/or other bodies have indicated that there may be a drainage problem, such as the site (or its access) may be at risk of flooding from any means (including ground water).

9. Community Impact and Corporate Risks

9.1 The impact on the local community is expected to be positive as the document will ensure that customers are clear on the information required alongside and application and delays during the validation process whilst further information is sought will be reduced.

9.2 There are no corporate risks.

10. Other Implications

Are there any implications for the following?		
If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?		✓
Climate Change Are there any implications for the mitigation of or adaptation to climate change? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		✓
Human Rights and Equality Impact This document expands on the requirements of the National Planning Policy Framework and the National Planning Practice Guidance.		✓

<p>Safeguarding The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk?</p>		✓
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11. Appendix

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

12. Background Papers

12.1 None

Chichester District Council



The Local List

Information required to support a valid planning application

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- [Application fee](#)
- [Certificate](#)
- [Plans and Drawings](#)
- [Design and Access Statement](#)
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PART II - Local Requirements

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- [Air Quality Assessment](#)
- [Area of Outstanding Natural Beauty \(AONB\) Impact Statement](#)
- [Biodiversity and Ecological Assessments](#)
 - Protected species, priority habitats, nationally and locally designated sites
 - Biodiversity Net Gain
 - Off-site impacts: habitat sites and compensatory habitat
 - Impact upon bats from designated sites
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- [Community Infrastructure Levy & S106 Planning Obligations](#)
- [Flood Risk Assessment](#)
- [Flood Risk Sequential and Exception Tests](#)
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- [Heritage Statement](#)
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- [Ventilation/Extraction Statement](#)

1. Introduction

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

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

2. The Framework

The information required to make an application valid comprises:

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

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

3. Information requirements

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

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

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

4. Validation of applications

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

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

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

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

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

5. Notification of validity

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

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

6. Applications for outline planning permission

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

7. Pre-application advice

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

The Environment Agency and Natural England also offer pre-application advice (subject to a charge). Further information on their services can be accessed [online](#).

The Local Highways Authority at West Sussex County Council also offer a pre-application advice service. Further information can be found on their [website](#).

8. Chichester District Council Local Requirements list

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

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

PART I - NATIONAL REQUIREMENTS

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

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

1. The completed application form

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

2. The correct fee

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

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

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

3. Ownership and agricultural holdings certificates

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

A = If you are the sole owner

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

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

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

Agricultural Holdings Declaration

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

4. Ownership notice

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

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

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

5. The location plan

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

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

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

6. Other plans or drawings

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

7. Design and access statement

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

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

A Design and Access Statement accompanying a planning application must include

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

And should:

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

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

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

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

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

Guidance

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

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

8. Environmental Impact Assessment

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

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

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

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

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

PART II - LOCAL REQUIREMENTS

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

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

1. AFFORDABLE HOUSING STATEMENT

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

The designated rural area for the purposes of Affordable Housing is designated by Section 157(1) of the Housing Act 1985 as shown on the map for Chichester District at Appendix B of the [Local Plan 2021-2039 Proposed Submission](#).

When required

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

- 1) 11 units or more, and
- 2) 6 units or more within the designated rural area,

with the exception of applications for reserved matters where there are no proposed changes to the amount, mix or tenure of the dwellings development.

Information required

Relevant applications should be accompanied by a statement which specifies:

- the number, size, tenure and mix of dwellings (including for First Homes) and proposed Registered Provider (RP) for Affordable Housing, and
- the number, size and mix of market housing units proposed, and
- A plan indicating the location of the Affordable Housing indicating the number of bedrooms and the tenure mix

The Council is committed to delivering the full requirement for affordable housing, however in the event that none or a lower level of provision for affordable housing is proposed to be made on site, full justification accompanied by a viability assessment on an open book basis must be

submitted.

Guidance

Further information can be found in the NPPF, the PPG, the Council's Housing and Economic Development Needs Assessment (HEDNA), Policy 34 of the Local Plan, Policy H4 of the Local Plan: Proposed Submission, and the [Planning Obligations and Affordable Housing Supplementary Planning Document](#). Regard should also be had to any requirements set out within a [Neighbourhood Plan](#) for the area.

Information regarding First Homes is available [online](#).

2. AIR QUALITY ASSESSMENT

The Council has two Air Quality Management Areas (AQMA) (one of which lies within the SDNP) including St Pancras, Chichester and Rumbolds Hill, Midhurst. These are areas where health based National Objectives for nitrogen dioxide are not achieved. Air quality must be considered for development proposals likely to generate trips that will impact air quality in the AQMAs, for proposals in or adjacent to the AQMA's and for applications proposing plant in locations where their emissions have potential to impact on human health through breach of the Objectives. Air quality assessments must also consider the aesthetic quality of air where potentially odorous processes are proposed or where sensitive uses are proposed in the proximity to existing odorous processes.

When required

An air quality assessment is required when:

- 1) development is likely to generate air quality impact in an area where air quality is known to be poor, (eg. introduce receptors to an area within or close to an AQMA); or
- 2) development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or lead to a breach of UK air quality objectives or EU legislation (including that applicable to wildlife). These are generally major developments - particularly those that significantly increase traffic volumes in the vicinity of the site and/or in or affecting an AQMA.
- 3) development is proposed such that it will alter the streetscape/topography in a way that is likely to 'trap' pollution and give rise to a new AQMA
- 4) plant (i.e boiler plant including solid fuel and district heating systems) and/or industrial premises are proposed which has potential to impact on air quality through emissions to atmosphere.
- 5) Domestic solid fuel combustion devices ('wood burning stoves') are to be installed where they are in proximity to other sensitive premises and/or there is no possibility of providing an appropriately designed flue system and stack termination point.
- 6) Development is likely to introduce an odorous process within proximity to a sensitive receptor and/or development is likely to introduce a sensitive receptor within proximity to an existing odorous process.

Further information about the need for air quality assessments is provided in the Institute of Air Quality Management (IAQM) document Land-Use Planning & Development Control: Planning

for Air Quality January 2017 – section 6 in particular Tables 6.1 and 6.2 and IAQM [Guidance on assessment of odour for planning Version 1.1 July 2018](#).

Information required

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

If significant impacts or significantly increased exposures are shown to be likely, measures to prevent or minimise impact should be proposed and may be required as a condition of any permission granted. Sections 6.18 – 6.23 of the IAQM document listed above outlines the expected contents of an air quality assessment.

Guidance

Further information is available in the [Planning Practice Guidance \(PPG\) November 2019](#), paragraph 186 of the [NPPF](#) and the emerging [Air Quality and Emissions Mitigation Guidance for Sussex \(2021\)](#) which is likely to become adopted guidance in 2024.

3. AREA OF OUTSTANDING NATURAL BEAUTY (AONB) STATEMENT

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

When required

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

What is required

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

- Meets the requirements set out in the Joint AONB Supplementary Planning Document (SPD) particularly in respect of
 - a. Design, appearance and materials
 - b. Scale and mass (including comparisons of extension and proposed footprint and silhouette)

- c. Boundary treatments and landscaping
- d. Fenestration and prevention of light spill to maintain dark skies
- e. Renewable technologies, and
- Meets the requirements of the Chichester Harbour Management Plan, including Planning Principals
- Protect the flora and fauna which is a special quality of the AONB and result in biodiversity gains, or
- Is justified as an exception to the above

Guidance

Statements should be informed by the policies and principles set out in the Chichester Harbour Management Plan (2019-2024 Third Review), the Chichester Harbour AONB Landscape Character Assessment (2019), and the Landscape Character Appraisal (April 2019). These, and other documents that may be relevant, produced by the Harbour Conservancy are available [online](#).

4. BIODIVERSITY AND ECOLOGICAL ASSESSMENTS

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

4A. PROTECTED SPECIES, PRIORITY HABITATS, NATIONALLY AND LOCALLY DESIGNATED SITES

When required

- 1) Greenfield and rural developments, particularly where the proposal affects an area of s41 priority habitat – please see appendix 2 of the following document [Guidance on Ecological Surveys and Planning Applications](#) for a list of priority habitats
- 2) Conversions and the demolition of buildings where there is a reasonable expectation that protected species such as nesting birds and bats may be present,
- 3) Proposals within or adjacent (within 400m) to Local Wildlife Sites or SSSI sites,
- 4) Any other proposal where there is a reasonable likelihood of impacting on protected or s41 priority species, and

Information required

When required all applications must be accompanied by:

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

- completed [Protected Species Survey Checklist](#)

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

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

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

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

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

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

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

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

[series of guidance documents](#) including the [CIEEM Guidelines for Preliminary Ecological Appraisal](#).

4B. BIODIVERSITY NET GAIN

Under the [Environment Act 2021](#), planning permissions granted in England for future development will have to deliver habitats with at least 10% biodiversity net gain (BNG) secured and monitored for at least 30 years.

When required

1. For Major developments BNG become mandatory from November 2023
2. For Minor (small site) developments BNG becomes mandatory from April 2024

Small sites are defined as:

(i) For residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.

(ii) For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.

Exemptions

Section 3.1 of the [Government's 2023 consultation response](#) sets out exemptions from mandatory BNG, which will be implemented via secondary legislation:

- development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows and watercourses
- householder applications
- biodiversity gain sites (where habitats are being enhanced for wildlife)
- small scale self-build and custom housebuilding.

N.B. The *de minimis* threshold applies to the area or length of habitat within a development, not the total development footprint, and the same exemption will apply for small sites. If a development contains less than 25m² of non-priority habitat but 5m or more of linear habitat, or vice-versa, then the exemption will not apply and all habitats would be subject to BNG. If the exemption does apply then there is no requirement to deliver BNG on that site.

What is required

1. Core biodiversity gain information. This will include: the pre-development (baseline)biodiversity value, steps taken to minimise adverse biodiversity impacts, the proposed approach to enhancing biodiversity on-site, any proposed off-site biodiversity enhancements (including the use of credits) that have been planned or arranged for the development.
2. A full completed BNG metric using the most recent DEFRA metric submitted using Excel format. A summary is not sufficient and PDF or Word formats will not be accepted.

3. GIS Mapping to provide a visual plan identifying the location and extent of baseline habitats present within the red line boundary, and post development habitats retained, improved, or created.
4. Condition sheets should be submitted for each habitat type where applicable. UKHab should be used as the habitat classification system.

4C. OFF-SITE IMPACTS: HABITAT SITES AND COMPENSATORY HABITAT

Mitigation of recreational disturbance

There are a number of Internationally Designated Habitats Sites within the plan area these include Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar site, the Solet Maritime SAC and Pagham Harbour SPA/Ramsar site. Development likely to affect these sites through recreational disturbance will require suitable mitigation of the impact of the development.

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

When required

All development resulting in a net increase in dwellings or holiday accommodation within:

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

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

Information required

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

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

It will be necessary for the financial contribution to the mitigation schemes to be accompanied by a Unilateral Undertaking, or to enter into a S106 Planning Obligation, during the course of the

application. A template unilateral undertaking can be provided upon request.

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

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

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

When required

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

Guidance

The local planning authority as the competent authority will undertake the necessary Habitat Regulations Assessment, however it is the responsibility of the applicant to ensure that sufficient information is submitted for the assessment to be completed. This will include a bat survey of the development site that includes commuting and foraging bats, an external lighting assessment and details of proposed mitigation measures

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

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

Impact of nitrates upon the Chichester and Langstone Harbours SPA / Ramsar site and Solent Maritime SAC

There is a likely significant effect on several internationally designated Habitats sites (Special Protection Areas, Special Areas of Conservation and Ramsar sites) across the Solent area, including Chichester and Langstone Harbour due to excessive levels of nutrients, specifically Nitrates. Following an assessment by Natural England it has been established that more than

3000ha of the harbour is in an unfavourable declining condition and one of the reasons for decline is water quality. Achieving nutrient neutrality is one way to address the impact of new development upon the designated sites at Chichester Harbour.

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

When required

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

- 1) Residential developments resulting in a net gain in the number of dwellings, and
 - 2) Commercial development resulting in an increase in overnight stays
- where the development is within the Chichester Harbour fluvial catchment or discharged into Chichester Harbour via Thornham, Bosham or Appledram Wastewater Treatment Works.

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

Information required

The statement must include;

- The calculated nitrogen budget using the NE Nitrogen Budget Calculator (the complete spreadsheet must be submitted),
- Details of any necessary mitigation scheme,
- Detailed management plan for the proposed mitigation for the duration of the scheme, and
- Details of proposed monitoring for the proposed mitigation for the duration of the scheme.

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

Guidance

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

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

(General Permitted Development Order) 2015, as amended.

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

To check which Wastewater Treatment Works your development would drain to please refer to the Council's [Surface Water and Foul Drainage SPD](#). To check whether your site lies within the Chichester Harbour fluvial catchment please refer to the [Map for the Solent Catchment](#).

Water Neutrality

The impact of groundwater abstraction by Southern Water to provide public water supply within its Sussex North Water Supply Zone (WRZ) has been of concern to Natural England since 2019. In particular, Natural England is concerned that ongoing abstraction is having an impact on a number of designated sites including Amberley Wild Brooks SSSI and Pulborough Brooks SSSI. These form part of Arun Valley SPA, Arun Valley SAC and Arun Valley Ramsar site.

On 14 September 2021, Natural England issued a Position Statement for planning applications within the Sussex North WRZ which advises that any new development must demonstrate that it will not add to the risk of potential impact to the designated sites including Amberley Wild Brooks SSSI and Pulborough Brooks SSSI.

Development within the Sussex North WRZ that results in an increase in water demand will therefore need to achieve water neutrality. Water neutrality is defined as development that takes place which does not increase the rate of water abstraction for drinking water supplies above existing levels.

When required

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

Information required

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

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

Guidance

Please refer to the map showing the [Sussex North Water Resource Zone](#) to check if your

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

How to evidence existing/baseline water consumption:

For residential schemes, we will expect to see water consumption calculations for any existing use of the site, and the proposed use. These must be set out in litres per person per day (l/p/d). Where an existing residential dwelling is to be demolished/replaced, copies of recent metered water bills within the last three years is the best evidence of existing consumption.

Where water bills are not available, a survey of all existing fixtures and fittings that evidences their current water consumption rate should be provided within a Building Regulations Part G water calculator or equivalent. The calculator should be supported with photographs of the fixtures and fittings, and an explanation of the methodology used to calculate the flow rates etc. The resultant per person water consumption figure should then be multiplied by the current number of occupants or, if the dwelling is vacant, the average occupancy rate for that size of dwelling.

The best way to evidence existing mains water consumption is via copies of metered water bills from within the last three years. The bills should cover the period before Covid as well as after as the lockdowns will have affected consumption at many sites. Unmetered water bills will not be accepted. Where there are other uses on a site, or the use is shared across multiple other buildings and land, it will be difficult to evidence with certainty the actual water use from a building unless separately metered. This is particularly the case for agricultural buildings. In such scenarios we will likely only be able to consider existing water consumption as nil. In cases where you are evidencing water consumption from agricultural uses, it will need to be clear that the water consumed is coming from the mains supply, and not watercourses or other rain collecting means.

When evidencing proposed consumption, we recommend you complete a BREEAM Wat 1 water calculator or an appropriate equivalent industry standard water calculator to estimate proposed employee water usage. Where necessary OffPAT employment density figures can be used to calculate average employee numbers a site and use could employ.

Abstraction Licence:

The requirement for a water abstraction licence is based on the amount of water to be abstracted. An abstraction greater than 20 cubic metres a day from either a surface water or groundwater source would require an abstraction licence from the Environment Agency.

More details on abstraction licencing can be found here: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

Private water supply:

If you are thinking of developing a private water supply, you should first contact the Environment Agency for advice. They will explain what is involved and talk in more detail about your proposals, and whether they are feasible.

As detailed by the Environment Agency guidance on [applying for consent to investigate a groundwater source](#), it will be necessary to investigate:

- If enough water is available
- If the quality of the water is suitable for your needs
- The effects of your proposal on the environment

This will need to be carried out before applying for an abstraction licence. The consent to investigate is still required if abstracting less than 20 cubic metres a day.

If an application is proposing a private water supply borehole as mitigation, the following information will also be required:

- Evidence of an approved [abstraction licence, or a valid licence application](#), from the Environment Agency for boreholes abstracting more than 20m³ per day. Prior to applying for an abstraction licence, a [Groundwater Investigation Consent](#) must be applied for.
- A Hydrology Report (or equivalent) prepared by a suitably qualified professional (e.g., a qualified Hydrogeologist (MSc level)).*

*The Hydrology Report will need to cover the following matters:

1. *Groundwater Resources* location of the proposed borehole and the aquifer into which it is to be sunk. NB EA advice presumes against abstraction within the Hardham Basin (Folkstone Beds) and Chichester and Worthing Chalk, and where a borehole into the Lower Greensand Arun and Western Streams could reduce flows in the River Rother (click [here to see map](#) or view the EA's [Arun and Western Streams abstraction licensing strategy \(ALS\)](#) on GOV.UK)
2. Whether any geological links exist from the borehole location and the Arun Valley basin, ie confirm that the abstraction of water from the borehole will not also take water from the Arun Valley habitat sites, or otherwise impact on their integrity, even very indirectly, including from any river catchment that serves the Arun Valley basin
3. Whether the borehole location will impact on any nearby SSSI's and their impact zones, or any other ecological features
4. A hydrogeological assessment of water yield from the borehole is necessary in all cases, commenting on risk of dry periods to ensure continuous year-round supply. Given locational variations in yield supply even in productive aquifers, evidence must be from a test borehole sunk onsite to demonstrate that the site can yield sufficient water in the driest months of the year (June to September), and that this yield will be reliable year-on-year. EA advice is that there is limited evidence that Weald Clay is capable of providing reliable yields, albeit some limestone and sandstone bands may be capable of supplying sufficient water for smaller schemes. Boreholes sunk into the Weald Clay will likely therefore not be supported unless there is clear evidence of a reliable year-on-year yield sufficient to serve the development proposal.

Abstraction protection and quality

The risks of pollution to a drinking water supply vary with the properties of the underlying soils and bedrock. The Environment Agency use source protection zones (SPZs) to define areas where groundwater supplies (both licenced and unlicenced) are at risk from potentially polluting activities and accidental releases of pollutants. SPZs are primarily a policy tool used to control activities close to water supplies intended for human consumption.

The SPZs were broadly created using numerical models for each abstraction, and refined based on site specific hydrogeological information.

Three zones have typically been defined:

- SPZ1 – Inner Protection Zone is defined as the 50-day travel time from any point below the water table to the source. This zone has a minimum radius of 50 metres.
- SPZ2 – Outer Protection Zone is defined by a 400-day travel time from any point below the water table to the source.¹ This zone has a minimum radius of 250m or 500m dependent on abstraction size.
- SPZ3 – Source Catchment Protection Zone is defined as the area around a source within which all groundwater recharge is estimated to discharge at the source. In confined aquifers, the source catchment may be displaced some distance from the source.

The quality and safety of private water supplies is controlled by in England by the Private Water Supplies (England) Regulations 2016 (as amended) and is regulated by the Council's Environmental Health team.

Further information on SPZs and relevant activities is available in [The Environment Agency's approach to groundwater protection](#).

To support your planning application, you will need to provide:

1. A water quality assessment from the test borehole detailing the quality of the water abstracted and the measures to ensure potable water quality will be secured, including:
2. Detail on what type of treatment will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the contaminants found.
3. Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (as amended) (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
4. Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure to ensure continuity of supply.
5. Arrangements for keeping written records of all sampling, results of analysis,

inspection, cleaning, and maintenance.

6. A list of all properties, including their land uses and activities, that fall within 50m of your borehole(s) and which could have the potential to cause pollution, a list of all the activities that would need to be restricted within the zone, and how occupiers will be notified of these restrictions in the event permission is granted. Please annotate the affected properties on a map of the local area alongside the location of your new borehole(s) and the extent of the SPZ.

i) Coastal Squeeze

The 2019 condition assessment of Langstone and Chichester Harbours SPA identified loss of intertidal habitat due to coastal squeeze as a cause of the unfavourable condition. Coastal squeeze occurs when rising sea levels meet immovable sea defences.

When required

All development that includes a proposal to rebuild or enhance a coastal defence structure in Chichester Harbour.

Information required

A coastal squeeze assessment, produced in line with the Natural England guidance document “A standard approach for private defence applications within Chichester Harbour”.

Please note that where the assessment shows that a proposal would result in habitat loss due to coastal squeeze, then further information on potential alternative proposals may be required from applicants in order to complete the derogation tests under the Habitats Regulations 2017.

Medmerry Compensatory Habitat

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

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

5A. CIL

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

proposal to be exempt from CIL.

When required

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

Information required

Proposals must include a completed [Additional Information Requirement Form](#) to assist the Council in determining CIL liability. This requires details of residential floor space and the existing use of the site. A completed [Assumption of Liability Form](#) is also required to enable us to contact the person(s) assuming liability for CIL.

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

5B. S106 DRAFT HEADS OF TERMS STATEMENT

When required

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

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

Information required

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

6. FLOOD RISK ASSESSMENT

Planning applications for development sensitive to, and on sites at risk of, flooding should be accompanied with a Flood Risk Assessment (FRA) in accordance with paragraph 167 and footnote 55 of the [NPPF](#).

When required

Development proposals:

- 1) with a site area of 1ha or greater in Flood Zone 1,
- 2) all proposals for development (including extensions), in Flood Zones 2 and 3,
- 3) any development other than minor development in a designated critical drainage area (as notified to the LPA by the Environment Agency), and
- 4) where the Lead Local Flood Authority (LLFA), Environment Agency, and/or other bodies have indicated that there may be a drainage problem, such as the site (or its access) may be at risk of flooding from any means (including ground water).

Information required

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

Please also see further information on the [Chichester District Council Website](#) and [NPPF Chapter 14](#). The Environment Agency publishes [standing flood risk advice on preparing a floor risk assessment](#), and the Lead Local Flood Authority publishes policy guidance for surface water management.

Further information can be found in Chichester District Council's [Strategic Flood Risk Assessment](#) available as part of the evidence base for the emerging local plan.

7. FLOOD RISK SEQUENTIAL AND EXCEPTION TESTS

7A. SEQUENTIAL TEST

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

Flood zone areas can be identified via the Environment Agency's '[Flood map for planning](#)'. You can also find out whether the site has a history of flooding by contacting the Environment Agency. Details of this service are available [online](#).

Further information can be found in Chichester District Council's Strategic Flood Risk Assessment.

When required

The Sequential Test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding from any source.

You do not need to do a Sequential Test if any of the following apply:

- A Sequential Test has already been carried out for the development of the type you are planning, provided there has been no significant changes to the known level of flood risk at the site, now or in the future which would have affected the outcome of the test (in this case, the site allocation reference in the Local Plan should be cited).
- The site is in an area at low risk from all sources of flooding, unless the Strategic Flood Risk Assessment, or other information, indicates there may be a risk of flooding in the future.
- Your development is minor development*
- Your development involves a change of use (e.g. from commercial to residential) unless your development is a caravan, camping chalet, mobile home or park home site.

Information required

Information must be submitted to demonstrate that there are no other reasonably available sites at a lower probability of flooding that could accommodate the proposed development.

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

*Minor development in relation to flood risk is defined in the Planning Practice Guidance for Flood risk and Coastal Change (paragraph 051) as

- minor non-residential extensions (industrial/commercial/leisure etc): extensions with a floorspace not in excess of 250 square metres.
- alterations: development that does not increase the size of buildings, e.g. alterations to external appearance.
- householder development: for example, sheds, garages, games rooms etc. within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling (e.g. subdivision of houses into flats) or any other development with a purpose not incidental to the enjoyment of the dwelling.

7B. EXCEPTION TEST

When required

If, following the application of a Sequential Test, it is not possible to locate the development in a

lower flood risk zone or area with reduced flood risk; an Exception Test will be required.

Information required

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

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

Further information about the requirement for sequential and exception tests may be found in the [NPPF](#) (Section 14, Paragraphs 161 - 168) and the [National Planning Practice Guidance for Flood risk and coastal change](#).

8. DRAINAGE ASSESSMENTS

8A. FOUL SEWERAGE ASSESSMENT

When required

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

Information required

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

Where connection to the mains sewer is not practical, the foul/non-mains drainage assessment will be required to demonstrate the alternative means of disposal are satisfactory. Guidance on what should be included in a non-mains drainage assessment is given in the National Planning Practice Guidance for Water supply, wastewater and water quality and [Building Regulations Approved Document Part H](#) and in BS 6297:2007. Information detailing potential noise and odour impacts, and any necessary mitigation (i.e. impacts from tinkering waste and then potential impacts upon neighbouring receptors), should be submitted.

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

Where connection to the public sewer is proposed, a capacity check to demonstrate that there is

sufficient capacity within the sewer to accommodate the waste from the development proposal must be included. The capacity check is available from Southern Water.

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

8B. SURFACE WATER DRAINAGE STRATEGY

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

When required

A surface water drainage strategy will be required for:

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

Information required

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

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

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

When preparing the drainage strategy regard should be had to the Council's Surface Water and Foul Drainage Supplementary Planning Document and the [West Sussex Lead Local Flood Authority Policy for the Management of Surface Water](#). In addition, the council has created a Surface Water Drainage Proposal Checklist document available on the Council's [website](#). The document is designed to outline the council's expectations and requirements for surface water drainage proposals. To avoid pre-commencement conditions relating to surface water drainage,

detailed surface water drainage proposals in line with the requirements of this checklist should be submitted with an application. If a pre-commencement surface water condition has been imposed on a permission the document explains what information will be required with an application to discharge the condition.

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

8C. SURFACE WATER DRAINAGE STATEMENT

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

When required

A surface water drainage statement will be required for:

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

Information required

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

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

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

9. HERITAGE STATEMENT

When Required

This includes historical, archaeological features and scheduled ancient monuments.

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

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

Information required

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

Any statement will normally require:

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

In forming a statement regard should be had to the requirements of Chapter 16 of the NPPF (2021).

10. INTERIM POSITION STATEMENT JUSTIFICATION

Chichester District Council is currently unable to demonstrate a 5 year housing supply. The Council has adopted an interim position statement for new housing development to provide guidance on the most sustainable locations for new development within the Chichester Local

Plan Area to ensure the continued housing delivery until such a time that the 2021-2039 Local Plan: Proposed Submission can be adopted.

When required

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

Information required

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

Guidance

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

11. LAND CONTAMINATION ASSESSMENT

Former industrial and commercial uses of land may have led to a legacy of land contamination being present, ie chemicals in the soil or water environment. Some types of new development can result in land contamination if not adequately controlled. Even apparently benign land uses such as agricultural sites or storage units might give rise to potential land contamination.

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

When required

For all applications where:

- 1) the development includes ground works and a previous use of the site or nearby site may have introduced land contamination to the soil and/or water environment,
- 2) a sensitive land use is proposed on a site where a previous use may have left a legacy of contamination. Examples of sensitive uses include housing (including change of use or prior notification applications), private gardens, allotments, schools or nurseries, public open space, and/or
- 3) a potentially polluting land use is proposed.

Information required

Applications should be supported by a desk study report (including a site walkover and conceptual site model) which concludes with a preliminary risk assessment. This information will

enable the LPA to understand if further and, more detailed investigation is required or whether any proposed remediation is a satisfactory risk management strategy and good for the lifetime of the site.

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

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

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

Regard should be had to paragraphs 183, 184 and 188 of NPPF (February 2021). Further advice and information is available in DLUCH's Planning Guidance on [Land affected by contamination](#) and Environment Agency guidance on [Land contamination risk management \(LCRM\)](#).

12. LIGHTING ASSESSMENT

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

When required

Will be required to accompany all applications for:

- 1) All development that includes external lighting systems within sensitive areas (such as conservation areas, listed buildings and Areas of Outstanding Natural Beauty) and within or adjoining residential areas
- 2) Any major residential or commercial development where a receiver of light might be adversely affected, including neighbouring properties or the countryside (for the protection of wildlife).
- 3) Proposals for floodlights and sports/playing pitches
- 4) Proposals for lasers, search lights, beams of light and illuminated advertisements.

Information required

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

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

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

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

13. MINERAL INFRASTRUCTURE STATEMENT / MINERAL RESOURCE ASSESSMENT

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

13A Mineral Infrastructure Statement

When required

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

Information required

A minerals infrastructure statement should address the following matters:

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

- Where appropriate, a full assessment of issues such as noise and light impacts.

13B Mineral Resource Assessment

When required

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

Information required

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

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

Guidance

For further information about the safeguarding of minerals please refer to Policy M9 and M10 of the [West Sussex Joint Minerals Local Plan 2018](#) and the [Minerals and Waste Safeguarding Guidance March 2020](#). The West Sussex County Council [Annual Monitoring Report](#) (AMR) contains the latest list of safeguarded sites. Guidance on the planning for mineral extraction in plan making and the application process, including noise assessments can be found in DLUHC's [Minerals Guidance](#):

14. NOISE ASSESSMENT

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

When required

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

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

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

Information required

The following matters that may be detailed within a Noise Assessment, but not necessarily restricted to:

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

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

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

Further guidance may be obtained from the following sources:

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

15. OVERHEATING/VENTILATION STATEMENT

The assessment of overheating and the provision of adequate ventilation and noise control are inextricably linked. Overheating assessment and mitigation can have material impacts on design features, orientation of facades etc. As such, it should be incorporated into the design of a development as early as possible and detailed within an Overheating/Ventilation Statement.

When required

- 1) Where it is proposed to have windows closed, in order to meet adequate internal noise levels,
- 2) Where the Local Planning Authority have advised that the proposed circumstances and plans could lead potential overheating or inadequate amenity

Information required

An overheating assessment shall be conducted in accordance with Acoustics Ventilation and Overheating (AVO) Residential Design Guide (January 2020) and CIBSE's Design Methodology for the Assessment of Overheating Risk in Homes (TM59: 2017).

In certain instances there shall be an expectation that a Acoustics, Ventilation and Overheating Mitigation Scheme shall be required.

16. ODOUR ASSESSMENT

Odour is an aesthetic and subjective form of air pollution which may impact on the general amenity of an area and/or human health. The NPPF (para 185) seeks to prevent such effects from occurring. Where new development is proposed in proximity to an existing odour emitting facility such as those listed below, the NPPF (para 187) seeks to ensure that the 'agent of change' provides suitable mitigation. In the case of new development proposed near to existing odourous or potentially odourous uses, such mitigation may be informed by an odour assessment.

When required

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

Information required

The odour assessment methodology should be as detailed in the [Institute of Air Quality Management's Guidance](#) on the assessment of odour for planning (July 2018¹). Section 3 of the Guidance details the content of an assessment suitable for planning purposes.

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

An odour management plan might subsequently be required by condition.

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

17. PLANS & DRAWINGS

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

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

Every plan and drawing submitted must include the following:

- Scale
- Scale bar

- Paper size
- North point (except elevation drawings)

18. PLANNING STATEMENT

When required

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

Information required

The planning statement should:

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

19. STRUCTURAL SURVEY AND CONVERSION METHOD STATEMENT

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

When required

Applications for:

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

Information required

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

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

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

20. RETAIL SEQUENTIAL TEST AND IMPACT ASSESSMENT

When required

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

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

Information required

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

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

21. SUSTAINABLE CONSTRUCTION AND DESIGN STATEMENT

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

When required

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

Information required

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

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

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

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

Guidance

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

22. TRANSPORT ASSESSMENTS, STATEMENTS AND ROAD SAFETY AUDITS

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

21A Transport Assessments and Transport Statements

When required

A Transport Assessment is required for:

- 1) Residential development of more than 80 units.

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

A Transport Statement is required for:

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

Information required

Both Transport Assessments and Transport Statements should include:

- Illustration of the accessibility to the site by all modes of transport,
- Demonstration of the likely modal split of journeys to and from the site.
- Details of proposed measures to improve access by public transport, walking and cycling to reduce the need for parking associated with the proposal and mitigate transport impact.
- A Design Audit of highway works proposed. Which should state the design guidance used (e.g. Design Manual for Roads and Bridges, Manual for Streets, etc.), how the design complies with this guidance and identifying any departures from any standards. Further guidance can be found in the Transport evidence bases in plan making, (March 2015) published by the Department for Communities and Local Government.
- A Stage 1 Road Safety Audit (only necessary if required under WSCC Safety Audit policy), and an RSA Response log in line with GG 119 in the format of the template detailed under appendix GG 119 must accompany any RSA.

Guidance

Transport Assessments, Statements and Road Safety Audits, the transport assessments/transport statements will need to reference, and be produced in line with, DfT Circular 01/2022.

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

Current information about transport statements and assessments is also available within [the NPPG](#) and the [Design Manual for Roads and Bridges Volume 5](#) and Chapter 9 of the National Planning Policy Framework (2021).

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

21B Road Safety Audit

When required

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

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

(What classes as 'major development' varies and is based on DfT rescinded Guidance on Transport Assessment appendix B thresholds whether a Transport Statement or Assessment is required);

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

Safety Audits must be undertaken in compliance with GG119, Road Safety Audit.

Objective:

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

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

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

Guidance:

The [West Sussex County Council Road Safety Audit Policy](#) (2022) explains the procedure for developer proposals requiring a Road Safety Audit.

23. Travel Plans and Travel Plan Statements

When required

A Travel Plan Statement is required for:

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

A full Travel Plan is required for:

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

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

Information required

Full Travel Plans should include:

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

Travel Plan Statements should include:

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

Guidance

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

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

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

The Travel Plans, Transport Assessments and Statements section of the National Planning Practice Guidance and section 9 of the [NPPF](#) (2021).

24. PARKING ASSESSMENT

The West Sussex County Council's [Guidance on Parking at New Developments \(2020\)](#) has been adopted by Chichester District Council. As part of any planning submission for new residential, commercial and other forms of development (except domestic extensions and minor business development) details of existing and proposed parking spaces on site need to be provided.

When required

A Parking Assessment is required for all planning applications (except domestic extensions and minor business development):

- 1) Where there is an increased requirement for vehicle parking, and/or
- 2) Where existing vehicle parking arrangements are changing

Information required

The parking assessment shall provide:

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

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

25. TREE SURVEY/ARBORICULTURAL IMPLICATIONS & METHOD STATEMENT

When required

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

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

Information required

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

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

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

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

26. VENTILATION/EXTRACTION STATEMENT

When required

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

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

Information required

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

- Ventilation/extraction equipment report with reference to EMAQ (05-05-2022, 2nd Edition), Control of Odour and Noise from Commercial Kitchen Exhaust Systems

Chichester District Council Planning Committee

Wednesday 08 November 2023

Report of the Director Of Planning and Environment Services Schedule of

Planning Appeals, Court and Policy Matters

between 13-09-2023 - 17-10-2023

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 website

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

* = Committee level decision

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
<u>22/01918/FUL</u>	
Birdham Parish Case Officer: Sascha Haigh Written Representation	Birdham Straight House Main Road Birdham West Sussex PO20 7HS Removal of single storey sunroom to existing house and construction of 5 no. two storey houses together with garages, parking and revised access arrangements.
<u>23/00788/FUL</u>	
Earnley Parish Case Officer: Emma Kierans Written Representation	Outbuilding South Of 101 First Avenue First Avenue Almodington Batchmere West Sussex Construction of detached workshop building along with associated hard standing, fence and landscaping.
<u>23/01373/FUL</u>	
Earnley Parish Case Officer: Eleanor Midlane-Ward Written Representation	Land Rear Of 114 Second Avenue Batchmere Chichester West Sussex PO20 7LF Retrospective application for 1 no. tennis court and associated fencing.

Reference/Procedure	Proposal
<u>22/02347/DOM</u>	
Fishbourne Parish Case Officer: Rebecca Perris Fast Track Appeal	Linden Lea 49 Salthill Road Fishbourne West Sussex PO19 3QD Demolition of existing attached garden store. Construction of a two storey side extension and lean-to, and associated works. Replacement garden store/garage (revision to permitted 20/01576/DOM - revision of roof design).
<u>22/02372/FUL</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Old School House Vicarage Hill Loxwood West Sussex RH14 0RG Demolition of the Old School House. Construction of 3 no. dwellings with car parking and alterations to vehicle access.
<u>23/00815/FUL</u>	
Loxwood Parish Case Officer: Vicki Baker Written Representation	Land At Loxwood Hall West Guildford Road Loxwood Billingshurst West Sussex RH14 0QP Erection of a detached dwelling.

2. DECISIONS MADE

Reference/Procedure	Proposal
22/02589/DOM	
Earnley Parish Case Officer: Emma Kierans Fast Track Appeal	Sandalwood Almodington Lane Almodington Earnley West Sussex PO20 7JX Proposed two storey rear and first floor side extension and associated alterations.
Appeal Decision: APPEAL ALLOWED	
<p>"... In this instance, my assessment is that whilst the existing dwelling would substantially increase in scale the proposed development would result in minimal change to the overall scene and the aesthetic character of the area. Policies 33, 45 and 48 of the Chichester Local Plan are pertinent. Taken together and amongst other matters they seek to protect the countryside, rural ambience and landscape qualities generally; and embody in development good quality design, suitable form and appropriate siting given context. I conclude that the scheme would not conflict with these policies. ... For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the locality. Accordingly, the appeal is allowed."</p>	

Reference/Procedure	Proposal
22/01366/FUL	
<p>East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation</p>	<p>Land To Rear Of Co-Op Store Bracklesham Lane Bracklesham Bay West Sussex</p> <p>1 no. detached dwelling (plot 1).</p>
Appeal Decision: APPEAL DISMISSED	
<p>" The appeal is dismissed. ... The insular nature of the proposal and narrow proportions of the appeal site, constrained by the Co-op store's plant and delivery compound, has led to a contrived frontage design, requiring the use of an extended roof slope, single storey format and dog-legged front elevation. ... This layout would create a constrained and enclosed frontage for the new dwelling overwhelmed by hardstanding and dominated by the fencing surrounding the Co-op store's compound. ... the rear ... which would face Stock Lane, ... although not innovative nor taking the opportunity to create an active frontage, is unlikely to have a harmful impact on the lane's character. ... Nevertheless, the lack of harm to the character of Stock Lane does not negate the significant harm the contrived design of the new dwelling and the constrained layout of the site would have on the overall character and appearance of the area. ... The proposal would therefore significantly harm the character and appearance of the area. ... The proposal would also fail to comply with LP policy 39 as far as it seeks to ensure site layouts provide suitable internal circulation and turning arrangements, ... The proposed dwelling would be located to the rear of 7 and 8 Hale Close. ... I find that although the proposed dwelling would alter the views from the rear gardens of Nos 7 and 8 it would not be so constraining as to overwhelm those spaces. This is because it would not enclose the whole rear boundary of either garden. ... I do not consider the impact of the proposal to be so detrimental to the outlook from the gardens of Nos 7 and 8 to cause harm to the living conditions of the occupants of those properties. ... The appeal site falls within the zone of influence of the SPA and the proposal would create a new residential dwelling. ... This is a long-standing issue for the Council, so it has a standard appropriate assessment template for development of this nature. ... I am satisfied the proposal could comply with LP Policy 50 and the Framework as far as they seek to secure appropriate avoidance or mitigation measures for any likelihood of a significant effect on the SPA. ... The Council cannot demonstrate a 5-year housing land supply and so it is necessary for me to apply paragraph 11 of the Framework. The proposal would provide a net increase of 1 home in an accessible location, and the Framework seeks to make more efficient use of land in accessible locations. However, ... the small contribution that 1 dwelling would make to an identified housing need, the contribution to the Council's 5-year housing land supply would only attract limited weight. I can also only attribute limited weight to the proposed improvement the appellant considers the proposal would have on landscaping, flora, and fauna, as it has not been shown how this would be an improvement to the existing undeveloped nature of the site. ..."</p>	

Reference/Procedure	Proposal
22/01367/FUL	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Land To Rear Of Co-Op Store Bracklesham Lane Bracklesham Bay West Sussex 1 no. dwelling.
Appeal Decision: APPEAL DISMISSED	
<p>"... would ... fail to relate comfortably with the proposed dwelling which would be set away from it. The layout of this area would also appear contrived as it has been designed to accommodate a second dwelling, the subject of Appeal 3311069. ... the parking and bin storage ... would be some distance away and not convenient for future occupiers thus emphasising the awkward layout. In frontage, dominated by hardstanding and with limited space for meaningful landscaping. ... Therefore, by virtue of the layout and design of the access and parking I find the proposal to cause moderate harm to the character and appearance of the area. ... The proposal would also fail to comply with LP policy 39 as far as it seeks to ensure site layouts provide suitable internal circulation and turning arrangements, ... the location of the proposed new dwelling would be close to the shared boundary and due to its orientation, the proposed upper floor windows would have near unfettered views of the full length of both Juno's and Fabio's rear gardens including the area immediately to the rear of each dwelling. Such a reduction in actual and perceived privacy could have a significantly detrimental impact on the living conditions of the occupants of both Fabio and Juno. ... the proposal would fail to comply with LP Policy 33 ... The appeal site falls within the zone of influence of the SPA and the proposal would create a new residential dwelling. ... This is a long-standing issue for the Council, so it has a standard appropriate assessment template for development of this nature. ... I am satisfied the proposal could comply with LP Policy 50 and the Framework as far as they seek to secure appropriate avoidance or mitigation measures for any likelihood of a significant effect on the SPA. ... The Council ... cannot demonstrate a 5-year housing land supply and so it is necessary for me to apply paragraph 11 of the Framework. The proposal would provide a net increase of 1 home in an accessible location, and the Framework seeks to make more efficient use of land in accessible locations. However, ... the small contribution that 1 dwelling would make to an identified housing need, ... Council's 5-year housing land supply would only attract limited weight. I can also only attribute limited weight to the proposed improvement the appellant considers the proposal would have on landscaping, flora, and fauna, as it has not been shown how this would be an improvement to the existing undeveloped nature of the site. ..."</p>	

Reference/Procedure	Proposal
22/01283/FULEIA	
Southbourne Parish Case Officer: Jane Thatcher	G And R Harris Main Road Nutbourne Chichester West Sussex PO18 8RL Demolition and mixed use development comprising 103 no. dwellings and a Childrens' Nursery, together with associated access, parking, landscaping (including provision of wildlife corridor) and associated works.

Appeal Decision: APPEAL ALLOWED

" The appeal site is close to the built-up areas of Nutbourne West and Southbourne and would not be remote from the services and facilities in Nutbourne West, Southbourne and the nearby larger settlements. There would at least be a choice to use accessible modes of transport to access local services and facilities and additional dwellings in this location would not significantly undermine the aim of CLP Policy 39 to minimise the need to travel and reduce car dependency as part of new development proposals across the district. In addition, the proposed development would be consistent with the National Planning Policy Framework (the Framework) that seeks to actively manage patterns of growth to ensure that development is focused on sustainable locations (paragraphs 105 and 110). . . . in the context of CLP Policy 39 and paragraph 111 of the Framework, the predicted traffic and highway effects of the appeal scheme do not indicate to me that it should be refused. Consequently, subject to the imposition of suitably worded planning conditions and planning obligations to manage access and highway related details and promote sustainable transport, there is no conflict with the development plan or the Framework in this regard. . . . In addition, it would accord with the aims of the Framework that seeks to direct development away from the areas at highest risk of flooding, ensure it is made safe for its lifetime without increasing flood risk elsewhere, incorporate sustainable drainage systems and would not contribute to unacceptable levels of water pollution (paragraphs 159, 169 and 174). . . . I consider that the appellant has adequately demonstrated that the proposed development would not adversely impact on foul water drainage, in accordance with the requirements of Policy 9 of the CLP that seeks, amongst other things, to ensure proposals provide the necessary infrastructure to support the development. In addition, it would accord with the aims of the Framework that seeks that development would not contribute to unacceptable levels of water pollution (paragraph 174). . . . The appeal proposal will generate additional demands on local infrastructure. Interested parties have raised concerns about the capacity of these local services to support such increased demands. However, the main parties have identified that the appropriate contributions from the appeal scheme toward appropriate infrastructure to support the development can be secured through the Council's Community Infrastructure Levy (CIL) scheme⁹. I am satisfied that the adopted CIL scheme would allow the Council to secure appropriate infrastructure mitigation to address this at an appropriate stage in the delivery of the appeal scheme. Moreover, there is no substantiated evidence before me to corroborate the interested parties' concerns about local infrastructure, including educational and healthcare capacity, to lead me to reject the main parties assessment on this matter. . . . Consequently, in the absence of harm there is no conflict with CLP Policy 9 or the Framework in these regards. However, as these contributions towards local infrastructure would be mitigation, they do not constitute material benefits. . . . During the Inquiry the Council provided an update on the proposed submission version of the emerging Chichester Local Plan Review (CLPR) outlining that it had been the subject of Regulation 19 public consultation in February/March 2023.

Appeal Decision Continued

Policy S2 of the CLPR identifies Southbourne as a Settlement Hub and allocates 1,050 dwellings to Southbourne under Policy H2 to be delivered within a 'Broad location of development', which includes part of the appeal site. Policy A13 sets out the overarching principles for development proposal within the Broad location of development. Policy NE4 of the CLPR identifies a strategic wildlife corridor along the Ham Brook Chalk Stream, which runs through the appeal site. However, as I do not have evidence before me as to the extent of unresolved objections to the policies in the CLPR and it has not yet been submitted for examination, having regard to the advice provided in Paragraph 48 of the Framework, I attribute limited weight to the policies in the CLPR. . . . The emerging modified Southbourne Parish Neighbourhood Plan (ESPNNP) was submitted to the Council in January 2023, subject to public consultation in March/April 2023 and an examiner was appointed in July 2023 to undertake an examination of the ESPNNP. However, as I do not have evidence before me as to the extent of unresolved objections to the policies in the ESPNNP and it has not yet fully undergone examination nor a referendum, having regard to the advice in the Framework¹⁰, I attach limited weight to the policies in the ESPNNP. . . . Having regard to the ecological evidence submitted with the application, I am therefore satisfied that subject to the mitigation measures set out within it, which can be secured by planning conditions, the proposal would not have a detrimental impact on the biodiversity of the site, including protected species. I therefore find no conflict with Policies 49 and 50 of the CLP which together seek to protect local wildlife and to ensure that the effects of new development are appropriately mitigated. . . . I conclude that the proposed development would not have an unacceptable harmful effect on the character and appearance of the area, including the AONB. The development would accord with the overall aims of Policies 33, 43 and 48 of the CLP and Policy 4 of the Southbourne Parish Neighbourhood Plan 2015 which seek, amongst other things, to ensure development is of a high quality design that recognises distinctive local landscape character, including the AONB and respects and enhances the character of the surrounding area and its setting in the landscape. . . . overall, in my view, the adverse impacts arising from this development do not significantly and demonstrably outweigh the scheme's benefits. The proposal would therefore represent a sustainable form of development when assessed against the Framework read as a whole, which is a material consideration in favour of the development. The factors above collectively provide the material considerations to grant planning permission other than in accordance with the development plan in this specific case. . . . For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed. "

Reference/Procedure	Proposal
<u>19/00176/CONT</u>	
Westbourne Parish Case Officer: Shona Archer Fast Track Appeal	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP Appeal against Enforcement Notice WE/55 - removal of TPO'd trees without an application for tree works.
Appeal Decision: PART ALLOWED PART DISMISSED	
<p>“The appeal is allowed in part, and I direct that the TRN issued on 11 August 2021 relating to Land to the west of 4 The Paddocks, Common Road, Hambrook, Westbourne, Chichester, West Sussex, PO18 8UP, shall be subject to the following variations: Delete paragraph 4 and replace with 'plant a mix of Pine, Sycamore, Wild Cherry, Oak, Beech, Alder, Larch, Hawthorn, Ash and Field Maple trees. The trees shall be 8-10cm in girth (standard) at 3 metres spacing to fill the cross hatched area shown on the attached plan.' The date on which the TRN takes effect shall be the date of this decision and the time for compliance shall be nine months from the date of this decision... On the basis of the evidence before me and the grounds on which the appeal has been lodged, I consider that the main issues are: a) Whether the provision of the duty to replace trees under section 206 does not apply (ground a), and b) Whether the requirements of the TRN are unreasonable in respect of the size of the trees specified in it (ground b)... The appellant is of the view that the duty to replace the trees does not apply as the work carried out was for the clearing of trees that had fallen in a series of significant storms during April and May 2019. A storm event that cleared a whole area of trees to the extent that none remained would have been really significant. I note that adjacent areas of trees still stand, and there is nothing before me such as photographic evidence to show the state of destruction following the weather events. This is surprising given how dramatic it must have been... The TRN specifies that 'mature' trees are planted. This would imply that the replacement trees should be of a substantial size, and well beyond the 10cm girth of the trees that were removed, as referred to in the submissions. Additionally, the term 'mature' is not commonly used in tree specification. Therefore, the requirement of the TRN to replant mature trees is unreasonable. 12. A requirement to replant trees of 8-10cm girth would be a reasonable alternative. Specifying this size makes the requirements of the TRN more accurate and enforceable as a tree of this size is commonly referred to as a 'standard' with reference to the British Standard 3.13. Therefore, the appeal under ground (b) succeeds, and the TRN is varied to specify a smaller and more accurate size for the replacement trees...”</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>* 21/01830/OUT</u>	
Birdham Parish Case Officer: Andrew Robbins	Land Off Main Road Birdham Chichester West Sussex PO20 7HU Outline planning application for up to 150 dwellings (including 30% affordable housing) with community park, public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.
<u>22/01164/FUL</u>	
Birdham Parish Case Officer: Emma Kierans Written Representation	Upper Creek End Westlands Lane Birdham West Sussex PO20 7HH Alterations to existing 2 no. flats to create 1 no. detached house and construction of 1 no. dwelling, detached garage and associated works
<u>* 21/00571/FUL</u>	
Bosham Parish Case Officer: Jeremy Bushell	Land North Of Highgrove Farm Main Road Bosham West Sussex Construction of 300 dwellings (including 90 affordable dwellings), community hall, public open space, associated works and 2 no. accesses from the A259 (one temporary for construction).
<u>22/02502/FUL</u>	
Bosham Parish Case Officer: Sascha Haigh Written Representation	Land North Of Southfield House Delling Lane Bosham West Sussex PO18 8NN Change of use of poultry buildings to form 1 no. new dwelling, including partial demolition of existing garage, landscaping and associated works.
<u>20/00040/CONENG</u>	
Chichester Parish Case Officer: Mr Michael Coates-Evans Written Representation	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Appeal against CC/154
<u>* 21/02303/OUT</u>	
Chidham & Hambrook Parish Case Officer: Calum Thomas Written Representation	Caravan And Camping Site Orchard Farm Drift Lane Bosham Chichester West Sussex PO18 8PP 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 1no 4bed, 3no 3 bed, 4no 2bed and 1no 1 bed bungalows.

Reference/Procedure	Proposal
<u>22/01819/DOM</u>	
Donnington Parish Case Officer: Rebecca Perris Fast Track Appeal	Herongate 53 Grosvenor Road Donnington PO19 8RT Demolition of existing garage and conservatory. New single storey rear extension and first floor extension and new roof.
<u>23/00770/DOM</u>	
Donnington Parish Case Officer: Rebecca Perris Fast Track Appeal	Herongate 53 Grosvenor Road Donnington Chichester West Sussex PO19 8RT Demolition of existing garage and conservatory. New single storey rear extension. First floor extension and new roof.
<u>22/02539/DOM</u>	
Earnley Parish Case Officer: Emma Kierans Written Representation	Earnley Place Clappers Lane Earnley West Sussex PO20 7JL Removal of existing single storey extension along east elevation. Construction of single storey extension on north elevation and 2 no. single storey lean-to extensions on east Elevation, replacement link, internal alterations and fenestration changes. Alteration and repairs to existing garden wall and painting of entrance gates.
<u>22/02540/LBC</u>	
Earnley Parish Case Officer: Emma Kierans Written Representation	Earnley Place Clappers Lane Earnley West Sussex PO20 7JL Removal of existing single storey extension along east elevation. Construction of single storey extension on north elevation and 2 no. single storey lean-to extensions on east Elevation, replacement link, internal alterations and fenestration changes. Alteration and repairs to existing garden wall and painting of entrance gates.
<u>22/02662/FUL</u>	
Earnley Parish Case Officer: Emma Kierans Written Representation	Earnley Place Clappers Lane Earnley West Sussex PO20 7JL Demolition of existing pavilion outbuilding and erection of 1 no. dwelling with basement, detached garage and swimming pool. New vehicular access and associated works.
<u>22/02398/DOM</u>	
Hunston Parish Case Officer: Emma Kierans Written Representation	Bremere House Selsey Road Hunston West Sussex PO20 1AU Extension to existing double garage to form larger outbuilding with ancillary accommodation.

Reference/Procedure	Proposal
<u>21/02428/FUL</u>	
Linchmere Parish Case Officer: Calum Thomas Written Representation	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.
<u>22/01593/FUL</u>	
Linchmere Parish Case Officer: Calum Thomas Written Representation	Land North Of 1 To 16 Sturt Avenue Camelsdale Linchmere West Sussex GU27 3SJ New bridge access.
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew Written Representation	Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.
<u>* 21/02849/FUL</u>	
Loxwood Parish Case Officer: Calum Thomas Written Representation	Land South West Of Willets Way Willetts Way Loxwood West Sussex 5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping.
<u>22/00470/PA3Q</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Mill House Farm Drungewick Lane Loxwood Billingshurst West Sussex RH14 0RS Proposed change of use from agricultural buildings to 4 dwellings - (C3 Use class); Class Q (a).
<u>22/00637/PA3Q</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Mill House Farm Drungewick Lane Loxwood Billingshurst West Sussex RH14 0RS Proposed change of use from agricultural building to 1 dwelling - (C3 Use class).
<u>22/01565/ELD</u>	
Loxwood Parish Case Officer: Emma Kierans Informal Hearings	Loxwood Farm Brewhurst Lane Loxwood West Sussex RH14 0RJ Existing lawful development use of land as garden curtilage.

Reference/Procedure	Proposal
<u>22/00185/CONENG</u>	
North Mundham Parish Case Officer: Sue Payne Written Representation	Land Adjacent To The Spinney Pagham Road Runcton West Sussex Appeal against NM/30
<u>22/01003/FUL</u>	
Oving Parish Case Officer: Joanne Prichard Written Representation	Littlemead Business Centre, S & R Interiors Limited Tangmere Road Tangmere West Sussex PO20 2EU Two storey rear extension employing class uses E(g)(iii) and B8 Ground Floor with ancillary offices on first floor mezzanine E(g)(i) plus PV to roof.
<u>21/01697/PA3Q</u>	
Plaistow And Ifold Parish Case Officer: Rebecca Perris Written Representation	Premier Treecare & Conservation Ltd Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Prior notification for the change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration.
<u>20/00414/CONHH</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Public Inquiry 19-Feb-2024 Chichester District Council East Pallant House PO19 1TY	Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Appeal against Enforcement Notice PS/71.
<u>* 21/02895/FUL</u>	
Selsey Parish Case Officer: Emma Kierans Written Representation	The Boulevard 3 New Parade High Street Selsey Chichester West Sussex PO20 0QA Retention of canopy to shopfront.
<u>22/01038/PA3Q</u>	
Sidlesham Parish Case Officer: Sascha Haigh Written Representation	Butskiln Street End Road Sidlesham Chichester West Sussex PO20 7QD Change of use of agricultural building to form 1 no. dwelling (Use Class C3) and associated operational development.
<u>20/02077/FUL</u>	
Southbourne Parish Case Officer: Martin Mew Written Representation	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.

Reference/Procedure	Proposal
<u>19/00103/CONCOU</u>	
Southbourne Parish Case Officer: Mr Michael Coates-Evans Written Representation	Thornham Marina Thornham Lane Southbourne Emsworth Hampshire PO10 8DD Appeal against SB/124
<u>22/02927/FUL</u>	
West Itchenor Parish Case Officer: Emma Kierans Written Representation	Sanderlings Spinney Lane Itchenor West Sussex PO20 7DJ Construction of tennis court (alternative to permission 21/03159/DOM).
<u>21/00051/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Written Representation	The Stables Cemetery Lane Woodmancote Westbourne PO10 8QB Increase number of permitted caravans from 1 no. static and 1 no. tourer to 2 no. static and 2 no. tourers and retention of stable block.
<u>23/00076/CONCOU</u>	
Westbourne Parish Case Officer: Andrew George Written Representation	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/60
<u>23/00076/CONCOU</u>	
Westbourne Parish Case Officer: Andrew George Written Representation	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/61

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Site	Of 4 Enforcement Notices	Contempt of court proceedings at the High Court. Next and final hearing on 20 & 21 December.

Court Hearings		
Site	Matter	Stage
Crouchlands, Lagoon	Of Enforcement Notice	Not guilty plea entered. Trial on 25 January 2024

Prosecutions		
Site	Breach	Stage
Land South of the Stables, Hambrook	Of Enforcement Notice	Matter adjourned previously due to planning application lodged. Permission refused. Hearing adjourned to 2 January for plea to be entered.
Farmfield Nurseries	Of Enforcement Notices x 2	Not Guilty plea entered. Trial date to be confirmed by the court as the current one clashes with another hearing.
82a Fletchers Lane	Of Enforcement Notice	No plea entered due to lack of court time and 2 of 3 defendants did not attend. Adjourned for all 3 to attend and plea to be entered on 28 November 2023.

7. POLICY MATTERS

South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 13-09-2023 and 17-10-2023

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
SDNP/22/03718/CND Milland Parish Council Case Officer: Lauren Cripps Written Representation	Wardley Farm Cottage Wardley Lane Milland West Sussex GU30 7LX - Demolition of the existing residential dwelling and replacement with two storey three bedroom residential building - Variation of Condition 2 of Planning Permission SDNP/21/05788/FUL - addition of 1 no. dormer window on east elevation.
SDNP/23/00001/UNCM Bury Parish Council Case Officer: Sue Payne Written Representation	Roman Mile Farm Bignor Park Road Bignor Pulborough West Sussex RH20 1HQ - Appeal against BG/6
SDNP/20/00622/GENER Stoughton Parish Council Case Officer: Sue Payne Written Representation	Green Lanes Farm Back Lane Forestside Stoughton West Sussex PO9 6EB - Appeal against SO/15

Reference/Procedure	Proposal
<p data-bbox="124 188 496 259">SDNP/23/02896/LDE Bury Parish Council Case</p> <p data-bbox="124 322 408 353">Officer: Derek Price</p> <p data-bbox="124 421 480 452">Written Representation</p>	<p data-bbox="564 188 1501 293">Roman Mile Farm (Plot 2) Bignor Park Road Bignor West Sussex RH20 1HQ - Existing lawful development certificate for the use of a caravan as a dwelling.</p>
<p data-bbox="124 512 485 584">SDNP/22/00156/GENER Duncton Parish Council</p> <p data-bbox="124 611 480 642">Case Officer: Sue Payne</p> <p data-bbox="124 710 480 741">Written Representation</p>	<p data-bbox="564 512 1398 584">Rose Cottage High Street Duncton Petworth West Sussex GU28 0LB - Appeal against DN/6</p>

2. DECIDED

Reference/Procedure	Proposal
SDNP/22/02313/HOUS Fernhurst Parish Council Case Officer: Derek Price Householder Appeal	Ashurst Barn Farm Lickfold Road Fernhurst West Sussex GU27 3JB - Conversion and extension of existing stable block and store to 2 bedroom annex.

Appeal Decision: APPEAL ALLOWED

"... Whether the proposed development would constitute an annex ...The proposal seeks to extend the stable block in an L shape to meet the rear of the outbuilding. The outbuilding would be retained as a separate space, but the stable block and extension would be converted to provide a kitchen, living space and 2 bedrooms and bathrooms. ... it is a matter of fact and degree as to whether it could be considered a separate planning unit to the appeal property. The proposal would be single aspect with all non-obscured windows overlooking the courtyard and would not have access to any private outdoor space. ... the subservient size in relation to that dwelling, and the requirement to share parking facilities, access and outdoor space combine to demonstrate a functional and physical link between the proposal and appeal dwelling. ... Therefore, the proposal would comply with all relevant parts of LP Policy SD31 and would constitute an annex. character and appearance ... The Authority has also identified the appeal dwelling as a non-designated heritage asset ... the significance of the appeal site would be as part of the setting of the Ashurst estate, and more broadly how it contributes to the overall character and appearance of the CA. The proposal would retain the character of the courtyard at the front of the appeal dwelling and would retain the legibility of its layout by using a dark wood finish for the extension. This would ensure the extension would visually recede between the existing brick outbuilding and stable block. ... The proposal would not, therefore, alter the relationship between the appeal dwelling and outbuildings and ensure the legibility of the appeal site. As such it would not have a detrimental impact on its character and appearance and on balance would not result in the harm or loss of the appeal dwelling as a non-designated heritage asset. Turning to the setting of Ashurst, and the CA in general. ... the proposal would not be so visually intrusive as to cause harm to the CA's settlement pattern, including the setting of Ashurst, or its verdant nature. ... The proposal would not, therefore, harm the character and appearance of the appeal site and the area, and would preserve the character and appearance of the CA. ... The relative tranquillity and dark night skies are both intrinsic qualities of the NP ... the visual and aural environment would not be harmed by the proposal. ... The appeal site is 6.5km from the Ebernoe Common Special Area of Conservation (SAC) and 12km from the Singleton and Cocking SAC. ... as the proposal would not materially alter the use of the appeal site nor intensify its use, I am satisfied it would not have a likely significant effect on the internationally important features of the SPA either alone or in combination with other nearby development. ... The Authority has not raised objections, amongst other things, regarding the living conditions of neighbouring occupants ... I have found the proposal would not cause, or can adequately mitigate against, any harm in relation to these issues. ... For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore allowed.

COST Decision The applicant considers the Authority has behaved unreasonably by not properly considered the outcome of a previous appeal

Appeal Decision Continued

namely The Barn, Lower Bordean Farm Lane (reference APP/Y9507/D/15/3136599) and being consistent in what constitutes an annex. Had the Authority given substantial weight to the appeal decision or indeed considered the proposal an annex, it would not have led the Authority to reverse its decision. This is because the reason for refusal was multi-faceted and related to the effect of the proposal on character and appearance, the Fernhurst Conservation Area, and the South Downs National Park, not simply whether the proposal would constitute an annex. ... From the evidence before me I am satisfied the Authority's assessment of the scheme was based on a reasonable understanding of the appeal site and the potential effect of the scheme in that context. It is therefore a matter of planning judgement, and the Authority's decision to refuse is fairly substantiated. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted."

3. CURRENT APPEALS

Reference/Procedure	Proposal
SDNP/22/01619/FUL Compton Parish Council Case Officer: Louise Kent Written Representation	Land East of Noredown Way West Marden West Sussex - Laying of permeable hardstanding to facilitate access, turning and parking associated with existing private stable building (retrospective).
SDNP/22/04807/HOUS Fittleworth Parish Council Case Officer: Jenna Shore Householder Appeal	Wingates Limbourne Lane Fittleworth West Sussex RH20 1HR - Addition of single storey glass roof/car port on the side elevation.
SDNP/22/02956/FUL Sutton & Barlavington Parish Council Case Officer: Beverly Stubbington Written Representation	Carriage House Burton Park Road Barlavington West Sussex GU28 0JS - Demolition of stables and pole barn. Construction of replacement building comprising a one-bedroom holiday let and vehicle store.
SDNP/19/00375/BRECO Stedham With Iping Parish Council Case Officer: Michael Coates-Evans Written Representation	Wispers Titty Hill Milland Midhurst West Sussex GU29 0PL - Appeal against ML/26
SDNP/21/03679/FUL Compton Parish Council Case Officer: Derek Price Written Representation	Compton Farmhouse Church Lane Compton PO18 9HB - Retrospective installation of a single run of underground drainage piping.
SDNP/22/03718/CND Milland Parish Council Case Officer: Lauren Cripps Written Representation	Wardley Farm Cottage Wardley Lane Milland West Sussex GU30 7LX - Demolition of the existing residential dwelling and replacement with two storey three bedroom residential building - Variation of Condition 2 of Planning Permission SDNP/21/05788/FUL - addition of 1 no. dormer window on east elevation.

Reference/Procedure	Proposal
<p>SDNP/21/04688/FUL Bury Parish Council</p> <p>Case Officer: Beverly Stubbington</p> <p>Written Representation</p>	<p>Stane Lodge Bury Gate Bury RH20 1HA - Demolition of existing dwelling and garage and erection of replacement dwelling, garage with tennis court.</p>
<p>SDNP/22/03527/FUL Bury Parish Council Case</p> <p>Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Foxbury Farm West Burton Road West Burton Pulborough West Sussex RH20 1HD - Convert main barn into 4 no. bedroom dwelling. Convert secondary barn to offices/storage and change of use of smaller barn to storage. Alterations to vehicle access from West Burton Road and new landscaping.</p>
<p>SDNP/22/02936/HOUS Kirdford Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Scrubb House Farm Cottage Crimbourne Lane Kirdford West Sussex RH14 0HX - Construction of link to join house with annex.</p>
<p>SDNP/23/00001/UNCM Bury Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>Roman Mile Farm Bignor Park Road Bignor Pulborough West Sussex RH20 1HQ - Appeal against BG/6</p>
<p>SDNP/20/00622/GENER Stoughton Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>Green Lanes Farm Back Lane Forestside Stoughton West Sussex PO9 6EB - Appeal against SO/15</p>
<p>SDNP/21/00367/COU Compton Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p>Written Representation</p>	<p>Land East of Noredown Way West Marden West Sussex - Appeal against CP/10</p>

Reference/Procedure	Proposal
<p data-bbox="124 197 432 230">SDNP/23/02896/LDE</p> <p data-bbox="124 235 411 268">Bury Parish Council</p> <p data-bbox="124 331 493 365">Case Officer: Derek Price</p> <p data-bbox="124 427 481 461">Written Representation</p>	<p data-bbox="564 197 1414 304">Roman Mile Farm (Plot 2) Bignor Park Road Bignor West Sussex RH20 1HQ - Existing lawful development certificate for the use of a caravan as a dwelling.</p>
<p data-bbox="124 535 432 568">SDNP/23/00540/LDE</p> <p data-bbox="124 573 493 607">Lodsworth Parish Council</p> <p data-bbox="124 633 528 667">Case Officer: Lauren Cripps</p> <p data-bbox="124 730 481 763">Written Representation</p>	<p data-bbox="564 535 1426 719">Land adjacent to Hazelnut Cottage The Street Lodsworth West Sussex GU28 9BZ - Existing lawful development certificate for the use of paddock north-east of Hazelnut Cottage as garden land in connection with Hazelnut Cottage for at least the past 10 years continuously.</p>
<p data-bbox="124 864 485 898">SDNP/22/00156/GENER</p> <p data-bbox="124 902 464 936">Duncton Parish Council</p> <p data-bbox="124 999 481 1032">Case Officer: Sue Payne</p> <p data-bbox="124 1095 481 1128">Written Representation</p>	<p data-bbox="564 864 1398 927">Rose Cottage High Street Duncton Petworth West Sussex GU28 0LB - Appeal against DN/6</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

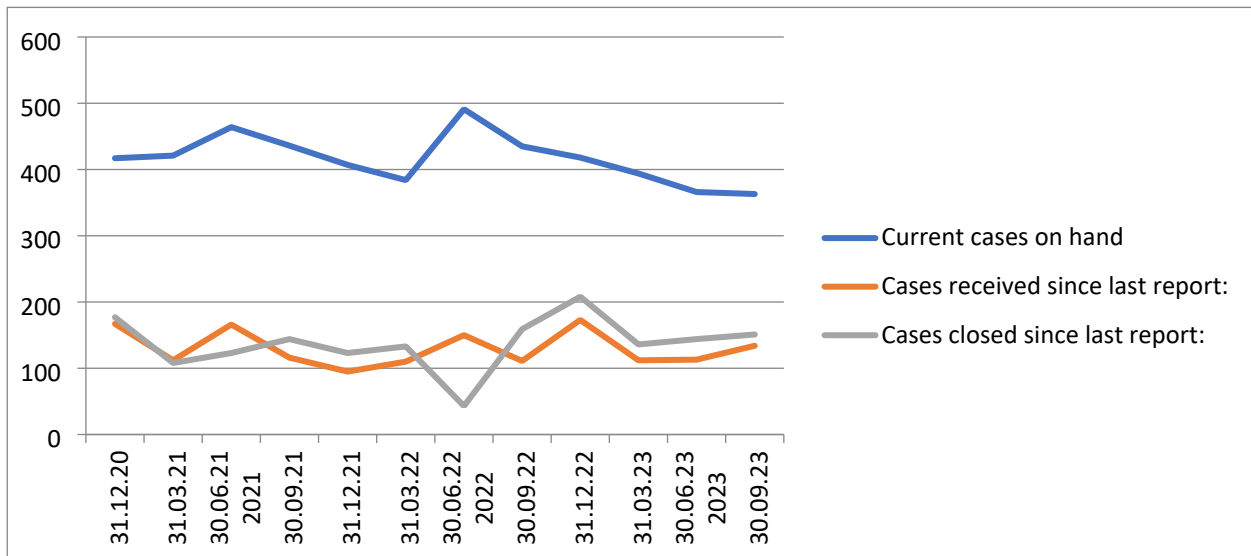
PLANNING COMMITTEE
(Wednesday 09 August 2023)
SCHEDULE OF OUTSTANDING CONTRAVENTIONS

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

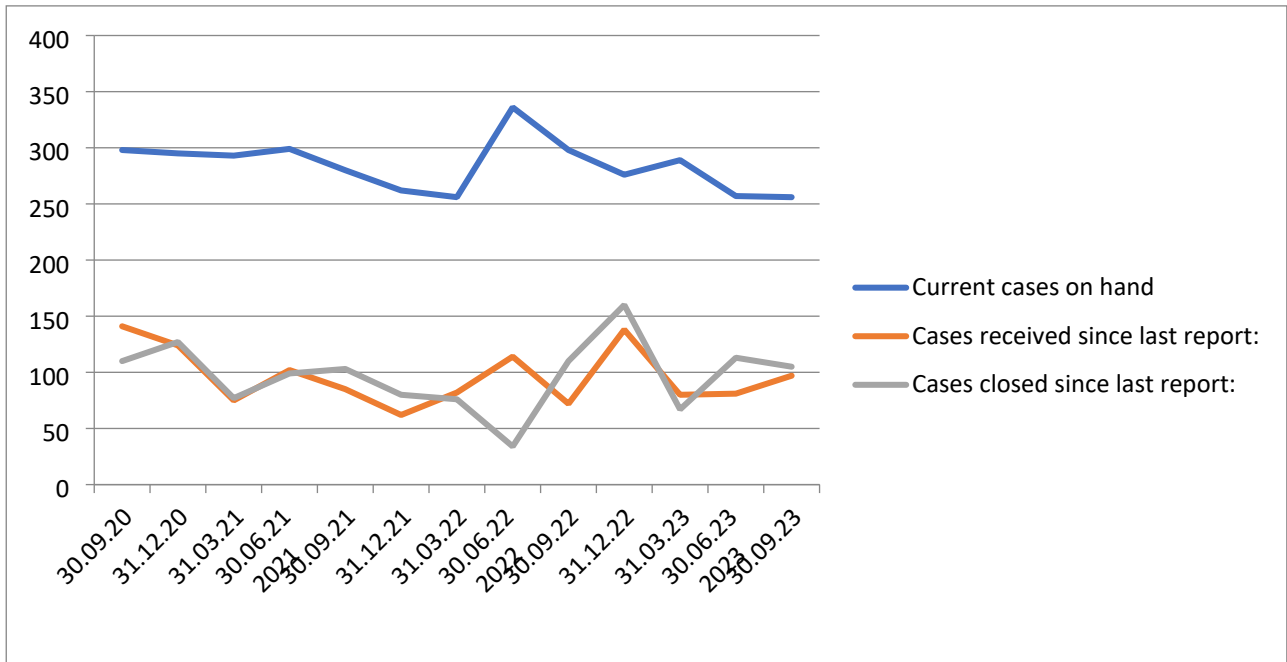
2. **Statistics as of 30 Sept 2023**

Case Numbers:	CDC	SDNP	Total
On hand as at last report:	264	116	380
Cases received since last report:	97	37	134
Cases closed since last report:	105	46	151
Current number of cases on hand:	256	107	363
Number of "On hand" cases awaiting compliance with an EN or the outcome of an appeal/application	101	45	146
Total Number of Active Cases	155	62	217

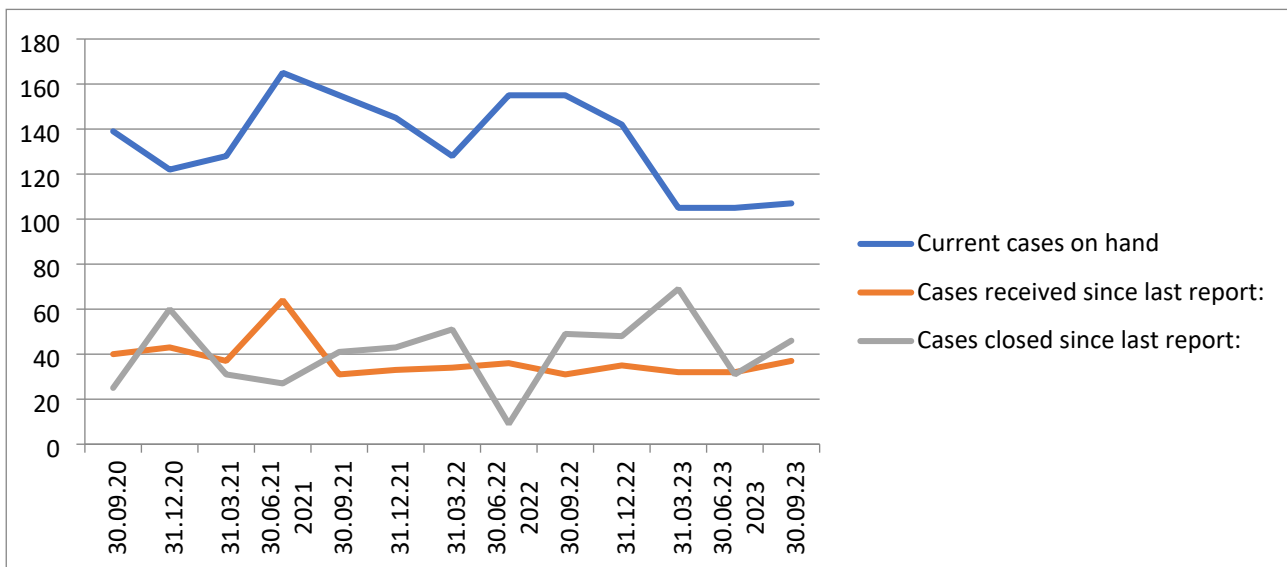
CDC and SDNP



CDC



SDNP



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

- a. Time taken to initial visit from date of complaint:
 - High with 2 days (1Case) 100%
 - Medium within 10 days (21Cases) 100%
 - Low within 20 days (33 Cases) 100%

- b. Time taken to notify complainants of action decided from date of complaint:
 - High within 9 days (1 Case) 100%
 - Medium within 20 days (15 Cases) 100%
 - Low within 35 days (20 Cases) 100%

4. Notices Served.

Notices Served:	Jul-Sept 2023	
	CDC	SDNP
Planning Contravention Notice	1	
Enforcement Notices	2	9
Breach of Condition Notices		1
Stop Notices		
Temporary Stop Notices	1	
Section 215 Notices		
Section 225A Notices		
High Hedge Remedial Notices		
Tree Replacement Notice		
Building Operation Notice		
Total	4	10

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

Shona Archer, Enforcement Manager (01243 534547)

OUTSTANDING CONTRAVENTIONS – SOUTH DOWNS NATIONAL PARK

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BG/SDNP/23/ 00001/UNCM (Sue Payne)	Roman Mile Farm, Bignor	Without planning permission, the material change of use of the Land to use for the stationing of caravans for the purposes of human habitation and the use of the stable buildings for associated residential purposes.	03.08.23	EN BG/05 issued- Appeal Lodged Appeal started 20.09.23
COMP/SDNP/21/00367/COU (Michael Coates-Evans)	Land East of Noredown Way	Without planning permission, the formation of a hardstanding area and a hard surfaced track in the approximate location shown on the Plan.	27.07.23	EN CP/10 issued – 31.08.23 Appeal ongoing

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
COMP/ SDNP/21/00062/UNCM (Shona Archer)	Land at Hucksholt Farm, Compton, Chichester, West Sussex PO18 9NS	Without planning permission, the material change of use of the land to the stationing of a mobile home for the purposes of human habitation.	31.07.23	EN CP/11 served. 19.10.23 - Appeal lodged
DUNC/SDNP/ 22/00156/ GENER (Sue Payne)	Rose Cottage High Street Duncton	Without planning permission, the construction of a shipping container building	07.08.23	EN DN/6 issued. Appeal Lodged Appeal started 21.09.23
SDNP/21/00495/BRECON (Sue Payne)	Coal Yard School Close Fittleworth West Sussex	Breach of Condition 4	04.10.23	BCN FT/13 issued Compliance date 04.04.24
FUNT/SDNP/ 21/00490/ OPDEV (Michael Coates-Evans)	Bermuda Southbrook Road Funtington	Without planning permission, construction of a timber building and the laying and formation of a hardstanding	29.09.21	EN FU/91 issued Compliance date 10.02.22 07.04.22 pa to retain the timber building Refused 26.01.23 – letter before prosecution sent to owner 07.08.23 – No response received. Prosecution instructions prepared.

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
HART/SDNP/ 18/00587/TPO (Shona Archer)	Three Cornered Piece Hollow Road East Harting	Breach of condition – occupation	19.06.19	3 year planning permission granted at appeal under planning reference: SDNP/20/02935/CND for change of use to a mixed use of land comprising the keeping and grazing of horses and a gypsy and traveller site for one family - James Searle and Rebecca Thompson and their resident dependants. Permission expires on 01 September 2026. Remove from next list
HART/SDNP/ 20/00600/ OPDEV (Shona Archer)	Three Cornered Piece Hollow Road East Harting	Without planning permission, the erection of brick pillars and gates	01.07.19	EN HT/29 issued. Not expedient to pursue considering the above. Case closed. Remove from next list

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
HART/SDNP/18/00587/TPO (Shona Archer)	Three Cornered Piece Hollow Road East Harting	Breach of condition – of appeal decision conditions 2	08.06.21	Not expedient to pursue considering the above. Case closed. Remove from next list
HART/SDNP/18/00228/BRECON (Andrew George)	North Marden Farm East Marden Road North Marden	Without planning permission, construction of two buildings in the approximate positions shown and marked “East Barn” and “West Barn”	11.05.22	EN HT/32 issued 22.06.24 Compliance date 25.07.23 – owner contacted regarding the need for compliance by 22 June 2024.
LODS/ SDNP/21/00526/GENER (Mike Coates-Evans)	Erickers, The Street Lodsworth	Without planning, the erection of an outbuilding.	08.08.23	EN LD/17 issued Compliance date 18.12.23 Appeal lodged
LURG/SDNP/20/00539/OPDEV (Mike Coates-Evans)	Land North of Blind Lane Lurgashall	Without planning permission, the erection of an agricultural building	27.01.21	EN LG/17 issued Appeal dismissed against SDNP/20/03482/APNB 09.10.23 – The barn has been demolished and the case closed. Remove from the next list.

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LURG/ SDNP/21/00311/GENER (Andrew George)	Woodcraft Park Farm, Dial Green Lane, Lurgashall	Without planning permission, the material change of use of the Building to a mixed or dual use for agriculture, storage of camping equipment and for the stationing of a caravan for the purposes of human habitation.	11.10.23	LG/22 issued 11.10.23 Compliance date- 22.05.24
LURG/SDNP/20/00510/GENER (Mike Coates-Evans)	Dickhurst Lodge Petworth Road Lurgashall Haslemere	Without planning permission, the formation of an access track	26.10.23	LG/23 issued 26.10.23
MILL/SDNP/22/00023/ BRECON (Mike Coates-Evans)	Brookvale, Mill Vale Meadows, Milland	Breach of Condition-on condition 4	25.07.23	ML/27 issued 25.07.23 BCN 25.10.23 Compliance date 27.10.23 SV required
MILL/SDNP/21/00316/COU (Andy George)	Becksfield Farm, Hollycombe Lane Linch,Liphook	Without planning permission, the change of use of part of the Building to use as a single dwelling house.	22.08.23	ML/28 issued. Compliance date of 03.10.24

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MILL/SDNP/21/00316/COU (Andy George)	Becksfield Farm, Hollycombe Lane Linch,Liphook	Without planning permission, the change of use of part of the Building to use as a single dwelling house.	22.08.23	ML/29 issued. Compliance date of 03.10.24
NC/SDNP/20/00225/COU (Mike Coates-Evans)	Land at Copygrove Copse, Valentine's Lea, Northchapel	Without planning permission, the material change of use to a mixed use for forestry and leisure purposes	27.07.22	NC/16 issued on 27.07.2022. Compliance date 07.12.22 07.08.23 – Full compliance not achieved. Instructions sent to legal regarding prosecution for failure to adhere to the terms of the notice. 09.10.23 – Clearance of land ongoing and subject to regular inspections.
NC/ SDNP/22/00340/COU (Andrew George)	Willow Spring Farm, Hillgrove Lane, Northchapel	Without planning permission, the material change of use of a building to use as a single dwelling house.	11.10.23	EN NC/17 issued Compliance date 22.05.24

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ROG/SDNP/18/00609/ BRECON (Mike Coates-Evans)	Land South of Harting Combe Sandy Lane Rake	Without planning permission, stationing of a shepherds and use of a wooden building for the purposes of human habitation	05.08.21	EN RG/37 issued Appeal dismissed – new compliance date 07.12.22 25.04.23 – compliance not achieved. 07.08.23 – compliance has not been achieved. 09.10.23 - Prosecution to commence.
SE/SDNP/ 21/00247/COU (Mike Coates-Evans)	The Rubbing House, Town Lane Singleton	Without planning permission, the material change of use of the Land to a use for recreational amenity and storage.	26.07.23	EN SE/4 issued. Effective from 13.09.23. 12.12.23 Compliance date Appeal lodged
SO/SDNP/20/00622/GENER (Sue Payne)	Green Lanes Farm, Forestsides, Stoughton	Without planning permission, the erection of a barn and the construction of a concrete hardstanding in the approximate locations shown on the Plan	02.08.23	EN SO/15 issued 02.08.23 Compliance date: 13.12.23 Appeal started 04.10.23

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STED - SDNP/19/00569/BRECON (Mike Coates-Evans)	Stedham Sports Ground, The Street, Stedham	Breach of condition 2 of SDNP/12/02805/FUL – failure to comply with approved plans / materials for parking area and track.	N/A	25.04.23 – BCN SJ/26 issued 09.10.23 – application made seeking permission to vary car park layout and surface material - SDNP/23/02555/CND pending consideration
ML/SDNP/19/00375/BRECON (Mike Coates-Evans)	Wispers, Tittys Hill, Milland	Unauthorised erection of a dwellinghouse	27.07.22	27.07.22 – EN ML/26 served 06.09.22 - Appeal Lodged 22.09.22 – Appeal Started 27.01.23 - Appeal process ongoing. 25.04.23 – Notification of appeal site visit awaited 07.08.23 - as above. No update from PINs 24.10.23 – As above.

OUTSTANDING CONTRAVENTIONS – CHICHESTER DISTRICT CASES:

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BI/15/00194/ CONTRV (Shona Archer)	Land North West of Birdham Farm, Birdham Road, Chichester	Without planning permission the stationing of a mobile home for the purposes of human habitation	06.05.15	EN BI/23 and BI/24 issued Appeals dismissed and EN's upheld. Compliance by: 02.08.18 Injunction granted by the High Court that required final clearance of the land by 30 April 2021. 24.07.23 – High Court Hearing adjourned to 20 and 21 December to hear evidence relating to the failure of the defendants to comply with the Court Order 24.10.23 – case on going
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road Chichester	Without planning permission erection of a stable building	10.08.15	EN BI/29 issued with compliance date of 21.12.15 As BI/15/00194/CONTRV above
BI/15/00139/ CONSH (Shona Archer)	Access track and hardstanding -land North West of Premier Business Park, Birdham Rd	Without planning permission excavation, deposit of hardcore and erection of gates and fences	21.09.15	EN BI/30 issued As BI/15/00194/CONTRV above
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road	Without planning permission, change of use of the land to a mixed use as a residential caravan site, for the storage of caravans and the keeping of horses	03.03.16	EN BI/31 issued As BI/15/00194/CONTRV above

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BI/17/00356/ CONMHC (Shona Archer)	Plot 12 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/44 issued Hearing 21.06.22 22.07.22 – appeal dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act 22.07.23 – Site to be vacated 04.05.23 – letter of reminder sent 24.10.23 – occupier has been in contact regarding their move from the land. Failure to comply will result in prosecution proceedings commencing
BI/17/00361/ CONMHC (Shona Archer)	Plot 13 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/41 issued Hearing 21.06.22 22.07.22 – appeal dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act 22.07.23 – Site to be cleared 04.05.23 – letter of reminder sent 24.10.23 – As BI/17/00356/CONMHC above
BI/17/00362/ CONMHC (Shona Archer)	Plot 14 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/42 issued Hearing 21.06.22 22.07.22 – appeal dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act 22.07.23 – Site to be vacated 04.05.23 – letter of reminder sent. Owner is aware of need to vacate and has stated their intention to leave. 24.10.23 – Linked to BI/17/00361/CONMHC
BI/17/00357/ CONMHC	Plot 15	Without planning permission change of	22.11.18	EN BI/43 issued. Compliance date 03.07.19 07.08.23 – compliance has not been achieved.

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(Shona Archer)	Land North West of Premier Business Park Birdham Road	use of the land to a mixed use of agriculture, a residential caravan site and animal boarding and rescue centre		24.10.23 Prosecution papers being prepared.
BI/20/00379/ CONCOU (Shona Archer)	Plot 13 Land North West of Premier Business Park Birdham Road Chichester	Without planning permission, the erection of a wooden barn/stable, a kennel and kennel run and a close boarded fence/gates and concrete and tarmac hard standings	13.10.21	EN BI/47 issued Hearing 21.06.22 22.07.22 – appeal dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act 22.07.23 – Site to be cleared 04.05.23 – letter of reminder sent 24.10.23 – Linked with BI/17/00362/CONMHC above
CC/20/00040/ CONENG (Mike Coates-Evans)	Land North West Of Newbridge Farm Salthill Road Fishbourne	Without planning permission a material change of use of the land to a mixed use comprising the stationing of a mobile home for the purpose of human habitation, the stationing of a items and operation of a waste collection business		27.04.22 – EN CC/152 issued Compliance date: 7 February 2023 Appeal lodged – written reps submitted. 07.08.23 – Appeal ongoing. 24.10.23 - Site visit date awaited. No update from PINs.

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CC/22/00196/C ONBC (Mike Coates-Evans)	Duke and Rye Public House	Breach of condition 16 of CC/98/00156 /FUL - no amplified music to be heard on the public highway	27.09.22	27.09.22 – BCN CC/156 Issued Compliance Date: 25.10.22 17.01.23 – Instructions sent to legal for non-compliance with the notice 25.04.23 – Planning application 23/00600/FUL submitted to vary the identified planning condition – pending consideration 07.08.23 – Monitoring of premises is ongoing 24.10.23 –23/00600/FUL pending consideration.
E/22/00304/ CONHH (Mike Coates-Evans)	Tykes Farm Barn Somerley Lane Earnley	Without planning permission, the erection of a garage building	19.10.23	19.10.23- EN E/36 issued
EW/ 23/00237/CONC OU (Andrew George)	Land Adjacent Of Tranjoeen Bracklesham Lane Bracklesham Bay	Siting of caravans for residential purposes	24.08.23	TSN/91 issued 24.08.23 22.09.23 Notice breached. Details sent to Legal with instructions to prepare an EN
EW/22/00057/C ONMHC (Michael Coates-Evans)	Briar Cottage Caravan Park, Church Road, East Wittering, West Sussex	Without planning permission, the construction of a 2- storey building and the erection of a close boarded fence in	02.10.23	EW/50 issued 02.10.23
EW/23/00031/ CONHH (Michael Coates-Evans)	Land at 6 Beech Avenue, Bracklesham Bay, Chichester, West Sussex PO20 8HU	Without planning permission, the erection of a fence.	25.10.2023	EN EW/52 issued
FU/17/00310/ CONCOU (Andrew George)	Cutmill Depot Newells Lane West Ashling	Without planning permission, change of use of land to use as a residential caravan site	27.09.18	EN FU/67 issued

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				Appeal lodged – Written Representations 21.07.20 – notice upheld. Compliance varied to 8 months. New compliance date 21.03.21 30.09.21 - Prosecution held in abeyance as owners intend to appeal the refusal of 21/01003/ELD 13.01.22 - No appeal lodged 13.04.22 – Planning applications made for a means of enclosure, stationing of containers and the wintering of caravans; and an ELD for a residential unit of accommodation. 25.07.22 – ELD applications refused. Application for stationing of containers and wintering of caravans has been returned as invalid. 24.10.23 – action held in abeyance pending determination of 23/01356/FUL - use of front yard for stationing of general storage containers and storage for wintering of caravans

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FU/20/00299/ CONENF (Shona Archer)	Land south of The Stables Newells Lane West Ashling	Without planning permission, the erection of stone pillars and walls	27.06.19	EN FU/70 issued Compliance date 07.11.19 24.02.20 Prosecution matrix and witness statement sent to legal for prosecution 17.06.20 – letter sent to owner by legal. If no compliance by 03.08.20 legal will apply to court for a date for prosecution. 15.10.20 – Updated witness statement sent to legal for consideration 19.11.20 – Listed for court at 10.00hrs on 29.01.21 at Brighton Magistrates Court 25.01.21 - The above case has been adjourned to 30/07/2021 at Brighton Magistrates Court at 11:00 19.07.21 –Case has been adjourned pending appeal 01.04.22 - 10:00 at Brighton Magistrates' Court. Case has been adjourned pending outcome of appeal 04.04.22 – removed from court listing until the outcome of appeal against refusal of planning permission: 20/00534/FUL 24.10.23 –Letter before prosecution to be sent.

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FU/17/00011/C ONBC (Shona Archer)	Land south of Scant Road East Hambrook West Ashling Po18 8UD	Without planning permission the construction of two wooden chalet buildings on raised breeze block foundations	12.09.19	EN FU/71 issued Appeal lodged – Hearing – virtual event 25/01/21 29.01.21 - Appeal dismissed New compliance date 29.04.21 21.02.22 – SV undertaken. EN has not been complied with. Prosecution to be prepared for legal. 25.07.22 – Prosecution prepared for consideration by legal. 14.10.22 - Second statement required 07.01.23 – Court Hearing adjourned due to ill health of the defendant 10.01.23 – Crawley Mag Court Hearing. Defendant said a pa had been submitted. Agent confirmed that they have been instructed to make an application to retain the chalets as day rooms. Case adjourned. 07.09.23 Planning app 23/01418/FUL to retain chalets Refused. 24.10.23 – letter before prosecution to be sent.
FU/20/00338/ CONSH (Andrew George)	First Place Stables, Plot G, west of Beachlands Nursery, Newells Lane, West Ashling	Without planning permission, the construction of a wooden stable building and a kennel building including attached dog run	11.10.23	EN FU/102 issued. Compliance date 11.05.24

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18/00368/CONB C	Land At 6 Oaklands West Ashling Road Hambrook Funtington	Without planning permission, the material change of use of the land to a use for the stationing of a touring caravan, two mobile homes and a motor home for the purposes of human habitation	17.07.20	EN FU/76 issued Compliance date 28.11.20 20.01.20 - site visit required to check on compliance 22.04.21 – EN has been partially complied with. Officers are working with owner to achieve discharge of drainage condition on FU/17/01191/FUL. 18.10.2021 – awaiting discharge of drainage condition. 24.02.22 – Application 21/03330/DOC permitted 24.10.23 – no evidence that drainage has not been provided as approved. Close File Remove from next list
FU/20/00288/ CONENG (Shona Archer)	Land West of Newells lane, West Ashling	Without planning permission, the carrying out of engineering operations to remove top soil and excavate the ground, followed by the importation of hard-core and gravel to form areas of hardstanding and an access track	28.10.20	EN FU/77 notice issue Appeal lodged Informal Appeal Hearing 31 January 2023 04.05.23 – appeal decision awaited 16.05.23- appeal decision. Date of compliance varied for 12 months. Appeal dismissed 07.08.23 – New Compliance Date 16 May 2024
FU/19/00294/ CONBC (Andrew George)	Land East of Tower View Nursery West Ashling Road Hambrook	Breach of conditions – excess number of caravans	19.01.21	BCN FU/78 issued Compliance date 18.07.21 18.10.2021 – letter sent to owner to request site visit to check compliance 15.02.22 – prosecution papers prepared 11.01.23 – case has not advanced due to uncertainty of occupier's identity and caravan numbers 25.07.23 - A review of evidence shows that breach is continuing. Further enforcement action to be taken.

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				27.10.23 – Site visit required
FU/21/00087/ CONBC (Shona Archer)	3 West Ashling Road, Hambrook, Funtington, West Sussex	Breach of condition 3 – occupancy by persons other than gypsies and travellers	08.02.21	BCN FU/79 issued Compliance date 08.08.21 18.10.2021 evidence of occupation of mobile home required to undertake prosecution proceedings 17.01.22 – no evidence for a prosecution 22.07.22 – focus on number of caravans BCN/73 (above) 23.09.22 – site visit confirmed occupancy by persons unknown 07.08.23 – showed site cleared 24.10.23 – site visit required to assess if caravans have been reintroduced to the land
FU/20/00109/ CONTRV (Shona Archer)	Field west of Beachlands Nursery, Newells Lane Funtington [Eden Stables]	Without planning permission the change of use of the land to a residential mobile home/caravan site	17.03.21	EN FU/80 issued Informal Appeal Hearing 31 January 2023 04.05.23 – appeal decision awaited 16.05.23- appeal decision. Date of compliance varied for 12 months. Appeal dismissed 16.12.23 – compliance date 24.10.23 – letter to be sent to owner to request confirmation of their intentions
FU/18/00270/ CONBC (Andrew George)	Barn building, Land off Newells Lane, West Ashling, Chichester, West Sussex	Without planning permission, the material change of use of the Land to use as a residential mobile home site	17.03.21	EN FU/81 issued Compliance date 24.10.21 04.04.2022 – linked appeal in progress with refusal of planning application: 20/00950/FUL Informal Appeal Hearing 31 January 2023 Compliance date 31 January 2024 24.10.23 – letter seeking owners intentions to be sent
FU/18/00270/ CONBC (Andrew George)	Land West of Beachlands Nursey Newells Lane, West	Without planning permission, the formation of a hardstanding and the	17.03.21	EN FU/82 issued Compliance date 24.10.21 04.04.22 – linked appeal in progress with refusal of planning application: 20/00950/FUL

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	Ashling, Chichester, West Sussex	installation of a metal container building		Informal Appeal Hearing 31 January 2023 Compliance date 31.01.24 Linked with FU/18/00270/CONBC above
FU/21/00152/ CONTRV (Andrew George)	Land to west of Newells Farm Newells Lane West Ashling	Without planning permission, the material change of use of the land to use as a residential mobile home/caravan site	27.09.21	EN FU/87 issued Informal Appeal Hearing 31 January 2023 04.05.23 – appeal decision awaited 16.05.23- appeal decision. Date of compliance varied for 12 months. Appeal dismissed 16.05.24 – compliance date 24.10.23 – application 23/01845/FUL to form 3 pitches is pending consideration
FU/21/00152/ CONTRV (Andrew George)	Land to west of Newells Farm, Newells Lane West Ashling	Cease introduction and stationing of additional mobile homes/caravans and hardcore, ground works and tarmac	27.09.21	SN FU/88 issued Linked to the above case
FU/20/00288/ CONENG (Andrew George)	Land west of Newells Lane West Ashling	Without planning permission, the material change of use of the land to use as a residential mobile home/caravan site	08.09.21	EN FU/89 issued Informal Appeal Hearing 31 January 2023 Appeal dismissed and date for compliance varied to 31 January 2024
FU/20/00288/ CONENG (Andrew George)	Land west of Newells Lane West Ashling	The introduction and stationing of additional mobile homes/caravans and the carrying out of ground works	08.09.21	SN FU/90 issued Notice takes effect 12.09.21 Informal Appeal Hearing 31 January 2023 Linked to the case above
HN/20/00400/ CONCOU	Land east of Farmfield Nurseries	Without planning permission, the material	11.03.21	EN HN/28 issued Appeal lodged – Written Representation

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(Sue Payne)	Selsey Road Hunston	change of use of the land to a general storage use.		11.03.22 – appeal dismissed New compliance date 11.09.22 23.09.22 – Prosecution instructions passed to legal. 27.01.23 – Confirmation of Court hearing date awaited. 26.04.23 – March hearing date adjourned 04.05.23 - Court Hearing set for 16th May 2023, at Crawley Magistrates Court, 2pm, Courtroom 02 14.07.23 – Following a plea of Not Guilty, a trial date is set for the 20 th December 2023. 24.10.23 – revised court date to be sought due to clash with another matter
HN/20/00400/ CONCOU (Sue Payne)	Land east of Farmfield Nurseries Selsey Road Hunston	Without planning permission the erection of two container buildings	11.03.21	EN HN/30 issued 11.03.22 – appeal dismissed New compliance date 11.06.22 18.07.22 – Witness statement drafted for prosecution following non-compliance with notice. 29.07.22 – Witness statement to be sent to legal services 23.09.22 – Prosecution instructions passed to legal 27.01.23 – Confirmation of Court hearing date awaited. 26.04.23 – March hearing date adjourned 04.05.23 – Court Hearing date set for 16th May 2023, at Crawley Magistrates Court, 2pm, Courtroom 02 14.07.23 – Following a plea of Not Guilty, a trial date is set for the 20 th December 2023 24.10.23 – revised court date to be sought due to clash with another matter
HN/20/00005/ CONMHC (Sue Payne)	Grist Farm Hunston Chichester West Sussex PO20 1JL	Without planning permission, the material change of use of the Land to a mixed or dual use for agriculture and for the stationing of a	20.07.23	20.07.23 - EN HN/31 issued 23.08.23 – Appeal lodged

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		mobile home for the purposes of human habitation.		
KD/23/00145/ CONBC (Jamie Aspinall)	The Workshop Village Road Kirdford Billingshurst	Breach of Conditions 2 and 6	18.10.23	BCEN KD/27 issued. Compliance date 29.12.23
NM/22/00185/ CONENG (Sue Payne)	Land Adjacent To The Spinney Pagham Road Runcton	Without planning permission, the material change of use of the Land to use for the stationing of a mobile home, a touring caravan and a motorhome for the purposes of human habitation.	20.07.23	20.07.23 - EN NM/30 issued 22.08.23 – Appeal lodged Appeal started 31.08.23
PS/13/00015/ CONAGR (Shona Archer)	Crouchland Farm, Rickmans Lane, Plaistow	Without planning permission, change of use of the land from agriculture to a commercial biogas plant	15.07.15	EN PS/54 issued Appeal lodged – Public Inquiry originally scheduled for APP/P3800/15/3137735. Appeal part allowed/part dismissed 21.11.17 – Appeal dismissed. Enforcement Notice upheld, 04.12.17 – Use ceased. 24.03.23 – prosecution of failure to remove the development is underway 18.04.23 - hearing at Crawley Magistrates. A plea of not guilty entered Trial set for 23.08.23 at Crawley Magistrates Court 24.10.23 – case adjourned until 25 January 2024 at Worthing Mag Court
PS/18/00088/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the construction of a slurry	01.11.18	EN PS/67 issued Appeal lodged – Written Representations

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		lagoon, earth bund and fencing		10.01.20 – appeal decision varied the notice finding that the slurry lagoon and earth bunds were immune from enforcement action. The removal of the fencing was upheld and the compliance period amended New compliance date 10.05.21 See PS/13/00015/CONAGR above
PS/20/00182/ CONCOU (Sue Payne)	Manor Copse Farm Oak Lane Shillinglee	Without planning permission, the erection of a building	25.08.21	EN PS/70 issued Appeal lodged – Written Representation 17.10.22 – waiting for PINS to confirm appeal site visit 11.01.23 – waiting for PINS to confirm appeal site visit Unaccompanied site visit undertaken 2 March 23 26.04.23 – awaiting decision from PINS 17.05.23-Appeal dismissed. Date to comply 17.08.23 Compliance date 17.08.23 24.10.23 – new compliance date agreed as 21.01.24
PS/20/00414/C ONHH (Sue Payne)	Oxencroft, Ifold Bridge Lane, Ifold	Without planning permission, change of use of the land and buildings to a mixed use comprising mobile home/caravan(s) for the purposes of human habitation, B8(storage), forestry and agriculture,	27.04.22	EN PS/71 issued 27.04.2022 01.06.2022 - Appeal lodged – Public Inquiry 17.10.22 – Rule 6 Statement submitted. Waiting for PINS to confirm dates for PI. Public Inquiry procedure confirmed by PINs commencing 19/02/24
SB/19/00103/C ONCOU (Michael Coates-Evans)	Thornham Marina Thornham Lane Southbourne Emsworth	Siting of accommodation pods in marina, change of use to residential purposes	N/A	16.06.22 – authority to serve an EN. Instructions sent to legal 11.10.22 – SB/124 Notice issued 22.02.22 – Date to comply 21.11.22 – Appeal Lodged – WR 24.01.23 – Submitted Appeal Statement to PINs 07.08.23 – Awaiting appeal site visit

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				24.10.23 – Appeal on going.
SI/20/00301/ CONMHC (Sue Payne)	82A Fletchers Lane Sidlesham	Without planning permission the material change of use of the Land to a residential caravan site	15.06.21	EN SI/77 issued Appeal lodged – Written Representation 17.10.22 – appeal dismissed. New compliance date 30 th November 2022 04.12.22 – no compliance has taken place. Owners given until 13 January 2023 to undertake required steps. 20.01.23 – failure to comply, instructions sent to legal for prosecution 24.10.23 – Court date set for 28 November 2023
SI/21/00038/ CONMHC (Sue Payne)	Land east of Ivy Grange Keynor Lane Sidlesham	Without planning permission change of use of land to the stationing of a mobile home for human habitation	09.08.21	EN SI/78 issued Appeal lodged – Written Representation 01.03.22 – appeal dismissed New compliance date 01.03.23 26.04.23 - Discussions ongoing with owner who has evidenced that action is being taken to bring about compliance. 14.07.23 – Discussions remain ongoing. 24.10.23 – owner confirmed compliance to be achieved by mid-December 2023

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WE/16/00191/ CONCOU (Shona Archer)	Unit 2 Land north of Cemetery Lane Woodmancote	Without planning permission material change of use of the land to a mixed for open storage of vehicles and use as a HGV Operating Centre	24.07.17	EN WE/39 issued Appeal ongoing – Written Representations New compliance date 02.01.2020 11.6.20 – planning application WE/19/03206/FUL Refused, and appeal lodged 04.01.22 – appeal Dismissed. 13.04.22 – owner considering future use of the land. 25.11.22 – instructions for prosecution sent to legal 24.01.23 – awaiting court date 04.05.23 – The case is listed for 4 July 2023 at Crawley Magistrates Court 07.08.23 - on 4 July 2023 owner pleaded guilty to the breach of EN - Fine of £1,500; our costs of £ 598 and victim surcharge of £600 (government tax). 24.10.23 – further prosecution to be commenced if use has not ceased by end of December 2023

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WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use as a civil engineering contractor's yard	10.04.18	EN WE/40 issued Appeal lodged – Public Inquiry date amended to 14.09.21 Sep 21 - Public Inquiry suspended due to illness of Inspector Jan 22 – Public Inquiry suspended due to illness on appellant's team To be reconvened October 2022 18.10.22 - Inquiry sat awaiting decision 27.01.23 – Appeals Dismissed and EN's upheld. Partial award of costs granted to the Appellant. 27.01.24 – New Compliance Date 04.05.23 – Site visit to be arranged to assess current land use 07.08.23 – owners' agent to confirm current use. LPA to consider the issue of a further notice 24.10.23 – owners agent stated revised planning application would be submitted by the end of October.
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of land for storage of portable site office cabins, container cabins, portable toilet blocks and commercial vehicles	10.04.18	EN WE/41 issued As above
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use, storage of skips, building materials, scaffolding, lifting	10.04.18	EN WE/42 issued As above

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		platforms, storage racks, engine parts, commercial vehs, HGV's, redundant vehicles and truck bodies		
WE/17/00333/ CONMHC (Andrew George)	Land at Home Paddock Stables Hambrook Hill North Hambrook	Without planning permission, change of use of the land to a mixed us comprising equine and the stationing of a shepherd's hut	27.06.18	WE/44 issued 14.01.20 – Appeal dismissed. New compliance date 14.01.21 22.04.21 – date for compliance deferred to 30.06.2021 25.04.23 – Matter with legal for prosecution 04.05.23 – a legal update has been requested Initial court hearing 12 th September 2023. Compliance achieved. Remove from next list
WE/19/00117/ CONMHC (Michael Coates-Evans)	Land North of The Grange Woodmancote Lane Woodmancote	Without planning permission, change of use of the land to the stationing of two mobile homes for the purpose of human habitation	15.01.20	EN WE/47 issued Appeal lodged – Hearing 25.11.20 09.12.20 – enforcement notice upheld with variation New compliance date 09.09.21 09.09.2021 – Residential use has ceased 07.01.22 – Application made for a temporary 3 year use 04.04.22 – invalid application returned 27.01.23 – application 21/03554/FUL pending for 3 yr use of land to station a MH 24.10.23 – Application remains pending decision.
WE/19/00217/ CONCOU (Michael Coates-Evans)	Land West of 4 The Paddocks, Common Road, Hambrook, Westbourne	Without planning permission the material change of use of the land to use as a residential caravan site	03.02.21	EN WE/49 issued Appeal lodged – Hearing 07.09.21 19.01.22 – appeal dismissed. New compliance date 19.07.22

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				19.01.23 – SV noted one MH on lawful site and caravans on land at the rear 27.01.23 – prosecution proceedings to commence 24.04.23 – prosecution papers prepared and sent to Legal. LPA informed of owner's intention to make a further pa 24.10.23 – planning application 23/01095/FUL made but invalid. Intentions regarding this to be sought from agent.
WE/19/00107/ CONMHC (Michael Coates-Evans)	Land at Jubilee Wood, Bridle Lane, Woodmancote, Hambrook	Without planning permission, the material change of use of the Land to use as a residential caravan site	07.07.21	EN WE/50 issued Appeal Dismissed New Compliance date = 7 December 2022 19.01.23 – SV showed MH and structures remain on the land 27.01.23 – prosecution proceedings to commence 24.01.23 – SV to be arranged to form witness statement 06.04.23 – SV showed that MH remains on the land and owner confirmed its occupation. 24.10.23 – further SV needed to refresh evidence of MH then proceed to prosecution
WE/19/00107/ CONMHC (Michael Coates-Evans)	Land at Jubilee Wood, Bridle Lane, Woodmancote, Hambrook	Without planning permission, the material change of use of the land to a use for recreational purposes	07.07.21	EN WE/51 issued Appeal Dismissed New Compliance date = 7 December 2022 19.01.23 – SV found items on the land 27.01.23 – prosecution proceedings to commence 24.01.23 – SV to be arranged to form witness statement 24.10.23 - As WE/19/00107/CONMHC above.
WE/21/00169/ CONDWE (Shona Archer)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the erection of a two storey dwelling house	13.07.21	EN WE/52 issued Appeal lodged – Public Inquiry 23.01.23 – Appeal Dismissed 23.01.24 – Compliance Date – cease and demolish

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WE/21/00169/ CONDWE (Shona Archer)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the erection of a timber dwelling house (east)	13.07.21	EN WE/53 issued Appeal lodged – Public Inquiry 23.01.23 – Appeal Dismissed 23.01.24 – Compliance Date – cease and demolish
WE/21/00169/ CONDWE (Shona Archer)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the erection of a timber dwelling house (west)	13.07.21	EN WE/54 issued Appeal lodged – Public Inquiry 23.01.23 – Appeal Dismissed 23.01.24 – Compliance Date – cease and demolish
WE/19/00176/ CONT (Michael Coates-Evans)	Land west of 4 The Paddocks Common Road Hambrook Westbourne	Tree Replacement Notice	11.08.21	WE/55 issued Compliance date 09.06.22 Appeal lodged Awaiting appeal site visit to be re-organised by PINS following cancellation on the 26 September 2022. 11.01.23 – Awaiting appeal site visit by PINS. 07.08.23 – Appeal decision awaited 09.10.23 – Appeal site visit undertaken, 24.10.23 – Notice upheld. Agent asked for confirmation of owners decision. Linked to WE/19/00217/CONCOU above
WE/21/00169/ CONDWE (Shona Archer)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the material change of use of the land to residential use two storey dwelling house	06.01.22	EN WE/57 issued Appeal lodged – Public Inquiry 23.01.23 – Appeal Dismissed 23.01.24 – Compliance Date – cease and demolish
WE/21/00169/ CONDWE (Shona Archer)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the material change of use of the land to residential use	06.01.22	EN WE/58 issued Appeal lodged – Public Inquiry 23.01.23 – Appeal Dismissed 23.01.24 – Compliance Date – cease and demolish

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		timber dwelling house (east)		
WE/21/00169/ CONDWE (Shona Archer)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the material change of use of the land to residential use timber dwelling house (west)	06.01.22	EN WE/59 issued Appeal lodged – Public Inquiry 23.01.23 – Appeal Dismissed 23.01.24 – Compliance Date – cease and demolish
WE/23/00076/ CONCOU (Andrew George)	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne	Without planning permission. The material change of use of the Land to use as a camp site	22.05.23	EN WE/60 issued Appeal lodged- Written representation 09.10.23 - Appeal on-going statements submitted to PINs.
WE/23/00076/ CONCOU (Andrew George)	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne	Without planning permission, the construction of twelve canvas covered structures, a marquee, a toilet block building, a storage building, play structures, a hard surface gravel car park and surfaced pathways with brick edgings	22.05.23	EN WE/61 issued Appeal lodged- Written representation 09.10.23 - Appeal on-going statements been submitted
WH/23/00030/ CONBC (Michael Coates-Evans)	Land at Maudlin Nursery Hanging Basket Centre (Roman Walk Development), Stane Street, Westhampnett	Breach of Condition no 6- failure to provide a wildflower bed within the open space area	19.10.23	EN WH/5 issued. Compliance date 19.04.24

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WH/22/00124 /CONBC (Jamie Aspinall)	Land North Of Stane Street Madgwick Lane Westhampnett West Sussex	Failure to carry out the approved planting around the site within the first planting season following commencement of the development	18.10.23	BCN WH/06 issued. Compliance date for timetable 14.11.23
WW/16/00251/ CONCOU (Andrew George)	Land East of Brook House Pound Road West Wittering	Without planning permission, the material change of use of the wooden building to use as a single dwellinghouse	14.01.20	EN WW/49 issued Appeal lodged – Written representation 15.06.21 – Appeal dismissed New compliance date 15.10.21 08.11.21 - Site visit carried out to check compliance. Unable to establish if the breach had ceased 17.01.22 - Letter to owner requesting an accompanied SV 21.10.22 – Enforcement action held in abeyance until outcome of 22/00778/FUL 11.01.23 – Application refused 25.04.23 – Prosecution being considered but application submitted [23/00768/ELD]. 07.08.23 – Prosecution proceedings have commenced. 09.10.23 - Prosecution on-going.
WR/19/00290/C ONBC (Sue Payne)	Goose Cottage Durbans Road Wisborough Green Billingshurst West Sussex RH14 0DG	Breach of condition of 14/02859/FUL - building being used for purposes other than for the keeping of poultry and storage.		23.08.22 – authority to serve a BCN WR/27 Instructions sent to legal 03.10.22 – BCN served 03.01.23 - compliance date 11.01.23 – awaiting appeal decision from PINS in relation to planning application WR/21/03603/FUL 26.04.23 – appeal dismissed. Owner advised to comply and site visit to be arranged 14.07.23 – discussions ongoing with owner and agent regarding requirements of the BCN.

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				24.10.23 – LPA has confirmed requirements of the notice, waiting for communication from agent/owner

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