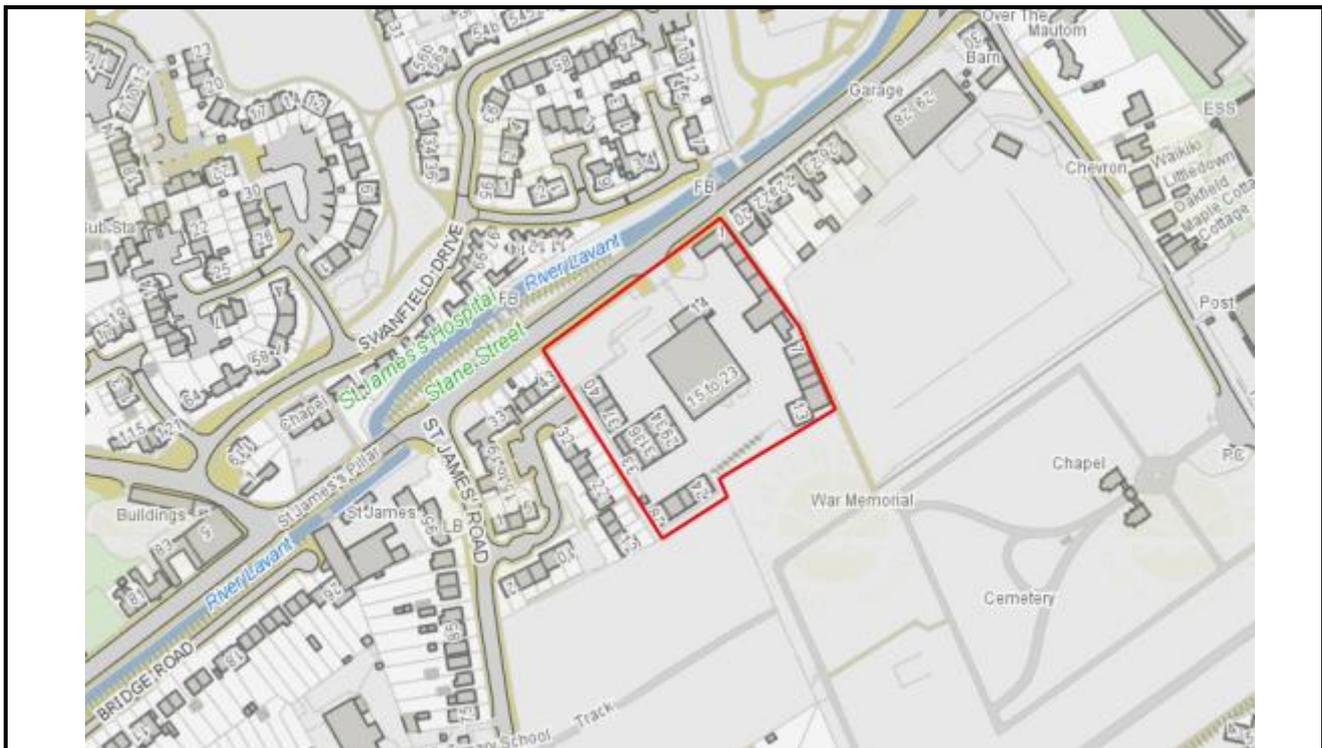


Parish: Chichester	Ward: Chichester East
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CC/20/01914/FUL

Proposal	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m ² (47877ft) of lettable industrial space all under B1b, B1c and B8 use classes with 5 no. replacement buildings.		
Site	St James Industrial Estate, Westhampnett Road, Chichester, West Sussex PO19 7JU		
Map Ref	(E) 487293 (N) 105340		
Applicant	Mr Alan Gregory	Agent	Mr Stuart Richardson

RECOMMENDATION TO PERMIT



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

The District Council is the applicant and the application site is on land owned by the Council.

Red Card: Cllr Sarah Sharp - The proposal is for a major development; extra information for Committee; and, public interest.

Parish Objection – Officer recommends Permit.

2.0 Site and Surroundings

- 2.1 St James Industrial Estate extends to approximately 1.2 ha and is located south-east of Westhampnett Road (A285) and approximately 123m from the roundabout with St James Road to the south-west; within the defined Settlement Boundary of Chichester. The site was previously developed in the early 1980s around the old 1950s Chichester District Council (CDC) depot, to provide accommodation for small and start-up businesses. Currently the industrial estate comprises 40 no. small industrial units (within B1, B2 and B8 Use Classes) with a total floor space of some 3,753m².
- 2.2 The industrial buildings are generally arranged around the perimeter of the estate, with a larger building occupying the centre. The existing buildings consist of a mix of converted brick-built premises (from the 1950s depot) with some more modern steel framed 'Terrapin' units developed in the early 1980s. An access road runs around the main, central building and the site also benefits from a main car park located in the north-west corner. The topography of the site is uneven and the site falls in height by approximately 1.7m from east to west.
- 2.3 The site is accessed by the sole entrance/exit point on Westhampnett Road and is bounded to the north by a high brick wall (approx. 4 metres in height), including soft landscaping fronting Westhampnett Road. Further to the north lies Westhampnett Road, the River Lavant and residential development. To the south the site is bounded by a retaining wall and embankment, which includes trees, hedgerow and scrub/tall grass; a decorative flint wall provides a boundary with the Cemetery behind, which is screened by further trees and vegetation. Chichester Cemetery directly adjoins the southern boundary; the Cemetery includes Commonwealth War Graves and a War Memorial (the War Memorial is not a designated heritage asset).
- 2.4 To the west, the site is bounded by a retaining wall and embankment, which includes a mix of close boarded fencing, chain link fencing and well-established Laurel hedging, leading onto further residential development (Farndell Close). The majority of dwellings on the western edge are set at a higher ground level (approx. 1.7m higher) in comparison to the site. There is a public access which runs for approx. 45m from Westhampnett Road along the western boundary of the site and provides pedestrian egress to Farndell Close. The majority of the dwellings along the western boundary are orientated with their rear gardens facing onto the industrial estate.

- 2.5 To the east, the site is bounded by a high brick wall (approx. 4m), comprising the rear elevations of the existing industrial buildings. The high brick wall runs for approximately 50m, with the remaining boundary treatment to the southern end comprising a 2m high chain link fence, topped with barbed wire. A public footpath provides a gap between further residential development fronting Westhampnett Road. The footpath runs the entire length of the eastern boundary and links with Church Road to the west.
- 2.6 A mixture of residential and commercial (including large supermarkets) development lies further to the west. Behind the residential development fronting Westhampnett road and to the western boundary of the site, there is Outline Permission (08/00554/OUT and 15/02075/EXT) for 80 new dwellings on the site of the old Portfield Football Ground. Approximately 15 metres to the west lie Nos. 21, 22 and 22a Westhampnett Road, which are designated Grade II listed buildings.
- 2.7 The site is predominantly located within Flood Zone 1; with only the very northern edge of the site boundary, partially falling within Flood Zone 2 (all the buildings are located within Flood Zone 1). The River Lavant runs in an east-west direction to the northern side of Westhampnett Road and here the land moves into Flood Zones 2 and 3.

3.0 Proposal

- 3.1 Planning permission is sought for the redevelopment of the existing industrial estate, including demolition of the existing buildings. The proposed redevelopment broadly replicates the layout of the existing estate, with Block 1 being the largest building located centrally. The majority of the buildings to the east would be demolished, with the exception of Block 2, situated in the north-east corner of the site. The rest of the eastern side would be given over to defined car/cycle parking, loading bays, a waste store and new landscaping. A formalised vehicular route would encircle the central Block 1. No changes would be made to the access of the site. To the western side of the site, the main car park area to the north-west corner would be retained and enhanced. Blocks 3, 4 and 5 would occupy similar positions to the western edge.
- 3.2 During the course of the application new legislation (under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) came into force from 1st September 2020, which introduced Use Class E. The new Use Class E replaces Use Classes A1, A2, A3, B1, B2, D1 and D3. By definition Class E means: *'being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell fumes, smoke, soot, ash, dust or grit.'* In light of the legislation change, the description of development has not been altered; however, the report and any conditions will subsequently refer to the new Use Class E.
- 3.3 The accompanying Design and Access Statement details that the: *'adaption and extension of the buildings over time has led to a somewhat ad-hoc layout...some of the converted units lack regularity of shape and have poor access, others are impeded by different floor levels...existing circulation routes are undefined and parking provision is unformalised which further compounds the site's inefficiencies. The state of repair combined with the issues noted above means that the estate is not attracting the businesses it needs to sustain its purpose. The new proposals aim to re-provide the uses within modern more sustainable premises in a more functional and formalised arrangement'*.

- 3.4 The scheme provides approximately 4448m² of lettable industrial space all under Use Classes E (see paragraph 3.2 above) and B8 with 5 no. replacement buildings. The proposed total Gross Internal Floor Area (GIA) of each unit is as follows:
- Block 1: 2424sqm (including 961sqm mezzanine)
 - Block 2: 184sqm (comprising 3 no. individual units)
 - Block 3: 89sqm (comprising 4 no. individual units)
 - Block 4: 541sqm (comprising 8 no. individual units)
 - Block 5: 89sqm (comprising 5 no. individual units)
- 3.5 Block 1 would be orientated to face north-west, with the main glazed entrance positioned to the eastern side of the building. The central block would be finished with a shallow, pitched roof and would have a max ridge height of 11.5m to the western side, stepping down in height to 10m towards the east. Block 1 would be typical in appearance of an industrial unit, although the proposed material would add a 'contemporary' feel to the focal building.
- 3.6 Blocks 2, 3, 4 and 5 would be largely similar in design and as above would be typical in appearance for an industrial unit, albeit more modern in form compared to the existing. As above, all the blocks would be finished with a shallow pitched roof and would have a maximum ridge height of approx. 5m.
- 3.7 The proposal would provide a total of 114 car parking spaces, 11 of which would be wheelchair accessible spaces. Furthermore, the submitted Sustainability Statement details that ducting would be provided to all parking spaces to allow for the installation of electric car charging points with 28% of spaces having active points initially. A total of 3 cycle shelter areas would be provided, which can accommodate up to 40 cycles with simple Sheffield type stands.
- 3.8 The proposal would include the enhancement of the existing landscaping with further areas or new green space and planting proposed to the perimeter of the site. During the course of the application amended and additional plans were received which:
- Proposed alterations to the boundary treatment.
 - Detailed the proposal from the north, east, south and west elevations
- 3.9 The new boundary treatment to the east would now see the retention of the existing brick wall, together with re-built areas where required. New 2m high welded mesh fencing would replace the existing chain link fence to the remainder of the eastern boundary (towards the southern end). New mesh welded fencing would also be installed to the western part of the southern boundary. To the northern boundary, the existing 4m high brick wall would be retained to the eastern side of the access point. The northern boundary to the western side of the access would be reduced in height (by approx. 2m); metal railings would be installed within the newly created apertures. Final details relating to boundary treatments are recommended to be secured by condition.
- 3.10 As part of proposals to improve accessibility within the site, the majority of the site levels will be regraded to make the existing and differing levels less pronounced, with the central to eastern/south-eastern parts of the site generally made lower than the current arrangement. A condition is recommended to secure details of existing and proposed ground levels prior to construction.

4.0 History

82/00760/CC	NOOBJ	7 industrial units (Terrapin Matrex steel buildings).
94/02602/REG3	PER	Refurbishment, improvement and alteration of existing toilets and conversion of existing ladies toilets and canteen area to become part of unit 1. Used as class B1 purposes.
94/02139/COU	PER	Location of covered skip in one unallocated parking bay for approximately 11 months.
94/02362/FUL	PER	Change of use to paint mixing (Class B6) and proposed store room for flammable liquids in containers.
94/02602/REG3	PER	Refurbishment, improvement and alteration of existing toilets and conversion of existing ladies toilets and canteen area to become part of unit 1. Used as class B1 purposes.
96/00025/FUL	PER	Change of use to paint mixing.
99/00392/FUL	PER	Install windows at mezzanine floor level.
99/00953/REG3	PER	Change of use from boiler house to general storage.
00/01292/REG3	PER	New double doors to unit no. 1. New window, double doors and access paving to unit no. 19.
01/00266/FUL	PER	Install air conditioning unit/cooler unit on East elevation of units 15 and 16.
09/04909/COU	PER	Change of use of and alterations to industrial unit to form studio spaces for 6 - 12 artists / craftspeople to work in with public access on selected evenings (after 5pm) and at weekends for educational purposes and sales of work.
11/00089/FUL	PER	Reposition access gate from A285 Westhampnett Road; creation of vehicular hardstanding.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chichester City Council

Objection on the basis of the scale and height of the central building and its impact on the character and amenity of the area, exacerbated by the lack of good quality landscaping and tree planning and the removal of the brick wall to be replaced with wire fencing. Further objection on the basis of the reduction in provision of small units for start-up businesses.

6.2 Natural England

No comment.

6.3 Environment Agency

No objection, subject to conditions.

The previous use of the proposed development as an industrial estate and historic landfill presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is on a secondary A aquifer and within 15m of the River Lavant. Therefore controlled waters are very sensitive to contamination and need to be protected.

The Environment Agency (EA) have reviewed the Combined Geotechnical and Ground Contamination Risk Assessment Report (R14027 - February 2020) and while they believe it will be possible to manage the risk posed to controlled waters by this development, further detailed information will however be required before built development is undertaken. The EA believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority (LPA).

Without these conditions the EA would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Suggested conditions:

- Remediation strategy.
- Verification report.
- Unidentified contamination.
- Drainage.
- Storage of oils, fuels, chemicals.

6.4 WSSC Lead Local Flood Agency

The Flood Risk Assessment and Drainage Statement for this application propose that sustainable drainage techniques (permeable paving/infiltration) would be used to control the surface water run-off from this development.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

6.5 WSSC Highways

The existing site encompasses an area of 11,839sqm, comprised of predominantly small to medium sized industrial units. The redevelopment would entail the provision of a large industrial unit, several smaller industrial units and the refurbishment of existing units. The combined floor area of the industrial units would increase from 3,753sqm to 4,448sqm.

The application is supported by a Traffic Impact Assessment (TIA) which has been prepared on behalf of the LPA to consider the highways impact of the redevelopment of the site.

Access and Visibility

The site would continue to be served from a single access adjoining the A285 Westhampnett Road. The A285 Westhampnett Road serves as a key route between east Chichester and the strategic road network.

It is proposed the access would be unaltered taking the form of a T-junction with a simple priority arrangement, supported by the existing right turn lane on the A285. The access arrangements have been demonstrated within the TIA on Drawing 2020-6156-001.

LHA data from permanent ATC data on the A285 Westhampnett Road shows a design speed of 44.3kph (27.5mph) in the westbound direction and 49.4kph (30.7mph) in the eastbound direction. The proposed access arrangements have therefore been shown to achieve the necessary visibility splays of 2.4m x 38 m in the lead direction and 2.4m x 44.4m in the trail direction. The LHA would be satisfied with the proposed visibility splays based on the parameters outlined within the TIA.

The applicant proposes some minor improvements for pedestrian access to the site as outlined on Drawing 2020-6156-001. These include tactile paving and dropped crossing points. The LHA would suggest that these minor works can be undertaken via a crossover licence rather than a full S278 Agreement.

Finally, given no changes are being proposed to the access as part of these proposals the LHA would not request that a Stage 1 Road Safety Audit (RSA) is undertaken on the site access. As can be seen in the 'Capacity' section below the proposals are unlikely to result in any material increase which would be another trigger for an RSA.

Capacity

A TRICS trip assessment identifies that the proposal would generate a net increase in vehicle movements by 94 trips per day, with 6 additional trips occurring in the AM peak and 5 additional trips occurring the PM peak. The LHA acknowledge the increase in vehicular movements however the overall peak impact is not considered to be 'Severe' and contrary to Paragraph 109 of the National Planning Policy Framework (NPPF).

A capacity assessment of key junctions has been undertaken and is within the appendices of the TIA. The modelling assessment uses the approved traffic data from the Land NW of Chichester Crematorium application for a capacity assessment of the area. The capacity assessment identifies that even in a worst-case scenario, without forthcoming highway improvements, the proposal would have a negligible impact on local junction operation.

It is noted that permitted developments including the Land NW of Chichester Crematorium and the urban extension at Shopwhyke Lakes are delivering a number of enhancements to the local road network to improve operation and capacity.

Accessibility

The site is accessibly located within walking distance of established residential areas in Chichester and public transport services. Bognor Regis and Tangmere are within cycle distance of the site and are served by off road cycle routes. The LHA would advise a Travel Plan is included within any conditions for the sites usage.

Internal Layout

The applicant has provided a Swept Path Diagrams demonstrating that larger vehicles can turn within the site. A vehicle swept path analysis has been undertaken demonstrating a large refuse vehicle negotiating the site access and negotiating internal carriageways in Drawing 2020-6156-007. The LHA would be satisfied with the layout.

Conclusion

Based on the submission of the TIA the LHA would not raise an objection to the proposals. It is considered the application would not have a 'severe' impact on the adjoining highway network and therefore would not be contrary to Paragraph 109 of the NPPF. Any approval of planning permission would be subject to the following conditions:

Suggested conditions:

- Cycle parking
- Travel plan

6.6 WSCC Fire and Rescue Services

No objection, subject to condition relating to 1 no. fire hydrant.

6.7 CDC Policy Team

The provision of replacement modern employment premises in this location is consistent with adopted policy in relation to employment.

A review of existing employment space being undertaken by the Policy Team suggests that around 36% of floorspace in this industrial area was vacant in 2019. The provision of more modern premises should be more attractive to the market.

Emerging evidence being prepared for the Local Plan Review shows that additional B Class employment space is likely to be needed in the future. It is therefore welcome that the redevelopment provides some additional employment floorspace, albeit a small amount.

The design of the redevelopment to achieve BREAAAM very good, the use of PV panels and the provision of electric vehicle charging points, including passive provision to enable additional provision in future is welcomed.

Redevelopment of this site to provide more modern employment premises is supported. Provision of additional employment space and design to achieve BREAAAM Very Good is welcomed.

6.8 CDC Economic Development

Further comment

In response to Chichester City Council's comments Economic Development felt it pertinent to include additional information to support the application.

In regards to lessening of provision of smaller units, Economic Development would argue that the current standard of the units on site are not fit for modern small business requirements, given that there is a toilet block rather than individual units having their own facilities. In order to facilitate the modernisation, it has been necessary to reduce the number of smaller units; however, these are much more likely to be suitable for current smaller business requirements.

In regards to the height, again modern standards require larger eaves heights, due to the changes in the way businesses operate their logistics, eaves heights have had to change, this also enables the occupier to optimize the space available, by adding a mezzanine floor.

Original comment

The Economic Development Service supports this application. The redevelopment of existing industrial sites is a sustainable way of supporting good quality industrial premises. This will invariably increase employment levels at a time of high unemployment.

The proposal is to redevelop an existing industrial estate, which will provide a mix of unit types and sizes available on flexible letting terms within a high quality environment with shared facilities. Based on the scale of this development and the current economic climate the proposed units will provide opportunities for a variety of new start-ups and existing Chichester based companies to locate to and/or expand into the redeveloped units.

St James Industrial Estate is a key industrial estate in Chichester and is essential at supporting the local economy. In recent years the demand for industrial space has risen in the area, even with the development of Glenmore Industrial Estate approximately half a mile from this site. The Glenmore site was very successful and Economic Development Service often receives queries from companies looking for well-located industrial properties.

6.9 CDC Drainage Engineer

Flood Risk: The site is almost entirely within Flood Zone 1 (low risk), with all new buildings proposed falling with Flood Zone 1 (low risk). Therefore subject to satisfactory surface water drainage the CDC Drainage Engineer has no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The proposed method of surface water drainage is to infiltrate to ground via permeable paving/sub-base. This approach is acceptable in principle and supported by ground water monitoring and initial percolation tests.

A condition is recommended to secure drainage details to ensure the development is adequately drained.

6.10 CDC Archaeology

The use of this site over the years as a gravel pit, a council waste facility and an industrial estate have caused severe truncation of the natural ground levels within which deposits of interest might have been expected to survive. In the circumstances there would seem to be no justification for archaeological mitigation measures.

6.11 CDC Environmental Health

It is understood that the premises will be used in accordance with Use Class Order E and B8 under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

By definition E means uses which can be carried out in a residential area without detriment to its amenity. This includes by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. B8 Storage or distribution means use for wholesale warehousing, distribution centres, storage (including open air storage).

In order for the Environmental Health Team to provide comment on specific activities they would require further information about any industrial process and what the potential odour and noise impacts may be (including the potential numbers of vehicle deliveries and dispatches), hours of operation etc., and additionally what measures will be taken to address these potential issues. The Environmental Health Team recommend the below conditions are imposed to address these potential issues.

Suggested conditions:

- CEMP
- Piling method
- Hours of construction
- Lighting scheme
- Noise from external or externally venting mechanical plant
- Noise management plan
- Hours of use restriction
- Restriction on deliveries
- Storage of chemicals
- Land contamination
- Air quality assessment
- Odour assessment

6.12 CDC Environmental Strategy Unit

Further comment

Sustainable Design and Construction

Following the further submitted information the Environmental Strategy Unit are content that the submitted information is sufficient in relation to Policy 40.

Original comment

Bats

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

The scattered trees and tall ruderal to south of site shall be retained and enhanced for wildlife including bats. This will include having a buffer strip around these areas 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.

Reptiles

Following submission of the Environmental Impact Assessment (July 2020), the Environmental Strategy Unit are content that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

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 to 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Enhancements

The Environmental Strategy Unit are pleased to see a number of enhancements have been included within the Environmental Impact Assessment. These should be incorporated within the scheme and shown with the landscaping strategy. These include;

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

Sustainable Design and Construction

Following submission of the Design and Access Statement (June 2020) the Environmental Strategy Unit are satisfied that the criteria detailed within Policy 40 will be met. The Environmental Strategy Unit are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions through a fabric first approach and installing PV. Please can the applicant provide further details showing the percentage reduction in CO2 emissions from the fabric first approach and through the installation of PV. CDC is looking for a 19% reduction in CO2 emissions.

6.13 Third Party Representations

12 Third Party letters of objections have been received concerning:

- Removal of external wall will impact on residential amenity/environmental amenity.
- Insufficient research has been undertaken as to the effect on traffic.
- Development will further increase traffic, noise and pollution levels.
- Air quality will reduce.
- Application is lacking in sufficient detail to allow a full understanding of the impact on neighbouring properties.
- Industrial sites should be moved to outskirts of the City.
- Site should be used for much needed affordable housing.
- Should be aiming to reduce the effects of CO2 pollution.
- Nearby school children will be affected by expanded facility, in terms of noise and emissions.
- Loss of light, views and sense of enclosure.
- Odour from industry and not being able to open windows/sit in garden will affect quality of life.
- Disruption during construction period.
- Increased capacity of estate will impact on quality of life.
- On site lorry movements are going to be severely restricted.
- Uses should be restricted.
- Light pollution.
- The site is surrounded on three sides by housing which will increase when the football ground is developed.
- The proposed boundary treatment would appear unsightly and would not protect residents from noise.
- Unsure if the site is being levelled.
- Contaminated land.
- Impact on Listed Buildings and cemetery.
- Concern regarding what the buildings will be used for.
- Loss of privacy/increased overlooking.
- Increased size, scale, height and bulk of buildings.
- Development is out of keeping.
- Inadequate screening.
- Previous refusal for coffee roaster.
- Over development of site and increase in building footprint.
- Poor design.
- Does not enhance entrance to historic city.
- Poor quality landscaping.
- Increased operational hours.
- No noise impact assessment.

1 Third Party Letter has been received from The Chichester Society which states:

'The Executive Committee welcomes this proposal to improve the accommodation and appearance of this local employment and business facility. There should be supplementary information submitted on comparative height of the new units to the existing, and the street view from Westhampnett Road.'

'The Society does however question whether the City's present planning pressures could be better served by a residential development along with the adjacent derelict former City Football Club Ground. It is noted that the Council's new industrial units at the east end of Terminus Road have remained unlet for more than a year.'

7.0 Planning Policy

The Development Plan

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 8: Transport and Accessibility
Policy 10: Chichester City Development Principles
Policy 11: Chichester City Employment Sites
Policy 12: Water Management in the Apuldram Wastewater Treatment Catchment
Policy 26: Existing Employment Sites
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 47: Heritage and Design
Policy 49: Biodiversity

National Policy and Guidance

- 7.3 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.

7.4 Consideration should also be given to the following paragraph and sections: Sections 2 (Achieving sustainable development), 3 (Plan-making), 4 (Decision-making), 6 (Building a strong, competitive economy), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD (2016).
- CDC Waste Storage and Collection Guidance.
- The CDC Design Protocol (December 2013).
- CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions.

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

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

- i. Principle of Development
- ii. Highways Safety and Parking
- iii. Design and Impact on Visual Amenity
- iv. Residential Amenity
- v. Drainage and Flooding
- vi. Ecology and Biodiversity
- vii. Sustainable Design and Construction
- viii. Other Matters

i. Principle of Development

- 8.2 The site is located within the Settlement Boundary of Chichester City, whereby development is supported in the Sub-regional Centre by Policy 2 of the Chichester Local Plan (CLP). Policy 3 of the CLP also supports the redevelopment of this site to provide more modern business premises and is consistent with the aims of this policy; which are to protect and enhance existing employment sites to meet the needs of modern business, and to protect and enhance Chichester City as the main focus for employment.
- 8.3 Policy 11 of the CLP also supports the refurbishment and redevelopment of premises for business. Policy 26 of the CLP allows upgrading or modernisation of existing employment floorspace, where it makes efficient use of underused employment sites subject to consideration of its impacts on adjoining residents and the character of the landscape including noise and traffic movements.
- 8.4 Paragraph 80 of the NPPF states that '*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*'. The proposal would provide a mix of uses (E and B8) and given the close proximity to Chichester is easily accessible by various transport modes and would appeal to a wide range of local businesses. The proposal is supported by both CDC's Policy and Economic Development Teams.
- 8.5 In light of the above, it is considered that the principle of development is acceptable, in accordance with the aims and objectives of the NPPF and Policies 2, 3, 11 and 26 of the CLP. However, the specific impacts of the proposal at this site must be considered as to whether the development is appropriate in detail and whether visual harm and/or harm to neighbouring amenity would occur. The detailed assessment is set out below.

ii. Highways Safety and Parking

- 8.6 The application is supported by a Traffic Impact Assessment (TIA) which has been prepared on behalf of the LPA to consider the highways impact of the redevelopment of the site. The site would continue to be served from a single access adjoining the A285 Westhampnett Road. The A285 Westhampnett Road serves as a key route between east Chichester and the strategic road network.

- 8.7 It is proposed the access would be unaltered taking the form of a T-junction with a simple priority arrangement, supported by the existing right turn lane on the A285. The proposed access arrangements have been shown to achieve the necessary visibility splays of 2.4m x 38m in the lead direction and 2.4m x 44.4m in the trail direction.
- 8.8 The applicant proposes some minor improvements for pedestrian access to the site as outlined on Drawing 2020-6156-001. These include tactile paving and dropped crossing points. The LHA would suggest that these minor works can be undertaken via a crossover licence rather than a full S278 Agreement, and an informative to this effect would be included.
- 8.9 Given no changes are being proposed to the access as part of these proposals the LHA would not request that a Stage 1 Road Safety Audit (RSA) is undertaken on the site access. The proposals are unlikely to result in any material increase which would be another trigger for an RSA.
- 8.10 A TRICS trip assessment identifies that the proposal would generate a net increase in vehicle movements by 94 trips per day, with 6 additional trips occurring in the AM peak and 5 additional trips occurring the PM peak. The LHA acknowledge the increase in vehicular movements; however, the overall peak impact is not considered to be 'severe'.
- 8.11 A capacity assessment of key junctions has been undertaken and is within the appendices of the TIA. The modelling assessment uses the approved traffic data from the 'Land NW of Chichester Crematorium' application for a capacity assessment of the area. The capacity assessment identifies that even in a worst-case scenario, without forthcoming highway improvements, the proposal would have a negligible impact on local junction operation.
- 8.12 It is noted that permitted developments including the 'Land NW of Chichester Crematorium' and the urban extension at Shopwhyke Lakes are delivering a number of enhancements to the local road network to improve operation and capacity.
- 8.13 The site is accessibly located within walking distance of established residential areas in Chichester and public transport services. Bognor Regis and Tangmere are within cycle distance of the site and are served by off road cycle routes. The LHA recommend that a Travel Plan is secured by way of condition.
- 8.14 The proposal aims to improve the overall experience in relation to both St James and the Portfield site for people on foot. It is considered the proposal would result in a footpath route that has a more positive character yet respects the integrity of adjoining residential properties. The opportunity has been taken to replace the existing security (chain link/barbed wire) fence with less intimidating open weldmesh fence, combined with extensive native hedge planting to help soften the overall ambience, in order to reflect the pleasant rural character this route currently has to the south (adjacent to cemetery).
- 8.15 One of the key constraints on the ability to widen the footpath along the eastern side of the site is the existing boundary wall to the north and east. Local residents have been pellucid during the consultation period; in that they wish to see the existing wall retained/improved, as it provides a vital barrier to operations on the site, both visually and acoustically. In light of the received representations amended plans now detail the existing brick wall is to be retained and replaced where necessary, to the north (eastern side) and east boundary.

- 8.16 The applicant also explored options to increase porousness through the site and in particular how this would sit with the 'Security Needs Assessment' for the site. The St James Industrial Estate has a relatively low crime rate which reflects the enclosed nature of the development. Any proposals to break through at additional points would increase the likelihood that those without a legitimate reason to be on the site would penetrate the site. In an associated safety audit, the recommendation was that the site should have a single main entrance into the development to ensure the safety of vehicles, bicycles and pedestrians moving about the site, reducing any potential conflicts. The improvements proposed to the eastern footpath link provide a safe and conflict free pedestrian route to and from Westhampnett Road and the St James site.
- 8.17 Improvements in relation to cycle access are principally addressed by the provision of cycle storage on the St James site itself to help encourage a modal shift to more sustainable forms of local transport. It is recommended that a condition is imposed to secure final details relating to cycle parking.
- 8.18 The applicant has provided a Swept Path Diagrams demonstrating that larger vehicles can turn within the site. A vehicle swept path analysis has been undertaken demonstrating a large refuse vehicle negotiating the site access and negotiating internal carriageways in Drawing 2020-6156-007. The LHA are satisfied with the final layout and this would be secured via condition.
- 8.19 Based on the submission of the TIA the LHA would not raise an objection to the proposals. Subject to conditions, securing details of cycle parking and a Travel Plan, it is considered the application would not have a 'severe' impact on the adjoining highway network and therefore would not be contrary to Paragraph 109 of the NPPF.

iii. Design and Impact on Visual Amenity

- 8.20 In principle the proposed site broadly replicates the layout of the existing estate, with Block 1 being the largest building located centrally. Blocks 2, 3, 4 and 5 would be similar in scale and height compared to existing; and, whilst is recognised Block 1 would be larger in scale and height, given its set back position from Westhampnett Road (approx. 34m), it is not considered the additional scale and height would be out of keeping or would result in significant harm to the character and appearance of the wider area.
- 8.21 The removal of buildings to the east offers a more 'open' nature to the public footpath (towards the southern end), situated to the eastern boundary and provides an opportunity to incorporate landscaping to increase the biodiversity of the site and improve its appearance from the public realm. Formalised vehicular routes with defined parking and loading areas are considered to improve usability for prospective tenants; and, also assist with access and orientation within the site for visitors and servicing of the future businesses.
- 8.22 The proposed blocks would be finished with pitched roofs and would be typical in appearance for an industrial estate. The overall design is considered to be in keeping with the existing use of the site. Furthermore, the proposed design and materials would give a contemporary 'feel' to the site and are considered to enhance and improve upon the overall appearance of the estate.

- 8.23 The palette of materials would comprise facing masonry (brick) forming a plinth at ground level, with an insulated profiled metal cladding system for the walls. The roof would also be finished in a contrasting profiled metal, with windows and doors finished in grey aluminium. Variations in tone and accent colours used on particular details would help to add interest to the design. Provision of canopies over the main entrances would create a focal point to the approach of the buildings from the parking areas. The final palette of materials would be secured by condition.
- 8.24 A landscaping plan has been submitted with the application, it details that all the existing trees/hedgerow and vegetation will be retained on site, except for a 'deformed' Crab Apple tree, situated to the front of the site. A condition would be imposed to ensure the trees/hedgerow to be retained would be suitably protected. The landscape proposal would see additional planting throughout the site, and overall there will be a net gain (13 new trees and additional native shrubs/hedging) in planting with more diverse species; this would improve the visual appearance of the site. Final details of the hard and soft landscaping measures and boundary treatment would be secured through condition.
- 8.25 Received representations raise concern with regard to the impact on Listed Buildings close to the site. While these concerns are duly noted, it is acknowledged that the nearest Listed Building (Nos 21, 22 and 22a Westhampnett Road), are separated from the site by a gap of approx. 15m and intervening structures. Furthermore, it is recognised that the proposal would re-develop an existing industrial estate. In view of these points, it is considered that the setting of the Grade II listed buildings would not be affected by the proposed development.
- 8.26 In view of the above, it has already been established, in policy, that this site is a former industrial estate, with a different character to the directly adjoining residential character. It is considered the proposed development would improve and enhance the site and the wider area; and, is therefore acceptable in design terms, in accordance with local and national policy.

iv. Residential Amenity

- 8.27 The NPPF states at Paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places). Policy 33 of the CLP includes requirements to protect the amenities of neighbouring properties.
- 8.28 The proposed redevelopment of the site would largely mirror the existing layout of the site, with regard to the approximate location of the units. Given the separation distance from the neighbouring properties to the north and south of the site, it is not considered that the proposed development would have a significant impact on neighbouring amenity.
- 8.29 In terms of the impact on residential amenity to the west of the site, it is noted that the existing car park, located in the north-west corner of the site and Blocks 4 and 5 located to the western edge would largely occupy the same position as existing; however, Block 3 would be rotated 90 degrees to face south with the flank elevation facing onto the residential properties adjoining the site and similar in position to Blocks 4 and 5. The existing buildings located to the western edge measure approx. 4.8m in height and are set at a lower height in comparison to the adjoining residential development. In contrast, the proposal would see Blocks, 3, 4 and 5 finished with a pitched roof, with an approx. eaves height of 4.35m rising to a ridge point of approx. 5m.

- 8.30 The plans detail that no windows would be installed to the west facing flank elevations. The submitted plans also detail that the existing tree and hedgerow would be retained and enhanced to the western boundary, with additional green areas to the parking area. Given, the proposal would largely replace existing units of a similar scale, it is not considered that the development would have a significant impact on neighbouring amenity to the west, in terms of loss of light, outlook or increased sense of enclosure.
- 8.31 Turning now to the impact on residential amenity to the east of the site, the submitted plans show that the majority of units to the eastern edge would be demolished, with the exception being Block 2, which would occupy a similar footprint to the existing unit. As existing the units located to the eastern edge range in height from approx. 2.6m to approx. 6.5m, with the rear elevations facing directly onto the public footpath (to the east), resulting in a boundary treatment comprising a high brick wall (approx. 4m in height). The high brick wall runs for approximately 50m, with the remaining boundary treatment to the southern end comprising a 2m high chain link fence, topped with barbed wire.
- 8.32 The proposed plans would now see the existing high brick wall to the eastern edge of the site retained. The eastern side of the site would be largely left open and given over to parking, bin storage and new green areas. The boundary treatment to the southern end of the eastern edge would consist of a 2m high welded mesh fence and vegetation, which would help assist in screening the site. Block 2 would be set away from the boundary, by 2.8m to 3.6m, and would include new areas of green space. Furthermore, Block 2 would be finished with a pitched roof, with a max height of approx. 4.8m and an eaves height of 4.3m. No windows would be inserted to the east facing flank elevation.
- 8.33 Given the separation distance, the proposed vegetation screening, its orientation in relation to the dwellings to the east and that the proposal would largely replace existing units of a similar scale, it is not considered that the proposed development would have a significant impact on neighbouring amenity to the east, in terms of loss of light, outlook or increased sense of enclosure.
- 8.34 Whilst it is acknowledged Block 1 (centre of site) will increase in height from approx. 5.2m to 10m (eastern side), given a separation distance of 13.5m to 15.4m to the nearest boundary (to the east), it is not considered the additional height would have a significant impact on neighbouring amenity to the east, in terms of loss of light, outlook or increased sense of enclosure. The eastern elevation would also feature windows (at mezzanine level); as above, given the separation distance from residential dwellings to the east, it is not considered these windows would significantly impact upon residential amenity, in terms of overlooking/loss of privacy.
- 8.35 The proposed development is therefore in accordance with the aims and objectives of the NPPF and Policy 33 of the CLP.

v. Drainage and Flooding

- 8.36 The site is almost entirely within Flood Zone 1 (low risk), with all new buildings proposed falling with Flood Zone 1. Therefore subject to satisfactory surface water drainage the CDC Drainage Engineer has no objection the proposed use, scale or location based on flood risk grounds.

8.37 The proposed method of surface water drainage is to infiltrate to ground via permeable paving/sub-base. This approach is acceptable in principle and supported by ground water monitoring and initial percolation tests. The CDC Drainage Engineer is satisfied with the principle of the current proposal, subject to a condition securing the detailed design to ensure the development is adequately drained.

8.38 The Environment Agency have been consulted on the proposal and raise no objection subject to conditions relating to drainage, contaminated land and the storage of oils, fuels and chemicals.

vi. Ecology and Biodiversity

8.39 A preliminary ecological appraisal and Ecological Impact Assessment accompanies the application. This concludes that the existing buildings on site have negligible bat roost potential. It also states that the risk of impacts on reptiles, amphibians, badgers and any other protected species is considered negligible in this case and no other surveys are considered necessary. It is recommended that any works to the trees or vegetation clearance on the site should be undertaken outside of the bird breeding season. Conditions are recommended to secure ecological/biodiversity protection and enhancements.

vii Sustainable Design and Construction

8.40 The site is located within the Settlement Boundary of Chichester and as such considered to be in a sustainable location, with good access to transport links. Furthermore, the submitted Sustainability Statement details that ducting would be provided to all parking spaces to allow for the installation of electric car charging points with 28% of spaces having active points initially. Details for a scheme of EV charging facilities would be secured by condition.

8.41 The central principle of the design will be investing in a Fabric First Approach. The building would be designed to minimise heat loss through increased levels of insulation and considered junction details (reduced thermal bridging). U Values of each element of the building would exceed the minimum new Building Regulation (Part L) values. For example Block 1 demonstrates the building goes beyond the required 19% improvement (i.e. the Building Emission Rate (7.7) is considerably lower than Target Emission Rate (21.2), therefore gives an approximate 64% improvement).

8.42 Given the proposal will see the redevelopment of an existing site, it has been proposed to re-use materials (where possible) following the pre-demolition audit. In addition, the proposal incorporates rooflights on each block, which will reduce the need for artificial lighting. Solar PV panels (on-site renewables) are also proposed to be installed on each block. The proposed energy production by technology (kWh/m²) for each block using PV panels is detailed as:

- Block 1: 35.59 kWh/m² - 574 panels / 933.6m² / 166.49 power (kWp).
- Block 2: 49.69 kWh/m² - 33 panels / 53.7m² / 9.57 power (kWp).
- Block 3: 18.79 kWh/m² - 48 panels / 78.1m² / 13.92 power (kWp).
- Block 4: 42.51 kWh/m² - 96 panels / 156.2m² / 27.84 power (kWp).
- Block 5: 44.87 kWh/m² - 60 panels / 97.6m² / 17.4 power (kWp).

8.43 The above systems are to be arranged to connect on the supply side of the sub meter in each unit/block - feeding into the landlord's distribution mains for the benefit of the whole site.

8.44 The development has also committed to minimising water use. It is recommended that the applicant's commitment in this regard is secured by a planning condition on the recommendation to permit this development. It is considered that in terms of the relevant criteria in Policy 40 and the Council's recent declaration of a climate change emergency the development demonstrates that it will deliver a proportionate and acceptable response.

viii. Other Matters

Noise

8.45 It is understood that the premises will be used in accordance with Use Class Order E and B8 under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. By definition Class E means: *'being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell fumes, smoke , soot, ash, dust or grit.'*

8.46 The submitted information details that the proposed uses would not introduce a new use to the existing industrial estate (the application proposes Use Classes B1b, B1c (now superseded by Use Class E) and B8). A condition would be imposed which would restrict the industrial estate to uses falling within E and B8.

8.47 Class E and B8 uses are by definition capable of operating in a residential area and these uses are likely to be less noisy, compared to the existing B2 Uses on the site. Whilst the submitted details do not indicate the inclusion of any external plant, the applicant would be advised that planning permission would be required for the installation of any fixed plant or equipment that materially changes the external appearance of the building. Additionally, a condition would be imposed to secure details of any required extraction system prior to installation, to avoid adverse impacts from air pollution on residential amenity. It is also recommended that the hours of operation, delivery and construction are restricted. Similarly, in the event that the units may expand or change operational model it is recommended that a condition is applied to ensure that all plant, machinery and equipment installed would be enclosed and/or attenuated. The Environmental Health Officer (EHO) also recommends that a Noise Management Plan for the site is secured by way of planning condition, in the interests of residential and environmental amenity.

8.48 In order to minimise any disturbance to residents and other business users, a condition is proposed seeking details of a Construction Management Plan, which would include such details as working hours, construction compounds and dust and noise management. The EHO also recommends a condition is imposed to secure details of the method of piling/foundation design, in the interests of protecting residential amenity and the wider area.

8.49 Subject to conditions and advisories, the EHO raises no objection to the proposal.

Lighting

8.50 In order to protect the appearance of the area, the environment and local residents from light pollution, the EHO recommends a condition is imposed to secure details of any external lighting of the site. This information, amongst other details, shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles, including timings/hours of lighting).

Air Quality

8.51 The site is not located within an Air Quality Management Area (AQMA); however, it is located adjacent to a busy road. It is considered that the proposed uses are likely to have an impact on local air quality (from vehicle movements and possible plant (e.g. heating/ventilation units) installed at the site). It is therefore recommended that a condition is imposed to ensure an Air Quality Assessment is undertaken, in order to assess the impact of the development on local air quality.

Contaminated Land

8.52 Given the past and present land uses at the site there is considered to be potential for land contamination. A comprehensive desk study, site walk over, risk assessment and sampling are required to be carried out at site. The outcome of the investigations will inform any remediation required. Services providing potable water may need to be upgraded, if areas of contamination are evident etc. Furthermore, waste materials may have been deposited at or near the site in the past, and as such ground gas monitoring may also be necessary. A gas risk assessment will also need to be produced in order to inform the design of future building foundations. Conditions would be imposed to protect the health of future occupiers of the site from any possible effects of land contamination.

8.53 A condition is also recommended ensure any fuels/oils or chemicals to be stored at the site, must be placed on impervious surfaces in order to limit spills/leaks affecting land quality at the site.

8.54 The applicant would be advised that given the age of the existing units at the site some of the buildings and structures may contain asbestos. The applicant should have regard to the Control of Asbestos Regulations 2012, and be aware that it may be necessary to notify, or obtain a licence from, the relevant enforcing authority prior to demolition or construction works commencing.

Fire Rescue Service: Water and Access

8.55 Currently the nearest Hydrant to the application site is 180 metres away. The supply of water for firefighting should be within 90 metres. A condition is recommended to secure details showing the location, installation and ongoing maintenance of 1 no. fire hydrant, in the interests of amenity and in accordance with The F&RS Act 2004.

Significant Conditions

8.56 The significant conditions required to make this development acceptable have been discussed in the relevant sections of this report. These include a Construction Management Plan, piling method, site levels, drainage details, tree/hedgerow protection, materials, landscaping, boundary treatment, ecological protection and enhancements, sustainability measures, noise insulation and management, odour control, air quality, contamination, lighting, travel plan, fire safety, cycle storage, use restriction, waste storage, hours of construction, delivery and operation.

CIL

8.57 The development is not CIL liable.

Conclusion

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

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction.

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

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

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

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

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

6) **No development shall commence** on site until the method of piling/foundation design has been submitted to and be approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved methods.

Reason: In the interests of protecting the amenities of neighbouring properties and the wider area. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

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

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

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

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

9) If the Phase 1 report submitted pursuant to Condition 8; identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

10) If the Phase 2 report submitted pursuant to Condition 9; identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

11) **No development shall commence** until;

- i) an assessment of the risks posed by any ground gases and/or vapours has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with relevant guidance, and
- ii) Where the approved risk assessment identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.

Thereafter, unless otherwise agreed in writing with the local planning authority, the approved scheme shall be implemented and a verification report submitted in writing to and approved in writing by the local planning authority, before the development is first occupied/brought into use.

Reason: The site is located in an area with the potential to be affected by ground gases and vapours and therefore compliance with local and national policy must be ensured. 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.

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

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

13) **No development shall commence above ground level** until an air quality assessment has been carried out for the proposed development and a scheme for protecting the future residential occupiers of the buildings from the effects of air pollution nitrogen dioxide/airborne particulate matter (PM10) arising from road traffic has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to the occupation of the buildings hereby approved and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the health of the occupiers of the proposed dwelling(s) in respect of atmospheric pollution.

14) **Notwithstanding any details submitted, no development shall commence 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 full 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.

15) **Prior to the installation of any extraction system** a detailed scheme shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the extraction system shall be designed, constructed and maintained so as to control noise and odour.

The scheme shall comprise plans, drawings, calculations and appropriate textual description of the components and their performance as a system. It shall include details of the canopy; air flow rates; primary grease filtration; secondary filtration; electrostatic precipitation; odour treatment technique be it ozone injection, carbon abatement or UV or any combination thereof; the characteristics of the exhaust point and the relationship of this to the building to which it is attached and other buildings in the locality; and how replacement air will be supplied. The scheme shall also include plans and a written schedule to detail the appearance, materials and finish of all external parts of the system. A proposed maintenance programme shall be included within the scheme. The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details and the system shall thereafter be retained, in accordance with the approved details.

Reason: To avoid adverse impacts from air pollution on health and quality of life and amenity.

16) **No development shall commence above ground level** until a Noise Mitigation and Management Scheme setting out details of measures to limit the impact of the activities associated with the site on the locality, together with a programme of implementation; has been submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be carried out in full accordance with the approved measures and programme including any ongoing requirements. Alterations to the Plan shall require formal written approval from the Local Planning Authority.

Reason: In order to preserve the character of the area and the amenity of both nearby residents and noise sensitive receptors within the development hereby permitted.

17) **No development shall commence above ground level** until a strategy outlining details of the sustainable design and construction for all new buildings, including: (1) building for life standards, (2) sustainable building techniques including fabric first and renewable energy technologies such as Solar PV (including full details of the savings in carbon compared to Building Regulations minimum in line with the submitted Sustainability Statement and details of the positioning, methods of mounting and design of renewable energy equipment), (3) water efficiency measures to achieve higher standards of water efficiency including external water use, (4) how a reduction in the impacts associated with traffic or pollution will be achieved and (5) provision of electric car charging points, 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 use unless any variation is agreed in writing by the Local Planning Authority.

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

18) **Notwithstanding the submitted details, no part of the development hereby permitted shall be first brought into use**, until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

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

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

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

20) **Notwithstanding any details submitted, no part of the development hereby permitted shall be first brought into use**, until the associated boundary treatments have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (a) scaled plans showing the location of the boundary treatments and elevations, and
- (b) details of the materials and finishes.

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

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

21) **Notwithstanding any details submitted, no part of the development hereby permitted shall be first brought into use**, until a scheme of ecological mitigation based on the recommendations of the submitted Ecological Impact Assessment (by Lizard Landscape Design and Ecology, July 2020 and the comments of the CDC Environmental Strategy Unit (dated: 16.09.2020); and, a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme of ecological enhancements shall include consideration of:

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

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

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

22) No part of the development hereby permitted shall be first brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council as the Local Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document and in accordance with the agreed timescales. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

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

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

24) No part of the development hereby permitted shall be first brought into use 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.

25) No part of the development hereby permitted shall be first brought into use until the scheme for Electric Vehicle charging facilities has been provided and implemented in accordance with the requirements of the WSCC Parking Standards (September 2020 and any subsequent amended parking standards) and the submitted Sustainability Statement (Scott White and Hookins, July 2020). The charging facilities and spaces shall thereafter be retained at all times for their designated purpose.

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

26) No part of the development hereby permitted shall be first brought into use until details showing the precise location, installation and ongoing maintenance of the 1 no. fire hydrant to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The 1 no. fire hydrant shall thereafter be maintained as in accordance with the approved details.

Reason: In the interests of amenity and in accordance with The F&RS Act 2004.

27) No part of the development hereby permitted shall be first brought into use, until details of any external lighting of the site have been submitted to, and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and the timings of any lighting and the mechanism for turning on/off any external lighting). The lighting scheme for the site shall take into consideration the presence of bats in the local area and the scheme shall minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The scheme shall set out how the design of the lighting shall not exceed the obtrusive light limitations for exterior lighting of the Institution of Lighting Professional Guidance for Environmental Zone E3; as shown below:

- Sky Glow ULR [Max %] 5;
- Light Intrusion (into windows) Ev [lux] pre-curfew 10 lx;
- Light Intrusion (into windows) Ev [lux] post-curfew 2 lx;
- Luminaire Intensity in candelas pre-curfew 10000;
- Luminaire Intensity in candelas post-curfew 1000;
- Building Luminance Pre-curfew, Average, L [cd/m²] 10;

The curfew is between 19.00 - 07.00;

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

The lighting shall be installed, maintained and operated in full accordance with the approved details, unless the Local Planning Authority gives its written consent to the variation.

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

28) No part of the development hereby permitted shall be first brought into use until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

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

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

30) The business units hereby permitted shall be designed to ensure that the consumption of wholesome water by persons occupying each new unit does not exceed 110 litres per person per day. **No business unit shall be first occupied** until the requirements of this condition have been fully implemented including fixtures, fittings and appliances.

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

31) 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.

32) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the 'assessment of effects and mitigation measures' section of the submitted Ecological Impact Assessment, produced by Lizard Landscape Design and Ecology (7th July 2020).

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

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

- i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and
- ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is bought into use, and
- iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first bought into use.

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

34) The premises shall not be used except between the hours of 07:00; and 19:00; Monday to Friday and between the hours of 08:00; and 13:00; on Saturday and at no time on Sunday, bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

35) No deliveries shall be taken to or despatched from the site outside of the hours of 07:00; and 19:00; Monday to Friday; and outside the hours of 08.00 and 13.00; on Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the neighbouring properties.

36) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage. The approved scheme shall be provided prior to the first use of the land for the storage of oils, fuels or chemicals and shall be maintained as approved in perpetuity.

Reason: To enable the Local Planning Authority to retain control over the development which may be injurious to the amenities of the area and of neighbouring properties and to prevent pollution

37) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) Order 2015, or any other statutory instrument amending, revoking and re-enacting the Order, the building hereby permitted shall not be used other than for purposes in Use Classes E and B8.

Reason: To ensure the use of the site does not have a harmful environmental effect in the interests of amenity and protecting residential amenity.

38) No sound amplifying equipment shall be used on the premises other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the equipment and an acoustic report. Thereafter the scheme shall be implemented in accordance with the approved details only.

Reason: To protect the amenities of the occupiers of nearby premises.

39) All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated, that noise therefrom at any time, when assessed according to British Standard 4142:2014, and expressed as a sound rating level, does not increase the background sound level as determined 1m from the façade of the most sensitive receptors, at any adjoining or nearby residential property.

Reason: In the interests of protecting residential amenity and the local area.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Location Plan (A1)	P0867-RHP-CS-XX-PL-A-1000	P3		Approved
PLAN - Block Plan (A1)	P0867-RHP-CS-XX-PL-A-1002	P2		Approved
PLAN - Existing Site Plan (A1)	P0867-RHP-CS-XX-PL-A-1005	P2		Approved
PLAN - Proposed Site Plan (A1)	P0867-RHP-CS-XX-PL-A-1010	P7		Approved
PLAN - Block 1 - Proposed Ground Floor Plan (A1)	P0867-RHP-CS-ZZ-PL-A-2050	P2		Approved
PLAN - Block 1 - Proposed Mezzanine Floor Plan (A1)	P0867-RHP-CS-ZZ-PL-A-2051	P2		Approved
PLAN - Block 1 - Proposed Roof Plan (A1)	P0867-RHP-CS-ZZ-PL-A-2052	P2		Approved
PLAN - Block 2 - Proposed Plans and Elevations (A1)	P0867-RHP-CS-ZZ-PL-A-2062	P2		Approved
PLAN - Block 3 - Proposed Plans and Elevations (A1)	P0867-RHP-CS-ZZ-PL-A-2063	P2		Approved
PLAN - Block 4 - Proposed Plans and Elevations (A1)	P0867-RHP-CS-ZZ-PL-A-2064	P2		Approved
PLAN - Block 5 - Proposed Plans and Elevations (A1)	P0867-RHP-CS-ZZ-PL-A-2065	P2		Approved
PLAN - Block 1 - Proposed North and East Elevations (A1)	P0867-RHP-B1-ZZ-EL-A-2110	P4		Approved

PLAN - Block 1 - Proposed South and West Elevations (A1)	P0867-RHP-B1-ZZ-EL-A-2111	P4		Approved
PLAN - Site Habitat Plan (A0)	LLD1925-ECO-FIG-001-00			Not Approved
PLAN - Planting Plan (A1)	2178-TF-XX-00-DR-L-3001			Approved
PLAN - Landscape Proposals and Structural Planting Scheme (A1)	2178-TF-XX-00-DR-L-1001			Approved
PLANS - Plans PLAN -	P0867-RHP-CS-ZZ-EL-A-2160	P2		Approved
PLANS - Plans PLAN -	P0867-RHP-CS-ZZ-EL-A-2161	P2		Approved
PLANS - Plans PLAN -	P0867-RHP-CS-ZZ-EL-A-2162	P2		Approved
PLANS - Plans PLAN -	P0867-RHP-CS-ZZ-EL-A-2163	P2		Approved

INFORMATIVES

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

2) The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place

3) In order to expedite the discharge of Condition 5 the applicant is advised to complete the Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the Council's expectations and requirements for Surface Water Drainage Proposals.

4) 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. <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusivelight-2020/>

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

These make it an offence to:

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

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

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

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

6) Given the age of the existing units at the site some of the buildings and structures may contain asbestos. The applicant should have regard to the Control of Asbestos Regulations 2012, and be aware that it may be necessary to notify, or obtain a licence from, the relevant enforcing authority prior to demolition or construction works commencing. Further information is available online at <http://www.hse.gov.uk/asbestos/detail.htm>.

7) The applicant is advised that planning permission would be required for the installation of any fixed plant or equipment that materially changes the external appearance of the building.

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

9) 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.

10) This site lies within a sensitive groundwater area. Groundwater is therefore potentially at risk from activities at the site and all precautions should be taken to avoid discharges and spills to ground both during and after construction.

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QEAEP1ER10R00>