

Planning Statement

Certificate of Lawful Development for the proposed use of Unit 1(G) within Class E(d), relating to indoor sports and recreation use

**Unit 1(G), St James Industrial Estate,
Westhampnett Road, Chichester**

On behalf of
Hellcats Cheerleaders Ltd
November 2023


Henry Adams

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1 Introduction

- 1.1 Henry Adams Planning has been instructed to prepare a certificate of lawfulness for proposed use for our client, Hellcats Cheerleaders Ltd.
- 1.2 This certificate seeks the Council's written confirmation that Unit 1(G) can be lawfully occupied within planning use Class E(d), sports and recreation, without the need to apply for planning permission.
- 1.3 This Statement will seek to provide a brief description of the site and planning history background, followed by an assessment providing the reasons for determining the Class E(d) use to be lawful in planning terms.
- 1.4 In addition to this statement, this planning application is supported by a location plan and a written legal opinion provided by Thomson, Snell & Passmore LLP.

2 Site Description & Planning History Background

- 2.1 The site is located on the southern side of Westhampnett Road and within the Parish of Westhampnett, Chichester. The site comprises a unit in the central building within St James Industrial Estate, which has recently been re-developed following the grant of planning permissions. Unit 1(G) has not yet been occupied by any businesses and Hellcats Cheerleaders Ltd would be the first potential occupiers. Chichester District Council own the site and is looking to rent out the units to businesses.
- 2.2 The table below shows the planning permissions that have recently been approved on the site.

Figure 1: Table showing recent planning applications relevant to the sites re-development

Application Reference	Proposal	Decision
22/01997/CC	Confirmation of compliance of conditions for planning permission 21/03391/FUL	Confirmed compliance with certain conditions 12.10.2022
21/03391/FUL	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m ² (47877ft) of lettable industrial space, use	Application Approved 13.01.2022

	classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings. Variation of Condition 1 of planning permission CC/20/01914/FUL - changes to Block 1 from one single large unit into 10 smaller units and associated works and to regularise the conditions of permission CC/21/01391/FUL to reflect conditions contained in permission CC/20/01914/FUL	
21/01391/FUL	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m2 (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings - Variation of Condition 1 of planning permission CC/20/01914/FUL- changes to Block 1 from one single large unit into 10 smaller units and associated works	Application Approved 14.07.2021
20/01914/FUL	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m2 (47877ft) of lettable industrial space all under B1(b), B1(c) and B8 use classes with 5 no. replacement buildings	Application Permitted 10.11.2020

2.3 Application 20/01914/FUL granted planning permission for the redevelopment of St James Industrial Estate to provide five replacement buildings on the site within the former Use Classes B1(b) (research & development), B1(c) (light industry) and current Use Class B8 (storage & distribution). Condition 39 of planning permission 20/01914/FUL restricted the use of the approved buildings to Use Classes B1(b), B1(c) and B8. The decision notice and corresponding conditions relating to application 20/01914/FUL is provided in **Appendix A**.

2.4 In September 2020, the Government introduced new changes in the form of the Town & Country Planning (Use Classes) Amendment Regulations. These changes included the introduction of a new Class E which incorporated a number of uses that replaced

some of the previous uses, including those within Classes B1(a-c) (offices, research and development and light industrial) uses.

2.5 A section 73 application (s73), 21/01391/FUL relating to this site, was later submitted in 2021, which granted planning permission for amendments to the previously approved application 20/01914/FUL. The amendments related to a change to the central building within the site from one single large unit into ten smaller units and associated works. Condition 37 of this permission restricted the use of the approved buildings to Use Classes to Classes E(g)(ii) (research & development) and E(g)(iii) (light industry) and Class B8 (storage and distribution). The decision notice and corresponding conditions relating to application 21/01391/FUL is provided in **Appendix B**.

2.6 Application 21/03391/FUL is the most recent s73 permission and sought a variation of condition to the original permission 20/0914/FUL, to change the largest central building, (unit 1), on the industrial estate into ten units and also to regularise some of the conditions on the original 20/01914/FUL consent that were not copied over to the 21/01391/FUL permission. The decision notice and corresponding conditions relating to application 21/03391/FUL is provided in **Appendix C**.

2.7 Condition 35 of 21/03391/FUL states:

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

2.8 The latest s73 planning permission, 21/03391/FUL, therefore allows unit 1(G) in St James Industrial Estate subject to this certificate, to be used within any use falling within Class E and Class B8 of the Use Classes Order.

3 Proposal

3.1 This certificate seeks confirmation that Unit 1(G) can be lawfully occupied within planning use Class E(d), sports and recreation, without the need to apply for planning permission.

4 Relevant Planning Legislation

4.1 Section 192(i) of the Town & Country Planning Act 1990 states that if any person wishes to ascertain whether any proposed use of buildings or land would be lawful,

they may make an application for the purpose to the local planning authority specifying the land and describing the use or operation in question.

4.2 Section 192 goes on to state that the Local Planning Authority are provided with information satisfying them that the use or operations described would be lawful if begun at the time of the application, then they should issue a certificate to that effect.

4.3 Section 3A provides a set of requirements that should be included with any certificate for proposed use or development, which are listed below, along with details of where this information is provided.

(a) specify the land to which it relates

The location plan submitted with this certificate identifies the land to which this application relates.

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

The proposed use would comprise a cheerleading training centre for a local cheerleading group. This would fall in Class E(d), indoor sport and recreation, of the Use Classes Order.

(c) give the reasons for determining the use or operations to be lawful; and

This is covered in the Planning Consideration section of this Planning Statement.

(d) specify the date of the application for the certificate.

Monday 13th November 2023.

5 Planning Considerations

5.1 The planning history of this site as set out in Section 2 of this statement, shows that St James Industrial Estate has recently been redeveloped, with three relevant planning applications listed in Figure 1. These permissions are the focus for establishing the lawful use of the industrial estate, which includes Unit 1(G) subject to this certificate. A written legal opinion provided by Thomson Snell & Passmore LLP supports this submission and has examined the three planning permissions relating to the re-developed industrial estate.

5.2 The original planning permission granted in respect of application 20/01914/FUL imposed condition 39, which restricted the site to specific use class including the former Classes B1(b) (research & development) and B1(c) (light industry) and the

current Class B8 (storage and distribution). The decision notice and corresponding conditions relating to application 20/01914/FUL is provided in **Appendix A**.

5.3 The first s73 application, 21/01391/FUL, granted planning permission for amendments to the original 2020 permission comprising the subdivision of the central building within the site from one single large unit into ten smaller units and associated works. This permission restricted the uses on the site to Classes E(g)(ii) (research & development) and E(g)(iii) (light industry) and Class B8 (storage and distribution) by condition as shown on the decision notice in **Appendix B**.

5.4 The latest s73 planning permission was heard at the Planning Committee Meeting on 5 January 2022. In the Planning Committee Report shown in **Appendix D**, the Officer describes the reason for the application being submitted at paragraph 8.2.

“The current application is seeking to regularise the conditions attached to planning permission CC/21/01391/FUL so they reflect the conditions which were attached to the original planning permission CC/20/01914/FUL. In particular a number of the conditions required under the 2020 permission were not carried forward into the 2021 permission, including the amended conditions detailed on the Committee Update Sheet and conditions requested by Members. These have been included in the recommended conditions for this application.”

5.5 The Committee Report notes at paragraph 8.7 that, “all relevant conditions from 20/01914/FUL have been carried forward in the recommendation below.” The Committee Report then sets out all of the conditions in detail relating to the s73 planning application, 21/03391/FUL, including condition 35 which states:

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

5.6 The Committee Report for the meeting that took place on 5 January 2022, including any conditions written thereon, reflects the recommendation put forward by officers upon which Members voted.

5.7 The published minutes to that Planning Committee Meeting on the 5 January 2022 are shown in **Appendix E**. The minutes confirm that during the Committee Meeting the presenting officer displayed a table to the voting Members which set out the differences between the conditions being imposed on the current application and those imposed on the 2020 permission, 20/01914. Members then voted on that application and resolved to grant the permission subject to the conditions set out in

the Committee Report. The decision notice relating to application 21/03391/FUL is shown in **Appendix C**.

- 5.8 Condition 35 imposed on the Section 73 permission, 21/03391/FUL, makes reference to Class B8 (storage and distribution) and the updated Class E, however the wording of this condition does not reference any specific uses (a-g) within Class E. If the Council had intended to further restrict use of the buildings to specific categories within Use Class E, it could have done so by way of more specific wording of Condition 35. The Council had sufficient opportunity to do so, and the planning committee were referred specifically to the differences in the conditions between the former permission and the latest s73 application during the committee meeting.
- 5.9 **Appendix F** shows a letter from the Council dated the 12 October 2022, that advises that certain conditions have been discharged in relation to the planning permission, 21/03391/FUL. This information confirms the development has been implemented in accordance with the latest s73 permission, 22/03391/FUL. The relating conditions imposed on this Decision Notice are therefore the ones which are material and relevant for the purposes of establishing the lawful use of the buildings.
- 5.10 The legal opinion submitted advises that the fact that the Council failed to further specify the sub-categories within Class E on the Decision Notice relating to the implemented 21/03391/FUL planning permission, where it was clearly within their gift to do so, does not prevent an applicant from relying on the express wording of the condition. The Section 73 planning permission therefore allows for the use of the unit for all of those uses set out in Class E (a-g) of the Use Classes Order. This includes subcategory (d) for indoor sport and recreation, as currently required for our client's cheerleading business.

6 Conclusion

- 6.1 It can be concluded that Unit 1(G) St James Industrial Estate, to which this certificate relates, can lawfully be used within any use falling within Classes E (a-g) and B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended), without the need to apply for planning permission. It is therefore requested that a certificate of lawful development for proposed use of the unit within Classes E(d), indoor sports and recreation, be granted by the Council.

Appendix A - Decision Notice relating to planning application 20/01914/FUL

CHICHESTER DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
ORDER) 2015 (as amended)

Agent Details:

Mr Stuart Richardson
30-31 Foundry Street
Brighton
West Sussex BN1 4AT

Applicant Details :

Mr Alan Gregory
Chichester District Council
East Pallant House
Chichester West Sussex
PO19 1TY

In pursuance of their powers under the above mentioned Act and Orders, the Council hereby notifies you that they **PERMIT** the following development, that is to say:

**Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m² (47877ft) of lettable industrial space all under B1(b), B1(c) and B8 use classes with 5 no. replacement buildings.
St James Industrial Estate Westhampnett Road Chichester West Sussex PO19 7JU**

to be carried out in accordance with your application CC/20/01914/FUL submitted to the Council on 7 September 2020 and as modified by any relevant under mentioned conditions and subject to compliance with all conditions specified hereunder:

Time limits and implementations conditions:

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

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

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

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

Conditions requiring Local Planning Authority written approval or to be complied with prior to commencement of development:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: The site is located in an area with the potential to be affected by ground gases and vapours and therefore compliance with local and national policy must be ensured. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

Conditions requiring Local Planning Authority written approval or to be complied with prior to specific construction works take place:

12) **Notwithstanding the details submitted, no development shall commence above ground level**, until a scheme to mitigate light spill during the hours of dusk to dawn, from the windows located on the east elevation of Block 1, has been submitted and approved in writing by the Local Planning Authority. The scheme shall include full details, including method, specification and material. The development shall be carried out in full accordance with the approved scheme and shall thereafter be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the amount of internal light spill from Block 1 in the interests of protecting the night time residential amenity of adjacent residential properties.

13) **Prior to the installation of any external mechanical plant and/or externally venting plant** (including ventilation, refrigeration, air condition, air handling units), a scheme for the control of noise and vibration to be used in pursuance of this permission shall be submitted to and improved in writing by the Local Planning Authority. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant, machinery or equipment shall be implemented and thereafter maintained as approved.

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

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

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

15) **No development shall commence above ground level**, until an air quality assessment has been carried out to assess the impact of existing air pollution on the proposed development and also assess the impact of the proposed development on local air quality. As required, where identified in the assessment, a scheme for protecting the existing locale from the effects of air pollution nitrogen dioxide/airborne particulate matter (PM10 and PM2.5) arising from road traffic and/or other sources of air pollution shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the occupation of the buildings hereby approved and thereafter maintained for the lifetime of the development.

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

16) 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.

17) Prior to the installation of any extraction system (to include but not restricted to, cooking or paint spraying), a detailed scheme shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the extraction system shall be designed, constructed and maintained so as to control noise and odour.

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

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

18) No development shall commence above ground level until a strategy outlining details of the sustainable design and construction for all new buildings, including: (1) building for life standards, (2) sustainable building techniques including fabric first and renewable energy technologies such as Solar PV (including full details of the savings in carbon compared to Building Regulations minimum in line with the submitted Sustainability Statement and details of the positioning, methods of mounting and design of renewable energy equipment), (3) water efficiency measures to achieve higher standards of water efficiency including external water use, (4) how a reduction in the impacts associated with traffic or pollution will be achieved and (5) provision of electric car charging points, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first use unless any variation is agreed in writing by the Local Planning Authority.

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

Conditions requiring Local Planning Authority written approval or to be complied with by developer before occupation:

19) **No unit at the development hereby permitted shall be first occupied**, unless and until a Noise Mitigation and Management Scheme setting out details of measures to limit the impact of the activities associated with the unit/service yard on the locality, together with a programme of implementation; has been submitted to and approved in writing by the Local Planning Authority. The Noise Mitigation and Management Scheme shall detail practicable noise control measures to mitigate noise impacts emanating from the units/service yard at neighbouring receptors. Appropriate noise control measures shall include, but not necessarily be limited to: the operational and delivery hours for each unit; not letting vehicles idle; no overnight running of refrigerated/air conditioned commercial vehicles (and/or their fridge/air-conditioning units); on-site noises such as the use of radios; noise from unloading vehicles; keeping doors closed where appropriate; providing suitable smooth surfaces or matting for any cages/trolleys; training of staff; specifying the type of vehicles accessing the unit/service yard; only the use of broadband reversing alarms including fork lift trucks, details of site vehicle manoeuvres to demonstrate minimum need to reverse etc. Once approved the Noise Mitigation and Management Scheme shall be carried out in full and shall be adhered to at all times including any ongoing requirements and for all subsequent operators of the site, unless any specific variation is first agreed in writing by the Local Planning Authority following submission of details in that behalf.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To encourage and promote sustainable transport.

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

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

26) **No part of the development hereby permitted shall be first brought into use** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

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

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

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

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

29) **No part of the development hereby permitted shall not be first brought into use**, until details of any external lighting of the site have been submitted to, and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles, the timings of any lighting and the mechanism for turning on/off any external lighting). The lighting scheme shall set out how the design of the lighting shall not exceed thresholds from the Institution of Lighting Professional's for Environmental Zone E3 (suburban), 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20)'; and shall minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

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

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.

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

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

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

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

33) **No part of the development hereby permitted shall be first brought into use**, until the widened footpath to the east of the site has been constructed, surfaced and drained in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority, in consultation with WSCC PROW and Highways.

Reason: To secure satisfactory standards of access for the proposed development and to encourage and promote sustainable transport.

Conditions to be complied with at all times during construction:

34) 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.

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

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

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

i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and

ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and

iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

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

Conditions to be complied with at all times following completion of the development:

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

Reason: To safeguard the amenities of the neighbouring properties.

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

Associated pipework shall be located above ground where possible and protected from accidental damage. The approved scheme shall be provided prior to the first use of the land for the storage of oils, fuels or chemicals and shall be maintained as approved in perpetuity.

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

39) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other statutory instrument amending, revoking and re-enacting such Orders, the buildings hereby permitted shall not be used for any purpose other than for purposes in Use Classes B1(b), B1(c) and B8.

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

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

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

41) The side windows, located to the east elevation of the mezzanine floor in Block 1 shall be fixed-shut / non-opening and thereafter permanently retained as such.

Reason: In the interests of protecting the residential amenity of adjacent residential 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 - Location Plan (A1)	P0867-RHP-C S-XX-PL-A-10 00	P3		Approved
PLAN - Block Plan (A1)	P0867-RHP-C S-XX-PL-A-10 02	P2		Approved
PLAN - Existing Site Plan (A1)	P0867-RHP-C S-XX-PL-A-10 05	P2		Approved
PLAN - Proposed Site Plan (A1)	P0867-RHP-C S-XX-PL-A-10 10	P9		Approved
PLAN - Block 1 - Proposed Ground Floor Plan (A1)	P0867-RHP-C S-ZZ-PL-A-20 50	P2		Approved
PLAN - Block 1 - Proposed Mezzanine Floor Plan (A1)	P0867-RHP-C S-ZZ-PL-A-20 51	P2		Approved

PLAN - Block 1 - Proposed Roof Plan (A1)	P0867-RHP-C S-ZZ-PL-A-20 52	P2		Approved
PLAN - Block 2 - Proposed Plans and Elevations (A1)	P0867-RHP-C S-ZZ-PL-A-20 62	P2		Approved
PLAN - Block 3 - Proposed Plans and Elevations (A1)	P0867-RHP-C S-ZZ-PL-A-20 63	P2		Approved
PLAN - Block 4 - Proposed Plans and Elevations (A1)	P0867-RHP-C S-ZZ-PL-A-20 64	P2		Approved
PLAN - Block 5 - Proposed Plans and Elevations (A1)	P0867-RHP-C S-ZZ-PL-A-20 65	P2		Approved
PLAN - Block 1 - Proposed North and East Elevations (A1)	P0867-RHP-B 1-ZZ-EL-A-211 0	P4		Approved
PLAN - Block 1 - Proposed South and West Elevations (A1)	P0867-RHP-B 1-ZZ-EL-A-211 1	P4		Approved
PLAN - Planting Plan (A1)	2178-TF-XX-0 0-DR-L-3001	P03		Approved
PLAN - Landscape Proposals and Structural Planting Scheme (A1)	2178-TF-XX-0 0-DR-L-1001	P03		Approved
PLAN – Proposed north elevation	P0867-RHP-C S-ZZ-EL-A-21 60	P2		Approved
PLAN – Proposed south elevation	P0867-RHP-C S-ZZ-EL-A-21 61	P2		Approved
PLAN - Proposed east elevation	P0867-RHP-C S-ZZ-EL-A-21 62	P2		Approved
PLAN – Proposed west elevation (cross section)	P0867-RHP-C S-ZZ-EL-A-21 63	P2		Approved
PLAN – Proposed west elevation	P0867-RHP-B 1-ZZ-EL-A-216 3	P3		Approved

Informative(s)

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

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

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

4) When submitting lighting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 (suburban) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01/20" issued by the Institute of Lighting Professionals.
<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusivelight-2020/>

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

These make it an offence to:

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

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

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

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

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

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

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

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

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

11) Any external mechanical plant shall be assessed in accordance of BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound". A rating level, as determined 1m from the façade of the most sensitive receptors, that is no more than the established, representative background sound level is an indication of a "low impact", dependent on context.

12) By virtue of Regulation 4 of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 this application, reference CC/20/01914/FUL, has been determined by reference to the schedule to the Use Classes Order 1987 as it existed on 31st August 2020.

Please Note: The headings to the Conditions are inserted for ease of reference only and shall not affect the interpretation of the Condition(s).

The applicant is reminded that the Council operate a formal procedure for the discharge of conditions. Details of this procedure can be found on the Council's website (<http://www.chichester.gov.uk/planningadvice#planningapplications>) or by telephone (01243 534734).

The plans the subject of this decision can be viewed on the Council's website www.chichester.gov.uk quoting the reference number of the application. For all applications after May 2003, the relevant plans are listed as "Plans-Decided".

Decision Date : 6 November 2020

Signed:



Andrew Frost
Director of Planning and the Environment
Chichester District Council

Are you CIL Liable?

If so, please complete Form 6 using the link below and return to CIL@chichester.gov.uk as soon as possible.

https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf

NOTES

Town and Country Planning Act 1990 Town and Country Planning (Control of Advertisements) Regulations 1992 Town and Country Planning (Trees) Regulations 1999

Your attention is directed to the following notes. They are for information only and do not pretend to set out the whole of the law on the subject. It would be well for you to consult your solicitor if you are in any doubt.

1. If the applicant is aggrieved by the decision of the District Planning Authority to refuse permission for the development, or is aggrieved by a condition imposed on a planning permission, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within six months* from the date of notice or determination giving rise to the appeal. (All appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/04A Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. <https://www.gov.uk/planning-inspectorate>. Advertisements and ELD/PLD appeal forms are available from County House, Portland Square, Bristol; Tree Preservation Order appeals forms are available from Government Office from The Planning Inspectorate, The Environment Appeals Team, Trees and Hedges, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Email – environment.appeals@pins.gsi.gov.uk Telephone – 0303 444 5584. One copy of the appeal form must be submitted to the Director of Planning and the Environment, Chichester District Council, East Pallant House, Chichester, West Sussex PO19 1TY).

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay

in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the District Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

*** APPLICANTS SHOULD NOTE THAT THE PERIOD FOR MAKING AN APPEAL IN RESPECT OF HOUSEHOLDER APPLICATIONS (SUFFIX /DOM) IS 12 WEEKS FROM THE DATE OF THIS NOTICE; FOR ADVERTISEMENT APPLICATIONS (SUFFIX /ADV) IT IS 8 WEEKS; AND FOR TREE APPLICATIONS (SUFFIX /TPA) IT IS 28 DAYS.**

2. If permission to develop land is refused or granted subject to conditions, whether by the District Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part V of the Town and Country Planning Act 1990.
3. In certain circumstances a claim may be made against the District Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in the Town and Country Planning Act 1990.
4. By Section 195 of the Town and Country Planning Act 1990 where an application is made to a District Planning Authority for a Certificate of Lawful Use or Development and is refused in part, the applicant may by notice under this sub-section appeal to the Secretary of State and on any such appeal the Secretary of State shall:
 - (a) if and so far as he is satisfied that the Authority's refusal is not well-founded, grant to the appellant a Certificate of Lawful Use or Development accordingly or, as the case may be, modify the certificate granted by the Authority on the application, and:
 - (b) if and so far as he is satisfied that the Authority's refusal is well-founded, dismiss the appeal.
5. Applicants are advised to consult Regulation (15) of the Advertisements Regulations 1992 regarding appeals in respect of advertisements.
6. Where this notice conveys approval or permission, conditional or unconditional please note that the decision given does not purport to convey any consent or approval which may be required under the Public Health Acts and Building Regulations. Additionally applicants are advised to check the need for notice to be given under the Party Wall etc. Act 1996.
7. Where this notice conveys approval or permission subject to conditions, applicants are reminded that the onus is on them to ensure the conditions have been complied with. Under some circumstances a failure to comply with a condition may result in the whole development being unauthorised.

Just received permission for a new property or development? Please register below for a Royal Mail postal address:-

<https://eforms.chichester.gov.uk/officeforms/application-for-a-new-single-dwelling-or-development.ofml>

Appendix B - Decision Notice relating to planning application 21/01391/FUL

CHICHESTER DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
ORDER) 2015 (as amended)

Agent Details:

Mr Stuart Richardson
30-31 Foundry Street
Brighton
BN1 4AT

Applicant Details :

Mr Alan Gregory
Chichester District Council
East Pallant House
1 East Pallant Chichester
PO19 1TY

In pursuance of their powers under the above mentioned Act and Orders, the Council hereby notifies you that they **PERMIT** the following development, that is to say:

Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m² (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings - Variation of Condition 1 of planning permission CC/20/01914/FUL- changes to Block 1 from one single large unit into 10 smaller units and associated works.

St James Industrial Estate Westhampnett Road Chichester West Sussex PO19 7JU

to be carried out in accordance with your application CC/21/01391/FUL submitted to the Council on 12 May 2021 and as modified by any relevant under mentioned conditions and subject to compliance with all conditions specified hereunder:

Time limits and implementations conditions:

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

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

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

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

Conditions requiring Local Planning Authority written approval or to be complied with prior to commencement of development:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11) No development shall commence until;

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

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

Reason: The site is located in an area with the potential to be affected by ground gases and vapours and therefore compliance with local and national policy must be ensured. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission. B

Conditions requiring Local Planning Authority written approval or to be complied with prior to specific construction works take place:

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

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

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

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

14) Notwithstanding any details submitted, no development shall commence above ground level, until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

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

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

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

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

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

17) No development shall commence above ground level until a strategy outlining details of the sustainable design and construction for all new buildings, including: (1) building for life standards, (2) sustainable building techniques including fabric first and renewable energy technologies such as Solar PV (including full details of the savings in carbon compared to Building Regulations minimum in line with the submitted Sustainability Statement and details of the positioning, methods of mounting and design of renewable energy equipment), (3) water efficiency measures to achieve higher standards of water efficiency including external water use, (4) how a reduction in the impacts associated with traffic or pollution will be achieved and (5) provision of electric car charging points, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first use unless any variation is agreed in writing by the Local Planning Authority.

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

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

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

Conditions requiring Local Planning Authority written approval or to be complied with by developer before occupation:

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

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

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

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

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

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

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

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

22) Notwithstanding any details submitted, no part of the development hereby permitted shall be first brought into use, until a scheme of ecological mitigation based on the recommendations of the submitted Ecological Impact Assessment (by Lizard Landscape Design and Ecology, July 2020 and the comments of the CDC Environmental Strategy Unit (dated: 16.09.2020 in relation to application 20/01914/FUL); and, a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme of ecological enhancements shall include consideration of:

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

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

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

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

Reason: To encourage and promote sustainable transport.

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

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

25) No part of the development hereby permitted shall be first brought into use until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

26) No part of the development hereby permitted shall be first brought into use until the scheme for Electric Vehicle charging facilities has been provided and implemented in accordance with the requirements of the WSCC Parking Standards (September 2020 and any subsequent amended parking standards) and the submitted Sustainability Statement (Scott White and Hookins, April 2021). 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.

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

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

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

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

The curfew is between 19.00 - 07.00;

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

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

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

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

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

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

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

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

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

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

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

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

Conditions to be complied with at all times during construction:

33) 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.

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

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

Conditions to be complied with at all times following completion of the development:

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

Reason: To safeguard the amenities of neighbouring properties.

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

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

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

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

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

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

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

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Figure No.1 - Site Habitat Plan (A0)	LLD1925-ECO-FIG-001	00	12.05.2021	Approved
PLAN - Plant Plan (A0)	2178-TF-XX-00-DR-L-3001	P05	12.05.2021	Approved
PLAN - Landscape proposals and structural planting (A1)	2178-TF-XX-00-DR-L-1001	P04	12.05.2021	Approved
PLAN - Block 1 - Proposed North and East Elevations (A1)	P0867-RHP-B1-ZZ-EL-A-2110	P7	12.05.2021	Approved
PLAN - Block 1 - Proposed South and West Elevations (A1)	P0867-RHP-B1-ZZ-EL-A-2111	P7	12.05.2021	Approved
PLAN - Proposed Block Plan (A1)	P0867-RHP-01-XX-PL-A-1002	P4	12.05.2021	Approved
PLAN - Block 1 - Proposed Roof Plan (A1)	P0867-RHS-CS-ZZ-PL-A-2052	P4	12.05.2021	Approved
PLAN - Block 1 - Proposed Ground Floor Plan (A1)	P0867-RHS-CS-ZZ-PL-A-2050	P4	12.05.2021	Approved
PLAN - Existing Site Plan (A0)	P0867-RHP-CS-XX-PL-A-1005	P2	12.05.2021	Approved
PLAN - Site Location Plan (A4)	P0867-RHP-CS-ZZ-PL-A-1000	P3	12.05.2021	Approved

PLAN - Block 3 - Proposed Plans and Elevations (A1)	P0867-RHP-CS-ZZ-PL-A-2063	P2	12.05.2021	Approved
PLAN - Block 2 - Proposed Plans and Elevations (A1)	P0867-RHP-CS-ZZ-PL-A-2062	P2	12.05.2021	Approved
PLAN - Proposed Site Elevations - East (A1)	P0867-RHP-B1-ZZ-EL-A-2062	P4	12.05.2021	Approved
PLAN - Proposed Site Elevations - North (A1)	P0867-RHP-B1-ZZ-EL-A-2060	P4	12.05.2021	Approved
PLAN - Block 4 - Proposed Plans and Elevations (A1)	P0867-RHP-CS-ZZ-PL-A-2064	P2	12.05.2021	Approved
PLAN - Block 5 - Proposed Plans and Elevations (A1)	P0867-RHP-CS-ZZ-PL-A-2065	P2	12.05.2021	Approved
PLAN - Proposed Site Elevations - West (A1)	P0867-RHP-B1-ZZ-EL-A-2063	P5	12.05.2021	Approved
PLAN - Proposed Site Elevations - South (A1)	P0867-RHP-B1-ZZ-EL-A-2061	P4	12.05.2021	Approved
PLAN - Proposed Site Plan (A0)	P0867-RHP-CS-XX-PL-A-1010	P11	12.05.2021	Approved
PLAN - Car Parking Swept Path Analysis (A3)	2020-6156-006	D	12.05.2021	Approved

Informative(s)

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

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

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

4) When submitting lighting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone (to be specified for the circumstances) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" issued by the Institute of Lighting Professionals. <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusivelight-2020/>

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

These make it an offence to:

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

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

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

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

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

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

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

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

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

CIL Informative

This development is considered chargeable development for the purposes of the Community Infrastructure Regulations 2010 (as amended).

Failure to adhere to the Regulations and commencing work without notifying the Council could forfeit any rights you have to exemptions, payment by instalments and you may also incur fines/surcharges.

Further details can be found on the Council's website:

<http://www.chichester.gov.uk/article/27023/CIL-administration-and-collection>

Please Note: The headings to the Conditions are inserted for ease of reference only and shall not affect the interpretation of the Condition(s).

The applicant is reminded that the Council operate a formal procedure for the discharge of conditions. Details of this procedure can be found on the Council's website (<http://www.chichester.gov.uk/planningadvice#planningapplications>) or by telephone (01243 534734).

The plans the subject of this decision can be viewed on the Council's website

www.chichester.gov.uk

quoting the reference number of the application. For all applications after May 2003, the relevant plans are listed as "Plans-Decided".

Decision Date : 14 July 2021

Signed:



Andrew Frost
Director of Planning and the Environment

Are you CIL Liable?

If so, please complete Form 6 using the link below and return to CIL@chichester.gov.uk as soon as possible.

https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf

NOTES

Town and Country Planning Act 1990 Town and Country Planning (Control of Advertisements) Regulations 1992 Town and Country Planning (Trees) Regulations 1999

Your attention is directed to the following notes. They are for information only and do not pretend to set out the whole of the law on the subject. It would be well for you to consult your solicitor if you are in any doubt.

1. If the applicant is aggrieved by the decision of the District Planning Authority to refuse permission for the development, or is aggrieved by a condition imposed on a planning permission, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within six months* from the date of notice or determination giving rise to the appeal. (All appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/04A Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. <https://www.gov.uk/planning-inspectorate>. Advertisements and ELD/PLD appeal forms are available from County House, Portland Square, Bristol; Tree Preservation Order appeals forms are available from Government Office from The Planning Inspectorate, The Environment Appeals Team, Trees and Hedges, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Email – environment.appeals@pins.gsi.gov.uk Telephone – 0303 444 5584. One copy of the appeal form must be submitted to the Director of Planning and the Environment, Chichester District Council, East Pallant House, Chichester, West Sussex PO19 1TY).

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the District Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

*** APPLICANTS SHOULD NOTE THAT THE PERIOD FOR MAKING AN APPEAL IN RESPECT OF HOUSEHOLDER APPLICATIONS (SUFFIX /DOM) IS 12 WEEKS FROM THE DATE OF THIS NOTICE; FOR ADVERTISEMENT APPLICATIONS (SUFFIX /ADV) IT IS 8 WEEKS; AND FOR TREE APPLICATIONS (SUFFIX /TPA) IT IS 28 DAYS.**

2. If permission to develop land is refused or granted subject to conditions, whether by the District Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part V of the Town and Country Planning Act 1990.
3. In certain circumstances a claim may be made against the District Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in the Town and Country Planning Act 1990.

4. By Section 195 of the Town and Country Planning Act 1990 where an application is made to a District Planning Authority for a Certificate of Lawful Use or Development and is refused in part, the applicant may by notice under this sub-section appeal to the Secretary of State and on any such appeal the Secretary of State shall:
 - (a) if and so far as he is satisfied that the Authority's refusal is not well-founded, grant to the appellant a Certificate of Lawful Use or Development accordingly or, as the case may be, modify the certificate granted by the Authority on the application, and:
 - (b) if and so far as he is satisfied that the Authority's refusal is well-founded, dismiss the appeal.
5. Applicants are advised to consult Regulation (15) of the Advertisements Regulations 1992 regarding appeals in respect of advertisements.
6. Where this notice conveys approval or permission, conditional or unconditional please note that the decision given does not purport to convey any consent or approval which may be required under the Public Health Acts and Building Regulations. Additionally applicants are advised to check the need for notice to be given under the Party Wall etc. Act 1996.
7. Where this notice conveys approval or permission subject to conditions, applicants are reminded that the onus is on them to ensure the conditions have been complied with. Under some circumstances a failure to comply with a condition may result in the whole development being unauthorised.

Just received permission for a new property or development? Please register below for a Royal Mail postal address:-

<https://eforms.chichester.gov.uk/officeforms/application-for-a-new-single-dwelling-or-development.ofml>

Appendix C - Decision Notice relating to planning application 21/03391/FUL



CHICHESTER DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE ORDER) 2015 (as amended)

Applicant Details:

Chichester District Council
Estates Service, Property & Growth
East Pallant House
1 East Pallant Chichester
PO19 1TY

In pursuance of their powers under the above mentioned Act and Orders, the Council hereby notifies you that they **PERMIT** the following development, that is to say:

Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m² (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings. Variation of Condition 1 of planning permission CC/20/01914/FUL - changes to Block 1 from one single large unit into 10 smaller units and associated works and to regularise the conditions of permission CC/21/01391/FUL to reflect conditions contained in permission CC/20/01914/FUL. St James Industrial Estate Westhampnett Road Chichester West Sussex PO19 7JU

to be carried out in accordance with your application CC/21/03391/FUL submitted to the Council on 23 November 2021 and as modified by any relevant under mentioned conditions and subject to compliance with all conditions specified hereunder:

Time limits and implementations conditions:

- 1) The development hereby permitted shall be begun by no later than 14th July 2024.

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

2) The development hereby permitted shall be carried out in accordance with the approved plans:

Submitted with this application:

P0867-RHP-CS-XX-PL-A-1010/Rev.P11 (Proposed Site Plan)

P0867-RHP-CS-ZZ-PL-A-2052/Rev.P4 (Block 1 - Proposed Roof Plan)

P0867-RHP-CS-ZZ-PL-A-2050/Rev.P4 (Block 1 - Proposed Ground Floor Plan)

P0867-RHP-B1-ZZ-EL-A-2111/Rev.P7 (Block 1 - Proposed South and West Elevations)

P0867-RHP-B1-ZZ-EL-A-2110/Rev.P7 (Block 1 - Proposed North and East Elevations)

Submitted with application CC/21/01391/FUL:

P0867-RHP-CS-ZZ-PL-A-1000/Rev.P3 (Site Location Plan)

P0867-RHP-CS-XX-PL-A-1005/Rev.P2 (Existing Site Plan)

P0867-RHP-01-XX-PL-A-1002/Rev.04 (Proposed Block Plan)

P0867-RHP-B1-ZZ-EL-A-2163/Rev.P5 (Proposed Site Elevations - West)

P0867-RHP-B1-ZZ-EL-A-2162/Rev.P4 (Proposed Site Elevations - East)

P0867-RHP-B1-ZZ-EL-A-2161/Rev.P4 (Proposed Site Elevations - South)

P0867-RHP-B1-ZZ-EL-A-2160/Rev.P4 (Proposed Site Elevations - North)

P0867-RHP-CS-ZZ-PL-A-2065/Rev.P2 (Block 5 - Proposed Plans and Elevations)

P0867-RHP-CS-ZZ-PL-A-2064/Rev.P2 (Block 4 - Proposed Plans and Elevations)

P0867-RHP-CS-ZZ-PL-A-2063/Rev.P2 (Block 3 - Proposed Plans and Elevations)

P0867-RHP-CS-ZZ-PL-A-2062/Rev.P2 (Block 2 - Proposed Plans and Elevations)

LLD1925-ECO-FIG-001/Rev.00 (Site Habitat Plan)

2178-TF-XX-00-DR-L-3001/Rev.P05 (Planting Plan)

2178-TF-XX-00-DR-L-1001/Rev.P04 (Landscape Proposals and Structural Planting)

2020-6156-006/Rev.D (Car Parking Swept Path Analysis)

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

Conditions requiring Local Planning Authority written approval or to be complied with prior to specific construction works take place:

3) Prior to the installation of any external mechanical plant and/or externally venting plant (including ventilation, refrigeration, air condition, air handling units), a scheme for the control of noise and vibration to be used in pursuance of this permission shall be submitted to and improved in writing by the Local Planning Authority. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant, machinery or equipment shall be implemented and thereafter maintained as approved.

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

4) **Prior to the installation of any extraction system** (to include but not restricted to, cooking or paint spraying), a detailed scheme shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the extraction system shall be designed, constructed and maintained so as to control noise and odour.

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

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

Conditions requiring Local Planning Authority written approval or to be complied with by developer before occupation:

5) **No unit at the development hereby permitted shall be first occupied**, unless and until a Noise Mitigation and Management Scheme setting out details of measures to limit the impact of the activities associated with the unit/service yard on the locality, together with a programme of implementation; has been submitted to and approved in writing by the Local Planning Authority. The Noise Mitigation and Management Scheme shall detail practicable noise control measures to mitigate noise impacts emanating from the units/service yard at neighbouring receptors. Appropriate noise control measures shall include, but not necessarily be limited to: the operational and delivery hours for each unit; not letting vehicles idle; no overnight running of refrigerated/air conditioned commercial vehicles (and/or their fridge/air-conditioning units); on-site noises such as the use of radios; noise from unloading vehicles; keeping doors closed where appropriate; providing suitable smooth surfaces or matting for any cages/trolleys; training of staff; specifying the type of vehicles accessing the unit/service yard; only the use of broadband reversing alarms including fork lift trucks, details of site vehicle manoeuvres to demonstrate minimum need to reverse etc. Once approved the Noise Mitigation and Management Scheme shall be carried out in full and shall be adhered to at all times including any ongoing requirements and for all subsequent operators of the site, unless any specific variation is first agreed in writing by the Local Planning Authority following submission of details in that behalf.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To encourage and promote sustainable transport.

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

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

12) **No part of the development hereby permitted shall be first brought into use** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

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

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

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

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

15) **No part of the development hereby permitted shall not be first brought into use**, until details of any external lighting of the site have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles, the timings of any lighting and the mechanism for turning on/off any external lighting). The lighting scheme shall set out how the design of the lighting shall not exceed thresholds from the Institution of Lighting Professional's for Environmental Zone E3 (suburban), 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20)'; and shall minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

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

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.

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

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

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

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

19) **No part of the development hereby permitted shall be first brought into use**, until the widened footpath to the east of the site has been constructed, surfaced and drained in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority, in consultation with WSCC PROW and Highways.

Reason: To secure satisfactory standards of access for the proposed development and to encourage and provide sustainable transport.

Conditions to be complied with at all times during construction:

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

i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and

ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and

iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

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

21) The construction of the development hereby permitted shall be carried out in full accordance with the Construction and Environmental Management Plan (CEMP) and the addendum (30.06.2021), produced by Mildren Construction.

Reason: 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.

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

Reason: To ensure that trees, shrubs, hedgerows and other natural features to be retained are adequately protected from damage to health and stability.

23) The construction of the development hereby permitted shall be carried out in full accordance with the Drainage Design Strategy Rev.C, produced by Thorpe Engineering Consultants Ltd (19.11.2021) and plans: D-0100/Rev.C2 (Drainage Layout); D-0200/Rev.C1 (Drainage Details); D-0201 (Drainage Details); D-202/Rev.C1 (Soakaway Details); D-203/Rev.C1 (Soakaway Details); D-1200/Rev.C2 (Drainage Exceedance Areas); and, D-203.1/Rev.C1 (Soakaway Details).

Reason: To ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

24) The construction of the development hereby permitted shall be carried out in full accordance with the Structural Design Calculations - Volume 1, produced by Thorpe Engineering Consultants Ltd (August 2021), the Environmental Monitoring Assessment Report: Noise and Vibration Monitoring, produced by SOCOTEC UK (December 2020) and, the Ground Improvement Works Letter (dated November 2021). In line with the upper airborne noise value for construction works, detailed in BS5228, a limit not to be exceeded at any sensitive neighbouring receptor of 75dB LAeq,10 hours (08.00 - 18:00) (free-field). Vibration threshold values should be set at 3mm/s Peak Particle Velocity (PPV) for 'amber' (stop and review works and methodology; reduce work periods before recommencement) and 5mm/s (PPV) for 'red' (upper threshold, not to be exceeded. Works to stop and agree with Environmental Health before commencing). These values are to be measured at sensitive receptors, over continuous 10 second timeframes.

Reason: In the interests of protecting the amenities of neighbouring properties and the wider area.

25) The construction of the development hereby permitted shall be carried out in full accordance with the plans (EX01 - Topographic Survey; 00-TEC-V1-XX-DR-S-1001/Rev.P4 - Site Plan; P0867-RHP-B1-ZZ-EL-A-2163/Rev.P6 - Proposed Side Elevation West; P0867-RHP-B1-ZZ-EL-A-2162/Rev.P5 - Proposed Side Elevation East; P0867-RHP-B1-ZZ-EL-A-2161/Rev.P5 - Proposed Side Elevation South; P0867-RHP-B1-ZZ-EL-A-2160/Rev.P5 - Proposed Side Elevation North).

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

26) The construction of the development hereby permitted shall be carried out in full accordance with the Combined Geotechnical and Ground Contamination Risk Assessment Report Rev.2, produced by Ashdown Site Investigation Ltd (April 2020) and the Statement on Proposed Remediation, produced by Thorpe Engineering Ltd (November 2021).

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land and ground gasses / vapours.

27) The management and maintenance of the Sustainable Urban Drainage System (SUDS) hereby permitted shall be carried out in full accordance with the SUDS Maintenance Strategy, produced by Thorpe Engineering Consultants Ltd (November 2021).

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

28) The construction of the development hereby permitted shall be carried out in full accordance with the Air Quality Assessment Report Rev.B, produced by SRE (April 2021).

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

29) The construction of the development hereby permitted shall be carried out in full accordance with the 'Trisomet: External roof and panel system' and the 'Colorcoat Prisma' by Tata Steel (dated 28.09.2021), together with the material sample photographs (dated 01.11.2021).

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.

30) The construction of the development hereby permitted shall be carried out in full accordance with the Sustainability Statement Rev.2.0, produced by Scott White and Hookins (April 2021).

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

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

Reason: In the interests of residential amenity.

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

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

Conditions to be compiled with at all times following completion of the development:

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

Reason: To safeguard the amenities of the neighbouring properties.

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

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

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

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

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

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

Informative(s)

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

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

3) 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 E3 (suburban) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01/20" issued by the Institute of Lighting Professionals.
<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusivelight-2020/>

4) 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).

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

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

7) Any external mechanical plant shall be assessed in accordance of BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound". A rating level, as determined 1m from the façade of the most sensitive receptors, that is no more than the established, representative background sound level is an indication of a "low impact", dependent on context.

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

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

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

Please Note: The headings to the Conditions are inserted for ease of reference only and shall not affect the interpretation of the Condition(s).

The applicant is reminded that the Council operate a formal procedure for the discharge of conditions. Details of this procedure can be found on the Council's website (<http://www.chichester.gov.uk/planningadvice#planningapplications>) or by telephone (01243 534734).

The plans the subject of this decision can be viewed on the Council's website www.chichester.gov.uk

quoting the reference number of the application. For all applications after May 2003, the relevant plans are listed as "Plans-Decided".

Decision Date : 13 January 2022

Signed:

Andrew Fitt

Andrew Frost
Director of Planning and the Environment
Chichester District Council

Are you CIL Liable?

If so, please complete Form 6 using the link below and return to CIL@chichester.gov.uk as soon as possible.

https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf

NOTES

Town and Country Planning Act 1990 Town and Country Planning (Control of Advertisements) Regulations 1992 Town and Country Planning (Trees) Regulations 1999

Your attention is directed to the following notes. They are for information only and do not pretend to set out the whole of the law on the subject. It would be well for you to consult your solicitor if you are in any doubt.

1. If the applicant is aggrieved by the decision of the District Planning Authority to refuse permission for the development, or is aggrieved by a condition imposed on a planning permission, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within six months* from the date of notice or determination giving rise to the appeal. (All appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/04A Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. <https://www.gov.uk/planning-inspectorate>. Advertisements and ELD/PLD appeal forms are available from County House, Portland Square, Bristol; Tree Preservation Order appeals forms are available from Government Office from The Planning Inspectorate, The Environment Appeals Team, Trees and Hedges, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Email – environment.appeals@pins.gsi.gov.uk Telephone – 0303 444 5584. One copy of the appeal form must be submitted to the Director of Planning and the Environment, Chichester District Council, East Pallant House, Chichester, West Sussex PO19 1TY).

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the District Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

- * APPLICANTS SHOULD NOTE THAT THE PERIOD FOR MAKING AN APPEAL IN RESPECT OF HOUSEHOLDER APPLICATIONS (SUFFIX /DOM) IS 12 WEEKS FROM THE DATE OF THIS NOTICE; FOR ADVERTISEMENT APPLICATIONS (SUFFIX /ADV) IT IS 8 WEEKS; AND FOR TREE APPLICATIONS (SUFFIX /TPA) IT IS 28 DAYS.**

2. If permission to develop land is refused or granted subject to conditions, whether by the District Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part V of the Town and Country Planning Act 1990.
3. In certain circumstances a claim may be made against the District Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference

of the application to him. The circumstances in which such compensation is payable are set out in the Town and Country Planning Act 1990.

4. By Section 195 of the Town and Country Planning Act 1990 where an application is made to a District Planning Authority for a Certificate of Lawful Use or Development and is refused in part, the applicant may by notice under this sub-section appeal to the Secretary of State and on any such appeal the Secretary of State shall:
 - (a) if and so far as he is satisfied that the Authority's refusal is not well-founded, grant to the appellant a Certificate of Lawful Use or Development accordingly or, as the case may be, modify the certificate granted by the Authority on the application, and:
 - (b) if and so far as he is satisfied that the Authority's refusal is well-founded, dismiss the appeal.
5. Applicants are advised to consult Regulation (15) of the Advertisements Regulations 1992 regarding appeals in respect of advertisements.
6. Where this notice conveys approval or permission, conditional or unconditional please note that the decision given does not purport to convey any consent or approval which may be required under the Public Health Acts and Building Regulations. Additionally applicants are advised to check the need for notice to be given under the Party Wall etc. Act 1996.
7. Where this notice conveys approval or permission subject to conditions, applicants are reminded that the onus is on them to ensure the conditions have been complied with. Under some circumstances a failure to comply with a condition may result in the whole development being unauthorised.

Just received permission for a new property or development? Please register below for a Royal Mail postal address:-

<https://eforms.chichester.gov.uk/officeforms/application-for-a-new-single-dwelling-or-development.ofml>

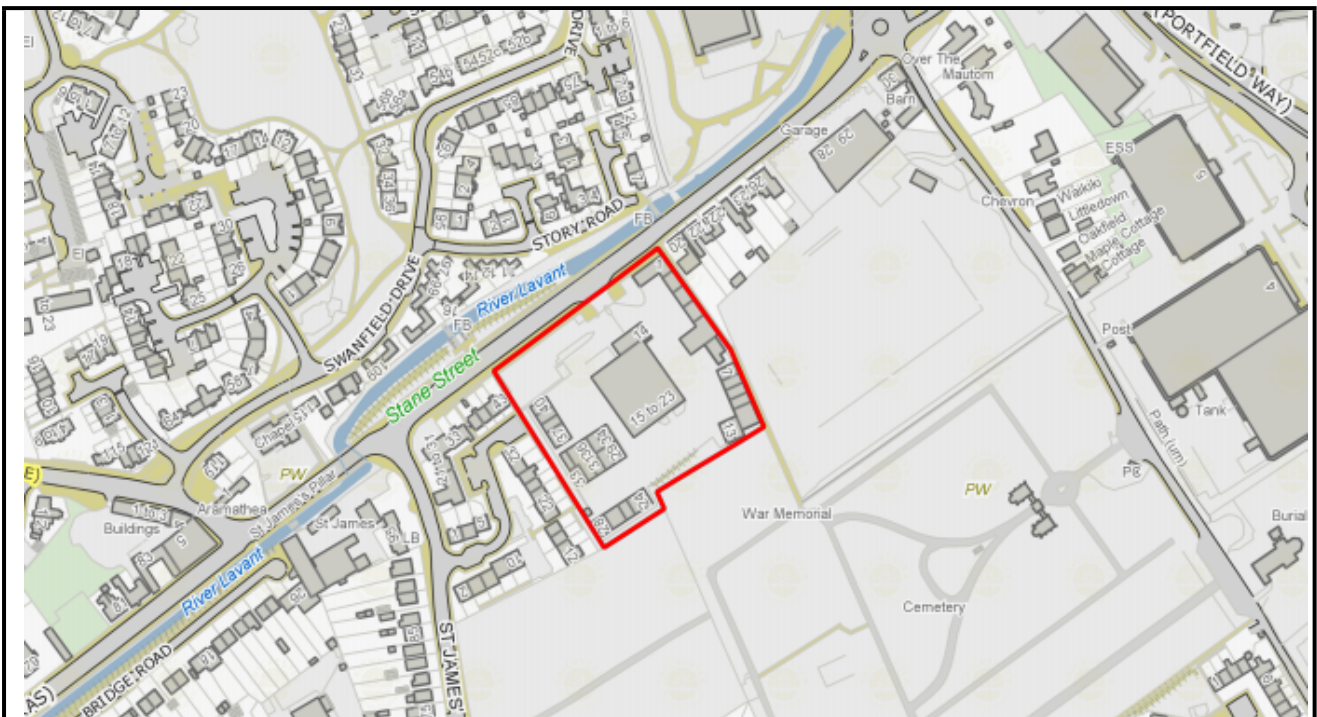
Appendix D - Planning Committee Report relating to planning application 21/03391/FUL


Parish: Chichester	Ward: Chichester East
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CC/21/03391/FUL

Proposal	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m2 (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings. Variation of Condition 1 of planning permission CC/20/01914/FUL - changes to Block 1 from one single large unit into 10 smaller units and associated works and to regularise the conditions of permission CC/21/01391/FUL to reflect conditions contained in permission CC/20/01914/FUL.		
Site	St James Industrial Estate Westhampnett Road Chichester West Sussex PO7 7JU		
Map Ref	(E) 487293 (N) 105340		
Applicant	Chichester District Council	Agent	

RECOMMENDATION TO PERMIT



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

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

2.0 Site and Surrounds

- 2.1 St James Industrial Estate extends to approximately 1.2ha and is located south-east of Westhampnett Road (A285) and approximately 123m from the roundabout with St James Road to the south-west; within the defined Settlement Boundary of Chichester. The site was previously developed in the early 1980s around the old 1950s Chichester District Council (CDC) depot, to provide accommodation for small start-up businesses. The industrial estate previously comprised 40no. small industrial units (within B1, B2 and B8 Use Classes) with a total floor space of some 3,753m². At the time of the site visit, demolition and clearance of the site had occurred.
- 2.2 The site is accessed by the sole entrance/exit point on Westhampnett Road. A mixture of residential and commercial (including large supermarkets) development lies further to the east. Behind the residential development fronting Westhampnett Road and to the eastern boundary of the site, there is Outline Permission (08/00554/OUT and 15/02075/EXT) for 80 new dwellings on the site of the old Portfield Football Ground. Approximately 15 metres to the east lie Nos. 21, 22 and 22a Westhampnett Road, which are designated grade II listed buildings.
- 2.3 The site is predominantly located within Flood Zone 1; with only the very northern edge of the site boundary, partially falling within Flood Zone 2 (all the buildings are located within Flood Zone 1). The River Lavant runs in an east-west direction to the northern side of Westhampnett Road and here the land moved into Flood Zones 2 and 3.

3.0 Proposal

- 3.1 Permission is sought under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 1 of planning permission CC/20/01914/FUL, to change Block 1 from one single large unit into 10 smaller units and associated works; and to regularise the conditions of permission CC/21/01391/FUL to reflect conditions contained in permission CC/20/01914/FUL.

4.0 History

20/01914/FUL	PER	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m ² (47877ft) of lettable industrial space all under B1(b), B1(c) and B8 use classes with 5 no. replacement buildings.
21/01391/FUL	PER	Redevelopment of the existing industrial estate, including demolition of the existing buildings. The scheme provides approximately 4448m ² (47877ft) of lettable industrial space, use classes E(g)(ii) and E(g)(iii) (formally known as

use classes B1(b), B1(c)) and use class B8 with 5 no. replacement buildings - Variation of Condition 1 of planning permission CC/20/01914/FUL- changes to Block 1 from one single large unit into 10 smaller units and associated works.

21/01701/DOC	PER	Discharge of Condition 3 of planning permission CC/20/01914/FUL - Construction and Environmental Management Plan (CEMP).
21/02090/DOC	SPLIT	Discharge of conditions 11, 12, 15 & 18 to permission 20/01914/FUL.
21/02262/DOC	PER	Discharge of condition 3, 11, 13 and 17 from planning permission CC/21/01391/FUL.
21/02538/DOC	SPLIT	Discharge of conditions 5 (Surface Water Drainage) and 7 (Ground Levels) from Planning Permission CC/21/01391/FUL
21/02840/DOC	PER	Discharge of Conditions 6 (piling/foundation design) and 8 (scheme to deal with contamination) of planning permission CC/21/01391/FUL.
21/02876/DOC	PER	Discharge of condition 14 of permission 21/01391/FUL.
21/03340/DOC	PER	Discharge of condition 5 and 12 form planning permission CC/21/01391/FUL.
21/03469/DOC	PER	Discharge of Conditions 9 (Phase 2 Intrusive Investigation Report) and 10 (Remediation Scheme) of planning permission CC/21/01391/FUL.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chichester City Council

No comment received.

6.2 WSCC Highways

Given the LHA did not raise an objection previously to the proposals there would be no concerns with this application.

6.3 WSCC Lead Local Flood Authority

No comment.

6.4 CDC Archaeological Officer

There are no known archaeological implications.

6.5 CDC Drainage Engineer

The CDC Drainage Engineer has reviewed the application and is satisfied there is not going to be a significant impact on surface water drainage / flood risk, and therefore has no objection to the proposed application.

6.6 Third Party Representations

5 letters of objection have been received concerning:

- It appears that if this regularisation is permitted then 24-hour working could be approved which is contrary to the reason for condition 35 – i.e. to safeguard amenity.
- The hours of use for the previous industrial estate were carefully controlled.
- Whilst condition 19 on 20/01914/FUL (Noise Mitigation and Management Scheme) gives good control of many factors it is not a replacement for restrictions on hours of use.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan (CLP): Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made Neighbourhood Plan for Chichester City at this time.

7.2 The principle planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 8: Transport and Accessibility
Policy 10: Chichester City Development Principles
Policy 11: Chichester City Employment Sites
Policy 12: Water Management in the Apuldram Wastewater Treatment Catchment
Policy 26: Existing Employment Sites
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 49: Biodiversity

National Policy and Guidance

7.3 Government planning policy now comprises the revised National Planning Policy Framework (July 2021), which took effect from 20th July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decisions-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 or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Chichester Local Plan Review Preferred Approach 2016 - 2035 (December 2018)

7.5 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2019. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in July 2022, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted 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.

7.6 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

S1 Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S3 Development Strategy
S8 Meeting Employment Land Needs
S12 Infrastructure Provision
S13 Chichester City Development Principles
S14 Chichester City Transport Strategy
S20 Design
S21 Health and Wellbeing
S22 Historic Environment
S23 Transport and Accessibility
S27 Flood Risk Management
S28 Pollution
S29 Green Infrastructure
S31 Wastewater Management and Water Quality
S32 Design Strategies for Strategic and Major Development Sites

Part 2 - Development Management Policies

DM8 Transport, Accessibility and Parking
DM9 Existing Employment Sites
DM10 New Employment Sites
DM16 Sustainable Design and Construction
DM18 Flood Risk and Water Management
DM23 Lighting
DM24 Air Quality
DM25 Noise
DM26 Contaminated Land
DM27 Historic Environment
DM29 Biodiversity
DM31 Trees, Hedgerows and Woodlands
DM32 Green Infrastructure

Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD (September 2016)
- CDC Waste Storage and Collection Guidance (January 2017)
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- The CDC Design Protocol (December 2013)
- CDC PGN3: Design Guidance for Alterations to Dwellings and Extensions (September 2009)

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

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the workplace and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and 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

Planning Assessment

- 8.1 The principle of development to redevelop the industrial estate has been established by the granting of applications CC/20/01914/FUL (the original permission for the redevelopment of the industrial estate) and CC/21/01391/FUL (which was a variation of CC/20/01914/FUL to change Block 1 from a single large unit into 10 smaller units and associated works). Although the redevelopment has already been established, the current application is in effect a fresh application for planning permission.
- 8.2 The current application is seeking to regularise the conditions attached to planning permission CC/21/01391/FUL so they reflect the conditions which were attached to the original planning permission CC/20/01914/FUL. In particular a number of the conditions required under the 2020 permission were not carried forward into the 2021 permission, including the amended conditions detailed on the Committee Update Sheet and conditions requested by Members. These have been included in the recommended conditions for this application.
- 8.3 As this application needs to be considered as a new standalone application for planning permission, the application is also seeking to vary condition 1 of planning permission CC/20/01914/FUL to change Block 1 from a single large unit into 10 smaller units and associated works. This is exactly the same variation which was granted planning permission under CC/21/01391/FUL.
- 8.4 With regards to planning policy changes, the NPPF was updated in July 2021. Although this is a material change in circumstance none of the updates to the NPPF are substantive when considering this application, compared to the planning policy position when applications CC/20/01914/FUL and CC/21/01391/FUL were considered.
- 8.5 Officers consider that the planning assessment made under CC/20/01914/FUL and CC/21/01391/FUL remains valid with regard to this application and would not be affected by the variation of these conditions. The original conclusions on these applications remain germane and therefore the application is recommended for approval.

CIL

- 8.6 There are no amendments to floor space, as such there will be no implications to the previous CIL calculation under CC/21/01391/FUL.

Conditions

- 8.7 All relevant conditions from CC/20/01914/FUL have been carried forward in the recommendation below.

Human Rights

- 8.8 The Human Rights of all affected parties have been taken into account and the recommendation to permit is considered justified and proportionate.

Conclusion

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun by no later than 14th July 2024.

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

- 2) The development hereby permitted shall be carried out in accordance with the approved plans:

Submitted with this application:

P0867-RHP-CS-XX-PL-A-1020/Rev.P11 (Proposed Site Plan)
P0867-RHP-CS-ZZ-PL-A-2052/Rev.P4 (Block 1 - Proposed Roof Plan)
P0867-RHP-CS-ZZ-PL-A-2050/Rev.P4 (Block 1 - Proposed Ground Floor Plan)
P0867-RHP-B1-ZZ-EL-A-2111/Rev.P7 (Block 1 - Proposed South and West Elevations)
P0867-RHP-B1-ZZ-EL-A-2110/Rev.P7 (Block 1 - Proposed North and East Elevations)

Submitted with application CC/21/01391/FUL:

P0867-RHP-CS-ZZ-PL-A-1000/Rev.P3 (Site Location Plan)
P0867-RHP-CS-XX-PL-A-1005/Rev.P2 (Existing Site Plan)
P0867-RHP-CS-XX-PL-A-1010/Rev.P11 (Proposed Site Plan)
P0867-RHP-01-XX-A-1002/Rev.04 (Proposed Block Plan)
P0867-RHP-B1-ZZ-EL-A-2063/Rev.P5 (Proposed Site Elevations - West)
P0867-RHP-B1-ZZ-EL-A-2062/Rev.P4 (Proposed Site Elevations - East)
P0867-RHP-B1-ZZ-EL-A-2061/Rev.P4 (Proposed Site Elevations - South)
P0867-RHP-B1-ZZ-EL-A-2060/Rev.P4 (Proposed Site Elevations - North)

P0867-RHP-CS-ZZ-PL-A-2065/Rev.P2 (Block 5 - Proposed Plans and Elevations)
P0867-RHP-CS-ZZ-PL-A-2064/Rev.P2 (Block 4 - Proposed Plans and Elevations)
P0867-RHP-CS-ZZ-PL-A-2063/Rev.P2 (Block 3 - Proposed Plans and Elevations)
P0867-RHP-CS-ZZ-PL-A-2062/Rev.P2 (Block 2 - Proposed Plans and Elevations)
LLD1925-ECO-FIG-001/Rev.00 (Site Habitat Plan)
2178-TF-XX-00-DR-L-3001/Rev.P05 (Planting Plan)
2178-TF-XX-00-DR-L-1001/Rev.P04 (Landscape Proposals and Structural Planting)
2020-6156-006/Rev.D (Car Parking Swept Path Analysis)

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

3) Prior to the installation of any external mechanical plant and/or externally venting plant (including ventilation, refrigeration, air condition, air handling units), a scheme for the control of noise and vibration to be used in pursuance of this permission shall be submitted to and improved in writing by the Local Planning Authority. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant, machinery or equipment shall be implemented and thereafter maintained as approved.

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

4) Prior to the installation of any extraction system (to include but not restricted to, cooking or paint spraying), a detailed scheme shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the extraction system shall be designed, constructed and maintained so as to control noise and odour.

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

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

5) No unit at the development hereby permitted shall be first occupied, unless and until a Noise Mitigation and Management Scheme setting out details of measures to limit the impact of the activities associated with the unit/service yard on the locality, together with a programme of implementation; has been submitted to and approved in writing by the Local Planning Authority. The Noise Mitigation and Management Scheme shall detail practicable noise control measures to mitigate noise impacts emanating from the units/service yard at neighbouring receptors. Appropriate noise control measures shall include, but not necessarily be limited to: the operational and

delivery hours for each unit; not letting vehicles idle; no overnight running of refrigerated/air conditioned commercial vehicles (and/or their fridge/air-conditioning units); on-site noises such as the use of radios; noise from unloading vehicles; keeping doors closed where appropriate; providing suitable smooth surfaces or matting for any cages/trolleys; training of staff; specifying the type of vehicles accessing the unit/service yard; only the use of broadband reversing alarms including fork lift trucks, details of site vehicle manoeuvres to demonstrate minimum need to reverse etc. Once approved the Noise Mitigation and Management Scheme shall be carried out in full and shall be adhered to at all times including any ongoing requirements and for all subsequent operators of the site, unless any specific variation is first agreed in writing by the Local Planning Authority following submission of details in that behalf.

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

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

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

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

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

8) Notwithstanding any details submitted, no part of the development hereby permitted shall be first brought into use, until the associated boundary treatments have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include; (a) scaled plans showing the location of the boundary treatments and elevations, and (b) details of the materials and finishes.

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

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

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

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

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

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

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

Reason: To encourage and promote sustainable transport.

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

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

12) No part of the development hereby permitted shall be first brought into use until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

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

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

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

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

15) No part of the development hereby permitted shall not be first brought into use, until details of any external lighting of the site have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles, the timings of any lighting and the mechanism for turning on/off any external lighting). The lighting scheme shall set out how the design of the lighting shall not exceed thresholds from the Institution of Lighting Professional's for Environmental Zone E3 (suburban), 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20)'; and shall minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

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

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.

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

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

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

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

19) **No part of the development hereby permitted shall be first brought into use,** until the widened footpath to the east of the site has been constructed, surfaced and drained in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority, in consultation with WSCC PROW and Highways.

Reason: To secure satisfactory standards of access for the proposed development and to encourage and provide sustainable transport.

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

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

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

21) The construction of the development hereby permitted shall be carried out in full accordance with the Construction and Environmental Management Plan (CEMP) and the addendum (30.06.2021), produced by Mildren Construction.

Reason: 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.

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

Reason: To ensure that trees, shrubs, hedgerows and other natural features to be retained are adequately protected from damage to health and stability.

23) The construction of the development hereby permitted shall be carried out in full accordance with the Drainage Design Strategy Rev.C, produced by Thorpe Engineering Consultants Ltd (19.11.2021) and plans: D-0100/Rev.C2 (Drainage Layout); D-0200/Rev.C1 (Drainage Details); D-0201 (Drainage Details); D-202/Rev.C1 (Soakaway Details); D-203/Rev.C1 (Soakaway Details); D-1200/Rev.C2 (Drainage Exceedance Areas); and, D-203.1/Rev.C1 (Soakaway Details).

Reason: To ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

24) The construction of the development hereby permitted shall be carried out in full accordance with the Structural Design Calculations - Volume 1, produced by Thorpe Engineering Consultants Ltd (August 2021), the Environmental Monitoring Assessment Report: Noise and Vibration Monitoring, produced by SOCOTEC UK (December 2020) and, the Ground Improvement Works Letter (dated November 2021). In line with the upper airborne noise value for construction works, detailed in BS5228, a limit not to be exceeded at any sensitive neighbouring receptor of 75dB LAeq,10 hours (08.00 - 18:00) (free-field). Vibration threshold values should be set at 3mm/s Peak Particle Velocity (PPV) for 'amber' (stop and review works and methodology; reduce work periods before recommencement) and 5mm/s (PPV) for 'red' (upper threshold, not to be exceeded. Works to stop and agree with Environmental Health before commencing). These values are to be measured at sensitive receptors, over continuous 10 second timeframes.

Reason: In the interests of protecting the amenities of neighbouring properties and the wider area.

25) The construction of the development hereby permitted shall be carried out in full accordance with the plans (EX01 - Topographic Survey; 00-TEC-V1-XX-DR-S-1001/Rev.P4 - Site Plan; P0867-RHP-B1-ZZ-EL-A-2163/Rev.P6 - Proposed Side Elevation West; P0867-RHP-B1-ZZ-EL-A-2162/Rev.P5 - Proposed Side Elevation East; P0867-RHP-B1-ZZ-EL-A-2161/Rev.P5 - Proposed Side Elevation South; P0867-RHP-B1-ZZ-EL-A-2160/Rev.P5 - Proposed Side Elevation North).

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

26) The construction of the development hereby permitted shall be carried out in full accordance with the Combined Geotechnical and Ground Contamination Risk Assessment Report Rev.2, produced by Ashdown Site Investigation Ltd (April 2020) and the Statement on Proposed Remediation, produced by Thorpe Engineering Ltd (November 2021).

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land and ground gasses / vapours.

27) The management and maintenance of the Sustainable Urban Drainage System (SUDS) hereby permitted shall be carried out in full accordance with the SUDS Maintenance Strategy, produced by Thorpe Engineering Consultants Ltd (November 2021).

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

28) The construction of the development hereby permitted shall be carried out in full accordance with the Air Quality Assessment Report Rev.B, produced by SRE (April 2021).

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

29) The construction of the development hereby permitted shall be carried out in full accordance with the 'Trisomet: External roof and panel system' and the 'Colorcoat Prisma' by Tata Steel (dated 28.09.2021), together with the material sample photographs (dated 01.11.2021).

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.

30) The construction of the development hereby permitted shall be carried out in full accordance with the Sustainability Statement Rev.2.0, produced by Scott White and Hookins (April 2021).

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

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

Reason: In the interests of residential amenity.

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

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

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

Reason: To safeguard the amenities of the neighbouring properties.

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

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

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

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

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

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

INFORMATIVES

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

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

3) 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 E3 (suburban) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01/20" issued by the Institute of Lighting Professionals. <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusivelight-2020/>

4) 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).

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

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

7) Any external mechanical plant shall be assessed in accordance of BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound". A rating level, as determined 1m from the façade of the most sensitive receptors, that is no more than the established, representative background sound level is an indication of a "low impact", dependent on context.

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

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

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

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

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R30QG8ERI3500>

Appendix E - Planning Committee Minutes – 5 January 2022



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 5 January 2022 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, Mr R Briscoe, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present: Mrs J Fowler

In attendance by invitation:

Officers present: Miss N Golding (Principal Solicitor), Mr M Mew (Principal Planning Officer), Mrs F Stevens (Divisional Manger for Planning), Ms J Thatcher (Senior Planning Officer, Majors and Business) and Mr T Whitty (Divisional Manager for Planning Policy)

161 **Chairman's Announcements**

The Chairman welcomed everyone present to the meeting and read out the emergency evacuation procedure.

The Chairman congratulated Mrs Stevens on her recent appointment as Divisional Manager for Planning.

Apologies were received from Mrs Judy Fowler.

162 **Approval of Minutes**

The following matters were raised and agreed;

The minutes be amended to correctly reflect when Mr Oakley left and rejoined the meeting.

Minute item 157 be amended to note that Mr Oakley queried about repeat applications and that consideration be given to a decline to determination should further applications be received.

With the addition of the above amendment the minutes of the meeting held on 8 December 2021 were agreed as a true and accurate record.

163 **Urgent Items**

There were no urgent items.

164 Declarations of Interests

Mr Barrett declared a personal interest in;

- Agenda Item 6 - FB/21/02509/FUL – as the Chichester District Council external appointment to Chichester Harbour Conservancy

Mr Briscoe declared a predetermination in respect of Agenda Item 5 – WE/20/01569/FUL, because he had objected to the previous application made by the applicant at this site. Ms Golding confirmed that Mr Briscoe would not be involved in discussion or decision making for this item.

Mrs Johnson declared a personal interest in;

- Agenda Item 5 – WE/20/01569/FUL – as a member of West Sussex County Council
- Agenda Item 6 – FB/21/02509/FUL – as a member of West Sussex County Council
- Agenda Item 7 - CC/21/03391/FUL – as a member of West Sussex County Council and a member of Chichester City Council

Mr Potter declared a personal interest in;

- Agenda Item 5 – WE/20/01569/FUL – as the Chichester District Council external appointment to South Downs National Park

Mr Oakley declared a personal interest in;

- Agenda Item 5 – WE/20/01569/FUL – as a member of West Sussex County Council
- Agenda Item 6 – FB/21/02509/FUL – as a member of West Sussex County Council
- Agenda Item 7 - CC/21/03391/FUL – as a member of West Sussex County Council and a member of Chichester City Council

Mrs Sharp declared a personal interest in;

- Agenda Item 5 – WE/20/01569/FUL – as a member of West Sussex County Council
- Agenda Item 6 – FB/21/02509/FUL – as a member of West Sussex County Council
- Agenda Item 7 - CC/21/03391/FUL – as a member of West Sussex County Council and a member of Chichester City Council

165 WE/20/01569/FUL - Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG

As Mr Briscoe had declared a predetermination in the item he withdrew from the committee and took a seat in the public gallery.

Mr Mew presented the report to the Committee. He explained the application was for a detached dwelling being brought forward as an exception site under Paragraph 80 (e) of the NPPF.

Mr Mew reminded the Committee that the application had been considered at two previous Planning Committee meetings where it had been deferred.

Mr Mew provided a verbal update on Condition 18, he explained that the reference to 'either' was an error and had been deleted.

Mr Mew highlighted the site location. He reiterated that in terms of policy the site was being brought forward under Paragraph 80(e) of the NPPF and advised that for the reasons detailed within the Committee Report officers felt the application did meet the requirements set out in Paragraph 80(e).

He informed the Committee that the application had been through significant pre application discussions, including advice from the Conservation and Design team. It had also been reviewed by an independent design panel who agreed that the application met the requirements of Paragraph 80(e).

On the matter of policy Mr Mew explained that the Westbourne Neighbourhood Plan had now been made, however, the August Planning Committee had been held after the referendum therefore the conclusions regarding the Neighbourhood Plan (set out in paragraph 3 of the report) were still relevant.

As part of the presentation Mr Mew detailed the Landscape Management Plan to the Committee. The plan included further tree and hedgerow planting, the creation of wildflower meadows, wetland grassland, installation of bat boxes and the removal of overhead electricity cables.

Mr Mew referred to the Westbourne Village Design Statement which recognised the use of flint and diverse variety of architectural types within the Parish.

Mr Mew provided an overview of the elevations, and the view corridors from the site. He also detailed the sustainability features of the application and emphasised that the development would deliver sustainability benefits over and above what was required from a new build. Post occupancy learning benefits would be secured through condition.

In response to the Committee's request for further information regarding how the development would enhance the local area Mr Mew showed a Journal article that had been submitted by the architects highlighting the high energy performance ratings of their previous projects. The article also provided evidence for the outstanding design of the proposed development.

With regards to how the development would assist and inform future development Mr Mew explained the architects have a document of 'Joined up Thinking and Practice' covering matters such as; design and construction principles and improving building health and wellbeing. The document is shared with organisations

like universities to help bring new technologies forward. In addition, the architects regularly speak at industry events and have provided a library of informative videos to help disseminate learning further.

With regards to learning outcomes, Mr Mew informed the Committee that the management of nitrate mitigation will be of great value to the local area. The learning outcomes will be disseminated in several ways including; an open house, speaking at industry events, and through social media.

To address the Committee's concerns regarding highway safety, Mr Mew presented a revised highway layout which included the provision of a passing point. He confirmed that West Sussex County Council (WSSCC) Highways had reviewed the designs and had raised no concerns.

The Committee received the following representations;

Mr Richard Hitchcock – Westbourne Parish Council
Mr Roy Briscoe – Objector
Mr Richard Hawkes – On applicant's behalf

*After Mr Briscoe had made his representation, he withdrew from the Committee rooms.

Officers responded to Members' comments and questions as follows;

With regards to the agricultural land classification; Mr Mew informed the Committee that he could not confirm what the agricultural land classification of the site was but confirmed it had not met the highest level of classification at previous assessment. He explained that the land was currently used for horse grazing.

With regards to the which access plan the Committee were being asked to consider; Mr Mew acknowledged there was an error on page 57 of the report, which would require updating to reflect the most recent Transport Statement. In addition, he explained that there was an error in the annotation of one of the visibility display diagrams, he confirmed that the visibility splay was correct and there was a Condition included to secure the correct visibility splays. Further details of hard surfaces and the passing place were also secured through Condition.

With regards to the residential curtilage; Mr Mew highlighted the proposed garden area. He explained that the development was not seeking to develop the whole site as garden area. In addition, the area to be used as part of the nitrate mitigation package would be secured through the S106 agreement, this would prevent any future change to the use of that land.

With regards to when the new access arrangements would be made; Mr Mew drew Member's attention to Condition 23 and confirmed that the agreed access would not be finalised until just before occupation of the dwelling. However, Ms Stevens in acknowledging concerns regarding the access agreed that Condition 4 could be amended to ensure suitable interim measures are in place during construction.

On the matter of whether WSCC Highways had undertaken a site visit; Mr Brown informed the Committee that a site visit had not been undertaken for this application. However, two officers did undertake a site visit as part of the pre-application advice and observed local traffic patterns.

With regards to whether a condition could be included to secure the rural appearance of the access; Mr Mew explained that Conditions 26, 27 and 28 would remove permitted development rights for walls, means of enclosure and gates.

In response to the concern regarding the removal of the fingerpost sign located by the access; Mr Brown informed the Committee that he was unable to confirm whether the fingerpost would require relocating at this stage. However, should it need to be relocated this would be done through a S278 agreement for minor works licence. In addition, Ms Stevens confirmed that an informative could be added to pass on the Committee's desire to see the Fingerpost is maintained.

On the matter of how the development enhanced the local landscape; Mr Mew reminded the Committee that there had been no objection from the South Downs National Park. He explained that the development is expected to deliver significant landscape enhancements and ecological benefits that would not otherwise be brought forward including; the introduction of wildflower planting, woodland planting, and the replacement of the overhead power lines. He acknowledged that the development would take place on a greenfield site but reminded the Committee that Paragraph 80 (e) of the NPPF did allow for such development.

On the matter of local distinctiveness; Mr Mew informed the Committee that the application had been accompanied with further information detailing how the development picked up on the use of flint and court stead arrangements within the local area.

To clarify the issue regarding perceived conflict between the Neighbourhood Plan and NPPF, Ms Stevens explained that the NPPF provided the national planning policy position. The Local Development Plan which is comprised of the Chichester Local Plan as well as the Westbourne Neighbourhood Plan must reflect national planning policy and cannot undermine the NPPF. She acknowledged that not all applications brought forward met the requirements of paragraph 80(e) and in such instances policies 2 and 45 of the Local Plan would be used to defend refusal of such applications, however, the application being considered does meet the requirements of Paragraph 80(e) and in officer opinion is not in conflict with either the Local or Westbourne Neighbourhood Plan. Ms Stevens advised the Committee that whilst the Neighbourhood Plan did carry full weight in decision making regard must be made to the exception allowed in the NPPF.

During the discussion the Chairman asked the Committee to consider the following when deciding the application;

- 1) Neither the Local Plan nor Neighbourhood Plan refer to exception sites.
- 2) The proposed innovations do provide an opportunity for learning which can be shared with the local area.

On the matter of whether land was still classed as agricultural if used for equestrian purposes; Ms Stevens confirmed that the keeping of horses on land is not agriculture.

With regards to what weight should be given Paragraph 92a of the NPPF; Ms Stevens acknowledged the comment made and advised the Committee that whilst both paragraphs were set out within the NPPF provision for isolated dwellings is made within Paragraph 80. Ms Stevens confirmed that the application must meet all the requirements set out in Paragraph 80 (e) and confirmed that in officer opinion it did.

In a vote the Committee voted against the officer recommendation to **defer** for S106 then permit, subject to no objection from Natural England.

Mr Oakley proposed that the application be refused for the following reasons;

The proposal, by virtue of its scale, prominence on a high part of the site and the creation of an overly domestic vehicular access would have an adverse impact upon the rural character of the locality and the proposal has therefore failed to demonstrate that it would meet all aspects of Paragraph 80(e) of the National Planning Policy Framework, in respect of raising standards of design more generally in the rural area, any significant enhancement to the immediate setting and sensitivity to the defining characteristics of the local area. The proposal is therefore contrary to the Paragraphs 80(e) and 130 of the National Planning Policy Framework, Chichester Local Plan Policies 1, 2, 40, 45, 47, 48 and 49, and Westbourne Neighbourhood Plan Policies 0A1 and LD1.

Mr Brisbane seconded the proposal.

In a vote the Committee agreed to **refuse**, the application for the reasons set out above.

Recommendation; **refuse**, against officer recommendation, for the set out above.

**Members took a ten-minute break*

166 **FB/21/02509/FUL - Black Boy Court Main Road Fishbourne PO18 8XX**

Mr Mew presented the report to the Committee. By way of verbal update, he explained that the paragraph numbering for sections 7 and 6 within the report were incorrect, he confirmed that the content included was correct.

He also confirmed that the site was not located within the settlement boundary, as stated in paragraph 8.2 and in the table at paragraph 5 and was located outside the settlement boundary as set out in paragraph 2.1 of the report.

Mr Mew informed the Committee that the application was for the creation of four parking spaces at the front of Black Boy Court and associated works. He highlighted the site location and where the proposed works would be located.

The site is adjacent to the A259 and has been reviewed by WSCC Highways who have raised no objections.

He highlighted the elevations and proposed landscaping, including a low-level flint wall.

Mr Mew informed the Committee that the site was within a conservation area and adjacent to a Grade 2 listed building, however, he explained that the low wall which could be seen in the presentation was not historic and planning permission was not required for its removal.

The Committee received representations from;

Mrs Carter – Applicant
Cllr Adrian Moss – CDC Member

Officers responded to Members' comments and questions as follows;

On the matter of the existing flint wall; Mr Mew drew the Committee's attention to paragraph 8.6 of the report. He explained even though the site was within a Conservation Area no permission was required for the removal of the wall because as it was under 1m in height.

With regards to concerns regarding the turning space available; Mr Mew confirmed that the spaces were 2.4m by 4.8 did meet the required standard for parking spaces. He highlighted that there was 6.5m between the opposite spaces and reminded the Committee the WSCC had been consulted and were satisfied that there was adequate turning provision and had raised no objections.

With regards to how many parking spaces were currently associated with properties at Black Boy Court; Mr Mew clarified that there are currently 23 parking spaces provided. In addition, he drew the Committee's attention to paragraph 8.10 of the report and explained the existing 8 flats at Black Boy Court were only served by 8 parking spaces which results in vehicles being parked on the highway when residences have more than one vehicle.

With regards to the possibility of including a condition to limit commercial vehicles; Mr Mew explained that this was not proposed and unless there was a request for a change of use from residential to commercial is not something that would require planning permission.

On the issue of character and impact on the conservation area; Ms Stevens advised the Committee that many of the surrounding properties did have forecourt parking and it is unlikely that this proposal would stand out. The landscape proposed would help soften the appearance and ensure there would be minimum impact to the street scene.

With regards to the proposed material; Ms Stevens informed the Committee the advice from the Historic Buildings advisor had been for the area to be made from

pavers as oppose to gravel. The construction material would be managed under Condition 3 of the report, which could also be amended to ensure that the materials used were porous and maintained as such in perpetuity. With regards to ongoing maintenance, she explained that it would not be reasonable to impose a maintenance plan on a development of this scale.

With regards to the 'need capacity'; Mr Mew explained that the supporting information as part of the application process did indicate that the current provision was below current parking standards.

In a vote the Committee voted against the officer recommendation to **permit**.

Rev. Bowden proposed that the application be refused for the following reasons;

The proposal by virtue of the parking of vehicles to the front of the building would result in harm to the character and appearance of the street scene and conservation area, and this identified harm would not be outweighed by any demonstrable benefits. The proposal would therefore be contrary to the following policies that seek to protect the street scene and character of the area; Sections 12 and 16 of the National Planning Policy Framework, the Chichester Local Plan Policies 40 and 47, and Fishbourne Neighbourhood Plan Policies D1 and H1

Mr Briscoe seconded the proposal.

In a vote the Committee voted to refuse the application for the reasons set out above.

Recommendation; **refuse**, for the reasons set out above.

**Members took a ten-minute break*

167 **CC/21/03391/FUL - St James Industrial Estate Westhampnett Road Chichester West Sussex PO19 7JU**

Ms Thatcher presented the report to the Committee. She drew their attention to the Agenda Update which included additional comments from the CDC Environmental Protection Officer and two further representations received following the publication of the Committee report.

In addition, by way of a verbal update, Ms Thatcher informed the Committee that there was an error on condition 2 and explained that there should only be one proposed site plan which should be 1010 revision 11 plan, she confirmed that this would be corrected.

Ms Thatcher highlighted the application site and confirmed that demolition on site has already begun. She explained that the purpose of the proposal was to regularise the varied conditions of attached to the 2021 permission, so that they reflect the conditions attached to the 2020 permission.

To highlight the difference between the conditions attached to the two permissions, Ms Thatcher displayed a table to the Committee which set out the differing conditions and the key conditions changes which were being proposed within the application.

There were no representations.

Officers responded to Members' comments and questions as follows;

With regards to the previous application and whether it could be deleted; Ms Thatcher explained that the previous application would remain extant. The applicant would have the choice of which application they choose to develop; however, it is expected that they would choose to implement the current permission. In addition, Mr Whitty explained that whilst an application can be revoked there are no compelling circumstances to do so.

With regards to condition 8; Ms Thatcher explained that this condition was included to ensure greater control over the final boundary treatments at the site. If significant changes were proposed they would be dealt with through a separate application.

In a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit**, subject to the conditions and informatives set out in the report.

168 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters**

Mrs Purnell drew the Committee's attention to the Agenda Update which included an update on High Court Matters.

The Committee agreed to note the item.

169 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters**

The Committee agreed to note the item.

170 **Consideration of any late items as follows:**

There were no late items.

171 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 12.33 pm

CHAIRMAN

Date:

Appendix F - Letter confirming discharge of condition relating to 22/01997/CC

Mr Rowland Griffin Mildren Construction
Limited
120 Matchams Lane
Hurn
Christchurch
Dorset
BH23 6AN

If calling please ask for: Customer Services
01243 534740
E-mail
contact@chichester.gov.uk

Our ref:

Your ref:

12th October 2022

Dear Mr Griffin

Town and Country Planning Act 1990

**Confirmation of Compliance of Condition(s): CC/22/01997/CCC
Confirmation of Compliance of Conditions for planning permission
21/03391/FUL.**

**St James Industrial Estate Westhampnett Road Chichester West Sussex PO19
7JU**

Thank you for your recent request regarding the confirmation of compliance with conditions of planning permission 21/03391/FUL.

The Council have considered your request and I am able to inform you that to the best of our knowledge, based only on the information held within our records (no site visit has been undertaken) (Details are correct at the time of issuing this response. Please note that some DOC applications have been received but are pending decision):

Condition 1 - Time limit - Does not require the LPA's agreement to be discharge

Condition 2 - Approved plans - Does not require the LPA's agreement to be discharged

Condition 3 - external mechanical plant/venting plant - There is no evidence of this condition being discharged

Condition 4 - Extraction system - has been partly discharged under application 22/01294/DOC on 29.07.2022- need for all future occupiers to re-discharge condition

Condition 5 - Noise Mitigation - is currently being discharged under application 22/02203/DOC at the time of this report.

Condition 6 - Hard and soft landscaping - Has been complied with and discharged under 22/01294/DOC on 29.07.2022

Condition 7 - landscaping works - is ongoing and does not require the LPA's agreement to be discharged

Condition 8 - Boundary treatments - has been complied with and discharged under application 22/00902/DOC on 28.04.2022

Condition 9 - ecological mitigation - has been complied with and discharged under application 22/01294/DOC on 29.07.2022

Condition 10 - Travel Plan - is currently pending decision under application 22/01653/DOC

Condition 11 - Vehicle parking and turning - does not require the LPA's agreement to be discharged

Condition 12 - Cycle parking - Has been complied with and discharged under 22/01294/DOC on 29.07.2022

Condition 13 - Electric vehicle - no evidence of discharge - does not require the LPA's agreement to be discharged

Condition 14 - fire and rescue - Has been complied with and discharged under 22/01948/DOC on 20.09.2022

Condition 15 - External lighting - is currently pending decision under application 22/01653/DOC

Condition 16 - Contaminated land - There is no evidence of this condition having been discharged

Condition 17 - refuse and recycling - is currently pending decision under application 22/01653/DOC

Condition 18 - water consumption - does not require the LPA's agreement to be discharged

Condition 19 - footpath - is currently pending decision under application 22/01653/DOC

Condition 20 - Contamination - is ongoing and does not require discharging

Condition 21 - CEMP - is ongoing and does not require discharging

Condition 22 - protective fencing - is ongoing and does not require discharging

Condition 23 - Drainage Design Strategy - is ongoing and does not require discharging

Condition 24 - Structural Design Calculations - is ongoing and does not require discharging

Condition 25 - Plans - is ongoing and does not require discharging

Condition 26 - Combined Geotechnical and Ground Contamination Risk Assessment - is ongoing and does not require discharging

Condition 27 - SUDS - is ongoing and does not require discharging

Condition 28 - Air Quality Assessment Report - is ongoing and does not require discharging

Condition 29 - Trisomet Roof and Panel System - is ongoing and does not require discharging

Condition 30 - Sustainability Statement - is ongoing and does not require discharging

Condition 31 - Time controls - is ongoing and does not require discharging

Condition 32 - Ecological Mitigation construction - is ongoing and does not require discharging

Condition 33 - Delivery times - is a condition which does not require the LPA's agreement to be discharged and must be complied with in perpetuity.

Condition 34 - Storage facilities - is a condition which does not require the LPA's agreement to be discharged and must be complied with in perpetuity.

Condition 35 - Class uses - is a condition which does not require the LPA's agreement to be discharged and must be complied with in perpetuity.

Condition 36 - Amplifying sound equipment - is a condition which does not require the LPA's agreement to be discharged and must be complied with in perpetuity.

Yours sincerely



Andrew Frost
Director of Planning and the Environment
Chichester District Council

Please note: The confirmation given above assumes that the details approved by the Local Planning Authority have been correctly implemented in the development. A site visit has not necessarily been carried out to check this.