

Parish: Birdham	Ward: The Witterings
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BI/20/02378/FUL

Proposal	Demolition of existing 3 no. outbuildings and erection of light industrial building (B1) comprising 2 no. units.		
Site	1 Birdham Business Park Birdham Road Birdham West Sussex		
Map Ref	(E) 483518 (N) 100544		
Applicant	Mr Haddad	Agent	David Quinn

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

Parish Council Objection

2.0 The Site and Surroundings

- 2.1 The application site comprises a 2.3ha land parcel within the existing Birdham Business Park, an established industrial site to the east of Birdham Road. The site falls outside of the settlement boundary of Birdham and therefore in the Countryside. The site is accessed via Birdham Road and is surrounded by fields to the west and south-west, with a private residence to the south-east. The site is bounded by Birdham Road to the north beyond which are fields with associated buildings to the north east and a private residence and outbuildings to the north. This land beyond the Birdham Road is within the AONB.
- 2.2 The application site includes a large single building of approximately 1.5 storey equivalent height and is split into a series of smaller units. There is a further 2 storey light industrial unit to the western corner of the site located by the access way. A small collection of storage and plant buildings are located between the main building and the Sothern boundary of the site. The site is well screen by mature vegetation and includes a deep grass verge with ditch.
- 2.3 Currently the site has 88no. parking spaces plus 6no. spaces for heavy good vehicles and 6 cycle parking spaces.
- 2.4 The application's supporting documents show that the land has been contaminated with diesel over the years due to previous storage of generator equipment on site.

3.0 The Proposal

- 3.1 The applicant proposes the demolition of two small derelict outbuildings which once housed generator equipment. In their place, the proposal seeks to erect a 620m² light industrial building comprising of 2 units. Due to the contamination caused by the previous storage uses on site, remedial works are proposed as part of the application. The proposed building could be 7.3m high with a footprint of 41.5 x 14.95m².
- 3.2 The proposed use of the building would be for additional space for storage for Montezuma's Chocolates Ltd, an existing, established occupant of the site. It is proposed that the development would result in the creation of 2 additional full time jobs on site.
- 3.3 No changes are proposed to the access to the site from Birdham Road. The proposals would result in the loss of 10 parking spaces to accommodate the larger building but the inclusion of 10 additional cycle parking spaces.
- 3.4 The proposals include access for those with limited mobility/wheelchair access and provides disabled toilet facilities.

4.0 History

99/01190/FUL	PER	Amendment to approved scheme BI/97/01520/FUL. Replacement of sub-standard industrial units.
01/00326/FUL	PER	Conversion of existing rear industrial building to form six light industrial units (Class B1) and alterations to south-east elevations.
01/01051/FUL	PER	Additional goods entrance door to north east elevation. Amendment to approved scheme BI/97/01520/FUL.
03/00526/OUT	PER	New light industrial unit and retrospective consent for the increase in site area to include new parking.
06/05132/FUL	REF	Demolish existing bungalow and erect 3 no. B1 units on bungalow site and adjoining industrial land.
07/05006/FUL	PER	Demolish existing bungalow and erect 3 no. B1 units on bungalow site and adjoining industrial land.
10/03224/EXT	PER	Renewal of extant approval to demolish existing bungalow and erect 3 no. B1 units on bungalow and adjoining industrial land.
13/02803/EXT	PER	Extension of time for the implementation of planning permission BI/10/03224/EXT. Demolish existing bungalow and erect 3 no. B1 units.
15/02827/FUL	PER	Demolition of existing buildings and erection of light industrial building (B1) comprising two units with car parking.
16/04178/DOC	DOCDEC	Discharge of conditions 4, 6, 7 and 8 from planning permission BI/15/02827/FUL.
17/01622/DOC	DOCDEC	Discharge of conditions 6, 7 and 8 of planning permission BI/15/02827/FUL.
18/00497/FUL	REF	Change of use of site to sui generis storage use for the siting of 32 self storage units including new palisade fence to boundaries.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Birdham Parish Council

Birdham Parish Council OBJECTS to this extremely large building with very high roof on such a small site. The site is already densely populated, and the scale and massing of the building is inappropriate given the proximity of the AONB. There is an anticipated noise nuisance for local residents, and it will be not be possible to comply with the ecology report as the building will be built up against the hedge area.

Response to agent letter dated 16 March 2021

I have read the letter / email dated the 16th of March 2021 from Mr. David Quinn, Project Director of Dawsongroup Temperature Control Solutions Ltd., and after due consideration Birdham Parish Council would retain its decision to Object to this planning application.

The reasons for this objection remain the same as listed previously following an earlier parish council meeting.

Extremely large building with a very high roof. The height of the proposed building will intrude into the views from the AONB that borders the site. The proposed industrial building has an unnecessary high ridge line that would be visible from the southern boundary across from the open fields particularly in the autumn and winter months. The length of the proposed building and its height gives a mass and bulk that will give an inappropriate view and harmful visual impact from the AONB which is a protected landscape. The character and appearance of the site as a Business Park set in a rural area within open countryside would not be conducive to the Birdham area.

The site is already densely populated with existing building plus the parking, semi-permanent containers, stored goods and transport vehicles. Some existing parking spaces would be lost if the building was to proceed. Being able to manoeuvre around the buildings safely is always a concern for staff and visitors.

The building is likely to increase the traffic movement on and off the site with the resultant noise and warehousing / work activities. The artificial light intrusion from the large and tall building will be a consideration when viewed from the open fields through the hedge in the winter months.

The building is proposed to be located close to an existing hedge line that is the only visual screen on the southern boundary. A buffer zone of several metres wide needs to be incorporated adjacent to the hedge. Again, the density of the buildings on the site will compromise the ecological requirements being fully realised. The ecological report supplied by the applicant is detailed and the items listed in the CDC Environmental Assessment with enhancements are at best challenging to be fully compliant and long lasting to benefit the wildlife, flora and longevity of the countryside area of Birdham.

6.2 Chichester Harbour Conservancy

The Chichester Harbour Conservancy has provided a letter of Objection to this application, the key points of which are summarised below.

The planning unit / red-line site lies outside the AONB national landscape. However, the following planning issues impacting on the AONB are considered to justify an objection to the proposal -

- the industrial building has an unnecessary high ridgeline and together with the extensive length provides a building mass and bulk that is considered to have a harmful visual impact on views from the AONB protected landscape
- the positioning of the industrial building erodes the landscape buffer screen to the southern boundary of the site thereby failing to secure and safeguard a visual screen to the proposal when viewed from the AONB protected landscape
- The adopted guidance requires a clear demonstration that no harm is caused to the AONB. The site's location within open countryside on the periphery of the AONB is a key consideration. The positioning of the proposal would have a localised impact on the character and appearance of the site and the immediate surrounds. The proximity to the southern boundary would enable the building to be seen especially in the autumn and winter months when foliage is less. The scale of the building would emphasise the presence of the building in the landscape. The proposal would have a visual impact on the AONB. It is accepted that this impact is limited during some of the year but more pronounced in winter months.

Overall, given its setting, the proposal is considered to represent an unduly prominent development and therefore to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB) in terms of landscape character.

The proposal is unlikely to have any significant impact or effect on the AONB in relation to wildlife conservation and protection.

6.3 Environment Agency

No objection to the proposal as submitted. This development site appears to have been the subject of past industrial activity which poses a medium risk of pollution to controlled waters.

6.4 WSSC Highways

The proposals will be accessed from the A286 (Birdham Road) which is located to the south of Chichester town centre and just to the south of Birdham village. The site serves a number of industrial and commercial outlets. The road is subject to a 50 mph speed limit in this location.

Access and Visibility

The site does have an existing vehicular access onto the A286, no modifications are proposed to the existing access arrangements. The access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity. Sightlines along Birdham Road from the existing point are considered acceptable.

A review of the access onto Birdham Road indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

Capacity

Given the scale of the proposal and the existing permitted use at the site a TRICS assessment is not required. Having regard to the scale of the development it is unlikely that there will be a material increase in traffic movements over the current permitted use. From a capacity perspective we are satisfied the proposal alone will not have an unacceptable residual impact onto Birdham Road.

Parking

The proposed parking is considered acceptable. Based on the submitted drawings and existing layout there would be sufficient space for parking, loading and turning of vehicles to enter the highway in the forward gear.

Sustainability

The submitted design and access statement does suggest that persons using the site could arrive on foot, cycle, bus, train or by car. Realistically given the type of use, the majority of visits would be via the car. However as previously stated the proposal is not anticipated to result in a material increase in traffic movements over the permitted and historic uses. It is therefore suggested that the applicant provides a Travel Plan Statement for staff to provide a balance in favour of sustainable travel.

Conclusion

The LHA does not consider that the proposal would have 'unacceptable' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 108 and 109), and that there are no transport grounds to resist the proposal.

Recommend conditions in relation to car parking spaces and Travel Plan (to be approved).

6.5 CDC Environmental Strategy Unit

Bats

As detailed within the Ecological Assessment (Oct 2020) there is potential for bats to be roosting within building B2 on site. Due to this and as recommend within the survey further bat emergence surveys are required to determine if bats are roosting onsite prior to determination. This survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (May ' September) and submitted for our approval with the planning application. If bats are found to be roosting within the building mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination

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.

Dormice

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

Reptiles

As detailed within the Ecological Assessment (Oct 2020) there is potential for reptiles to be onsite. Due to this and as recommend within the survey a reptile activity survey needs to be undertaken by a suitably qualified ecologist to determine if reptiles are onsite. If reptiles are found a mitigation strategy will also need to be produced. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works. Both the reptile activity survey and the mitigation strategy (if required) will need to be submitted with this application prior to determination.

Badgers

Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Hedgehogs

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

Nesting Birds

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

We would like a bird box to be installed on the building / and or nearby tree.

Enhancements

We require a number of enhancements are incorporated within the scheme as detailed in the Ecological Assessment (Oct 2020) and shown with the landscaping strategy. These include;

- 8 new trees planted
- Wildflower planting used
- Filling any gaps in tree lines or hedgerows with native species
- 3 Bat and 10 bird boxes installed on the site.
- Log piles onsite
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site
- Two hedgehog nesting boxes included on the site

Comments in response to submitted information – received 13/07/2021

Thank you for forwarding the outstanding endoscopy report. The bat surveys concluded that Building 1 has negligible potential to support roosting bats and building 2 has low potential. The bat ecologist has recommended as an extra precaution within the mitigation strategy that the south-west wall on Building 2 must be inspected for bats by a licensed ecologist, immediately prior to demolition and this should be conditioned should planning permission be granted.

This is in addition the other mitigation as proposed in the mitigation strategy including:

- Pre-construction mitigation includes establishment of a root protection zone along the hedgerow with trees at the south-west border of the site, which will be protected by suitable barrier fencing, such as Heras fencing.
- Immediately prior to the construction phase, a suitably qualified ecologist must oversee the removal of habitats, including a two-phased strim of the grassland and hand searches for nesting birds.
- The south-west wall on Building 2 must also be inspected for bats by a licensed ecologist immediately prior to demolition, whilst guidance on site management for wildlife during construction as detailed within the strategy and must be brought to the attention of the site manager.

- Post construction mitigation measures include a sensitive lighting scheme and a 'dark zone' along the hedgerow to mitigate impacts to commuting and foraging bats.
- Enhancement measures are proposed to benefit wildlife and offset negative impacts such as a new grassland management regime to benefit reptiles, and planting eight native deciduous trees to benefit insects and nesting birds

The reptile survey has now been provided and mitigation within the mitigation statement is acceptable for this.

Due to the requirements within Local Plan Policy 40: Sustainable Construction and Design, we require that a sustainability statement is submitted for this proposal. The statement will need to demonstrate how the requirements of policy 40 will be met. This includes how the site will;

- Protect and enhance the environment
- Achieve a maximum consumption of 110l of water per day per person
- Complies with building for life standards or equivalent replacement
- Sustainable design including the use of re-used or recycled materials
- Minimise energy consumption through renewable resources
- Adapt to climate change
- Historic and built environment protected and enhanced
- Improvements to biodiversity and green infrastructure
- Maintain tranquillity and local character
- Provision of electric vehicle charging points

Updated comment in response to submitted documents – received 12/07/2021

The sustainability statement is acceptable with the proposal of achieving net zero for the development.

6.6 CDC Drainage Officer

Surface Water Drainage: The documents submitted in support of this application suggest that the proposed means of surface water drainage is through the use of SuDS features and discharge to a local watercourse. This approach is acceptable principle.

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

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

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

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

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

Flood Risk:

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

6.7 CDC Archaeology

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

6.8 CDC Environmental Protection - Contamination

Our department does not object, in principle, to the proposed development, subject to the recommended condition and informative to safeguard the amenity of the locale.

6.9 CDC Environmental Protection - Noise

Consideration has been given to Acoustic Associates Ltd Noise Impact Assessment (Ref: J3022, issue 1, 28th October 2020). It is predicted that the assumed operations shall not lead to an adverse noise impact in accordance with BS4142:2014+A1:2019. The methodology and assumptions of the noise assessment are largely accepted. However, as the assessment is based on assumptions, conditions are recommended in relation to noise levels, hours of operation and vehicle movements.

6.10 CDC Economic Development Service

Economic Development supports this application

The Manhood Peninsula does not have a surplus of supply of commercial premises of the size being proposed. Future tenants will benefit from good quality commercial space suitable for light industrial use. Furthermore, this development also creates the opportunity for businesses at the Birdham Business Park to expand their operations.

6.11 Third party support comments

1 no. third party representation of support have been received

1 no. third party representation of objection have been received. This was received from the Manhood Wildlife and Heritage Group.

6.12 The Manhood Wildlife and Heritage Group

The Manhood Wildlife and Heritage Group wishes to OBJECT to this application:

- The height of the new proposed buildings will intrude into the views from the AONB
- The density of buildings on the site will prevent the ecological report being implemented
- The original permission states that the vegetation along the site border needs to be retained/protected ie the hedge and a 5m buffer zone around it, and
- the CDC Environmental officer points to several species needing to be taken into account ie spelled out in the Ecological Assessment (Oct 2020) to include: Bat requiring further survey on emergence lighting scheme and their potential impacts; Dormice; Reptiles, Badgers, Hedgehogs, Nesting birds

The CDC environment officer points to enhancements being required as set out in the Ecological Assessment and shown with the landscaping strategy.

MWHG reinforces the need for these to be included in the Conditions should permission be given.

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. The Birdham Neighbourhood Plan was made on July 2016 and forms part of the Development Plan against which applications must be considered.

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 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

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 45: Development in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 52: Green Infrastructure

Birdham Neighbourhood Plan

Policy 4: Landscape Character and Important Views

Policy 5 : Light Pollution

Policy 6 : Biodiversity

Policy 9 : Traffic Impact

Policy 13 : Settlement Boundary

Policy 19 : SUDS Design and Management

Policy 20 : Surface Water Run-off

Policy 21 : Wastewater Disposal

Policy 22 : Development for Business Use

Chichester Local Plan Review Preferred Approach 2016 - 2035

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

National Policy and Guidance

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

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

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

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

or

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

7.5 Consideration should also be given to the following paragraph and sections: 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

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

- Planning Obligations and Affordable Housing SPD (2016).
- Surface Water and Foul Drainage SPD (2016).
- CDC Waste Storage and Collection Guidance.
- The CDC Design Protocol (December 2013).

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

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The key considerations for the determination of this application are:

- i. Principle of Development
- ii. Scale and Appearance
- iii. Impact of the Landscape Character of the AONB
- iv. Land contamination
- v. Noise
- vi. Highways
- vii. Residential Amenity
- viii. Ecology
- ix. Drainage
- x. Sustainability

Principle of Development

- 8.2 The proposed development has been granted planning permission previously in 2016 (15/02827/FUL refers) and although no longer extant, it remains an important material consideration for the determination of this application. The two applications have the same description of development plus the same footprint and location of the proposed building.
- 8.3 As such, the key consideration regarding principle of development in this case is whether planning policies, either national or local, have altered since the approval of the previous permission which would warrant a different determination of the previously accepted principle of development on this site. It should also be noted that, in addition to the permission granted in 2016, the building was approved under 07/01208/FUL and again under 10/04925/FUL. Pre-commencement conditions were discharged on the latter permission, but the permission then lapsed without commencement taking place.
- 8.4 National level policy has changed since the previous consent was granted, with several iterations of the NPPF being published since then. The latest and current version is the 2021 NPPF, published on 20 July 2021. In general, the NPPF continues to support the expansion of existing businesses, particularly in existing developments.
- 8.5 Paragraph 11 of the NPPF continues to apply the presumption in favour of sustainable development which, for decision taking, means approving development proposals that accord with an up-to-date local plan without delay. Whilst the housing policies of the CLP are considered to be out of date, the policies for business and economic development remain relevant.
- 8.6 Paragraph 81 of the NPPF gives support to the investment, expansion and adaptation of businesses and attaches weight to supporting economic growth and productivity taking into account the needs of local businesses.
- 8.7 Paragraph 85 states that decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements, whilst also considering the sensitivity of the surroundings and local road network. It also states that the use of previously development land should be encouraged where suitable opportunities exist.

- 8.8 In terms of the Development Plan, the previous application was considered under the current Chichester Local Plan (CLP) and therefore the policies which applied to the previous approval remain.
- 8.9 The site falls outside of the settlement boundary of Birdham and therefore is located within the Countryside. Policy 45 (Development in the Countryside) states that planning permission will be granted for sustainable development where three criteria are met. In relation to this case, these can be summarised as: Relates to an existing group of buildings; complementary to and does not prejudice other existing viable uses and; proposals require a countryside setting and have minimal impact on the landscape and rural character of the area. In this case, it is clear that the proposed building relates to the existing buildings on site and complements the current on site operations. The design of the proposed building is discussed further below in this report but is considered to be rural in character and of the same scale and layout as previously approved. As such it is considered that the application complies with Policy 45 of the CLP.
- 8.10 Policy 3 of the CLP supports the sustainable growth of the local economy. The policy seeks (amongst other things) to protect and enhance existing employment sites and premises to meet the needs of modern business.
- 8.11 Policy 26 supports the development of employment floorspace on existing employment sites where it can be demonstrated that the proposals would not result in a material increase in noise; generate unacceptable levels of traffic movements or pollution and; that there is no adverse impact on nearby residential properties or the appearance of the site in the landscape. Therefore, this policy supports the proposed development subject to the technical issues stated, which are detailed below.
- 8.12 The now 'made' Neighbourhood Plan (NP) also recognises the importance of businesses to the local economy and supports business development in the settlement boundary. This site is outside the boundary. However, it forms part of an established industrial site and policy 22 of the NP supports small-scale development and expansion of existing business premises across the Parish [officer emphasis].
- 8.13 It is noted that both Birdham Parish Council and Chichester Harbour Conservancy object to the application on the basis of its proximity to the neighbouring Chichester Harbour AONB to the north-western side of Birdham Road. The site itself does not fall within the AONB. Under the previous 2010 application, Birdham Parish Council supported the principle of the new light industrial floorspace proposed.
- 8.14 Taking into consideration all of the above, it is considered that the proposals are aligned with policies 3, 26 and 45 of the CLP and policy 22 of the NP which all lend support for the development for business purposes, including within the countryside where appropriate, and as such establishes the principle of development. This is however subject to the other key considerations, many of which are stipulations of the aforementioned business policies.

Scale and Appearance

8.15 Whilst the overall height and footprint of the proposed building is the same as that previously approved, the scale and appearance of the proposed building does differ in terms of its appearance, by virtue of a slightly altered elevational design and materials and in terms of its scale, by virtue of the proposed gabled ended rather than hipped roof. However, the proposed building under this application is rural in appearance, to be constructed of specialist insulated panels, with a traditional rural outbuilding design and colour (olive green). This material has been used on the existing building to the north-west of the site. The proposed structure would have a 7.3m ridge height, also the same height as the existing building to the north-west of the site. It is not considered that the scale and appearance would be out of keeping with the character of the area and, importantly, does not differ significantly from that which has previous been approved in the same location.

Impact of the Landscape Character of the AONB

8.16 The site is not located within the AONB. However, it is adjacent to it, with the site being located to the south of Birdham Road and the boundary of the AONB running along the northern side of the Road. It therefore forms part of the setting of the AONB and so consideration as to its potential impact must be assessed.

8.17 Paragraph 176 of the NPPF attaches great weight to the importance on AONBs. It states that development within the setting of an AONB should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

8.18 Policy 43 of the CLP addresses the Chichester Harbour AONB specifically. It states that the individual proposals and their cumulative effect will be carefully considered, and permission will be granted where it can be demonstrated that all the necessary criteria are met. This can be summaries as:

- To conserve and enhance the natural beauty and local distinctiveness of the AONB
- Respond rather than distract from character of AONB
- Not lead to actual or perceived coalescence.
- Is appropriate for the economic, social and environmental well-being of the area
- Complies with the aims of the Chichester Harbour AONB Management Plans.

8.19 The site is well screened with existing vegetation including two large protected trees to the north-west of the site. The proposed building would be located to the south of an existing building on site which is of the same height, thereby limiting the view of the proposed building when viewed from Birdham Road or the AONB. The proposed materials match those already implemented on site and the 'olive green' colour combined with the in-keeping design of the proposals results in a sympathetic appearance.

8.20 It is therefore considered that the application does not conflict with the policies of the NPPF or policy 43 of the CLP and that the visual impact on the AONB is minor and so does not warrant a different determination than that previously made at this site.

Land Contamination

8.21 As part of a ground investigation from 2011, the site has been identified as having localised petroleum hydrocarbon contamination. In consultation with the Council's environmental protection team, who have no objection to the proposals, it is considered that the required remediation can be secured via the standard recommended conditions.

Noise

8.22 The applicant has submitted a Noise Impact Assessment as part of this application. In consultation with the Council's environmental protection officer, it is considered that the proposed operations conducted on this site would not lead to an adverse noise impact provided that any approval be subject to a condition limiting the noise level experienced by neighbours, preventing external machinery and limiting hours of operation. The condition would also need to ensure that the necessary fittings to forklift trucks are installed, shutter doors are closed unless needed for access and a limit of 4 HGV movements per day.

Highways

8.23 The site is accessed via Birdham Road to the north, which has a 50mph speed limit in this location. The highways information has been considered in consultation with WSCC. In terms of access, there are no proposed changes to the existing arrangement, which provides sufficient access and sightlines for the proposed level of vehicular use. A review of the accident data shows the access is operating safely, with no accidents recorded in the last 3 years.

8.24 The scale of the development is not considered to create any likely material increase in traffic movements and WSCC are satisfied that the proposals will not have an unacceptable impact on Birdham Road. However, a Travel Plan is recommended to be secured via condition to help promote sustainable transport options.

8.25 The scheme would result in the loss of 10 car parking spaces. Currently the site includes 88 car parking spaces and 6 heavy goods spaces, so the resultant parking provision would stand at 77 car parking spaces (plus the existing heavy goods spaces). WSCC are content that the loss of these 10 parking spaces is acceptable for the existing and expanded use. It is also noted that the layout of the proposals allows for enough space for parking, loading and turning of vehicles to enter the highway in the forward gear.

Residential Amenity

8.26 There is limited nearby residential properties in proximity to the site. There is one large single residence to the south of the site and another to the north. The proposed hours of use are limited to daytime only, between 8am and 6pm Monday-Friday, 8am to 6pm on Saturdays and closed on Sundays and bank holidays. Given the findings of the noise and highways considerations, it is not considered that the proposals would result in any adverse impact on these neighbours.

Ecology

- 8.27 In assessing the buildings set for demolition, the bat surveys concluded that Building 1 has negligible potential to support roosting bats and building 2 has low potential. As a precaution the mitigation strategy recommends that the south-west wall on Building 2 must be inspected for bats by a licensed ecologist, prior to demolition. The site has been identified as having potential for reptiles on the site. As such, a reptile survey was undertaken by the applicant which shows that a single common lizard was found to the north-eastern corner of the site. Given the low level of reptiles found, it is considered appropriate for the development to be undertaken using habitat manipulation measures, also detailed in the Mitigation Strategy. CDC environmental protection officers support this stance and as such, a condition is suggested to ensure that the Mitigation Strategy is complied with. In addition to this, a condition is recommended requiring the applicant survey the site for use by badgers prior to works starting. If a sett is found on site, the applicant will need to consult with Natural England and produce a further mitigation strategy.
- 8.28 Other ecological matters include the hedgerows and treelines on site which have the potential for use by dormice and will therefore need to be retained and enhanced, with any gaps being filled with native hedge species. Whilst representations received during the application process have raised concerns about the proposed building's proximity to the hedgerow, CDC Environmental Strategy Unit has not raised this as a matter of concern. In addition, any areas which could provide shelter for hedgehogs must only be removed outside of hibernation period using soft demolition and a nesting box shall be installed within the site. A birdbox is also required by condition to be installed on site and any tree works to be undertaken outside of the nesting season.
- 8.29 The ecological enhancements related to these matters are proposed in the submitted Ecological Assessment. These are as follows and will be secured via a condition requiring compliance with the Ecological Assessment.
- 8 new trees planted
 - Wildflower planting used
 - Filling any gaps in tree lines or hedgerows with native species
 - 3 Bat and 10 bird boxes installed on the site.
 - Log piles onsite
 - Gaps included at the bottom of the fences to allow movement of small mammals across the site two hedgehog nesting boxes included on the site

Drainage

- 8.30 The site is in Flood Zone 1 (lowest risk of flooding). It is proposed that drainage will be achieved through SuDS which is acceptable in principle. The detailed drainage design will need to be submitted and approved by the LPA and is recommended to be secured via condition. To bring the development in line with current guidance, the documentation supporting the drainage design will need to demonstrate that the infiltration/SuDS features can accommodate the water from a 1 in 100 year critical storm event, plus an additional 40% climate change allowance.

Sustainability

8.31 A sustainability assessment has been provided with this application which demonstrates that the proposal is capable of achieving net zero carbon emissions for the development meaning the developments carbon use and savings would be balanced. This would be achieved the provision of:

- electric vehicle (EV) charging points (including ducting for any future additional points)
- eco-flush toilets and sensor taps
- Low energy appliances and lighting
- insulated wall and roof panels
- locally sourced materials (where possible)
- photovoltaics

Conclusion

8.32 The planning history of approvals for very similar proposals on this site is a material consideration for the determination of this application and it is considered that the principle of development is established given the proposal's constituency with national and local planning policies supporting local businesses. It is considered that the impact on the Chichester Harbour AONB would be limited due to the level of vegetation screening, the consistent use of sympathetic materials and the buildings location within the site with an existing building situated between the proposals and the AONB, and as such does not warrant a different determination of this application based on its location in in proximity to the AONB.

Recommendation

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

2) 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 6609A/03 Rev06; 6609A/04 Rev06; 6609A/05 Rev05; 6609A/07 Rev02

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

3) Prior to commencement, an inspection of the site should be undertaken to understand whether there is any presence of badger sett(s) on site. If a set is found, a mitigation strategy shall be submitted and approved by the Local Planning Authority prior to the commencement of development. Thereafter, the development shall be undertaken in accordance with the approved details.

In all circumstances, the mitigation measures detailed in the mitigation strategy (dated 8th June 2021) shall be complied with unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interest of protecting and enhancing biodiversity

4) Prior to commencement of development, formal consent shall be approved in writing from the Lead Local Flood Authority (WSSC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: to ensure adequate drainage of the site

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** until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA). Unless the local planning authority dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

7) If the Phase 1 report submitted 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.

8) If the Phase 2 report submitted 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.

9) 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.

10) Prior to first occupation, full compliance with the enhancements required by the approved Ecology Assessment shall be implemented, with evidence submitted to and approved by the Local Planning Authority. These shall include:

1. 8no new trees planted
2. Wildflower planting used
3. Filling any gaps in tree lines or hedgerows with native species
4. 3no. Bat and 10no. bird boxes installed on the site.
5. Log piles provided onsite
6. Gaps included at the bottom of the fences to allow movement of small mammals across the site two hedgehog nesting boxes included on the site

Once carried out, the ecological enhancements shall be retained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

11) Before the development is first brought into use, details shall be submitted to and be approved in writing by the Local Planning Authority of any proposed external lighting of the building hereby permitted. Submitted details shall include the detailed design of the lighting including the number and siting of proposed fittings, the levels of luminance, hours of lighting, beam orientation and measures to avoid light spillage beyond the site boundary. Any lighting to be installed shall be installed strictly in accordance with the approved details and thereafter maintained as approved.

Reason: In the interests of protecting the wildlife in the area.

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

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

12) No part of the development hereby permitted shall be first brought into use until the scheme for Electric Vehicle charging facilities, as detailed in the approved Sustainability Statement (dated 28 June 2021), has been provided and implemented in accordance with the requirements of the WSCC Parking Standards (September 2020 and any subsequent amended parking standards).

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.

14) No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. 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.

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

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

16) 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.

17) The development hereby permitted shall not take place other than in accordance with the following restrictions unless any variation is first agreed in writing by the Local Planning Authority:

- At no time shall operations from the development give rise to a noise rating level above the background sound levels 50dB LA90,15mins Monday to Friday and 52dB LA90,15mins Saturday, as determined 1m from the façade of the most sensitive residential receptor and in accordance with BS4142:2014+A1:2019
- At no time shall external mechanical plant be used at the development unless it has first been demonstrated to the satisfaction of the Local Planning Authority that acceptable resultant noise levels can be achieved at the nearest sensitive receptors in accordance with BS4142:2014+A1:2019
- White noise reversing alarms shall be fitted to all forklift trucks used at the approved site
- During the hours of operation specified by this condition roller shutter doors shall be kept closed except for ingress and egress
- HGV movements at the approved site shall be limited to 4 in total for each working day Monday to Saturday

Reason: In the interests of protecting residential amenity.

18) The approved Sustainability Strategy (dated June 2021) 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

19) Any areas within the site which could provide shelter for hedgehogs such as any brush pile, compost and debris piles must only be removed outside of hibernation period (mid-October to mid-March inclusive) using soft demolition.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season (1st March - 1st October). If works are required within this time, the site will require inspection by a suitably qualified ecologist within 24 hours of any work commencing.

Reason: in the interest of protecting and enhancing biodiversity

20) The premises shall not be used except between the hours of 08:00; and 18:00; 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.

21) No deliveries shall be taken to or despatched from the site outside of the hours of 08:00; and 18:00; 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 neighbouring properties.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Proposed elevations.	6609A 03	06	27.10.2020	Approved
PLAN - Location plan.	6609A 04	06	27.10.2020	Approved
PLAN - Block plan.	6609A 05	05	27.10.2020	Approved
PLAN - Proposed floorplan.	6609A 07	02	27.10.2020	Approved

INFORMATIVES

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

2) It is noted that 10 years have passed since the initial ground investigation, so consideration shall have to be given to current ground conditions, in case they have altered over the last decade and potentially worsened.

For further information on this application please contact Joanne Prichard on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QH0J44ERGH700>