

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

To:

Agent :

ApplicantsDetails :

Mr Paul Barton  
75-76 Francis Road  
Edgbaston  
Birmingham B16 8SP

Mr James Belbin  
C/O Agent

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

**Outline planning application with all matters reserved except Access for the mixed-use redevelopment of the site, comprising of Class B1(c)/B2/B8 (with ancillary Trade Counter) employment, a Hotel, Class D2 Leisure, Class A3, mixed A3-A4 and mixed A3-A5 Food and Drink establishments, together with associated car parking, landscaping and infrastructure works. Application under Section 73 to vary the conditions of planning permission 19/00619/OUT (as amended by Non-Material Amendment consents O/21/01838/NMA and O/22/00022/NMA) to enable variation of the quanta of permitted floorspace types (no change to overall total) and redistribution of floorspace within the site**

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

to be carried out in accordance with your application O/23/02329/OUT submitted to the Council on 16 October 2023 and as modified by any relevant under mentioned conditions and subject to compliance with all conditions specified hereunder:

**Time limits and implementations conditions:**

1) (i) Approval of the details of the layout of the site, the scale of the buildings, the appearance of the buildings and the landscaping of the site (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority for each phase of the development subject to reserved matters **before any development is commenced on that phase** (excluding demolition and remediation works).

Plans and particulars of the reserved matters referred to in paragraph (i) above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before 29 April 2024.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to ensure that the full details of the development are approved at the appropriate stage in the development process.

2) **The development hereby permitted shall be begun** before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990

3) The development hereby permitted shall not be carried out other than in accordance with the approved plans listed hereunder insofar as they relate to the matters of detail hereby approved:

- 7702-PL(00) 001
- 7702-PL(00) 010 Rev E

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

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

- 7702-PL(00) 003 Rev H
- 7702-PL(00) 009 Rev C

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

5) The first application for the approval of reserved matters submitted pursuant to condition 1 shall include a Phasing Scheme detailing the order in which the buildings and associated infrastructure works hereby permitted will be brought forward on the site. For the avoidance of doubt, where it is proposed to commence any non B-Class development in advance of the substantial completion of the totality of the B-Class floorspace hereby permitted, the Scheme shall set out how and at what point in the development programme all infrastructure works necessary to service the totality of the permitted B-Class floorspace will be carried out. Thereafter the development shall be carried out in accordance with the approved Phasing Scheme unless alternative details are agreed pursuant to a subsequent application for reserved matters approval or a formal discharge-of-condition application.

Reason: To ensure consideration is given to the development as a whole and in the interests of ensuring that the development plan objective of delivering B Class floorspace at the site is sufficiently prioritised.

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

6) **No development in any Phase shall commence** until a Construction and Environmental Management Plan (CEMP) for that Phase comprising a schedule of works and accompanying plans has first 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 and the impact of vibration 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 and the control of litter,
- (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.

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

7) **Prior to any construction works commencing in connection with any building hereby permitted** detailed site levels drawings shall be submitted to and be approved in writing by the Local Planning Authority. The details shall indicate the existing and proposed ground levels and shall confirm that the finished floor levels of buildings comply with the approach set out in the submitted Flood Risk Assessment December 2018. The development thereafter shall be carried out in accordance with the approved site level details unless any variation is approved in writing by the Local Planning Authority via a formal discharge-of-condition application.

Reason: In the interests of the visual amenity of the locality and to ensure that the development properly takes into account the risk of flooding at the site.

8) **No development in respect of any phase of the development approved pursuant to condition 5 shall commence** unless and until details of a surface water drainage scheme for that phase have first 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. For the avoidance of doubt, the submitted details shall include information sufficient to demonstrate that the ability to satisfactorily drain the rest of the site has been fully considered and will not be prejudiced. The surface water drainage details shall be implemented as approved unless any variation is approved by the Local Planning Authority via a formal discharge-of-condition application and no building shall be occupied until the complete surface water drainage system serving it and any associated parking areas has been implemented in accordance with the approved surface water drainage details.

Reason: To ensure that the proposed development is satisfactorily drained.

9) **No development above ground level** within any Phase shall commence unless and until a Sustainability Strategy outlining details of the sustainable design and construction of the buildings within that phase, including: (i) sustainable building techniques including fabric first and renewable energy technologies such as Solar PV and/or Solar thermal (including full details of the savings in carbon compared to Building Regulations minimum and details of the positioning, methods of mounting and design of renewable energy equipment); and (ii) water efficiency measures to achieve higher standards of water efficiency including external water use has been submitted to and approved in writing by the Local Planning Authority. The 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 unless any variation is agreed in writing by the Local Planning Authority.

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

10) **No development above ground level shall commence** unless and until details of a Marketing Strategy for the B Class floorspace hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall thereafter be implemented in full accordance with the approved details unless any variation is agreed in writing by the Local Planning Authority via a formal discharge-of-condition application.

Reason: To maximise the opportunities for the B Class floorspace hereby permitted to be brought forward in accordance with the allocation of the site for such uses in the Development Plan.

11) **No development above ground level shall commence** unless and until a scheme of ecological enhancements for that phase based on the recommendations of the submitted Castle Hill Ecology Ecological Impact Assessment January 2019, including a programme of works, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the agreed details and programme unless any variation is agreed by the Local Planning Authority via a formal discharge-of-condition application.

Reason: In the interests of maintaining and enhancing biodiversity at the site.

12) **No development above ground level within any Phase shall commence** unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs in respect of the proposed buildings within that phase including, where appropriate, the surfacing materials of associated areas, have been submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless any variation is agreed in writing by the Local Planning Authority via a formal discharge-of-condition application.

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

13) All mechanical plant attached to or servicing any buildings hereby permitted including, but not restricted to, extract, ventilation, refrigeration, air conditioning, air handling units and cooking extraction shall be sited, designed, operated and maintained so as to ensure that the Noise Rating Level measured:

(i) 3.5m from the façade of the hotel hereby permitted does not exceed 61dB between 07:00 and 23:00 and 45dB between 23:00 and 07:00;

(ii) 3.5m from the façade of the dwelling known as Springfield does not exceed 61dB between 07:00 and 23:00 and 45dB between 23:00 and 07:00

The Rating Level shall account for all necessary character corrections and be calculated in accordance with BS4142:2014+A1:2019 "Method for rating and assessing industrial and commercial sound".

Reason: To ensure that the mechanical plant noise generated from the development (i) does not exceed the background sound levels detailed in MEC Acoustic Air Noise Addendum (July 2019) Ref: 25103-04-NA-01 REV B; and (ii) does not give rise to harm in respect of noise-sensitive receptors within both the nearest dwelling and the development itself; and (iii) does not give rise to compatibility issues between the various proposed, existing and potential future uses within and adjacent to the site.

14) **No development above ground level in any Phase shall take place** unless and until Noise Mitigation and Management Scheme setting out details of measures within that Phase 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.

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.

15) **Prior to any development above ground level commencing** in connection with the hotel hereby permitted, a scheme of its building envelope design and acoustic performance shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in full accordance with the approved scheme including any ongoing requirements.

Reason: To protect the users of the hotel from excessive noise and to minimise compatibility issues between the proposed hotel use and other proposed and potential future uses within and adjacent to the site.

16) **Prior to any works above ground level in respect of any Phase containing B Class development** the construction specification of the external materials to be used for those buildings, detailing the predicted sound insulation performance, shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in full accordance with the approved measures including any ongoing requirements.

Reason: To ensure that the noise generated from the development (i) complies with predicted noise levels; and (ii) does not give rise to harm in respect of noise-sensitive receptors within both the nearest dwelling and the development itself; and (iii) does not give rise to compatibility issues between the various proposed and existing and potential future uses within and adjacent to the site.

17) **No development above ground level in respect of any Phase of the development hereby permitted shall commence** until a detailed lighting scheme for that Phase has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out how the design of the lighting shall not exceed the obtrusive light limitations for exterior lighting set out in the Institution of Lighting Professional Guidance in respect of the Environmental Zone relevant to the site.

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 scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details. The works and scheme shall thereafter be retained, in accordance with the approved details.

Reason: In the interests of amenity and highway safety.

18) **No development above ground level in any Phase shall commence** unless and until an air quality assessment has been carried out for the proposed development and has been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be completed prior to the occupation of the buildings hereby approved, or such other implementation timetable as may be agreed, and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the health of the occupiers of the proposed development in respect of atmospheric pollution.

19) **No development above ground level in any Phase shall commence** unless and until full details of the maintenance and management of the Sustainable Urban Drainage System (SUDS) system for that Phase, set out in a site-specific maintenance manual, have 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 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. The details are required pre-commencement to ensure the SUDS are designed appropriately and properly maintained and managed as soon as they are installed.

20) **No development in connection with the hotel (Class C1) development hereby permitted shall take place** unless and until details of the means of disposing of foul water emanating from it, including the proposals for the associated off-site infrastructure improvements, have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall be carried out in accordance with the submitted Foul Drainage Technical report January 2021, and the submitted details shall make provision for the disposal of foul water to the Tangmere Waste Water Treatment Works, and shall not drain to the Apuldram Waste Water Treatment Works. The hotel shall not be occupied unless and until the agreed works have been completed in their entirety.

Reason: To accord with the terms of the application, to ensure adequate provision for drainage and to prevent nutrients attributable to the wastewater from the hotel impacting the ecological integrity of the Chichester and Langstone Harbours Special Protection Area and Solent Special Area of Conservation. .

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

21) **No building shall be occupied** until a Travel Plan relating to that building has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

22) **No building shall be first occupied** unless and until the vehicle parking serving it has been constructed and provided in accordance with:

- (i) the reserved matters approved in connection with that building; and
- (ii) details that have first been submitted and approved in writing by the Local Planning Authority demonstrating how the development will accord with the West Sussex County Council: Guidance on Parking at New Developments June 2020 (or most up-to-date version at the time of submitting such details) in respect of the provision of Electric Vehicle (EV) charging facilities.

For the avoidance of doubt, details of parking allocation and EV charging provision shall form part of the reserved matters for each Phase of the development. Once provided any approved parking provision shall be retained at all times for its designated purpose.

Reason: To ensure sufficient parking provision for the proposed development and to accord with current parking standards and the sustainable development objectives of Local Plan Policy 40.

23) **No building shall be first occupied** unless and until covered and secure cycle parking spaces serving that building have been provided in accordance with plans and details that have first been submitted to and approved by the Local Planning Authority. Once provided the cycle parking shall thereafter be retained at all times for their designated purpose.

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



**Conditions to be complied with at all times during construction:**

24) 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 1900 hours Mondays to Fridays and 0800 hours and 1800 hours on Saturdays.

Reason: In the interests of residential amenity.

25) The construction of the development and associated works shall not be carried out other than in accordance with the recommendations at Section 6 of the submitted Castle Hill Ecology Ecological impact Assessment January 2019.

Reason: In the interests of maintaining biodiversity.

26) 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. **Thereafter no further development shall be occupied until;**

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

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

27) The development hereby permitted shall not be carried out other than in strict accordance with the recommendations of the submitted Verification Report dated September 2022. For the avoidance of doubt, written confirmation of satisfactory verification in respect of the matters set out in the final paragraph of section 3.2 of the above report shall be provided to the Local Planning Authority at the appropriate juncture/s.

Reason: In the interests of amenity, to protect the health of future occupiers of the site and to secure site-wide land contamination at the formative stage of the development process in order to ensure that the comprehensive redevelopment of the site is not prejudiced.

28) The protective tree protection measures included within the submitted Arboricultural Report dated August 2021 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 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.

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

29) The hotel use hereby permitted shall not be operated other than in accordance with booking procedures that prohibit guests from bringing pets to the accommodation.

Reason: To limit the impact of the development in terms of the potential recreational disturbance of birds at the Chichester Harbour Special Protection Area.

30) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class H of Part 7 Schedule 2 to that Order shall be erected or made on the application site without the grant of express planning permission.

Reason: In order to prevent the potential overdevelopment of the site, to maintain parking and landscaping provision and in the interests of highway safety.

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

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

Reason: For the avoidance of doubt, to comply with the terms of the application and to ensure that the exercise of existing or potential future permitted development rights does not lead to the establishment of inappropriate uses at the site and/or erode the contribution it makes towards meeting the identified employment needs of the district which underpin its allocation in the Development Plan for employment uses.

32) Any 'trade counter' use shall not be carried out other than in a manner that is in all respects demonstrably ancillary to the principal B Class Use it serves.

Reason: For the avoidance of doubt, to comply with the terms of the application, to protect the vitality of the town centre and to comply with Policy CC7 which seeks to ensure that the site primarily delivers employment floorspace.

33) With the exception of any such floor space specifically granted pursuant to the reserved matters, at no time shall any mezzanine or first floor be inserted into the buildings hereby permitted unless formally approved under the terms of this condition.

Reason: To accord with the terms of the application and with the policies of the Council, and to ensure adequate parking provision in the interests of highway safety.

34) Any industrial process performed within any building used for purposes within Class B2 of the Use Classes Order 1987 (or any order revoking, re-enacting or modifying that Order) shall not be carried out except between the hours of;

07.00 and 19.00 Monday to Friday,

07.00 and 18.00 on Saturday, and;

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

Reason: To safeguard the rural character of the surrounding area.

35) At no time shall any industrial process be carried on or any materials or goods be stored outside of any building on the site, other than in designated areas to be agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of amenity and to ensure sufficient parking is provided for the proposed uses.

### **Informative(s)**

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

**2) In respect of Condition 5, the term 'service' should be interpreted to mean (i) the provision of utilities and highway infrastructure that are sufficient to service the totality of the B Class development hereby permitted up to the boundary of the site; and (ii) where the phasing scheme proposes the commencement of any non B-Class development in advance of the substantial completion of the totality of the B-Class floorspace hereby permitted, measures, including a programme of phased works, relating to the provision of such infrastructure within the site to serve any remaining B Class development.**

**3) In respect of Condition 10 the Strategy shall, amongst other things, include details of: the marketing agents (at least 2 no.) to be used; the date of commencement of marketing; the media to be used for marketing purposes; marketing literature; on-site advertising provision; proactive approaches to potentially interested parties.**

**4) With regard to condition 20, you are advised to contact Southern Water at an early stage in order to discuss and agree the phasing of occupation across the site.**

5) With regard to condition 18 the scheme should include measures to protect future occupiers of the buildings from the effects of air pollution [nitrogen dioxide/airborne particulate matter (PM10)] arising from road traffic and other on-site sources of air pollution.

6) In respect of condition 14 regard should be had to the mitigation measures highlighted at Section 5.24 MEC Acoustic Air Noise Addendum (July 2019) Ref: 25103-04-NA-01 REVB, namely activities taking place at night 23:00 to 07:00 will require additional mitigation measures such as keeping roller shutter doors closed, and the use of electric forklifts.

7) In respect of condition 15, the building envelope design should include the specification of the mechanical ventilation that is to be installed and demonstrate that the noise rating curve (NR curve) specified on the manufacturer's specification sheets does not exceed NR25.

8) With regard to condition 16 the specification should, when considered alongside the measures comprised in the Noise Mitigation and Management Scheme submitted pursuant to condition 14, be sufficient to demonstrate compliance with the receptor noise levels set out in the submitted MEC Acoustic Air Noise Addendum (July 2019) Ref: 25103-04-NA-01 REVB.

9) With regard to any noise-related conditions, where details are submitted in advance of all reserved matters in respect all Phases being approved, the LPA will expect the proposed mitigation measures submitted to be based on a worst case scenario in terms of the interrelationship between uses within the application site.

10) With regard to condition 32, where a trade counter use is proposed as part of any Reserved Matters application, the area to be used for that purpose should be demarcated on the submitted floor plans, and the nature of the use clarified in writing

11) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 dated 28 April 2021.

**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](http://www.chichester.gov.uk) quoting the reference number of the application or alternatively by scanning the QR code. For all applications after May 2003, the relevant plans are listed as "Plans-Decided".

Decision Date : 26 January 2024

Signed:



Andrew Frost  
Director of Planning and 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](mailto:CIL@chichester.gov.uk) as soon as possible.

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](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](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](mailto: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.