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COMMERCIAL PROPERTY ADVICE



Supporting Planning Statement
Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
Localism Act 2011

**S.73 Application to Vary Conditions 4 & 42 of Outline Planning Permission
O/19/00619/OUT - for the mixed use redevelopment of the site, comprising of Class
B1(c)/B2/B8 (with ancillary Trade Counter) employment, a Hotel, Class D2 Leisure,
Class A3, mixed A3 - A4 and mixed A3 - A5 Food and Drink establishments,
together with associated car parking, landscaping and infrastructure works
Land at Former Fuel Depot, Bognor Road, Chichester, West Sussex, PO20 1EJ**

On Behalf Of:

Seaward (Bognor Road) Limited

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6th October 2023

SUPPORTING PLANNING STATEMENT

**Land at Former Fuel Depot, Bognor Road, Chichester, West Sussex PO20
1EJ**

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1.0 INTRODUCTION

1.1 This Supporting Planning Statement (“**SPS**”) has been prepared by Harris Lamb Planning Consultancy (“**HLPC**”) on behalf of Seaward (Bognor Road) Ltd (“**the Applicant**”). It supports a S73 application to vary conditions 4 and 42 of Outline Planning Permission O/19/00619/OUT for a mixed use redevelopment, comprising of Class B1(c)/B2/B8 (with ancillary Trade Counter) employment, an Hotel, Class D2 Leisure, Class A3, mixed A3-A4 and mixed A3-A5 Food and Drink Establishments, together with associated car parking, landscaping and infrastructure works on Land at land at Former Fuel Depot, Bognor Road, Chichester, West Sussex, PO20 1EJ (“**the Application Site**”).

1.2 The S73 application does not propose to amend the quantum of floorspace. This will remain the same at 12,733 sqm. Further, no new uses above those listed in the decision notice will be introduced, and there will no change to the approved access arrangements.

1.3 The proposal is simply to redistribute the approved floorspace between the approved uses, to respond to market conditions. Further it is proposed to increase the amount of floorspace for B-class floorspace, thus enhancing the alignment of the development with the policy objective of bringing forward B-class employment floorspace at the site. Full details of the application proposal are provided in Chapter 2.

1.4 The SPS is structured as follows:

Chapter 2 – A description of the development proposal is provided including details of the form of the application.

Chapter 3 – A description of the Application Site and the surrounding area is provided.

Chapter 4 – The planning history relevant to the application is summarised.

Chapter 5 and 6 – The planning policy requirements and material considerations relevant to the determination of the application are identified.

Chapter 7 – The Applicant’s case for the grant of planning permission is set out.

Chapter 8 – Conclusions

- 1.5 The SPS explains why the principle of the proposed development should be considered acceptable. The Application is accompanied by a Transport Note prepared by Highgate Transportation which analyses the vehicle movements and parking which are associated with the amended proposals.

- 1.6 Officers will be aware that Outline Planning Permission O/19/00619/OUT has previously been amended by O/21/01838/NMA and O/22/00022/NMA which refer to the timings of conditions 1, 6 and 10, and the realignment and extension of access road, respectively. This Application does not impact on these permissions.

2.0 THE PROPOSED DEVELOPMENT

2.1 Planning permission is sought to vary conditions 4 and 42 of Outline Planning Permission O/19/00619/OUT, to allow the approved floorspace to be redistributed to increase the amount of floorspace proposed for the former B1(c)/B2/B8 uses and A3/A5 use classes. The table below shows the redistribution of floorspace compared with that which is currently permitted.

Table 1 Comparison between Proposed and Permitted Floorspace.

Land Use	Permitted floorspace (sqm GFA)	Proposed floorspace (sqm GFA)	Change (sqm GFA)
B1(c)/B2/B8 (with ancillary trade)	7,870	8,614	+744
A3 Roadside	349	323	-26
C1 Hotel	2,800 (84 bedrooms)	2,800	0
Mixed A3-4 Pub/Restaurant	615	156	-459
Mixed A3-5 Roadside	227	712	+485
D2 Leisure (gym only)	930	186	-744
Total	12,733	12,733	0

2.2 Condition 4 is proposed to be amended to refer to a new floorspace distribution and parameter plan only, i.e., no changes are proposed to the approved development parameters and building heights plan. It is suggested that the condition be amended as follows:

“4) The reserved matters submitted pursuant to condition 1 shall accord in all respects with the approved parameter plans listed hereunder. For the avoidance of doubt, all heights and Use Class floorspace figures indicated on the parameter plans shall be considered as maxima:

- 7702-PL(00) 003 Rev F 7702-PL(00)003 Rev G

- 7702-PL(00) 009 Rev C

Reason: For the avoidance of doubt and to ensure the development complies with the planning permission and does not have any harmful environmental or highway safety effects on the locality.

2.3 Condition 42 is proposed to be amended to implement the proposed changes. It is suggested that the condition be amended as follows.

“42) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and reenacting the Order, the development hereby permitted shall not be used other than:

(i) for purposes within Classes B1(c), B2, B8, D2, C1, A3 and the mixed A3-A4 and A3- A5 uses as specified in the application in accordance with the approved Parameter Plan - Floorspace Distribution and Quantum reference - 7702-PL(00) 003 Rev F 7702-PL (00) 003 Rev G, with those Classes as defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order; and

(ii) in the case of any Class C1 development, as a hotel only; and

(iii) in the case of any Class D2 development, as a gymnasium only.

Reason: For the avoidance of doubt, to comply with the terms of the application and to ensure that the exercise of existing or potential future permitted development rights does not lead to the establishment of inappropriate uses at the site and/or

erode the contribution it makes towards meeting the identified employment needs of the district which underpins its allocation in the Development Plan for employment uses.”

3.0 SITE DESCRIPTION

- 3.1 The site is located on the eastern side of the Chichester bypass, at the junction of the A259 Bognor Road with the A27. It is bordered by the main south coast railway to the north and the A259 dual carriageway to the south.
- 3.2 The site lies outside of Chichester's settlement boundary, but it is allocated by Policy CC7 of the adopted Site Allocation Development Plan Document for 3.8ha of B1, B2 and B8 employment development.
- 3.3 Springfield Park, a caravan storage and lorry park including one dwelling, is located to the immediate east of the site.
- 3.4 The site is vacant grassland and contains various buildings and structures. Within the site there are also a series of earth mounds, 6 underground fuel storage tanks and a disused railway siding track, all relating to its former use as a fuel depot site.
- 3.5 The majority of the site is in Flood Zone 1 with the exception of the route of the railway siding which is in Flood Zone 2.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The Application Site has been subject to a number of previous applications. The planning permissions considered relevant to the S73 application are considered below.
- 4.2 O/19/00619/OUT - Outline permission with all matters reserved aside from access for the mixed use redevelopment of the site, comprising of Class B1(c)/B2/B8 (with ancillary Trade Counter) employment, a hotel, Class D2 leisure, Class A3, mixed A3 - A4 and mixed A3 - A5 food and drink establishments, together with associated car parking, landscaping and infrastructure works.
- 4.3 21/01838/NMA - Non-Material Amendment was approved to amend the wording of Conditions 1, 6 and 10 Planning Permission O/19/00619/OUT.
- 4.4 21/03064/FUL - Detailed application was approved for the erection of a building for use as a builder's merchant with trade counter together with access (previously approved under reference: 19/00619/OUT), together with outside storage, landscaping and associated works.
- 4.5 O/22/00022/NMA - Approved the realignment and extension of access road, respectively.
- 4.6 22/02041/REM - Application for the approval of all remaining reserved matters (appearance, landscaping, layout and scale) for the first phase of development following Outline Planning Permission O/19/00619/OUT (as amended by Non-Material Amendment applications O/21/01838/NMA and O/22/00022/NMA) for mixed use redevelopment of the site, comprising of Class B1(c)/B2/B8 (with ancillary Trade Counter) employment, a hotel, Class D2 leisure, Class A3, mixed A3 - 4 and mixed A3 - 5 food and drink establishments, together with associated car parking, landscaping and infrastructure works.

5.0 PLANNING POLICY BACKGROUND – THE DEVELOPMENT PLAN

5.1 This chapter provides a summary of the adopted and emerging Development Plan policy requirements relevant to the determination of the Application. In this case the Development Plan comprises:

Chichester Local Plan 2014-2029 (July 2015)

Site Allocation Development Plan Document (January 2019)

The Emerging Chichester Local Plan 2021 - 2039

Chichester Local Plan 2014-2029: (July 2015)

5.2 Policy 28 Edge and Out of Centre Sites – Chichester is the primary Development Plan Policy which the amended Application should be considered against, and this is detailed section 7. The following policies are also relevant.

5.3 Policy 1 *Presumption in Favour of Sustainable Development* is complied with as the proposal is an appropriate use of an allocated site, creating employment in the right place.

5.4 Policy 2 *Development Strategy and Settlement Hierarchy* is complied with as the proposed amendment will not conflict with settlement hierarchy or Development Strategy, being immediately adjacent to the largest settlement in the district.

5.5 The proposals will support Policy 3 *The Economy and Employment Provision* and it is considered the amendment will allow a greater number of jobs, through the increased amount of B1(c)/B2/B8 floorspace in particular.

5.6 Policy 8 *Transport and Accessibility* and Policy 13 *Chichester City Transport Strategy* have been addressed through the accompanying transport note. It

is not anticipated the vehicle movements will impact on the free movement of traffic on the highway or highway safety.

5.7 The proposal will not impact on Policy 9 *Development and Infrastructure* in any significant way above that already granted approval by O/19/00619/OUT. No changes are proposed to the approved development parameters and building heights plan.

5.8 The proposal will be in greater accordance with Policy 11 *Chichester City Employment Sites* through the anticipated increased employment which will be generated at the site.

Site Allocations DPD (January 2019)

5.9 The proposal will be in accordance with Site Allocation CC7 to redevelop the former fuel depot. There will be no significant negative traffic impact on the local and strategic road network; Access has already been approved onto the A259 via O/19/00619/OUT; the proposed parking requirements are appropriate and can be accommodated within the site; landscaping and screening will be agreed through future Reserved Matters applications; and the development parameters and approved building heights will be the same as approved.

The Emerging Local Plan

5.10 The emerging Local Plan is being prepared to provide policy guidance for the period 2021-2039. When it is adopted all existing Local Plan policies will either be replaced by the new Local Plan or deleted. The Plan has been through the Reg 19 stage, the last stage of consultation prior to submission to The Planning Inspectorate.

5.11 Given the plan is yet to be submitted only limited weight can be given and therefore a full review of the policies is not provided other than to highlight the Proposal will help achieve Policy E1 *Meeting Employment Land Needs*.

6.0 PLANNING POLICY REVIEW – MATERIAL PLANNING CONSIDERATIONS

6.1 Set out below is a summary of the material planning considerations relevant to the principle of the proposed development.

The National Planning Policy Framework

6.2 The revised version of the Framework was adopted in September 2023. The Framework sets out the Government's planning policies for England and guidance on how they should be applied. The introduction to the Framework confirms that the Framework is a material consideration in Plan making and decisions tasking.

6.3 Part 2 Achieving Sustainable Development paragraph 7, advises that the purpose of the planning system is to contribute towards the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways. They are:

An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

Social Objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed and safe built environment for accessible services and open spaces that reflect current and future needs and support communities, health, social and cultural well being; and

An Environment Objective – to contribute to protecting and enhancing a natural, built and historic environment; including making the effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy.

6.4 The three objectives are not criteria against which every decision can or should be judged. Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account.

6.5 Paragraph 11 of the Framework advises that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:

- (a) Approving development proposals that accord with an up-to-date Development Plan without delay; or
- (b) Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, grant planning permission unless:
 - (i) The application of policies in the Framework that protect areas or assets of particular importance provide 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 the Framework taken as a whole.

7.0 CASE FOR THE APPLICANT

- 7.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 and section 70(2) of the Town & Country Planning Act 1990, require planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The starting point for determination of the Application is, therefore, the Development Plan, which in this case comprises the policies of the Chichester Local Plan 2014-2029 (July 2015) and the Site Allocation Plan (January 2019).
- 7.2 As the proposals are via a S.73 application Chichester District Council is being asked to consider whether the extent of the changes in this application are in accordance with the development plan but this should also be in the context of the original permission. In this case the application proposals are more closely aligned with Site Allocation (CC7) than the approved application, and there will be less floorspace attributed to Main Centre Uses, than currently set out in Outline Planning Permission O/19/00619/OUT. This is discussed below.
- 7.3 The SPS has identified a number of material considerations, including the site's planning history, the requirements of the Framework, and the emerging Local Plan. These material considerations need to be considered alongside the requirements of the Development Plan in the determination of the Application,
- 7.4 Drawing upon the requirements of the Development Plan and the review of material planning considerations the key matters for consideration in the determination of the Application are:
- 1) Is the principle of the proposed development acceptable having regard to the requirements of the Development Plan and material considerations?

2) Do the accompanying Application documents confirm that the development conforms with policy requirements?

1) Is the principle of the proposed development acceptable having regard to the requirements of the Development Plan and material considerations?

a) *The Development Plan*

7.5 Planning permission is sought to vary conditions 4 and 42 of Planning Permission O/19/00619/OUT (as amended by non-material amendment applications O/21/01838/NMA and O/22/00022/NMA), in order the approved floorspace is redistributed in accordance with Table 1 above.

7.6 Policy CC7 of the Site Allocation DPD provides the following requirements.

“Policy CC7

Fuel Depot Site, Bognor Road (adjacent to Springfield Park), Oving Land at Fuel Depot Site, Bognor Road, Oving is allocated for B1, B2 and B8 employment on 3.8 ha within an overall site area of 4.8 ha allowing part of the overall site area (1 ha) to be developed in line with the waste uses identified in the West Sussex Waste Local Plan (2014) with the site boundary being shown on Inset Map 9 of the Site Allocation DPD and the Chichester Local Plan: Key Policies 2014-2029 policies map.

The site will be developed in accordance with the following site specific criteria.

Development shall:

-ensure any significant negative traffic impact is mitigated on the local and strategic road network;

-provide a satisfactory means of access onto the A259;

-provide parking requirements within the site;

-provide appropriate landscaping and screening to minimise the impact of development on the setting of the city and the surrounding area;

-ensure that the design of the site takes account of part of the site (1ha), which is identified for waste uses in the West Sussex Waste Local Plan;

-consider the presence of minerals and the impact of sterilisation, as required by National Policy, as set out in the relevant safeguard policy. The Minerals Planning Authority should be consulted on development proposals; and

-investigate the extent and type of any contamination on the site and verification that where required any contamination can be dealt with by remediation.

Proposals including enabling non-business uses classes will only be permitted where it has been clearly demonstrated with substantiated evidence, which may include a sequential test, impact assessment and viability assessment.”

7.7 The proposed amendment will allow the Outline Planning Permission to comply more closely with the above policy, than the approved permission, given the greater amount of floorspace which will be used for the former B1(c)/B2/B8 uses.

7.8 Policy 28 Edge and Out of Centre Sites of the Chichester Local Plan 2014-2029 (July 2015) –is a criterion based policy which states:

“Policy 28

Edge and Out of Centre Sites – Chichester

Proposals outside the central retail area for non-food retail and food retail, including extensions, will be granted provided that it can be demonstrated that all the following criteria have been considered:

- 1. The proposal does not have a significant adverse impact on the vitality and viability of the central shopping area, either as an individual development or cumulatively with similar existing or proposed developments;***
- 2. The proposed retail development on out of centre sites will need to demonstrate that no suitable site can be found, firstly within the existing town centre or, secondly, on the edge of the centre;***
- 3. Proposals over 2,500m² are accompanied by a full assessment of the potential impact on town centres and nearby centres;***
- 4. The type of goods sold and the form of shopping unit proposed could not be conveniently accommodated within the existing shopping centre or where suitable sites and premises are not available within the centre or edge of centre sites;***
- 5. The shopping units (including any created by the subdivision of existing units) are of a minimum size of 1,000m² gross floorspace;***

6. The types of goods sold and the facilities provided complement those provided in the existing retail centre;

7. Servicing and customer traffic can be safely and conveniently accommodated by the surrounding road network and does not add to traffic generation in the town centre;

8. The proposal is easily accessible by the highway network and public transport and includes provision for access by cycle and on foot; and

9. The design of the buildings will not detract from the character or appearance of the site or the surrounding area.”

- 7.9 It is considered the amended Application will be more compliant with Bullet Point 1 of Policy 28 than the approved permission, as the floorspace for Town A3-4 (Pubs and Restaurant) and D2 (Gym) are proposed to be reduced. This will have a positive impact on the town centre of Chichester.
- 7.10 It is considered the amended Application will be compliant with Bullet Point 2 given the reduction in the floorspace in A3-4 (Pubs and Restaurant) and D2 (Gym), together with the increase in floorspace for A3-5 Roadside uses which are less likely to be suitable in a town centre or edge of centre.
- 7.11 Bullet point 3 is not relevant as the proposal is not over 2,500sqm,
- 7.12 It is considered the amended Application will be more compliant with Bullet Point 4 of Policy 28 than the approved permission, as the floorspace for Town A3-4 (Pubs and Restaurant) and D2 (Gym) are proposed to be reduced and the increase in A3-5 Roadside uses could not be conveniently accommodated within the existing shopping centre.
- 7.13 Bullet point 5 is not relevant given the approved floorspaces are below this the trigger figure set out in the policy.

- 7.14 The amended proposal will comply with Bullet point 6 and does not change the types of goods sold and facilities already approved pursuant to the outline permission.
- 7.15 The accompanying transport note demonstrates there will be no conflict with bullet points 7, and 8 of Policy 28.
- 7.16 The approved design parameters (building heights) will be unaffected by the proposed development and detailed design can be dealt with at Reserved Matters, so complying with bullet point 9 of Policy 28.

The Development Plan – Conclusions

- 7.17 The principle of the proposed amendment is Development Plan compliant. There is no conflict with any of the policies within the adopted Development Plan.

b) Material Planning Considerations

- 7.18 The Framework is a material planning consideration of significant weight. Section 2 – Achieving Sustainable Development, identifies three overarching sustainability objectives. They are not criteria against which every decision can be judged. Decisions should, however, play an active role in guiding development toward sustainable solutions. The proposed scheme contributes toward all three aspects of sustainable development:
- 1) An economic objective – The proposed development will create jobs in the construction process. The development will have a positive economic impact during the operational life of the scheme.
 - 2) A social objective – The development will contribute toward achieving vibrant communities.

3) An environment objective – The proposed development will make the most efficient use of land, by regenerating a brownfield site. It will facilitate the occupation of a site with planning permission.

2) Do the accompanying Application documents confirm that the development is deliverable and developable and in conformity with policy requirements?

7.19 The Application is accompanied by Transport Note from Highgate Transport. The note has been prepared using the same Trip Rates as agreed WSP's 2014 Transport Assessment and 2019 Transport (Supporting Note 1) in order the proposed amended can be measured in the same terms. The note demonstrates whilst there will be a slight increase in daily movements, however there is forecast to be a net reduction in AM Peak hour vehicle movements, with only a minor increase in the PM peak hour from that permitted in 2019 equating to less than one additional trip per 15 minutes, which is well within the daily variation of flow in any event and so is not a significant or severe impact. Furthermore, Highgate Transport note both forecasts are well below the 2014 tested and approved trip attraction quanta. These can be adequately accommodated so as not to impact on the free flow of traffic on the highway network or highway safety.

7.20 In addition, parking can be adequately accommodated within the site. From Table 7 of the Transport Note it can be seen that the distribution of floorspace the permitted land use classes results in a reduction in car parking provision across the site of 20 spaces.

7.21 Cycle parking provision will adhere to the appropriate parking standards, and it has been confirmed that this is similar to the previously permitted land use floorspace distribution.

8.0 CONCLUSIONS

- 8.1 This SPS has been prepared to accompany a S73 Application, which proposes to vary conditions 4 and 42 of Outline Planning Permission O/19/00619/OUT. It identifies the Development Plan policies and material considerations relevant to the principle of development. The proposals are required to reflect current market conditions.
- 8.2 The Application Proposals are in accordance with the Development Plan but furthermore, the application should be determined in the context of the original permission. In this case the application proposals are more closely aligned with Site Allocation (CC7) than the approved application, and there will be less floorspace attributed to Main Centre Uses, than currently set out in Outline Planning Permission O/19/00619/OUT.
- 8.3 The proposed development will not increase the floorspace set out within Outline Planning Permission O/19/00619/OUT. The proposal redistributes the approved floorspace to increase the amount of floorspace to the former B1(c)/B2/B8 uses, and increase A3/A5 Roadside uses, whilst reducing the floorspace attributed to D2 (Gym) and A3/4 (Pub/ Restaurant).
- 8.4 The increase in the amount of floorspace attributed to B1(c)/B2/B8 uses is appropriate and complies with Site Allocation CC7 more closely than the approved permission, as a greater amount of floorspace, is given to B1(c)/B2/B8 and as the proposed amendment is policy compliant.
- 8.5 The increase in A3/A5 (roadside) floorspace will not impact on Chichester town centre given such uses do not fit into a town centre. Moreover, the increase in A3/A5 floorspace, meets the criteria set out with Policy 28 of the Chichester Local Plan.
- 8.6 There will be a reduction in the floorspace attributed to A3/A4 (Pub Restaurant) and D2 (Gym) floorspace, which are genuine Main Centre Uses,

by 1,203sqm. The proposals will therefore have less of an impact on the vitality and viability of Chichester Town Centre, than the approved floorspaces in O/19/00619/OUT.

- 8.7 In terms of the impact on the highway, there is forecast to be a net reduction in AM Peak hour vehicle movements, and only a minor increase in the PM peak hour, which are below the approved trip attraction quanta and the minor increase in PM peak hour well within the daily variation of flow in any event. These can be adequately accommodated so as not to impact on the free flow of traffic on the highway network or highway safety.
- 8.8 In addition, both cycle and car parking can be adequately accommodated within the site, with a reduction in car parking provision across the site of 20 spaces.
- 8.9 The Application is in accordance with the Development Plan and there are a series of material considerations relevant to the proposed development including the site's planning history, the requirements of the Framework, the emerging replacement Local Plan, which support varying conditions 4 and 42.

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