

Parish: Loxwood	Ward: Loxwood
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LX/19/01498/FUL

Proposal	Single retail unit on the ground floor and 2 floors of residential accommodation, 4 no. 2 bed and 6 no. 1 bed flats with associated parking and landscaping.		
Site	Land At Nursery Green Loxwood West Sussex RH14 0SA		
Map Ref	(E) 503778 (N) 131732		
Applicant	Mr Marcel Hoad	Agent	Mr Chris Barker

RECOMMENDATION - DEFER FOR SECTION 106 AGREEMENT THEN PERMIT BUT WITH THE DECISION TO BE DELEGATED TO OFFICERS TO DETERMINE IF THE SECTION 106 AGREEMENT IS NOT COMPLETED IN TIME TO ISSUE THE DECISION BY 13/08/2020



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1.0 Reason for committee Referral

Contentious application on which Officers consider decision should be by Committee.

2.0 The Site and Surroundings

- 2.1 The application site is located to the west of the Guildford Road (B2133) which forms the main thoroughfare through the village of Loxwood. The site is located in the western part of the village approximately 180m from the existing village shops, which include a Post Office and butchers.
- 2.2 The site comprises a parcel of undeveloped land, which formerly formed part of a plant nursery. It forms the south-eastern corner of land allocated in Policy 5 of the Loxwood Neighbourhood Plan (LNP) for the provision of affordable and market housing and community facilities. The whole allocation site (including the land subject to this application) was granted outline planning permission for residential development comprising 43 dwellings, 2no. retail units, access roads, landscaping and village green. The indicative plans submitted with the outline application, showed the land of the current application site to site the 2no. retail units, with a combined floorspace up to 300sqm and associated parking provision. Subsequently a reserved matters application was submitted (reference: LX/16/02284/REM) for 43 dwellings, a village green and estate roads. This reserved matters application omitted the current application site and therefore, whilst the remainder of the allocated site has been fully developed, the application site remains undeveloped and enclosed by heras fencing.
- 2.3 The application site is seen within the context of the new two storey and single storey residential development of Nursery Green, and the public open space to the front of the allocated site. The application site area is relatively flat, it is in an elevated position when viewed from northern approach of Guildford Road, although it is slightly set down from the intervening open space.
- 2.4 The north-eastern and northern boundaries of the site adjoin the pavements and the layby provided as part of the development approved under LX/16/02284/REM. The western site boundary adjoins the boundary of plot 19 (16 Nursery Green). The southern boundary of the site comprises public footpath 795/2. Beyond the public footpath there are a number of off-site trees within the curtilage of Black Hall, a residential property with an arts and crafts vernacular. The surrounding area is residential in character with a mix of detached and semi-detached properties set back from Guildford Road.

3.0 The Proposal

- 3.1 The proposal seeks full planning permission for:
- The erection of a retail unit (Use class A1) with a 232 sqm sales floor and 145 sqm store at ground floor level. Above the retail unit would be two floors of residential accommodation with a communal access and stairwell. The residential accommodation would comprise 6no. 1 bedroom units and 4no 2 bedroom units, three of the flats proposed are duplexes. The building would have a footprint that would be arched around the bend in the road. It would measure a maximum of 47.2m in width, 12.6m in depth and 9.5m in height with an eaves height of 5.9m.
 - The provision of 14 retail parking spaces (including 1 disabled space) and 13 residential parking spaces. 7 of the residential parking spaces would be provided with electric vehicle charging points.

- Highway access would be from Guildford Road, via the existing estate road provided under LX/16/02284/REM. There is an existing dropped kerb along the estate road where the proposed access would be.
- 4 cycle stands to serve the retail unit provided adjacent to the site entrance. There would also be an enclosed bike store for residents (accessed from the front of the site) with a capacity to hold 20 bicycles and a further 4 cycle stands for visitors to the rear of the site.
- There would be a residential bin store accessed from the front of the site, with space for 6 x 1100l bins, and a service yard for the retail element to the rear of the building, enclosed by a 2m high weld mesh fence.
- The existing Public Footpath to the south of the site would be retained, widened to 2m in width and enhanced. This would be enclosed by a 2m high weld mesh fence separating the public footpath from the proposed parking provision.
- Hard and soft landscaping is proposed.

3.2 The application documents make reference to the proposed occupier of the retail unit being the Co-operative. Should planning permission be granted the lawful use of the ground floor unit would be retail (use class A1) and as such this would not restrict the retail development to a specific occupier.

4.0 **History**

15/02012/OUT	PER106	Outline application for proposed residential development comprising 43 dwellings, 2no. retail units, access roads, landscaping and village green.
16/02284/REM	PER	Reserved matters approval for layout, scale, appearance and landscaping for 43 dwellings (excluding retail unit) in relation to outline application LX/15/02012/OUT.
16/02836/DOC	DOCDEC	Discharge of condition 15 from planning permission LX/15/02012/OUT.
16/02849/DOC	DOCDEC	Discharge of condition 4 from planning permission LX/15/02012/OUT.
16/02853/DOC	DOCDEC	Discharge of condition 5 from planning permission LX/15/02012/OUT.
16/02854/DOC	DOCDEC	Discharge of conditions 8 and 10 from planning permission LX/15/02012/OUT.
16/02857/DOC	DOCDEC	Discharge of condition 24 from planning permission LX/15/02012/OUT.

16/02858/DOC	DOCDEC	Discharge of condition 7 from planning permission LX/15/02012/OUT.
16/03052/DOC	DOCDEC	Discharge of Condition 28 of planning permission LX/15/02012/OUT - Tree Survey, Protection Plan and Schedule.
16/03115/DOC	DOCDEC	Discharge of condition 11 from planning permission LX/15/02012/OUT.
16/03654/DOC	DOCDEC	Discharge of condition 19 from permission LX/15/02012/OUT - Re-submit plans showing the relocation of the proposed northbound bus stop on Loxwood Road.
16/04040/DOC	DOCDEC	Discharge of condition 18 from planning permission LX/15/02012/OUT.
17/00013/DOC	DOCDEC	Discharge of condition 13 from planning permission LX/15/02012/OUT.
17/02152/FUL	PER	Addition of a post and rail fence to front edge of public open space.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **Loxwood Parish Council**

Comments received 15/11/2019

Loxwood Parish Council (LPC) SUPPORT (3 Cllrs support and 1 abstention) this application for the following reasons:

The following comments were made in support of the original application on 24th July 2019 by the Parish Council and the recent amendments to the proposal make no material difference to these comments which therefore still apply as set out below.

Loxwood Neighbourhood Plan (LNP) policies 1, 5,10 (a), 10 (b), 10(C), 10(d) and 14 particularly apply to this application.

1. Policy 1 addresses the number of houses to be built over Plan period and allocates a minimum of 60 houses within the Settlement Boundary. 43 houses have so far been built within the Plan period and thus a further 10 flats will be policy compliant.

2. Policy 5 addresses the Nursery Site (Nurse Green) and para. b makes provision for a retail development subject to a viability study. A viability study is no longer a material planning consideration as per the latest version of the NPPF and NPG.

3. Policy 10 (a) addresses the materials to be used in any new development which should be clay based products in red and brown hues. These colours have been used in the design of the building. Brick elevations are recommended and have been used.

4. Policy 10(b) addresses brick elevations and suggest the use of half clay tile hanging to ensure continuity of design throughout the parish. Tile hanging has been used.

5. Policy 10 (c) seeks to where possible, restrict house height to 2 storeys. The use of the word "where possible" was used in the LNP to address occasion when it was necessary to allow buildings over 2 storeys. The height of the structure is 9.55 metres. The height of the nearest houses are plots 10 and 11 of Nursery Green which are 9.7 metres high and plots 19 and 20 are 8.5 metres high.

6. Policy 10(d) seeks to addresses excessive bulk of houses by careful design of roof elevations especially on rising ground the structure has a rising roof line South to North with the second-floor flats in the roof space and is located on the highest part of the Nursery Green development but is not the highest structure on the development.

7. Policy 14 seeks to support new retail start-ups provided they can be shown to be viable, sustainable and benefit the local economy and the wellbeing of the parish. They should be sensitive to the local setting and not have a detrimental impact on the surrounding environment.

The provision of retail properties within new developments will also be supported where economically sustainable. Such development should give broad, positive support for the development and growth of the local economy through flexible and responsive planning and encourage local economic innovation.

The development provides 232 sq. m of retail space, 10 one- and two-bedroom flats, 13 parking spaces for residents, 3 for visitors and 14 spaces for the retail element The new retail shop will provide more local employment and more extensive shopping opportunities and thus it will support the local economy and the wellbeing of the parish.

CDC Local Plan policies 2, 3 and 25 second bullet apply.

8. Policy 2 sets the hierarchy of the settlement hubs and Loxwood is defined as a Service Village. In Service Villages, provision will be made for local community facilities including village shops which will meet the identified needs within the village and make the settlement more self-sufficient. CDC recognise that in the North East Part of the district, accessibility to services is limited with local residents having to travel significant distances by car to shop etc. It seeks to maintain "Service Village Status. Loxwood is defined as a Service Village because of its local facilities and enhancing those services will be

compliant with policy 2. Equally, those services need to be maintained and the owner of the Loxwood Stores and Post office has advised LPC that the shop will close before next winter. An e mail from the owner can be supplied by LPC if required. Loxwood needs a shop to support the community, the elderly and infirm and reduce travel by car and maintain good local facilities and its status as a service village.

9. Policy 3 addresses the economy and employment provision and seeks to support a wider range of local employment opportunities especially in the rural area and bring forward new business premises on allocated sites. An expanded shop will provide local employment for up to 15 people and the development is located on an allocated site.

10. Policy 25 second bullet addresses development in the North of the Plan area and CDC will seek to conserve and enhance existing local facilities and expand the range of local facilities. The CDC local plan thus supports the concept of a replacement shop with expanded facilities.

Material Considerations

11. As of the 23 July, 142 residents had registered their support for the application and 28 residents had registered an objection to the application. It is the responsibility of parish and district councils to, where possible, listen and support the residents of a parish. The owner of the Loxwood Stores and Post Office has stated in an e mail to the Parish Council that the shop will eventually close and Loxwood would be without a shop if this or a similar application is refused. This could lead to Loxwood possibly losing its status as a Service Village and would require residents to travel by car to do even the most basic of shopping. It would severely impact the elderly and infirm of Loxwood who rely on the existing shop for essential shopping.

12. The development provides off street parking for shoppers, easing the parking congestion at the junction of Station Road and the B2133. This will thus provide safety benefits to pedestrians at this difficult junction with poor line of sight.

13. The 10 flats will provide much needed private rented accommodation within the NEP of the district and the CDC Housing Delivery Team support the 1- and 2-bedroom flats stating the delivery of smaller units is welcome.

14. The 10 flats and shop will increase the flow of sewerage into the Loxwood system although the temporary solution put in place by Antler and approved by Southern Water will mitigate this in the short term.

15. Southern Water in responding to the Thake ham Homes application for 50 houses adjacent to Pond Copse Lane have stated they will seek to upgrade the Loxwood Sewer system with 24 months of planning consent being granted.

In addition, the minor amendments to the plans do not affect the PPT presentation given to CDC by LPC on the 20 August and both the letter of the 24th July and the PPT presentation reflect the reasons that LPC is supporting the application. A copy of the PPT presentation was emailed to CDC on 22nd August 2019.

Comments received 24/07/2019

See above.

6.2 Southern Water

Comments received 01/10/2019 - further information

Following additional investigations, Southern Water accepts that the foul only flow (gravity connection) could be discharged through the existing private sewerage system.

The applicant will require approval from the owner of drainage to discharge the proposed foul flow into their private system. Once the relevant approval is obtained, the applicant will be required to submit a section 106 connection application.

The applicant should obtain approval from the owner of the drainage to discharge surface water into their private system.

Comments received 19/07/2019 - summarised by officer

Standard comments issued with request for informatives.

6.3 Environment Agency

We have no objection to the proposal as submitted.

6.4 Police

Summarised by officer

Rear Service Yard - support protection of rear service yard by a 1.8m high wooden close boarded fencing. Gate should have controlled access and illuminated with movement activated lighting.

Opening hours and Deliveries - concerned that closing at 23.00hrs every day of the week may attract additional noise and anti-social behaviour which will affect the amenity of residents living above the retail premises.

Site and Car Park Perimeter - access between public footpath and car park could provide opportunity for crime. Recommend 1.8m high weldmesh fencing to provide a view of the car park by persons using the footpath.

Where communal parking occurs it is important that they must be within view of an active room from within the property.

I would recommend a clear separation between vehicles and pedestrians using the car park entrance. This could be achieved by bollards or painted surface markings to indicate a protected area.

I have concerns that there will be insufficient parking spaces within the car park and that residential parking spaces will be used by customers. Residential only parking spaces should be clearly marked to deter unauthorised parking.

Recommend controlled parking with signage in layby. Also recommend that the parking bays on the opposite side of the road should also have time limited parking.

To allow larger vehicles to turn in the car park entrance, there should also be no parking in the vicinity of the junction on either side of the housing development access road

Lighting - the car park and entrance should be illuminated with vandal resistant switched dusk to dawn lighting. External lighting at the front of the shop during the hours of darkness will provide security and safety for users of the shop, but may also be an attraction for younger people to gather outside, potentially leading to some anti-social behaviour.

Cycle Parking and bin stores - cycle racks should be positioned in view of an active window in the flats above or surveillance by staff from the shop or passing members of the public. Security comments provided for the design of the internal cycle store and bin store.

6.5 WSSC Highways

Comments received 07/02/2020 on amended plans

The original proposal at outline planning stage (15/02012/OUT) considered two retail units with a floor space of 296 sqm and 19 'public parking' spaces, as detailed on drawing LX001_SK04 revision P2. At Reserved Matters stage (16/02284/REM) the retail element was omitted from the application. However traffic generation as a whole including the residential and retail elements were assessed to which no highway concerns were raised.

In December 2018 WSSC were approached for Pre Application Highways advice. In July 2019 WSSC were asked to comment on the full planning application (LX/19/01498). The design and layout remained unchanged from the Pre Application site plan. It was detailed that provision needed to be made in for TRO works to protect the highway. Conditions relating to Cycle parking, Service Management Plan and vehicle parking/turning were requested also. It was concluded that the proposal wouldn't have an unacceptable impact on highway safety or result in severe cumulative impacts.

WSSC have now been re-consulted and asked to provide further comments with regards to changes on the site layout plan (drawing: 2005 004 Rev P10) dated Oct 2018. Also to provide some further comments on the third party concerns put forward in the representation letters.

- Firstly WSSC would raise no concerns to the layout changes on the revised site layout plan.
- With regards to parking this site has been on-going for some time; the parking was assessed under the old WSSC Parking Standards. The only change being now that the residential element would attract a few more parking spaces if using the new WSSC parking standards. The retail sales area of 232sqm would attract a provision of 16 spaces, 13 are provided (to the rear of the unit). The residential element would also attract 16

parking spaces, 13 are provided. If this application was assessed as a fresh new application using the new standards a provision of 27 spaces would be recommended against the Guidance. In this instance the parking provision is short by 5 spaces (combined retail & residential use.) When considering that the two lay-bys to the front of the retail unit could be used at certain times in the day for retail customers, residents or visitors this shortfall is not considered to give rise to an unacceptable highway safety concern to warrant a refusal in planning terms. The LHA can only consider the impact of overspill parking from a highway safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority (LPA). While it could be likely that some overspill parking may occur it would not be considered detrimental to highway safety as key locations in the public highway will be subject to enforceable parking restrictions.

- WSCC will reiterate that a provision for a TRO's under a Grampian Condition must be made to protect highway safety. Both lay-bys need to be TRO restricted as it would also be advised that double yellow lines are provided on both sides of Nursery Green road from the junction with Guildford Road, through to at least the first corner in the residential development (outside dwellings 10/11 and 19), to protect the highway from any narrowing by vehicles parking in the roadway to use the retail unit. This will also help with regards to delivery vehicles in aiding them to turn and stop the roadway becoming congested and restricting residents access.

- Concerns have been raised over the roadway not being capable of taking large delivery vehicles. Having spoken with our engineering team the roadway has been constructed to an adoptable standard, under a section 38 agreement that is perfectly adequate for dealing with the delivery vehicles that would service the retail unit.

- Landscaping at the entrance to the rear of the retail unit has been raised in relation to visibility splays; this can be conditioned so that the height of any planting and visibility splays for pedestrians and vehicles are kept clear.

- Concerns have been raised over the vehicle tracking of the delivery vehicle turning. It appears that the kerb line is clipped opposite the rear entrance to the retail unit. This is the overhang of the vehicle not that actual wheelbase. WSCC have asked the applicant for a more detailed drawing to confirm this. This has now been provided (drawing no: 2005 006 Rev P1 dated Jan 20). Whilst the manoeuvre is tight, it can be completed within highway land. It may be more preferable for the delivery vehicle/s to not turn and to enter and exit at separate ends of Nursery Green.

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

Conditions and informatives are recommended.

Comments received 20/11/2019 and 17/07/2019 - Summarised by Officer

No objection subject to conditions.

6.6 WSSC Public Rights of Way

Comments received 05/02/2020 on amended plans - summarised by officer

No objection. The Planning Authority should consider mitigation of the development upon the PRow by requiring the developer to lay a WSSC PRow approved surface material to improve the section of path and likely increased footfall. The redundant stile at the Eastern end of the path should also be removed to improve access from the footway.

Comments received 07/01/2020 following request for clarification - summarised by officer

The Public Right of Way should be maintained and that the minimum width of 2m must be respected. It is not acceptable to encroach on a Public Highway and indeed usual practice would be for local amenities such as this to be upgraded in order to mitigate the impact of the development and allow for improved local links.

The addition of a retail unit here will only increase footfall on the local network and therefore I would ask that mitigation be seriously considered by the Planning Authority. Surfacing material to WSSC specification would much improve the current surface and with a 2m aspect allow for unhindered public access. The stile at the road end should be removed as now redundant and this was also advised by the previous Ranger. Types of fencing should be considered as high close-board, even with a 2m width creates and corridor affect and unpleasant environment.

Comments received 04/07/2019 - summarised by officer

The existence of a Public Right of Way (PROW Footpath 795_2) is a material consideration. Should planning consent be granted, the impact of development upon the public use, enjoyment and amenity of the PROW must be considered by the planning authority.

The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSSC), as highway authority, and possibly also a legal Order. Further advice can be provided on request.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSSC PROW Team.

6.7 WSSC Lead Local Flood Authority

Summarised by officer

Current surface water flood risk based on 30year and 100year events - low risk
Modelled groundwater flood hazard classification - moderate risk
Ordinary Watercourses nearby? No
Records of any historic flooding within the site? No

The Foul and Surface Water statement included with this application state that sustainable Drainage techniques (attenuation/permeable paving) would be used to control the surface water runoff from the site.

Conditions are recommended to secure detailed surface water drainage designs and calculations and details of the maintenance and management of the SuDS system.

6.8 CDC Housing Enabling Officer

Comments received 10/02/2020 on financial viability

Following my previous comments dated 4th July 2019, the applicant has submitted revised plans and a viability report detailing how they cannot provide the affordable housing commuted sum required under Policy 34 of the local plan. I have reviewed the calculation of the commuted sum in light of amendments to the plans and a revised contribution of £252,420 is now required. This has been calculated in accordance with the Planning Obligations and Affordable Housing SPD at 721.2 m² (increase in residential GIFA) x £350.

The Housing Delivery Team has examined the Dixon Searle Partnership (DSP) review of the applicant's submitted viability position. It is noted that the applicant has utilised the purchase price of the land as the benchmark land value. The Planning Practice Guidance on Viability is clear in this respect and "under no circumstances will the price paid for land be a relevant justification for failing to accord with the relevant policies of the plan". DSP have noted this amongst other issues including build costs significantly above the upper quartile BCIS comparable for this type of development in Chichester. The Housing Delivery Team agrees with DSP's findings which conclude that the applicant can viably provide the affordable housing commuted sum and other S106 contributions.

To conclude, until the application has been amended to make provision for the full affordable housing commuted sum, the Housing Delivery Team is unable to support this application.

Comments received 04/07/2019- summarised by officer

This scheme is proposing a mixed use development, comprising 10 residential flats and a ground floor retail unit. Policy 34 of the Chichester Local Plan states that an affordable housing financial contribution will be sought on schemes with a net increase of 6-10 dwellings in rural designated areas under S157 of the Housing Act 1985. Loxwood is designated as rural for this purpose and therefore an affordable housing financial contribution of £287,700 would be sought. This has been calculated in accordance with the Planning Obligations and Affordable Housing SPD at 822m² (GIFA of net additional dwellings) x £350.

The proposal to deliver smaller units is welcomed as these are generally more affordable than larger units and will help to balance out the existing stock profile, which is weighted towards larger sized properties. These also provide suitable accommodation for first time buyers and those wishing to downsize, freeing up larger accommodation elsewhere. The Housing Delivery Team raises no objections to this proposal.

6.9 CDC Drainage Engineer

Summarised by officer

Flood risk- the application is within flood zone 1 (low risk), we therefore have no objections to the application on flood risk grounds.

Surface water drainage- the application proposes to utilise a connection formed from the existing development. Full details of the proposals will need to be submitted at detailed design stage evidencing that the development can adequately drain and does not increase flood risk elsewhere. Conditions are recommended.

If the applicant wishes to avoid pre-commencement conditions relating to surface water drainage, we ask that they submit detailed surface water drainage proposals in line with the requirements of this checklist. Alternatively if pre-commencement conditions are applied to their application this document should then be used for any subsequent Discharge of Conditions Applications.

6.10 CDC Environmental Health Officer - contaminated land

Comments received 30/01/2020- *Summarised by officer*

The application site does not fall into a radon affected area, suggesting there would not be elevated levels at site.

6.11 CDC Environmental Health Officer - noise

Comments received 30/08/2019

You sent an email raising concerns for the potential for noise disturbance from the use of the car-park at the proposed above site, upon neighbouring residential dwellings.

Our department has reference sound data for a car manoeuvring and a lorry door being forcefully slammed, these are 60dB LAeq,T and 84dB LAMax[F] respectively.

The World Health Organisation advises that a level of 45dB LAMax[F] should not be exceeded with in a bedroom on a regular basis (10-15 times) during the night (23:00-07:00). It is noted that the proposed retail store has intended opening hours between 06:00 to 23.00, therefore the period 06:00 to 07:00 would be considered night and LAMax levels from door slams would be a consideration at this time.

If there is a separating distance of 20m between the car parking space and any bedroom window the LAMax levels would not be considered to give rise to a likely adverse impact, even with windows open for ventilation as the levels are likely to be below 45dB LAMax[F] internally.

If a 20m separating distance cannot be realised it is possible to introduce noise mitigation measures. An well-constructed acoustic barrier could offer an element of attenuation between 5 to 10dB dependent on the position of the receptor. Certain car-parking spaces could be cordoned off from the public until 07:00.

In context, it is unlikely the car-park will be particularly busy between 06:00 to 07:00. Shoppers also tend to utilise the spaces nearest to the store. Most people do not routinely slam their doors forcefully shut.

In summary, our department does not consider that the car park use is likely to have an adverse impact upon the neighbouring dwellings. Potential noise disturbance from the car parking area can be adequately mitigated through thoughtful separating distance, design and management. Opening hours could be restricted to 07:00 to 23:00 to avoid activity during the more sensitive night-time period.

Comments received 12/07/2019 - Summarised by Officer

Our department does not object to the proposed development, in principle, however it is considered that it shall be necessary to stipulate conditions to any permission that may be granted in order to safeguard amenity to existing residents and any new residents to upper floor apartments.

Conditions are recommended.

6.12 CDC Environmental Strategy Officer - ecology

Comments received 15/01/2020

Due to the use of the site previously, the treeline to the south of the site is already exposed to disturbance. We are happy that the introduction of the building and additional parking would not introduce further disturbance to this area. However as previously included within our consultee comments the lighting scheme for the site shouldn't create any additional light spill into this tree line through the use of directional and low level lighting.

Comments received 08/07/2019

Bats - The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during 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.

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 (with 24 hours of any work).

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

6.13 CDC Environmental Strategy Officer - sustainability

Comments received 13/11/2019

These comments are based on the Sustainability statement included within the Design and assess statement produced by HMY.

Policy 40 (2). 110l/person/day water consumption. Please can further details be provided to demonstrate how the maximum consumption of water / per person / per day to 110l will be achieved?

Policy 40 (4). Building techniques and use of sustainable materials. Detailed information on the building techniques and materials being used for the site following a fabric first approach has not been included at this stage; we will require that this information is included prior to determination. We will also need information on what proportion, if any, of the materials will be recycled.

Policy 40 (5). Minimisation of energy consumption and maximisation of renewable energy. As above, further information regarding minimising energy consumption and the thermal efficiency of the dwelling is required for the application. The Dwelling Emissions Rates (DER) of the units as designed and the Target Emissions Rate required by Part L of the building regulations should be provided so that the two can be compared. This will need to include the predicted percentage of overall improvement in CO2 emissions.

We are pleased to see the provision of PV panels has been proposed. Please can more information be provided relating to this, including the predicted CO2 kg/per year savings.

Policy 40 (10). Air quality and Electric Vehicle (EV) charging points. Please can confirmation be given on the number of electric vehicle charging points which will be provided for the development.

6.14 CDC Contract Services (Waste)

Provision of Bins - Individual properties would require one waste and one recycling bin. These come in two different sizes 140 litre or 240 litre, the general rule is for up to two persons in a household we would recommend 140 litre bins for up to four persons 240 litre bins. In the instances of communal apartments there are two options available, either individual bins as above or bulk communal bins. If bulk communal bins are preferred then this site would need 2 x 1100 litre waste bins and 2 x 1100 litre recycling bins. These bins would provide sufficient capacity for the domestic element only. All communal bin storage areas should be sufficient in size to enable our collection crews to manoeuvre the bins out for emptying without the need to move other bins first. Further guidance is available in our standard waste requirements.

Site Layout - Refer to refuse freighter dimensions detailed in the waste storage and collection service guide. I have no concerns with the site layout as our freighter can park within the layby to service the site. I understand from the site layout that there will only be

a requirement to collect domestic waste/recycling from the site, as the commercial waste will be dealt with internally by the retailer.

6.15 CDC Economic Development

Comments received 25/02/2020

The proposed retail unit will provide a convenience offer to the surrounding residents in Loxwood and Ifold and wider catchment. A larger convenience store will provide a wider range of groceries meaning residents will not have to travel too far for essentials and a top-up shop.

There is an existing village shop and post office, which could be adversely impacted by proposed development. However, it is understood that these will be closing soon and it is unfortunate to be losing an independent local shop, which provides part of the character of a small village.

The retail impact study supplied with the application has been prepared by the Co-Op. This is a well-known and respected retailer which has many convenience stores throughout district. The development will create additional commercial space and provide employment opportunities. Should planning permission be awarded we would expect the Co-Op or similar retailer occupy the site.

The amount of accommodation above the retail appears to be high density. There should be no negative impact on the retail unit below and restricting its use as a viable retail shop. This includes noise, smells, inhibiting deliveries and parking issues.

Comments received 02/08/2019

Economic Development supports this proposed development. The interest from a well-established retailer is encouraging and will bring additional employment and commercial investment to the area.

6.16 CDC Tree Officer

Summarised by officer

Main area of concern is the neighbours' vegetation adjacent to the public right of way, this needs appropriate construction type and enhancing/additional planting on the development side to soften screen the new building.

Hand digging of the foundations for the south-eastern elevations and cellular confinement for any footpath upgrades or appropriate hardstanding in the root protection areas of T01, G01 and G03.

A cellular confinement construction system would be required for the public right of way to limit root damage/compaction on adjacent vegetation and should be agreed/conditioned as at present the path (dirt track) is not satisfactory for future use. Additional planting and hedgerow should be provided between the public right of way and the rest of the site.

The amended plans show a loss in landscaping some loss due to additional parking this needs upgrading/improving around the site should be clarified/conditioned and the types of species, sizes and planting types shown on a plan before being approved. Concern is raised with the long term relationship of the 4 no. new trees to screen an adjacent property (south side of the site) these trees will have limited room to develop due to the proximity of the parking bays.

6.17 CDC Design and Conservation Officer

Comments received 10/02/2020 on amended plans

The building is large in scale compared to the domestic properties adjacent to the site and is considered to be of a design and scale more suitable for an urban environment. It is understood however that a larger scale building is likely to be required to provide the intended retail use on viability grounds.

The proposed building is set back from Guildford Road adjacent to a new housing development and Black Hall which fronts Guildford Road. The proposed building is located close to the side boundary of Black Hall however will be largely screened by mature trees and vegetation and the existing detached garage building, its impact on the setting of the visual amenity of this dwelling is therefore considered minimal.

During the application it was suggested that the bulk of the building could be better alleviated through the use of well-considered design visually breaking up the mass and horizontal emphasis. Some alteration of the design has resulted and it is considered this has resulted in improvements.

A projecting gable is proposed to mark the entrance to the retail unit which does provide some vertical emphasis. Initially it was considered that the gable design does not relate well to the rest of the front façade due to the higher eaves line and the glazing style. It is considered in part this has been addressed and improved through a redesign of the fenestration in this area. This has also helped to reduce concerns regarding the lack of a distinct style resulting from having areas of larger more contemporary glazing combined with a more traditional style of windows, dormers and brick detailing. The revised approach now appears more consistent across the building.

Concerns about the scale and design of the building were raised during the application particularly due to the prominent location of the site. Subsequently the level of the roof ridge has been reduced in height which is considered will go some way in reducing the perceived scale of the building and now better reflects the ridge and eaves heights of adjacent domestic properties. Suggested improvements to provide greater interest particularly to the ground floor fenestration have not been implemented. It is understood this is as a result of operational requirements of the future tenant of the retail unit however it is considered the street scene would have been improved by having a more active and or articulated frontage.

Comments received 28/11/2019

The building is large in scale compared to the domestic properties adjacent to the site. It is understood that a larger scale building is likely to be required to provide the intended retail use, however it is considered that the bulk of the building could be better alleviated

through the use of well-considered design visually breaking up the mass and horizontal emphasis. The current design appears more suitable for an urban environment whereas Loxwood is characterised as a rural settlement.

A projecting gable is proposed to mark the entrance to the retail unit which does provide some vertical emphasis. It is considered that the gable design does not relate well to the rest of the front façade due to the higher eaves line and glazing style. The current building design lacks a distinct style with areas of larger more contemporary glazing combined with a more traditional style of windows, dormers and brick detailing. The approach does not appear consistent across the building and is likely to result in an unsatisfactory appearance.

Concerns about the scale of the building were raised in the last meeting and measures to mitigate and improve the design discussed. It is considered that the proposed design is not representative of good quality design which should be expected on a building in a prominent location and of large scale. The current design does not appear to reflect the improvements suggested within the meeting to resolve how the building is visually broken up to reduce its perceived mass and add greater interest particularly to the ground floor fenestration.

6.18 Dixon Searle Partnership

Comments received 06/03/2020 - Summarised by officer

In summary, there are still some uncertainties regarding the viability position.

- HRLLP and ECE contend that their build costs, which significantly exceeds BCIS, are realistic.
- Ground rental income is currently applicable, but proposals are in place to remove the ability to charge ground rents
- There is uncertainty over the Benchmark Land Value (BLV), which the Council may be able to resolve by considering the planning status of the site.

Taking into account all of the above, and noting that some of the assumptions in the original viability appraisal were fairly optimistic, we agree that the scheme is close to the margins of viability. We nonetheless consider that the scheme will support some contribution towards affordable housing. A table is provided to assist the Council in reaching a position once the issue of the BLV is resolved.

Appraisal ref	Assumptions	RLV	SURPLUS against BLV		
			BLV of £72,046	BLV of £200k	BLV of £300k
005a	DSP revised assumptions	£ 351,595	£279,549	£151,595	£51,595
005b	DSP revised assumptions - ground rental income not included	£ 297,834	£225,788	£97,834	£-2,166
006a	Additional build costs added	£ 240,110	£168,064	£40,110	£-59,890
006b	Additional build costs added - ground rental income not included	£ 186,349	£114,303	£-13,651	£-113,651
007a	Adjusted Stirland cost (£2,699,200) as per HRLLP calcs	£ 72,201	£155	£-127,799	£-227,799
007b	Adjusted Stirland cost (£2,699,200) as per HRLLP calcs - ground rental income not included	£ 18,440	£-53,606	£-181,560	£-281,560

Comments received 07/02/2020 - Summarised by officer

The overall approach to assessing the viability of the proposed development appears to be appropriate in our opinion. We consider many of the assumptions used in the submitted appraisal to be not unreasonable.

Although a number of the assumptions appear fair at this stage, there are also some aspects that we have queried or where a difference of opinion exists. We have not been provided with a 'live' editable version of the submitted financial appraisals, and therefore we have built our own appraisal, with assumptions.

Our appraisal does not include any contribution to affordable housing, and produces a residual value of £934,300.

Comparing this scheme value against our suggested benchmark land value (based on AUV) of £72,064 indicates a surplus of £864,236. Comparing against the submission note benchmark of £300,000 (although a nil BLV was also considered) this indicates a surplus of £634,300.

In conclusion, we agree that the permitted scheme (retail only) is likely to be on the margins of viability and would be likely in our view to deliver a limited, if any, level of return. However, we consider that the proposed scheme will support the suggested contribution to affordable housing of £287,700. On this basis the Council may also consider this an appropriate site on which to aim to secure some direct AH provision which, acting like off-plan sales, could also have the capacity to introduce some more certainty to the scheme.

There is uncertainty around the assumed build cost. This also cannot be separated from the need for a clear understanding of the proposed build and sale (floor) areas and is currently the principal difference of opinion between this DSP review and the submission of the applicant. We have tested using upper quartile BCIS base build rates, based on the floor area shown in the plans, which is above the cost seen for other developments in Chichester and the surrounding area recently. Therefore, we suggest the Council seeks further clarification from the applicant on the GIA and build cost and certainly before agreeing any policy concession on affordable housing - at this stage a nil AH outcome has not been justified with the submitted information in our view.

6.19 Third Party Representations

100 Letters of objection have been received on the following grounds:

- Conflict with the Neighbourhood Plan, Chichester Local Plan, NPPF and Village Design Statement
- Highway safety, traffic congestion, risk to pedestrians and insufficient parking provision
- Overdevelopment, too many flats, lack of landscaping and play space.
- Poor design and harm to the character of the area
- Insufficient infrastructure (foul drainage capacity, no mains gas)
- Different to approved outline permission
- Support in principle for local convenience store but not current proposal
- Lack of demand for store of this size
- Excessive retail opening hours and delivery hours
- Storage of waste generated by supermarket and potential litter issues
- Economic impacts (house prices, gas price, harm to existing businesses)
- Impact on residential amenity (Noise, overlooking of Number 16 and Black Hall, overshadowing, overbearing impact, exhaust fumes from vehicles)
- Impact on public right of way (encroachment, overhanging eaves, creation of an alley)
- Light pollution
- Adverts and totem not required
- Location inappropriate
- Ecology (impact on bats)
- Sustainability (increase in air pollution)
- Lack of consultation and inappropriate promotion of application by Loxwood Voice
- Land ownership and boundary disputes (Black Hall and Number 16)
- Other options and interest from other business owners not explored
- Financial Viability study should be undertaken by CDC
- Concerns raised about Parish Council's conduct
- Increase in crime
- Not acceptable to approve plans on balance
- Development would likely result in complaints to CDC in future
- Legal covenant that Antler Homes has in place means that 15/02012/OUT has not been dissolved
- Flood risk - surface water and provision of flood barriers for brook and Loxwood river
- No affordable housing - market housing only
- The developer does not have a 'contract' with the CO-OP
- Black Hall is an architecturally significant building in village
- Layby should not be subject to TRO
- Delivery vehicle size should be restricted and prevented from driving through housing estate
- Existing road should be surveyed
- Existing sewage tanks have overflowed – this is an environmental health risk
- Viability report does not address the viability of a smaller development

Furthermore a petition with 58 signatures has been submitted objecting to the proposal on the following grounds:

- Proposal is disproportionate and in breach of local planning policies
- Issues of traffic flows and parking are not properly addressed

- Sewage concerns have been ignored

172 Letters of support have been received including a letter from the Loxwood Society

- Lack of retail provision in area
- Loss of shops in recent years and current Loxwood stores and Post Office shop owner has made it clear the shop will close down soon
- No interest from small firms
- Loss of village status as a 'service village' in CDC LP if shop is lost.
- Loss of shop impact vulnerable people in the community
- Lack of public transport to wider area for shopping
- Community need for retail unit (elderly population, disabled residents, teens, convenience for families, create a hub and reduce isolation, support projected growth of the village)
- Need for small flats (first time buyers/ renters and those downsizing)
- Compliance with the Neighbourhood Plan
- Highways
- Ease existing traffic and highway safety problems at junction of B2133 and Station Road
- Should be a cul-de-sac to reduce traffic disruption to neighbours,
- Request for crossing
- Proposes off-street parking
- Sustainability (Accessible by foot, would reduce vehicle trips, thus air pollution)
- Economic benefits (Job creation, the Butcher has stated that the provision of a Co-Op would not jeopardise his business, CDC revised strategy document to support business growth and development, Co-op would have competitive pricing and good range of food, new shop good for house prices)
- Sensible location
- Objections appear to be NIMBYISM
- Nursery Green residents' solicitors should have done more research
- Scale and design (similar examples in village and surrounding villages)
- Needed for greater good, similar situation as medical centre
- CDC to ensure conditions to secure adequate sewage disposal and urge Southern Water to speed up its process of infrastructure upgrades
- Existing owner of Loxwood Stores can't sell the store whilst the current application is pending
- Public consultation on minor amendments a waste of time and money
- Opening hours should be restricted
- Delay in determination of planning application causing nuisance to residents in Loxwood and concern that Co-op would withdraw
- Landscaping can be provided to create barrier between shops and houses
- In future promised facilities to benefit the village as part of future housing developments should be built in advance to avoid similar situations.
- This site was originally accepted under 15/02012/OUT

5 letters of general representation have been received raising the following points:

- Foul drainage concerns
- Inadequate parking provision
- Conflict with the Neighbourhood Plan

- Scale too big
- Do not need more housing but need store
- Too long opening hours
- Misleading flier from Loxwood Society to gain public support undermines the planning process
- Could lead to closure of shops in surrounding villages
- 24hr lighting would not be in keeping with rural character
- Vehicles should be restricted from using estate road
- Should include provision of Post Office

Applicant/Agent's Supporting Information

- The previous permission for 2 small retail units has been demonstrated to be non-viable in respect of both financial viability and indeed market demand.
- The only market demand for retail provision in this location has been expressed by the Co Operative who wish to provide a local convenience store.
- The Co Operative have a minimum floor area requirement to provide such facilities, which is as proposed at ground floor level.
- The retail provision therefore needs to be supported by a level of residential development to make the scheme viable and deliverable. The financial appraisal by ECE Planning clearly indicates that the scheme is on the cusp of deliverability, achieving lower profit margins than normally accepted by developers on schemes of this nature/scale. At present our appraisal indicates a profit level of just 4.7%.
- Any further reductions in floor area to this element will ultimately reduce further any profitability of the scheme to a level where the scheme will not be taken forward by the applicant.
- Contrasting brickwork has now been chosen to punctuate the entrances and the fenestration has been reduced to blend with the adjacent facades. We have also added recessed downpipes to the elevation to further remove emphasis on the horizontality of the elevation.
- Both the foul and surface water proposals have been accepted by Southern Water and the applicant is able to demonstrate that they have contractual rights to discharge into the system installed by the housing developer who had previously allowed for this retail and residential development.

Rebuttal submitted 25/03/2020 in response to Officers consideration of DSP comments (summarised):

We cannot accept that the scheme will produce such a profit and indeed surplus to justify an affordable Housing contribution at all, let alone a sum of £168,064.

The Council have chosen to apply the lowest BLV, which is clearly a major factor in determination of any surplus for AH contributions. In this regard it is not reasonable to disregard an Alternative Use Value for the site, where clear evidence exists that such schemes would clearly be acceptable in planning terms. In this regard we firmly believe that the minimum AUV/BLV should be £300,000 based on a retail scheme with 2 residential units above, which was clearly envisaged for any future submission pertaining to this separate land parcel.

We dispute that such a development (retail scheme with 2 residential units above) would require any affordable housing provision by reason of its scale and cannot be taken in combination with the residential scheme. It is also a matter of fact that the land is in

separate ownership and cannot be taken as one site along with the completed Antler Homes scheme.

We dispute also that ground rent can be factored into any scheme so as to take the point of determination of permission as the point of valuation is entirely spurious, when the scheme could not be completed until mid 2021 at the earliest, when the Governments policy on Ground rents will be in force.

We still robustly dispute the DSP build costs, as DSP cannot (without explicit evidence to the contrary) reasonably challenge a highly experienced independent firm of Quantity Surveyors / Project Managers who actually specialise in these types of project and work extensively in this specific market.

In our view this clearly points to a position where the DSP table shows no surplus for any AH contributions.

We do however wish to move forward with the scheme to resolution and would be prepared to offer without prejudice an Affordable Housing contribution of £20,000 to enable the scheme to progress to determination without the need for an Appeal and propose this on a without prejudice basis at this point in time. We therefore request that the Council review their position on this matter as the applicants cannot agree to the contributions as they will clearly stall the project and see no development of the type proposed coming forward.

Furthermore, the Council must consider that in such difficult times, the ability to find alternative retail occupiers will be even more challenging than before and therefore if this scheme is not to progress with the Co Op it is likely that this land parcel will see no retail provision, providing only residential development, contrary to the clear desire of the local community and CDC more widely.

Further rebuttal submitted 08/04/2020 (summarised)

Alternative Land Value must also allow for alternative schemes the Council would potentially allow on this site and cannot be based solely on the previous permission on site alone. It is clear through officers acceptance in principle to a mixed use scheme on this site, that this site can accommodate a mixed use commercial and residential scheme. The reference to the previous permission relates to scale and form of development in principle, rather than specific reference.

It is clear from the DSP report that they have considered other Benchmark Land Values and it is NOT DSPs view that £72,064 is the only land value as this is a purely theoretical calculation, but rather they defer to CDC in respect of what alternative uses may be acceptable on this site as set out previously and above. On this basis officers MUST consider Alternative Land Value (AUV), rather than just permitted land value because it suits their requirements in this case which is clearly set out in Planning Policy Guidance.

Such guidance as set out below has not in our view been correctly followed and we can see no reason why our alternative development (for the purposes of provided an AUV) would not comply with up to development plans and be implemented. Reference to *Paragraph: 017 Reference ID: 10-017-20190509* Planning Practice Guidance and *related policy: National Planning Policy Framework paragraph 57*

We are therefore clear that our previous position on AUV is Correct and should be adopted by CDC. Notwithstanding our view on AUV, the land subject to this permission is clearly developable in principle and therefore in line with previous Government Land Value publications a per HA rate could be attributed.

Based on the 2017 Government land values for planning policy appraisal (see link below), the Chichester land value per HA for residential is £4,955,000 and commercial at circa £1,500,000. Based on the 0.1451 HA site area this would equate to a base policy land value of between £217,650 and £718,970 which clearly supports our previous benchmarked land values.

Further to such policy based land values, we have reviewed an alternate layout for 4 houses on this parcel of land, which in principle could reasonably be developed for residential accommodation in our view. This provides for a GDV in excess of £2million, based on comparable sales rates on the adjacent site. On the basis that such a scheme would not require Affordable Housing provision a land value in excess of £500,000 would be entirely appropriate, significantly in excess of our originally cited £300,000 EUV. We are clearly at odds on this point, which must reasonably factor into an achievable alternative scheme to arrive at a reasoned AUV.

The position on ground rents by both CDC and DSP is entirely discordant with the most recent Government advice in February 2020. This most recent press release is particularly pertinent to our scheme as it suggests that those seeking to utilise the Help to Buy scheme to secure mortgages could not do so unless *'any ground rent on the sale of leasehold properties through the scheme must be restricted to a peppercorn rent.'* This clearly shows the Governments direction of travel and inability of applicants to charge ground rents if they are to attract first time buyers (particularly relevant to the 1 and 2 bedroom flats proposed) who will be seeking to use Help to Buy.

We urge the Council therefore to align with central Government and acknowledge this key factor in determining the future development value which cannot and would not be factored into any valuation for the sake of future lending to deliver the scheme.

Overall, and in relation to both of the above matters we consider that the Council are acting unreasonably and unprofessionally in placing this significant project at jeopardy to the wider disbenefit of the local community from which the application has received nearly 250 letters of support.

Furthermore, the applicants requirement to pay in excess of £220,000 of CIL contributions to fund local infrastructure improvements must be considered in the determination of this application. As a non-negotiable item this must be factored into the positive socio-economic benefits of the proposal.

The applicants have offered on a without prejudice basis a one off payment of £20,000 toward Affordable Housing to enable the scheme to proceed to positive determination at local level. If the Council do not however accept this offer at this time it will be retracted if the scheme is to be determined at Appeal.

In respect of timings also, the application has now been with the Council for almost a year and therefore, we are concerned that further delays may see the Co-Op withdraw their offer, rendering the scheme effectively redundant, not fulfilling the local communities strong desires to see such a local convenience store offer in the village.

We have agreed a further extension of time as we want to resolve this matter, but we must ask the Council to once again review their position against established guidance and precedent. We must be clear also, that if the application is to be refused in respect of the Affordable Housing position, we will be going to Appeal on this basis alone, with a clear case for unreasonable behaviour based on the entrenched and unsubstantiated position on viability as set out.

7.0 Planning Policy

- 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 Loxwood Neighbourhood Plan was made on the 14th July 2015 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 (CLP)

Policy 1 Presumption in Favour of Sustainable Development
Policy 2 Development Strategy and Settlement Hierarchy
Policy 3 The Economy and Employment Provision
Policy 4 Housing Provision
Policy 5 Parish Housing Sites 2012- 2029
Policy 6 Neighbourhood Development Plans
Policy 9 Development and Infrastructure Provision
Policy 25 Development in the North of the Plan area
Policy 33 New Residential Development
Policy 34 Affordable Housing
Policy 38 Local and Community Facilities
Policy 39 Transport, Accessibility and Parking
Policy 40 Sustainable Design and Construction
Policy 42 Flood Risk and Water Management
Policy 47 Heritage and Design
Policy 48 Natural Environment
Policy 49 Biodiversity
Policy 52 Green Infrastructure

7.3 Loxwood Neighbourhood Plan (LNP)

Policy 1 Housing Allocation
Policy 2 Settlement Boundary
Policy 3 Site Assessments and Allocation of Sites
Policy 5 Land at Nursery Site
Policy 7 Street Lighting
Policy 8 Infrastructure Foul Water
Policy 9 Built Environment - Housing Density
Policy 10 Built Environment - Vernacular
Policy 14 Economy and Business
Policy 15 Telecommunications and Connectivity
Policy 16 Traffic Calming
Policy 17 Environmental Characteristics
Policy 18 Flood Risk

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

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

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

or

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

7.5 Consideration should also be given to the following paragraph and sections: Sections 2, 4, 5, 6, 8, 11, 12, 14 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD
- Planning Obligations and Affordable Housing SPD
- CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions
- CDC Waste Storage and Collection Guidance
- Loxwood Village Design Statement

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of Development and the provision of a mixed use development
- ii. Housing Mix and Affordable Housing Provision
- iii. Layout, Scale, bulk and detailed design of development
- iv. Standard of accommodation and amenity space
- v. Landscaping and trees
- vi. Impact on the character of area
- vii. Residential amenity
- viii. Highway safety, capacity and parking provision
- ix. Flooding, drainage and sewerage
- x. Ecology
- xi. Sustainable construction

Assessment

i. Principle of Development and the provision of a mixed use development

8.2 The application site forms part of land that has been allocated under Policy 5 of the Loxwood Neighbourhood Plan (LNP) for mixed residential development and community facilities.

Provision of retail unit

8.3 Policy 2 of the Chichester Local Plan (CLP) states that in service villages provision will be made for local community facilities including village shops that meet identified needs within the village, neighbouring villages and surrounding smaller communities, and will help make the settlement more self-sufficient. Policy 3 of the CLP also supports the provision of local employment opportunities.

8.4 Policy 5 of the LNP states space should be reserved for a small retail development and small business premises should they prove viable. The type, size and scope of the units would be established by consultation with Loxwood Parish Council, Chichester District Council and the developers. Furthermore, Policy 14 of the LNP states that new retail/business start-ups or the expansion of existing businesses will be supported, provided they can be shown to be viable, sustainable and benefit the local economy and the wellbeing of the parish.

8.5 The application site formed part of land subject to outline permission (15/02012/OUT) for the provision of 43 dwellings, 2no. retail units, access roads, landscaping and village green. Whilst the dwellings, access road and village green have been developed following reserved matters application 16/02284/REM, the application site (which in the outline planning permission was illustratively indicated for the retail provision) remains undeveloped and as such at present there are no retail units across the entire allocated site. The outline permission granted permission for 2 retail units with a cumulative footprint of 300sqm. The S106 agreement for the outline permission allowed this floorspace to be delivered as either one or two units. This outline permission has now expired, nonetheless it remains a material planning consideration.

- 8.6 Third party representations raise concern that the development would be for a single retail unit opposed to two small retail units. Policy 5 of the LNP is not prescriptive on the number of retail units to be provided and as such a single unit would be policy compliant.
- 8.7 The applicant has submitted a Retail Policy Matters Statement by Peacock and Smith Ltd dated April 2019. This states that there are limited existing retail provisions in the village. The proposed small-scale convenience store therefore seeks to meet local resident's 'day to day' shopping needs and will reduce the need to travel further afield and promote more sustainable travel and shopping patterns. It also states that the proposal would not have a significant adverse impact on the existing retail premises operating in Loxwood. Instead, the Co-op seeks to increase the convenience trade retention in the local area as well as promoting linked trips to other shops and services in Loxwood. It also acknowledges that the existing village shop is set to close and under this scenario the provision of the Co-op will provide a much needed local amenity and will effectively replace the existing village shop.
- 8.8 The submitted application form states that the proposed retail unit would provide the equivalent of 20 full-time jobs. The Council's Economic Development Officer has supported the current application as it would provide additional employment and commercial investment into the area.
- 8.9 In light of the above the proposed retail unit would accord with Policies 2 and 3 of the CLP and Policies 5 and 14 of the LNP.

Provision of residential units

- 8.10 The applicant has stated that the retail provision needs to be supported by 10 market residential units to make the scheme viable and deliverable. The applicant has therefore submitted a Financial Viability Report prepared by ECE Planning and dated January 2020. This concludes that without providing an affordable housing commuted sum the proposed development is expected to have a return of 4.7% profit, this would be well below the standard levels of 15% - 20% expected for small development schemes of this nature and the expectation of banks for funding purposes, particularly on apartment block developments.
- 8.11 The Council instructed Dixon Searle Partnership to undertake an independent assessment of the submitted Financial Viability Report. The report from Dixon Seale Partnership concludes that they agree that the retail only scheme is likely to be on the margins of viability and would be likely to deliver a limited, if any, level of return. (Dixon Searle Partnership comments also refer to the provision of an Affordable Housing commuted sum discussed further in the following section of this report.)
- 8.12 Policy 2 of the Chichester Local Plan (CLP) states that in service villages, such as Loxwood, provision will be made for small scale housing developments consistent with the indicative numbers set out in Policy 5 of the CLP. The indicative housing number set in Policy 5 of the CLP for Loxwood is 60, this figure was fully allocated across two sites in the Loxwood Neighbourhood Plan (LNP), including the Nursery Green site subject to Policy 5 of the LNP. Policy 5 of the LNP recommends an indicative number of a minimum of forty three dwellings.

8.13 Third party representations raise concern that the proposal introduces residential development. Whilst Policy 5 of the LNP makes reference to a minimum of 43 dwellings on the allocated site, this is an indicative and minimum figure and as such additional residential units above the retail unit would not be contrary to Policy 5 of the LNP, subject to compliance with other relevant policies.

ii. Housing Mix and Affordable Housing Provision

8.14 Policy 33 of the CLP identifies the need to provide an appropriate mix of dwellings. The proposal seeks market dwellings only. The proposed mix would be 60% 1 bedroom flats and 40% 2 bedroom flats and as such, this would not comply with the need identified within the SHMA. However, the Council's Housing Enabling Officer in this instance welcomes the proposed housing mix as smaller units tend to be more affordable than larger units and the proposal would help to balance the existing housing stock in the area, which is traditionally weighted towards larger properties.

8.15 Policy 34 of the CLP states that "On sites of 6 to 10 dwellings in areas designated as rural areas under section 157(1) of the Housing Act 1985 the Council will seek a financial contribution for the provision of affordable dwellings as a commuted sum unless the developer makes onsite provision." Loxwood falls within this definition; no affordable housing provision is proposed on site and whilst the Council's Housing Enabling Officer is satisfied that it is not essential that the need is delivered on this site, it is important that a commuted sum of £252,420 is secured toward delivery of the equivalent housing on other land/sites within the area.

8.16 In the submitted Financial Viability Report prepared by ECE Planning, the applicant states they are unable to provide affordable housing contributions as this would result in a negative return of -3.7%. However, Dixon Searle Partnership (DSP) has come to a different conclusion, that the proposed development could support an affordable housing contribution.

8.17 In response to the DSP report, ECE Planning submitted a rebuttal with input from their clients cost advisors Riley Consulting. The main points of disagreement were the Benchmarked Land Value (BLV), ground rents and construction costs. The Council has sought further comments from DSP on this rebuttal, these are discussed below.

8.18 The NPPG sets out guidance on calculating the BLV, this states it should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. Alternative use value (AUV) can be used in certain circumstances instead of EUV, including, where it can be demonstrated that the alternative use could be implemented on the site in question. DSP have assumed a BLV of £72,064 this is on the basis of the site being able to provide 256sqm of retail floor space under the outline planning permission (ref: 15/02012/OUT). ECE disagree with this view and consider that the outline planning permission allowed for residential units above the retail unit and has provided evidence in the form of the indicative elevations (plan number: LX001_sk10) submitted with the outline planning application. This elevation plan indicates that the building would be two storeys in height with two residential apartments above. However during the course of the consideration of application 15/02013/OUT, amendments were made to the proposal and indicative block plan (plan number LZ001_SK04 Rev. P6) was submitted showing no residential units above the retail unit. Paragraph 8.22 of the officer report for 15/02012/OUT (which was considered at the 27 April 2016 Planning Committee meeting) makes reference to the

retail unit being single storey in scale. Furthermore, all 43 dwellings came forward as part of the reserved matters application (ref: 16/02284/REM) which was approved on 07th December 2016. The transfer of the land was dated 22nd December 2016 (after the approval of the reserved matters application). As such, there would have been no scope for further residential development under 15/02013/OUT. The 43 dwellings have been built and are now occupied. Having regard to this, Officers consider DSP's interpretation of the outline scheme is accurate and the figure of £72,064 for BLV is appropriate.

- 8.19 ECE have submitted a further rebuttal and continue to dispute this figure for BLV. They make reference to paragraph 57 of the NPPF and the supporting guidance in the NPPG. This guidance states that plan makers can set out in which circumstances alternative uses can be used, whilst this gives examples of what could be included in AUV calculations this guidance relates to planning policy and not decisions. There is no reference to AUV calculations in the Council's Affordable Housing and Planning Obligations SPD nor planning policies and as such, this is not appropriate in this instance.
- 8.20 In any case, Officers do not accept ECE's suggested AUV value of £300k for 2no. retail units and 2no. residential units. This has been formed using the purchase price of £300,000 including Stamp Duty and Fees. The viability guidance is clear that this in itself does not represent an appropriate benchmark. Furthermore the NPPG states that under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. DSP have however suggested that if the Council were to accept that there could be two residential units on the site a mid-point for BLV of £200k could be used. This assumes two additional residential units but with the provision of an affordable unit to meet the cumulative requirements of the overall Nursery Green scheme.
- 8.21 ECE has submitted a further AUV of £500k for 4no. 4 bedroom dwellings. Such a proposal would not be policy compliant as there would be an inappropriate mix. Further to this, ECE's argument that there would be no need for affordable housing can be dismissed as paragraph 17.21 in the supporting text for Policy 34 ensures that there is no benefit gained from the artificial subdivision of sites. Furthermore, ECE make reference to the 2017 Government land values for planning policy appraisal. This resource however clearly states that 'the estimates are not suitable for use other than for policy appraisal'.
- 8.22 ECE state that ground rents should not be included as an income source. DSP has pointed out in their response that whilst the Government demonstrated an intention to remove ground rents two years ago, the legislation has still not been enacted. Officers consider, on the basis of the current position, ground rents should be included in the viability appraisal. Furthermore paragraph 3.11 of the Council's Affordable Housing and Planning Obligations SPD states 'Financial viability evidence will usually be required to reflect current day values and costs'.
- 8.23 There is also dispute about the build costs. The rebuttal produced by ECE includes an updated cost plan that includes costs previously omitted including the solar PVs and strengthening works to the upper floors of the building to accommodate the panels. ECE have also included costs that are specific to the requirements of the intended occupier, the Co-op. For example shop front shutters and methods to prevent the need for pillars and connections. DSP state that the financial appraisal by ECE would have a cost plan that exceeds the BCIS upper quartile cost and matters such as the requirement to avoid pillars are Co-op specific requirements that should not be considered on viability terms. DSP has included the costs of the solar PVs and the shop front shutters, as well as, further

professional fees in their amended appraisal to give a total build cost of £2,334,556 plus £78,102 contingency. They have also run further appraisals including the cost of connections and the adjusted cost of fittings and street furniture, giving a total build cost of £2,449,556 plus £78,102 contingency.

8.24 DSP still assert that they believe that the scheme is capable of supporting some contribution to affordable housing and has set out a table for the Local Planning Authority to determine what surplus provision would be provided above the BLV. Having regard to the above, it is considered that the proposed development could result in a surplus of £168,064.

8.25 Notwithstanding the view of officers set out above, there are principally three positions the committee should consider regarding the affordable housing contribution:

- i) That the BLV should be used to calculate the viable level of affordable housing provision - On this basis it is anticipated that the development would generate a surplus of £168,064, which could be secured as an affordable housing contribution.
- ii) That the AUV should be used to calculate the viable level of affordable housing provision - Under this scenario it is anticipated that the development would generate a surplus of £40,110, which could be secured as an affordable housing contribution.
- iii) That a contribution of £20,000 should be accepted as the affordable housing contribution. This is an offer made by the applicant and is not justified through an open book analysis of viability.

It is important to note that the applicant has not agreed to an affordable housing contribution other than £20,000. Any resolution by the Committee in accordance with (i) or (ii) above would then require the applicant to agree to a S106 that secured the relevant contribution. If they subsequently do not agree, planning permission would be refused and they would be able to appeal that decision. Members should balance the benefits of providing an A1 retail convenience store in this location in considering the above options.

8.26 A financial contribution of £168,064 as an affordable housing financial contribution is therefore considered reasonable. Without a legal agreement to secure this affordable housing financial contribution, the proposal would be contrary to Policy 34 of the CLP.

iii. Layout of the development, scale, bulk and detailed design of the building

8.27 Policy 33 of the CLP states that new residential development should meet the highest standards of design and provide a high quality living environment in keeping with the character of the surrounding area. It should provide an appropriate density of development and should respect and where possible enhance the character of the surrounding area and the site, in terms of its proportion, scale, form, massing and layout.

8.28 Policy 10 of the LNP states all new developments should continue to reflect the character and historic context of existing developments within the parish and provides a list of design criteria that should be followed.

Layout of the development

- 8.29 The application site measures 0.15ha. The proposal seeks a large building, with a footprint of 462sqm which would occupy approximately 32% of the site area. On-site residential and retail parking provision and a service yard are also proposed to the rear of the site which would be accessed from the north-eastern corner of the site. The existing public right of way (footpath 795/2) which runs parallel to the southern boundary of the site would be retained and widened to 2m. The large floor area of the building combined with the need to provide on-site parking provision and constraints of the site requires the building to have an irregular, arched shape footprint that would abut the existing footpath to the front of the site.
- 8.30 The layout of the site means that the proposed parking area would be partially concealed from view from Guildford Road by the proposed building. At the same time there would be adequate natural surveillance of the car parking area, for security purposes from the public right of way, the existing properties on Nursery Green and the first and second floor windows in the south-western elevation of the proposed building.
- 8.31 Whilst the layout of the development has been derived by the quantum of the proposed development, it would be functional and therefore in accordance with policy 33 of the CLP and paragraph 127 of the NPPF in this regard.

Scale and bulk and detailed design of the building

- 8.32 The applicant has advised that the proposal provides the minimum internal floorspace required by the anticipated occupier, the Co-Operative. There is also need for communal ground floor facilities for the residential development (access, bin and bike storage). This therefore dictates the size of the footprint of the building.
- 8.33 Criterion C and D of Policy 10 of the LNP states that where possible, house height should be restricted to 2 storey and the apparent excessive bulk of houses should be avoided by careful design of roof elevations, particularly on rising ground. The proposal seeks 2 storeys of flats above the retail unit. The third floor accommodation would be provided in the roof space, this would give the perception of a 2.5 storey building. The building height would step down to single storey height on the eastern side, this would result in a tapered effect as the building turns the corner. This would help to reduce the dominance of the building when approached from the footway to the east of the site.
- 8.34 Amended plans have been submitted during the course of the application, which have reduced the height of the proposed building from 10m to 9.5m. The applicant has also demonstrated how the ridge height of the building would be marginally lower than plots 10 and 11 on the wider allocated site (taking the topography of the land and their ridge height of 10m into consideration). Whilst the overall height of the proposed building would be lower than these plots, the overall massing is substantially greater, owing to the width of the proposed building. Furthermore, the third floor accommodation results in the need for a higher eaves height and a crown pitched roof design and dormer windows.
- 8.35 Officers have negotiated design amendments to reduce the horizontal emphasis of the building by introducing vertical breaks through recessed downpipes and brick detailing. Both the entrance to the retail unit and the residential units would both be on the north-eastern elevation of the building, which would help to create an active frontage to the

development. The entrance to the retail unit would set forward on a gable end, providing a focal point on the front elevation of the building. The glazing at first and second floor on the gable end has been reduced during the course of the application, this would result in a design that would be more sensitive to the semi-rural character of the area and would help to minimise light spill in the evening.

- 8.36 The rear of the building would lack any significant interest with no fenestration at ground floor level, there would however be four false 'tax windows', providing some relief to the brick work at ground floor level. The windows at first and second floor would provide some interest at higher level.
- 8.37 The proposed materials would comprise brick elevations with half clay tile hanging, this is encouraged within policy 10 of LNP. The specification of materials would be secured by condition to ensure that these are of a high quality and would be of appropriate red or brown hues to be in keeping with the character of the surrounding area.
- 8.38 In light of the above the proposed development whilst bulky would have an acceptable detailed design and therefore on balance would accord with policy 33 of the CLP and policy 10 of the LNP.

iv. Standard of accommodation and amenity space

- 8.39 Local Plan policy does not stipulate minimum space standards for residential development. However, the DCLG Technical Space Standards seeks a minimum floor area of 61sqm for 2 bedroom flats and 37sqm for 1 bedroom flats. Double bedrooms should have a minimum floor area of 11.5sqm and single bedrooms 7.5sqm. The proposed flats would broadly comply with this guidance and all habitable rooms would have adequate outlook and sufficient natural light. It is therefore considered that the proposed flats would provide an adequate standard of accommodation.
- 8.40 Whilst no open space is provided within the application site itself, it forms part of the wider Nursery Green allocated site. Therefore, it is considered that when applying the Council's Open Space Calculator this should take the entire allocated site into consideration. The entire allocated site including the current proposal would cumulatively require 703sqm of open space. An area of open space has already been provided on the allocated site, 17m from the application site. This existing open space measures approximately 2500sqm, this is well in excess of the minimum required.
- 8.41 In light of the above, the proposal would accord with policy 33 of the CLP in this regard.

v. Landscaping and trees

- 8.42 The quantum of development sought on the site results in little opportunity for soft landscaping, however soft landscaping is proposed along the site frontage adjacent to the PROW and adjacent to parking provision along the northern and western site boundaries. Although there are limited opportunities for soft landscaping within the site, when read from wider vantage points the development would be seen within the context of the open space to the north-east of the application site and the off-site trees in the backdrop to the south. The applicant has submitted an Arboricultural Impact Assessment to support the application setting out root protection measures to safeguard the off-site trees. A condition is recommended to secure compliance with a Tree Protection Plan and further conditions

are recommended to secure a soft landscaping scheme and the long term management of the landscaped areas. Having regards to this, it is considered subject to conditions the proposal would comply with criterion (g) of policy 10 of the LNP.

8.43 During the course of the application the site layout has been amended to ensure that the Public Right of Way (PROW) would be maintained at a width of 2m in response to comments received from the County Rights of Way Officer. The Police Designing out Crime Officer has requested that the fencing adjacent to the public right of way be 1.8 high weld mesh fencing, in response the applicant has shown this on amended plans. A condition is recommended to secure details of the enhancements to the PROW that include improvements to the surface treatment of the right of way and removal of the redundant stile.

8.44 Details of hard surfacing and methods to demarcate the retail parking spaces from the residential parking spaces would also be secured by conditions. Subject to recommended conditions the proposal complies with policy 52 of the CLP and policy 10 of the LNP.

vi. Impact on the character of the area

8.45 Policy 9 of the LNP requires the density of any new development to be in character with the local surrounding area, respect the semi-rural nature of the parish and be designed to give an impression of spaciousness with uniform houses and plots being avoided. Criterion j of policy 10 of the LNP requires developments to recognise the distinctive local character of the parish. This reflects the aims of policies 33 and 47 of the CLP.

8.46 Whilst the building would have a substantial bulk and mass, the detailing of the building complements the local vernacular. The proposed flats and retail unit would be seen as a single block of built form. Albeit significantly larger than the surrounding development, a single block would not materially detract from the typical spacing between built form in the surrounding area. The proposed development would read in isolation to the wider development, owing to the orientation of the principal elevation, the building's unique footprint and mixed use.

8.47 The building would be seen within the context of the open space to the north-east, providing a verdant buffer when viewing the development from Guildford Road. When viewed from Guildford Road from the south-east, distant views are limited due to the orientation of the proposed building and the positioning of existing off-site mature trees.

8.48 Having regards to the above, it is considered on balance the proposed development would respect the local character of the area and therefore would accord with policies 9 and 10 of the LNP and policies 33 and 47 of the CLP.

vii. Residential amenity

8.49 It is noted that there would be retail parking spaces adjacent to the flank elevation, garden space and private parking provision of Number 16 Nursery Green. The Council's Environmental Protection Officer has reviewed the proposal and is satisfied that there would be no material harm to neighbouring occupiers by way of noise or light pollution, subject to conditions, in particular restriction to delivery hours and opening hours of the retail unit. The residential parking provision would be set away from the windows and

amenity space of Number 16 Nursery Green and therefore would not result in material harm to the neighbouring occupiers.

- 8.50 The CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions, recommends where a rear elevation backs on to an existing side elevation there should be a 15m separation distances for three storey development to safeguard neighbouring amenity. There would be a separation distance of 16m between the proposed building and the western site boundary with 16 Nursery Green. This is considered to be sufficient to prevent an overbearing impact, material loss of light or privacy to these neighbouring occupiers.
- 8.51 The building would be separated from the boundary with Black Hall to the south of the site by the public footpath. Having regard to the presence of the existing trees and garage adjacent the boundary, it is considered that the proposed development would not result in a material loss of light or overbearing impact to the occupiers of Black Hall. There would be rooflights proposed in the southern elevation of the building serving flat 6. A condition is recommended to ensure that these are installed over 1.7m above finished floor level or are obscurely glazed and non-opening to safeguard the privacy to the occupiers of Black Hall. The other windows proposed on the eastern and south-western elevations would be at an oblique angle to the neighbouring property, as such would not result in a material loss of privacy to the occupiers of Black Hall.
- 8.52 The service yard would be secured by 2m high weld mesh fence and gate and would be an acceptable distance from neighbouring properties to prevent material harm to residential amenity.

viii. Highway safety, capacity and parking provision

- 8.53 The proposal seeks the provision of 14 retail parking spaces (including 1 disabled space) and 13 residential parking spaces. Third parties have raised concern that there would be insufficient parking provision provided, however, the Highway Authority has assessed the submitted plans and is satisfied with the level of parking provision proposed. The proposal also encompasses adequate cycle storage for both the proposed flats and retail unit. The provision of parking spaces and cycle storage is recommended to be secured by condition.
- 8.54 Delivery vehicles would park in the existing layby (outside the application site) when unloading goods and removing waste. The submitted service management plan suggests that the commercial waste would be collected at the same time as the deliveries from the layby. The residential bin store would be located to the front of the site; this would also prevent the need for waste freighters to enter the application site. These arrangements are acceptable to the County Highway Authority and the Council's Contract Services Officer and conditions are recommended to secure these arrangements. A Traffic Regulation Order (TRO) to regulate parking in the layby outside the application site would be proposed by WSCC Highways. A financial contribution for WSCC to pursue the TRO including undertaking all necessary consultations is to be secured by a S106 agreement.
- 8.55 The County Highway Authority is satisfied that the proposed development would not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Third party representations request that there be a

crossing provided on Guildford Road, this would be outside the application red site line and is not required to make the development acceptable in planning terms.

8.56 In light of the above the proposed development would accord with policy 39 of the CLP.

ix. Flooding, drainage and sewerage

8.57 The site is entirely in Flood Zone 1 and as such a flood risk assessment is not required.

8.58 With regards to surface water drainage, the application proposes to utilise a connection formed from the existing development. The Council's Drainage Engineer has recommended pre-commencement conditions to secure details of winter ground water monitoring and suitable SuDs scheme to ensure that the development can be adequately drained and would not increase flood risk.

8.59 The proposal seeks to connect to the existing foul drainage system for the wider allocated site. The existing system on the adjoining site was approved under application 18/02247/DOC that sought to discharge condition 10 from application 15/02012/OUT. The existing foul drainage system comprises foul attenuation system, which temporarily stores foul sewerage with a pump system to regulate discharge in to the mains sewerage system. This solution is already in place and serves the 43 existing dwellings within the allocated site. The documents associated with 18/02247/DOC include calculations demonstrating that the system was designed to accommodate foul drainage flows for 43 dwellings, 3 flats and 1 retail unit.

8.60 The application documents for the current application state that this existing foul drainage solution has 150mm diameter connections to the current application site to allow for future connections. The current proposal seeks an uplift in 7 residential units above what the sewerage solution was previously shown to accommodate. The applicant has submitted calculations in a letter prepared by GD Partnership dated 05/02/2019 to demonstrate that the uplift in numbers would result in an increase in peak flow by 0.069l/s, which is considered by the consultant as 'insignificant'.

8.61 Southern Water has been consulted on the submitted information whom have accepted that the foul only flow (gravity connection) could be discharged through the existing private sewerage system. This however relies on the developer having approval from the owner of the private drainage system to discharge into their system. The applicant has submitted details of the legal contract between the two parties (Antler Homes PLC and Marda Developments Ltd) dated 22/12/2016 that confirms the applicant has rights to the 'passage and running of water, surface water, sewerage drainage, gas, electricity, telecommunications and other services or supplies to and from the Property, in and through the corresponding conduits that are now, or at any time, located in, through, under over or upon the Retained Land and which serve the Property either exclusively or in common with the Retained Land.' A grampion pre-commencement condition is recommended to secure final details of the discharge of sewage off site, which as outlined above is likely to be into the private foul drainage system.

8.62 The Environment Agency has also been consulted as the proposed foul drainage solution incorporates an off-site existing foul attenuation tank. The Environment Agency has raised no objection to the proposal.

8.63 In light of the above, the proposal would accord with Policy 42 of the CLP, Policies 8 and 18 of the LNP and the guidance contained the adopted Surface Water and Foul Drainage SPD.

x. Ecology

8.64 The application site has been cleared and as such there is unlikely to have any existing ecological value. The Council's Environmental Officer has assessed the application and considers that due to the use of the site previously, the tree line to the south of the site is already exposed to disturbance. As such the introduction of the building and additional parking would not introduce further disturbance to this area or harm to bats in the local area. In order to safeguard and enhance biodiversity, conditions are recommended to secure bat and bird boxes and a sensitive lighting plan. In light of the above, the proposal would accord with Policy 49 of the CLP.

xi. Sustainable construction

8.65 Policy 40 of the CLP required all new dwellings to demonstrate sustainable design and construction.

8.66 The applicant has stated in their Design and Access Statement that measures would include a fabric first approach to increase the U values of the building, to achieve 35% above the Building Regulations Part L 2013 requirements. In addition, on the roof space there would be the provision of 41 solar PV panels at a size of 1.67sqm (68.5sqm total) to generate renewable energy. The submitted supporting information suggests that solar PV of this scale could equate to a saving of 1,898 Kg of carbon dioxide per annum. Details of how the solar PV will be installed on the roof will be important and therefore a condition is recommended requiring further details of how they will be installed. A detailed scheme for sustainable building techniques and renewable energy is recommended to be secured by condition in line with the submitted details.

8.67 The submitted plans also show 7 of the residential parking spaces to be provided with electric vehicle charging points, this would equate to 28% of all spaces. This would be in accordance with the West Sussex County Council: Guidance on Parking at New Developments (August 2019) for developments in 2020. A condition is recommended securing provision, maintenance and management of the electric vehicle charging points in accordance with WSCC Guidance as well as securing ducting to all spaces to allow for future charging points in line with these standards.

8.68 The applicant states that the estimated maximum water consumption would be 81.41 litres per day. This would exceed the standards of 110l/p/d set out in Policy 40 of the CLP which is recommended to be secured by planning condition.

8.69 In light of the above, the proposal would accord with Policy 40 of the CLP and Policy 17 of the LNP.

Other Matters

8.70 Third party representations have been carefully considered by officers and have been addressed in the relevant sections of this report.

- 8.71 With regards to land ownership the onus is on the applicant to complete the correct ownership certificate on the application form. Notwithstanding this the applicant has submitted land registry plans to demonstrate ownership of the entire application site.
- 8.72 The Council have advertised the application in line with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. With regards to third party conduct or publication of the planning application this is not a planning matter.
- 8.73 Advertisements have not been considered as part of this planning application as separate consent would be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Significant Conditions

- 8.74 The significant conditions required to make this development acceptable have been discussed in the relevant sections of this report. These include materials, sustainable building techniques and renewable energy, parking and cycling provision, ecological enhancements, tree protection, SUDs and foul drainage. Noise mitigation and waste management conditions are also recommended, in order to safeguard the amenities of neighbouring occupiers and future occupiers of the site.
- 8.75 Further to this, conditions are recommended to secure opening hours and delivery hours. As originally proposed by the applicant, the opening hours were between 06:00 - 23:00. Council's Environmental Protection Officer has commented that the period of 06:00 to 07:00 would be considered night by the World Health Organisation and therefore a more sensitive period for noise. Furthermore, the Police Designing out Crime Officer has also commented that opening until 23:00 may attract additional noise and anti-social behaviour in the evening, this concern has been shared in the third party representations. Having regard to these comments the opening hours have been restricted by condition to 07.00 - 22:00.
- 8.76 The pre-commencement conditions were sent by email to the agent on 27/02/2020. Whilst the applicant has not agreed to these, in absence of a substantive response relating to these conditions, the Council has complied with the requirements Section 100ZA of the Town and Country Planning Act 1990 (as amended).

Planning Obligations

- 8.77 A S106 agreement is required to secure the commuted sum of £168,064 for off-site affordable housing following viability testing of the proposal, and a financial contribution of £7,418 for WSCC highways to pursue the Traffic Regulation Order (TRO) including undertaking all the necessary consultation and publicity for a TRO to seek to secure restrictions to parking in the layby that would be used for deliveries and to also protect highway safety by not allowing parking either side of the layby.

CIL

- 8.78 The development would be CIL liable at a rate of £200 per sqm for the residential. The retail element is considered convenience and therefore would be liable at a rate of 125 sqm.

Conclusion

- 8.79 The proposed development would be on an allocated site for mixed use development. It has been demonstrated by an independently tested financial appraisal, that the proposed residential units are required to ensure the viability of the delivery of a retail unit. An affordable housing commuted sum is required to ensure that the proposal is policy compliant. Whilst the proposed building would have a large scale, bulk and mass the harm to the character of the area has been minimised by the detailed design. The development is considered acceptable on highway safety, drainage, sustainability and ecology grounds. There would be no material harm to residential amenity and the development would provide an adequate standard of accommodation for future occupiers.
- 8.80 Subject to a S106 agreement, the proposal is considered to be in accordance with local and national development plans and is acceptable, subject to conditions.

Human Rights and Equality

- 8.81 The Human Rights of all affected parties have been taken into account and the recommendation to approve is considered justified and proportionate.
- 8.82 A number of third party representations have been received in support for the application on the ground that the shop would benefit the elderly, visually impaired and disabled members of the community. At present there are limited bus services to surrounding towns and villages and the existing shop in the village has stepped access. The proposed development would provide a local convenience store which could provide an option for those in the community with mobility issues to shop there. Whilst the proposed development, if permitted, would provide an opportunity to improve the wellbeing of those residents, it does not mean that the refusal this application would result in the discrimination of these members of the community, as there would be no loss in the existing community facilities as a direct result of the Council's decision. Concern has been raised by third parties that the owner of the existing Loxwood Stores will soon cease trading, however, this has no direct relation to the current planning application and the decision of the Council would not prevent the owner of the existing Loxwood Stores from exploring measures to sustain trading.

RECOMMENDATION

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

IF THE SECTION 106 AGREEMENT IS NOT COMPLETED IN TIME TO ISSUE THE DECISION BY 13/08/2020 THEN THE DECISION WILL BE DELEGATED TO OFFICERS TO DETERMINE.

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 001 Rev. P1, 003 Rev. P1, 004 Rev. P11, 004 Rev. P12, 006 Rev. P1, 011 Rev. P10, 019 Rev. P3, 020 Rev. P3, 021 Rev. P9.

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

3) Notwithstanding the submitted Arboricultural Tree Survey and Impact Assessment prepared by Fellgrove dated 31/10/2019, **no development/works shall commence**, until an updated Arboricultural Method Statement (AMS), including a program for its implementation and a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include details of methods such as hand digging the foundations of the south-eastern elevations and cellular confinement for any footpath upgrades or hardstanding in the root protection areas of T01, GO1 and GO3. Thereafter the development shall be implemented fully in accordance with the approved details. Any roots over 40 mm in diameter shall not be severed without the prior agreement of the Local Planning Authority.

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

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,

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

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

5) **Development shall not commence** until full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and Percolation testing to BRE 365, or a similar approved method, will be required to support the design of any infiltration drainage. The building (retail or residential units) shall not be occupied until the complete surface water drainage system serving the site has been implemented in accordance with the agreed details.

Reason: To ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase. This is a pre-commencement condition as it goes to the heart of the permission.

6) **Development shall not commence** until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the SuDS System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: C687 Chapter 22. The details are required pre-commencement to ensure the SUDS are designed appropriately and properly maintained and managed as soon as they are installed.

7) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site and the timing of its provision have been submitted to, and approved in writing by the Local Planning Authority. These details shall include evidence that a connection to the off-site private system referred

to in the letter produced by GD Partnership Ltd dated 05 February 2019, has been agreed with the owner of the private system for the development hereby granted. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation building (retail or residential units) shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

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

8) **Development shall not commence** until full details the measures to protect and enhance the existing public right of way (PROW) number 795/2 along the southern boundary the site and timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The PROW shall accord with approved plan 004 Rev. P11 and details of protection and enhancements shall include upgrading the surface treatment, removal of the stile and provision of appropriate signage. The details shall also include a method statement for the carrying out of works affecting the PROW. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To safeguard the rights of the public. This is a pre-commencement condition as it goes to the heart of the permission.

9) Notwithstanding any details submitted **there shall be no development above ground level**, until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roof of the building 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 enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

10) **No development shall commence above ground floor level** until a scheme of sound insulation building design has been submitted to and approved in writing by the Local Planning Authority for between commercial and residential spaces. The sound insulation performance between the commercial activities and residential dwellings shall provide an improvement over minimum building regulations as much as is practicable. The detail shall include predicted sound insulation performance of the proposed separating structure. Thereafter, the development shall be carried out in full accordance with the approved details and all sound insulation shall be installed prior to the first residential occupation of the development and thereafter retained for the lifetime of the building.

Reason: To safeguard the amenities of future occupiers.

11) **No development shall commence above ground level** until a sustainability strategy outlining details of the sustainable design and construction for the building, including: (1) sustainable building techniques including fabric first and renewable energy technologies such as Solar PV and/or Solar thermal (including full details of the savings in carbon compared to Building Regulations minimum in line with the submitted Design and Access Statement and details of the positioning, methods of mounting and design of renewable energy equipment), (2) water efficiency measures to achieve higher standards of water efficiency including external water use for the retail unit and (3) how a reduction in the impacts associated with traffic or pollution will be achieved, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation of the building (whether retail or residential) unless any variation is agreed in writing by the Local Planning Authority.

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

12) **The retail unit hereby permitted shall not be occupied**, until details for the storage and collection of waste generated by the retail unit has been submitted to and approved in writing by the Local Planning Authority. These details shall include details of the management of waste generated by both the retail occupier and the provision and management of bins outside the retail unit to deter litter and measures to maximise the recycling of waste where possible. Thereafter there shall full compliance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure that the use of the site does not have a harmful environmental effect.

13) **No residential unit shall be occupied**, until the refuse and recycling storage facilities have been provided in accordance with the approved plans. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes for the lifetime of the residential units.

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

14) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) **prior to the first occupation of Flat 6** the rooflight windows hereby permitted in the southern roof plane shall be constructed, with a cill height of not less than 1.7 metres above internal floor height, and shall subsequently be retained in that condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the privacy of the occupants of the adjoining residential properties.

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

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

16) **No part of the development (residential or retail) shall be first occupied** until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

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

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

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

18) Notwithstanding plan 004 Rev P11, **no residential unit shall be first occupied** until a scheme for Electric Vehicle charging facilities has been submitted to and approved in writing by the Local Planning Authority. Active EV charging facilities shall be provided in accordance with the table at Appendix B of the West Sussex County Council: Guidance on Parking at New Developments (August 2019) and the details shall include a plan showing the location of the charging points and their management and maintenance. Furthermore, the development shall provide passive provision through ducting to allow EV charging facilities to be brought into use at a later date for the whole site. No residential unit which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that residential unit has been provided and is ready for use.

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

19) Notwithstanding the indicative landscaping scheme, **No part of the development (retail or residential) shall be occupied**, until a fully detailed hard and soft landscaping and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include surface treatment, planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a program for the provision of the landscaping. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate

British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

20) No part of the development (retail or residential) shall be first occupied until a scheme for the long-term management and maintenance of the hard and soft landscaped areas shown on plan number 004 P11 has been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be managed and maintained in accordance with the approved details in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

21) Prior to the first occupation of the retail unit a scheme of external mechanical plant shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail make, model and location of all plant. The noise levels of plant in cumulative, maximum operation shall comply with the sound levels provided in Table 6, Noise Solutions Ltd, Plant Noise Guidance Report (Ref: 88019, 12th November 2018) and this shall be demonstrated. Any noise mitigation measures, to be adopted to meet these sound levels, shall be detailed. It shall be a requirement of any scheme that all plant and connected ducts and pipes, are resiliently isolated to reduce the risk of vibration entering the building structure. Thereafter, the development shall be carried out in full accordance with the approved details prior to the first occupation of the retail unit and thereafter retained in accordance with those details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenities of neighbouring occupiers and future residential occupiers of the site.

22) Prior to the occupation of the retail unit details of floating floor(s) for all ground floor areas that would be utilised by roll cages, as per the recommendations Section 6.7 Noise Solutions Ltd, Plant Noise Guidance Report (Ref: 88019, 12th November 2018) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details and floating floor(s) shall be installed prior to the occupation of the retail unit. Thereafter the floating floor(s) shall be retained in accordance with those details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenities of neighbouring occupiers and future residential occupiers of the site.

23) Notwithstanding the details submitted in the Servicing Management Plan (Ref: 1903-20/SMP/01 Draft, March 2019), **prior to the occupation of the retail unit** an updated Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. The retail unit shall thereafter operate in full accordance with the approved details. There shall be no amendments to the Servicing Management Plan unless agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity and the operation of the public highway.

24) **Prior to the first occupation of the development** a bat box shall be installed on the building hereby permitted, facing south/south westerly positioned 3-5m above ground and a bird box shall be installed on the building or on a tree planted within the application site. Thereafter they shall both be retained in perpetuity.

Reason: In encourage ecological enhancement.

25) **Prior to the first residential occupation of the development** details of the methods to demarcate the residential parking spaces from the retail parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the parking spaces shall be provided in accordance with the approved details prior to the first residential occupation of the development.

Reason: In order to ensure adequate parking provision for the future occupiers of the site.

26) **No part of the development shall be first occupied** until visibility splays (for vehicles and pedestrians) have been provided at the approved site vehicular access from the car park onto Nursery Green in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The visibility splays shall be provided in accordance with the approved plans and details prior to the first occupation of the development (whether retail or residential). Thereafter the visibility splays shall 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.

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

Reason: In the interests of residential amenity.

28) The retail premises shall not be open for trade or business except between the hours of 07:00 and 22:00.

Reason: To safeguard the amenities of the neighbouring properties.

29) No deliveries shall be taken to or despatched from the retail unit hereby approved outside of the hours of 08:00 and 20:00 Mondays to Saturdays and 09:00 and 16:00 on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the amenities of the neighbouring properties.

30) Notwithstanding the GPDO there shall be no external lighting on the development hereby permitted other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Any scheme shall include the detailed design of the lighting, including the measures proposed to avoid light spillage such as directional light sources and shielding having regard to the presence of bats in the local area and details timing of illumination. Thereafter the lighting shall be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of minimising light pollution, safeguarding biodiversity and the amenities of the area.

31) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the areas marked on approved plan number 004 Rev. P11 as 'sales floor', 'store' and 'service yard' shall be used as a single retail unit (Use Class A1) and for no other purpose, without the prior written consent of the Local Planning Authority.

Reason: To accord with the terms of the application and with the policies of the Council, and to ensure adequate parking provision.

32) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) there shall be no storage of goods, pallets, packaging or waste outside the building hereby permitted, other than in within the area marked as 'service yard' on plan number 004 Rev. P11. Within the service yard, no goods, pallets, packaging or waste shall be stacked, stored or deposited above 2m in height.

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

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) This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

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

6) The applicant's attention is drawn to the Council's Surface Water Drainage Proposal Checklist document which can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the councils expectations and requirements for Surface Water Drainage Proposals.

7) The developer's attention is drawn to the comments provided by Southern Water. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

8) The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed Loading bay/ parking restrictions. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

9) With regards to the discharge of condition 8, the developer's attention is drawn to the comments provided by WSCC Rights of Way Officer regarding PROW Footpath 795_2. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by Chichester District Council as the local planning authority.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

10) Condition 11 requires a sustainability strategy, we would be expecting the details to demonstrate that the building would 'minimise U-values and therefore heat loss by providing significant insulation to the buildings, to achieve 35% above the Building Regulation Part L 2013 requirements' as set out in the Design and Access Statement as well as providing the 41 Solar PV (as suggested by email dated 29/01/2020) or alternative suitable renewable energy technologies.

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=PSOMHWERLSM00>