



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

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

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

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

2.0 The Site and Surroundings

- 2.1 The application site is a 1.02 ha land parcel which comprises an existing warehouse building (measuring 93m (l) x 36.5m (d) x 9.25m (h)) with an area of car parking to the eastern side of the site and a 'bund' and landscaping to the western side of the site. The south of the site fronts onto Barnfield Drive and is bounded by hedging. The site is accessed from Barnfield Drive to the south-east of the site. To the west of the site lies a residential area in the north east of Chichester City. The closest existing housing is located at The Pitcroft to the west, with houses facing onto the western boundary of the site. To the north lies a construction site with planning consent for 106 new homes known as Phase 9a (20/02905/REM) of the wider Graylingwell development (14/01018/OUT). To the East there is an area of undeveloped land.
- 2.2 The existing buildings and use carried out on the site was approved in 2006 (05/04284/FUL). The site is used as a carpet wholesaler for storage and distribution. At the time this was classed as use class B8 and B1 and would now be classed as Use Class B8 and E (g)(iii) under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

3.0 The Proposal

- 3.1 The application proposes to provide an extension to the western elevation of the existing warehouse building. The proposed extension would be approximately 9.25m in height and 11.9m in depth projecting westwards from the western elevation, and it would extend the full length of the existing building (approximately 93m). The extension would be located in the area which currently comprises a bund and landscaped area to the western side of the site fronting The Pitcroft, a residential road immediately to the west of the application site. The proposed use of the extension would expand the storage capabilities of the warehouse. There is no proposed increase in staffing or parking requirements. The applicant proposes to utilise the existing vehicular access on Barnfield Drive, with no alterations to this arrangement proposed.
- 3.2 The extension would be constructed using materials to match the existing building. It is proposed that additional landscaping would be provided to mitigate the loss of existing landscaping on the western edge.
- 3.3 The proposals include the provision of a new soakaway to manage additional surface water run-off, in the form of a geocellular soakaway tank to be located immediately north of the proposed extension.

4.0 History

05/04284/FUL	PER106	Employment development comprising 3614 sqm (B8 and B1). Means of access and landscaping.
06/01472/FUL	PER	Installation of sprinkler water tank and pump house to be able to provide sprinkler fire protection to the carpet warehouse.
07/02601/ADV	PER	1 no. free standing single sided pylon.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chichester City Council

Strong objection. The scale of the extension and its proximity to the facing residential properties would have an enclosing and urbanising impact on the area's green and open suburban character which would not be sufficiently mitigated by the remaining landscaping area.

6.2 WSCC - Highways

This proposal is for the construction of an extension to existing Class E/B8 building. The site is located on Barnfield Drive, an unclassified road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) raise no objections to the proposed development.

The application is supported by a Transport Statement prepared by Hydrock. It should be noted that whilst the contents of the Transport Statement are accepted by the LHA, the Transport Statement appears to be missing the appendices at the end of the document. Notwithstanding this, the missing appendices appear to have been submitted as separate application documents, which have been inspected by the LHA when assessing this application.

Access and Visibility

The applicant proposes to utilise the existing vehicular access on Barnfield Drive, with no alterations to this arrangement proposed. From inspection of local mapping, there are no apparent visibility concerns with the existing point of access on to the maintained highway. This application is supported by trip generation data from the TRICs database. The data suggest that the proposed extension will result in an increase in daily movements, from 195 to 245, an increase of 50. The LHA does not consider this to be a significant material intensification of movements to or from the site, when compared with the existing level of trip generation.

Parking and Turning

Parking provision and turning arrangement will remain unaffected by the proposed development, with 54 car parking spaces and 7 HGV spaces retained. WSCC Parking Standards for B8 Uses require one car parking space per 100 sqm of floorspace, which for a development of this size would set a requirement of at least 45 car parking spaces. Therefore, the existing level of parking provision is considered sufficient for the proposed development.

Cycle parking will remain unchanged, with 18 cycle parking spaces available outside, and secure informal cycle parking available within the building. This level of cycle parking provision is in accordance with WSCC Parking Standards for a development of this size.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

6.3 CDC - Environmental Health Officer

Land Contamination

A geo-environmental desk study report has been submitted produced by Hydrock dated 29 Oct 2021 (ref 20288-HYD-XX-XX-RP-GE-0001). The report has followed appropriate methodologies and referred to relevant guidance and includes a site visit and preliminary risk assessment. The report concludes in section 5 that additional site investigation work is necessary in order to fully risk assess the site and enable development of mitigation measures. We agree with the conclusions of the report and conditions PC21, PC22 and PO14 should be applied in order to enable a phased risk assessment and if necessary, remediation of the site to be carried out. It should be noted that the original warehouse incorporated gas protection measures within the foundation design and the extension should be designed so that these measures are not compromised.

The applicant must ensure that section 5.2 of the report relating to waste classification of soil within the existing bund and elsewhere on the site is carried out in order to ensure this material is disposed of to an appropriately licensed waste site.

Noise (Operational)

A noise impact assessment has been submitted produced by Hydrock dated 13 September 2021 (ref 20288-HYD-ZZ-XX-RP-Y-1001). The report has followed appropriate methodologies and referred to recognised guidance and includes baseline noise monitoring and assessment of different sources of noise that the development will generate. The report concludes in section 12 that:

- Noise from additional operational site HGV and car traffic and delivery activities is predicted to be similar to existing permitted operational conditions, and therefore any impact would be negligible.

- Noise from operation of the proposed development is below existing background sound levels and is predicted to have a low impact on local sensitive receptors when assessed in line with BS4142:2014.

The report suggests additional best practice measures to further control noise which the applicant should consider implanting (where not already being implemented), see section 8.5 of the report. In addition, a condition should be applied to ensure the new extension is only used during the same hours as the rest of the building (ie deliveries between 0700 - 1900 hours only). We agree with the assessment but as the predicted noise is only 1dB below the background noise level (LA90) noise management controls must be adhered to in order to avoid causing a noise impact.

In order to control noise impact from fixed plant at the site, design criteria are proposed in Table 22 of the report. We agree with these design criteria and a condition should be applied to ensure that if additional external fixed plant is to be installed, the noise level at the nearest noise sensitive receptor will be acceptable. The following is suggested:

The noise rating level of fixed plant should not exceed the following criteria at the nearest noise sensitive receptor:

Proposed Plant Limits BS4142:2014 guidance for low background noise levels

Parameter	Period	Noise Levels, dB
LAr, 1hour	Daytime (0700hrs to 2300hrs)	41
LAr, 15mins	Night Time (2300hrs to 0700hrs)	30

Air Quality

An air quality assessment has not been submitted but a Transport Assessment has been produced by Hydrock dated 30 September 2021 re 20288-HYD-XX-XX-RP-TP-4001. The Transport Assessment indicates that there will be an increase in light vehicle movements associated with the development but no increase in HGVs is expected. The development is not located within an Air Quality Management Area and the scale of development is not of a size that triggers the requirement to undertake an air quality assessment with respect to the operation of the development. An air quality assessment should be submitted relating to the construction works and it is suggested that the guidance produced by IAQM (Guidance on the Assessment of Dust from Demolition and Construction 2014) is followed in this regard. The construction air quality assessment should be secured by condition.

Construction Noise

Section 11 of the noise impact assessment gives details of management of construction noise in order to control and limit noise and vibration so that affected properties and other sensitive receptors are protected from excessive noise and vibration levels. The proposals in the NMP should be implemented by way of a condition. The NMP could form part of a Construction Environmental Management Plan (CEMP) for the development or be a stand-alone document. Table 1: Transient Vibration Guide Values for Cosmetic Damage (page 29) should be noted within the NMP if piling is proposed as part of the construction work. It is suggested that a condition is applied to require a CEMP to be submitted for approval prior to commencement of construction works at the site and the applicant should indicate if piling is proposed as part of the construction works.

Lighting

Given the distance to the residential properties to the west, a lighting scheme should be submitted for approval prior to installation to ensure that light pollution will not occur at the nearby properties.

6.4 CDC - Archaeological Officer

This is part of the site of a mid. 20th century gravel quarry and landfill. In the circumstances it is very unlikely that anything of archaeological interest will have survived, and there is therefore no objection or any need for mitigation measures.

6.5 CDC - Drainage Engineer

Revised comments received 18 May 2022

We commented previously (11th March) at which stage we raised a number of concerns and were not satisfied that the proposal would not increase flood risk.

The current proposal is to drain all additional roof to a new soakaway, immediately north of the proposed extension. Historic monitoring of the site indicates that the ground will be suitable for soakaways in this location, however we would still expect additional testing / monitoring to support the detailed design, especially given the nature of the wider site (significant areas of made ground). Percolation tests should be completed at the location and depth of the proposed soakaway.

We are satisfied that the current proposal addresses all of our previous concerns. The current proposal is also acceptable in principle and based on all the information currently available should adequately drain the development.

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

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

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

Original Comments

Flood Risk

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

Surface Water Drainage

We are not satisfied that the current proposal will not increase flood risk and therefore recommend the application is not approved until further details have been submitted. We have the following concerns:

- There does not appear to be any means of restricting flow from the additional impermeable area, which could increase flood risk off-site. The drawing states that the tank will "overflow" into "existing network".
- We have concerns regarding this "existing network", the report states it is "presumed that there are public sewers", are records indicate no public surface water sewers on or abutting the site. The report also suggests currently that surface water heads towards the NW of the site. We are concerned that this may mean it goes to a soakaway, which may be within 5m of the proposed new building, and is unlikely to be designed to accommodate the additional flows.
- The Drainage Strategy includes calculations that require 113m³ storage, yet the tank proposed is only 1m³, we can of course also only consider the storage above the invert of the outlet, which means that actual storage will be a lot less than the 1m³ if it is to store water for re-use.

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

6.6 CDC - Environmental Strategy

Bats

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

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

Nesting Birds

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

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

Hedgehogs

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

A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

6.7 Third Party Representations

There have been 16 no. third party objections in relation to this application, raising the following issues:

- Proximity to houses on Pitcroft
- Does not trust that building will be built in accordance with plans
- Concerns about increased noise and pollution
- Removal of screening buffer
- Concerns about building appearance
- Effect on light to properties
- Concerns about wildlife on site including stag beetles
- Land on the opposite side could be used
- Doesn't consider use of brownfield sites
- Create poor quality urban environment
- Does not fit with the character of the area
- Does not consider the previous permissions
- Concerns about construction noise and traffic
- Concerns about light pollution
- Any replacement trees must be guaranteed for 5 years
- Concerns about accuracy or completeness of information provided with the application
- Lack of consultation with residents by developer
- The bund was secured by the previous planning permission

There has been 1 no. third party comment neither in support nor objection

7.0 Planning Policy

The Development Plan

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 8: Transport and Accessibility

Policy 10: Chichester City Development Principles

Policy 11: Chichester City Employment Sites

Policy 13: Chichester City Transport Strategy

Policy 26: Existing Employment Sites

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Construction and Design

Policy 42: Flood Risk

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 52: Green Infrastructure

Chichester Local Plan Review Preferred Approach 2016 - 2035

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

National Policy and Guidance

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

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

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

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

or

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

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

Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD (2016).
- The CDC Design Protocol (December 2013).

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

- Maintain low levels of unemployment in the district
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of Development
- ii. Appearance, scale, and massing
- iii. Residential amenity
- iv. Landscaping
- v. Ecology
- vi. Drainage
- vii. Highways impact

i. Principle of Development

8.2 In general, the Chichester Local Plan (CLP) is supportive of the principle of developing, expanding and upgrading business uses in the District.

8.3 The application site is located within the defined settlement boundary of Chichester City. Policy 2 of the CLP encourages employment development within the city. The policy also outlines that there is a presumption in favour of sustainable development within the Settlement Boundaries.

8.4 Policy 3 of the CLP states that sustainable growth of the local economy will be supported through the provision of a flexible supply of employment land and premises to meet the varying needs of different economic sectors. The Policy seeks to achieve this via a range of methods, including via protecting and enhancing existing employment sites and

premises to meet the needs of modern business. The application relates to the proposed extension of an existing business premises to expand the occupant's business practices.

8.5 In addition, policy 10 seeks to support new development, infrastructure and facilities while conserving and enhancing the city's historic character and heritage and policy 11 states that the Council will support the refurbishment and redevelopment of premises for business purposes.

8.6 Policy 26 expressly addresses the CLPs stance on proposed development on existing employment sites. It states that planning permission will be granted for development of employment floorspace, refurbishment, upgrading or modernisation of existing premises, and/or proposals which make more efficient use of underused employment sites and premises where it has been demonstrated that:

- There is no material increase in noise levels resulting from machinery usage, vehicle movement, or other activity on the site, which would be likely to unacceptably disturb occupants of nearby residential properties or be of a scale that is likely to cause unacceptable harm to the enjoyment of the countryside; and
- The proposal does not generate unacceptable levels of traffic movement, soil, water, odour or air pollution and there is no adverse impact resulting from artificial lighting on the occupants of nearby residential properties or on the appearance of the site in the landscape.

8.7 It is therefore considered the policies of the CLP support the principle of the proposed development. This is also supported by the provisions of the NPPF. Paragraph 81 of the NPPF states that 'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. Paragraph 119 of the NPPF states (inter alia) that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

8.8 Based on the consideration of the relevant policies, it is considered that the proposals constitute the expansion of an existing employment site and commercial use on a brownfield site within the defined settlement boundary of the District's largest settlement and is therefore acceptable in principle, subject to the detail considerations below.

ii. Appearance, scale, and massing

8.9 It is proposed that the existing warehouse building would be extended to the west. The proposed extension would be of a commercial design with a proposed height of 9.25m (the same as the existing eaves height), in-keeping with the scale of the existing building and surrounding employment uses. The extended element would have a flat roof profile, set against the pitched roof profile of the main existing warehouse building, which is currently approximately 11m in height at the ridge. The elevations would reflect the appearance of the existing building in terms of use of materials and functional design approach. There are no proposed windows within the extension, only pedestrian access doors to each elevation.

8.10 It is acknowledged that Chichester City Council comment the proposal would have an 'urbanising impact on the area's green and open suburban character'. However, the area

is characterised by a mix of residential development (existing and emerging) and commercial premises, and it is considered that the proposed extension would not alter this existing character.

8.11 Overall, it is considered that the proposed extension would assimilate well into the main building, and would be of an acceptable scale, bulk, and detailed design. It is considered that the proposal would be in-keeping with the scale of design of other commercial buildings in the vicinity of Barnfield Drive and the mixed-use nature of the area.

iii. Residential amenity

Visual Impact

8.12 There have been a number of concerns raised about matters relating to residential amenity by neighbours of the application site, namely on The Pitcroft, the road immediately to the west of the application, fronting onto the location of the proposed extension.

8.13 The NPPF states at paragraph 130 that planning decision should (inter alia) ensure a good quality of amenity for existing and future users of a particular place, that does not undermine quality of life. Policy 33 of the CLP includes requirements to protect the amenities of neighbouring properties.

8.14 The proposed extension to the building would result in a 26m separation distance between the proposed extension from the existing neighbouring properties to the east of the site which front onto The Pitcroft, and a 21m separation distance to the residential properties that have been approved to the north, (but not yet constructed).

8.15 Whilst there is no set guidance for separation distances between existing housing and proposed commercial buildings, the Council does have guidance for household separation distances which offers insight into the types of neighbouring relationships that are considered to be acceptable in terms of outlook, light, privacy, and sense of enclosure. This is contained within the Chichester District Council Development Management Service Planning Guidance Note 3 - Design Guidelines for Alterations to Dwellings & Extensions (Revised September 2009). Within this guidance in respect of the relationship between dwellings facing a side elevation of another dwelling (which most likely has limited windows and outlook, much like the proposed commercial extension) the normal requirement is a distance of 10 metres for two storey development and, more pertinent in this case, 15 metres for three storey development. The proposed height of the extension would be 9.25m, roughly equivalent to a three-storey building. The proposed distances of 26m from The Pitcroft and 21m from the new development to the north far exceed this guidance for the purposes of residential amenity. As such, if the proposed development was residential, the separation distance would be considered to be acceptable, with no significant impact in terms of loss of light, overbearing impact or sense of enclosure. The only difference in terms of outlook in this case appears to be the materials, which would be commercial in nature, but in-keeping with the existing building. In addition, screening is proposed to the western elevation (as discussed in section iv.). Whilst there is less prospect of overlooking from a proposed warehouse, it is acknowledged that the proposal would have more noise generating impacts when compared to the relationship between residential properties; however the noise impacts are discussed separately below.

- 8.16 In relation to the approved residential development to the north, it is also relevant to note that the proposed extension in this case would match the same (north) building line of the main warehouse and would not project further north towards the approved residential dwellings (ref. 20/02905/REM).
- 8.17 Given the separation distances, along with the proposed screening (as detailed further in section iv.), it is not considered that the proposed development would have a significant impact on neighbouring amenity, in terms of loss of light, outlook or increased sense of enclosure.

Noise Impacts

- 8.18 Policy 26 of the Local Plan requires proposals for the upgrading of commercial premises to demonstrate no additional noise impact on nearby residential uses. There is an existing residential development to the west of the site, a use which is considered to be sensitive to commercial noise. As noted above, there is also a residential development under construction to the north of the site.
- 8.19 The proposed extension is to facilitate additional storage space and does not include any additional workshop space, which is contained within the existing warehousing contained within the existing building. In terms of noise and the impact on residential amenity, the submitted Noise Impact Assessment finds that noise from additional HGV movements, car traffic and delivery activities is predicted to be similar to existing permitted operational conditions, and therefore any impact would be negligible.
- 8.20 In addition, the noise generated from the operation of the proposed development would be below existing background sound levels and is predicted to have a low impact on local sensitive receptors. This includes noise from forklift reversing alarms and vehicle movements. The report suggests additional best practice measures to further control noise such as using 'non-tonal' reversing alarms and a 'Quiet Delivery System' which can include measures such as keeping doors closed, switching off engines, personnel awareness of noise management measures and appropriate manual handling practices.
- 8.21 Noise from the proposed future plant at the site has also been considered within the noise report. The details in the report show that noise levels would also be within acceptable limits.
- 8.22 The Council's Environmental Protection Officer (EPO) is in agreement with the findings of the noise report. Full implementation of, and compliance with, the noise report is recommended to be secured by condition. In addition, it is recommended that a condition is applied to ensure the new extension is only used during the same hours as the rest of the building (7am - 6pm Monday to Friday, 7am - 1pm Saturdays and closed Sundays and Bank Holidays).
- 8.23 Whilst it is clear that the building would become closer to the properties on The Pitcroft, including the removal of the bund on the western edge of the site, the EPO agrees that the majority of the noise generating activity would occur in the delivery yard on the east side of the building and is considered to be similar to the existing activity level of the site, and the building itself provides a noise barrier to properties to the west.

- 8.24 Given the consideration of the points above, it is considered that the proposals would not be create a harmful noise impact on the neighbouring residential properties.
- 8.25 To summarise, having considered that potential impact of both the physical works to the building and the operations undertaken with it, it is considered that the scheme would not have a harmful impact on residential in terms of outlook, light, sense of enclosure or noise.

iv. Landscaping

- 8.26 The proposed landscaping scheme for the site relates mostly to the western edge of the site to provide screening to the western elevation of the proposed extension.
- 8.27 At present, the western edge of the site includes an approximately 2.3m high bund extending along the boundary. There is existing vegetation on the bund which provides some screening to the existing building when viewed from The Pitcroft. The site is bounded by a security fence approximately 2.35m in height with trees being located between the fence and the bund, adding further screening. The mix of vegetation types and heights add to the effect of the screening.
- 8.28 Residents have expressed concern about the loss of the bund and the vegetation upon it, mostly in terms of appearance but also in relation to ecology, the latter of which is discussed separately below.
- 8.29 In relation to appearance, the applicants have provided details of the landscape proposals that might otherwise be secured via condition. The proposals include increased tree and other lower-level planting along the western boundary of the site (as show in plans 1906-PP-300 Rev C and 21012-HNW-XX-00-DR-A-1021 Revs P02/03). The proposed landscaping would enhance the retained landscaping following the removal of the bund in order to maintain a strong visual boundary in this location.
- 8.30 The submitted planting plan (1906-PP-300 Rev C) shows 15 new native trees along the boundary including 5no. Field Maple (*Acer Campestre*), 5no. Black Alder (*Alnus Glutinosa*) and 5no. Rowan (*Sorbus Aucuparia*). These would be of a standard (semi-mature) size at the time of planting, with a girth size of 20-25cm and a minimum height of 4.5m. The eventual heights would be up to 15m for the Rowan trees, up to 18m for the Field Maple trees and 20m for the Black Alder trees. The new thicket planting would be made up of a mix of 478 native plants, covering a total area of 478 m² (1 plant per m²) with heights ranging from 60 - 100cm.
- 8.31 In terms of the maintenance of the planting, the applicant proposes measures including weed control, watering and replacement of tree which dies within the first 5 years. This can be secured by condition.
- 8.32 Overall it is considered that the planting proposed, along with the maintenance measures indicated, are sufficient to maintain a good level of quality screening of the proposed extension to retain the sense of a green boundary to the western edge of the site and ensure an acceptable appearance of the site.

v. Ecology

- 8.33 In relation to the proposed extension and the resultant loss of the existing bund and vegetation upon it, as discussed above, the Council's Environmental Strategy officer does not object to the loss of this area. In order to protect any nesting birds or hedgehogs, conditions are recommended to ensure works are undertaken outside of the respective nesting periods and use the correct methodology. Any future lighting scheme would also need to be submitted and approved by the Local Planning Authority to ensure no disturbance to bats. A condition is recommended to secure this.
- 8.34 In terms of ecological enhancements, it is recommended that conditions are imposed to require the provision of bird and bat boxes on the building and the provision of a hedgehog house to be made within the grounds.

vi. Drainage

- 8.35 It is understood that the surface water run-off generated at the site as existing is drained via soakaway. The proposal for drainage in relation to the extension is to drain the surface water run-off created by the additional roof area through gutters and downpipes to a new soakaway, to be located immediately north of the proposed extension, with the rest of the site's surface water continuing to drain to the existing soakaway. The Drainage Strategy provided with the application states that the new soakaway has been designed to cater for the 100 year storm event including an allowance of +40% for climate change. It is proposed to provide a geocellular soakaway tank of dimensions 5.0m x 9.0m x 0.8m
- 8.36 This proposal is considered acceptable in principle by the Council's drainage engineer. Historic monitoring of the site indicates that the ground would be suitable for soakaways in this location. Additional infiltration testing and groundwater monitoring is advised by the Council's drainage engineer to support the detailed design, but the drainage officer is satisfied that this additional information to support the drainage scheme can be secured via condition.

vii. Highways impact

- 8.37 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.38 This application is supported by trip generation data which suggests that the proposed extension will result in an increase in daily movements, from 195 to 245, an increase of 50. WSCC as the Local Highways Authority does not consider this to be a significant material intensification of movements to or from the site, when compared with the existing level of trip generation. In addition, they do not consider there to be any visibility concerns with the existing point of access.
- 8.39 Parking provision and turning arrangements would remain unaffected by the proposed development, with 54 car parking spaces and 7 HGV spaces retained. WSCC Parking Standards for B8 Uses (now Class E) require one car parking space per 100 sqm of floorspace, which for a development of this size would set a requirement of at least 45 car parking spaces. Therefore, the existing level of parking provision is considered sufficient for the proposed development.

8.40 Cycle parking provision would remain unchanged, with 18 cycle parking spaces available outside, and secure informal cycle parking available within the building. This level of cycle parking provision is in accordance with WSCC Parking Standards for a development of this size.

8.41 As such, it is considered that the proposed development would not have a significant impact in terms of highways safety, amenity or traffic generation.

Other Matters

8.42 Conditions are recommended to address the other considerations related to this application, as below:

- A Construction Environment Management Plan to be submitted and approved to minimise disruption during construction. It is considered that this condition would adequately secure measures relating to air quality from construction dust, along with the management of other construction activities, without the need for a standalone Construction Air Quality Assessment which may result in duplication. This approach has recently been adopted by Planning Appeal Inspectors (APP/L3815/W/22/3291594 Land south of Church Road and APP/L3815/W/21/3280933 Land at Flat Farm).
- Land contamination conditions in order to enable a phased risk assessment and if necessary, remediation of the site to be carried out, in addition to a condition requiring compliance with the geo-environmental desk-based report.
- A lighting scheme to be submitted and approved to ensure that any external lighting does not disrupt nearby properties.

Conclusion

8.43 Based on the above considerations, it is considered the proposal complies with development plan policies and provisions of the NPPF and therefore the application is recommended for approval subject to conditions.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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

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

Reason: These details are necessary pre-commencement to ensure that the site is adequately drained.

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

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

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

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

5) As the submitted geo-environmental desk study report produced by Hydrock dated 29 Oct 2021 (ref 20288-HYD-XX-XX-RP-GE-0001) identifies contaminant linkages that require further investigation, no development shall commence until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

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

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

7) If pursuant to conditions 5 and 6 a contamination land remediation scheme is required the extension hereby permitted shall not be first occupied until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

8) Prior to first use of the extension hereby permitted, ecological enhancements shall be provided in accordance with a scheme that shall first have been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include the following measures:

- a bat box to be installed on the building facing south/south westerly positioned 3-5m above ground.
- a bird box to be installed on the building or tree within the application site
- a hedgehog nesting box to be included on the site.

Thereafter, the development shall be undertaken in accordance with the approved details which shall thereafter be retained in perpetuity.

Reason: in the interest of protecting and enhancing biodiversity

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

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

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

10) Notwithstanding any details submitted the external materials to be used shall match, as closely as possible, in type, colour, and texture those of the existing building unless otherwise agreed in writing by the local planning authority.

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

11) During construction of the development hereby permitted, the following ecological protection measures shall apply:

- no works to the trees or vegetation clearance on the site shall be undertaken within the bird breeding season (1st March - 1st October) unless otherwise agreed in writing by the Local Planning Authority, in which case the site shall also be assessed by a suitably qualified Ecologist before any works take place (within 24 hours of any work).
- Any brush piles, compost and debris piles on site which could provide shelter areas and hibernation potential for hedgehogs shall only be removed outside of the hibernation period (mid-October to mid-March inclusive). These piles must undergo soft demolition. If any small mammals including hedgehogs are found, relocation away from the construction area into surrounding suitable habitats shall be undertaken.

Reason: in the interest of protecting and enhancing biodiversity

12) During the first planting season following first use or completion of the extension hereby permitted, the approved landscape scheme shall be fully implemented and thereafter maintained in strict accordance with the Planting Plan (1906-PP-300 Rev C dated 08/09/2021) and Landscape Management Plan (MP/600 dated November 2021) unless otherwise agreed upon in writing by the Local Planning Authority.

Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

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

13) The development hereby permitted shall be constructed and thereafter used and maintained in strict accordance with the Noise Impact Assessment ref 20288-HYD-ZZ-XX-RP-Y-1001 (date 13/09/2021) unless otherwise agreed upon in writing by the Local Planning Authority.

Reasons: in the interests of residential amenity.

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

Reason: In the interests of residential amenity.

15) The premises shall not be used except between the hours of:

07.00 and 18.00 Monday to Friday

07.00 and 13.00 on Saturdays

and at no time on Sundays, bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN – Context Elevations	21012-HNW-XX-00-DR-A-1021	P04	19.05.2022	Approved
PLAN – Site Sections	21012-HNW-XX-00-DR-A-1160	P04	19.05.2022	Approved
PLAN - location plan	21012-HNW-XX-00-DR-A-1000	REV P03	21.12.2021	Approved
PLAN - PROPOSED SITE AND FLOOR PLAN	21012-HNW-XX-00-DR-A-1010	REV P05	21.12.2021	Approved
PLAN - PROPOSED ELEVATIONS	21012-HNW-XX-00-DR-A-1020	REV P05	21.12.2021	Approved
PLAN - PLANTING PLAN	1906-PP-300	REV C	22.02.2022	Approved

INFORMATIVES

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

2) The applicant is reminded that the original warehouse incorporated gas protection measures within the foundation design and that these measures must not be compromised during construction works.

The applicant should ensure that section 5.2 of the geo-environmental desk study report produced by Hydrock dated 29 Oct 2021 (ref 20288-HYD-XX-XX-RP-GE-0001) relating to waste classification of soil within the existing bund and elsewhere on the site complied with in order to ensure this material is disposed of to an appropriately licensed waste site. This is a matter of licensing rather than planning.

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

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

4) This permission is granted under the Town and Country Planning Act 1990 as amended and the applicant is advised to consult the legal owner of the tree prior to any works being carried out.

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

These make it an offence to:

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

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

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

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

6) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals

Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

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

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R4H3CEERJ7Y00>