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A meeting of the **Planning Committee** will be held in the Committee Rooms at East Pallant House Chichester West Sussex on **Wednesday 18 July 2018 at 09:30**

MEMBERS: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell, Mrs P Tull and Mr D Wakeham

AGENDA

PRELIMINARY MATTERS

1 **Chairman's Announcements**

Any apologies for absence which have been received will be noted at this stage.

The Planning Committee will be informed at this point in the meeting of any planning applications (agenda items 5 to 12) which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 **Approval of Minutes** (pages 1 to 6)

The Planning Committee is requested to approve as a correct record the minutes of its ordinary meeting on Wednesday 13 June 2018, a copy of which is circulated with this agenda.

3 **Late Items**

The chairman will advise of any late items which will be given consideration under agenda item 15 (a) or (b).

4 **Declarations of Interests** (pages 7 to 8)

For details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies, please refer to pages 7 to 8 of this agenda.

Such interests are hereby disclosed by each member in respect of agenda items in the schedule of planning applications where the Council or outside body

concerned has been consulted in respect of that particular item or application.

Declarations of disclosable pecuniary interests, personal interests and prejudicial interests are to be made by members of the Planning Committee in respect of matters on the agenda or this meeting.

There are sometimes also declarations by members that they will not participate in the discussion of and decision on a particular item for various reasons eg predetermination or bias.

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 12 INCLUSIVE

Section 5 of the notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

5 BX/18/00696/FUL - Land West of Abbots Close Priors Acre Boxgrove West Sussex (pages 9 to 41)

The Planning Committee is asked to consider and determine this planning application for:

Development of site to provide 22 residential units, access, public open space, landscaping, car parking

6 CC/18/00192/ADV and CC/18/00196/LBC - Zizzi The Old Theatre 43 South Street Chichester West Sussex PO19 1DS (pages 42 to 50)

The Planning Committee is asked to consider and determine this planning application for:

One no externally illuminated projection sign, one no externally illuminated fascia sign and one no internally illuminated menu sign

7 CC/18/00798/FUL - 28 Melbourne Road Chichester PO19 7ND (pages 51 to 64)

The Planning Committee is asked to consider and determine this planning application for:

Demolition of existing dwelling and erection of two no dwellings

8 CC/18/01064/FUL - Chichester Ambulance Station Terminus Road Chichester PO19 8TX (pages 65 to 74)

The Planning Committee is asked to consider and determine this planning application for:

Change of use of existing building (former ambulance station) to church (D1 use including some B1 space) including minor external alterations

9 **FU/17/02187/FUL - Land South of Osiers Clay Lane Funtington West Sussex**
(pages 75 to 83)

The Planning Committee is asked to consider and determine this planning application for:

Permanent stationing of mobile home to support equestrian business

10 **SB/18/00048/FUL - Gosden Green Nursery 112 Main Road Southbourne PO10 8AY** (pages 84 to 94)

The Planning Committee is asked to consider and determine this planning application for:

Creation of new access onto A259 to serve lawful B8 uses

11 **SY/18/00595/FUL - Land South of Ellis Square Selsey Chichester West Sussex PO20 8AF** (pages 95 to 107)

The Planning Committee is asked to consider and determine this planning application for:

Construction of D2 building for private gym and health club with associated access, car parking and landscaping (alternative use to that approved under LPA ref SY/17/02137/FUL)

12 **WW/17/03295/FUL - Izora 1 Watersedge Gardens West Wittering PO20 8RA**
(pages 108 to 117)

The Planning Committee is asked to consider and determine this planning application for:

Change of use from public highway pavement to residential garden use

[**Note** This application was deferred at the Planning Committee's meeting on Wednesday 16 May 2018 for a site visit by members (scheduled to take place on Monday 16 July 2018) and for officers to seek further advice from West Sussex County Council Highways]

NON-PLANNING APPLICATION MATTERS

13 **Schedule of Planning Appeals, Court and Policy Matters** (pages 118 to 131)

The Planning Committee is asked to consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.

14 **Schedule of Outstanding Contraventions** (pages 132 to 155)

The Planning Committee is asked to consider the quarterly schedule for the period

up to 30 June 2018 which updates the position with regard to planning enforcement matters.

FINAL MATTERS

15 Late Items

The Planning Committee will consider any late items announced by the chairman during agenda item 3 as follows:

- (a) Items added to the agenda papers and made available for public inspection
- (b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

16 Exclusion of the Press and Public

There are no restricted items for consideration by the Planning Committee at this meeting.

NOTES

- (1) The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972.
- (2) The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
- (3) This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
- (4) Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the *Constitution* of Chichester District Council]
- (5) How applications are referenced:

- a) First 2 Digits = Parish
- b) Next 2 Digits = Year
- c) Next 5 Digits = Application Number
- d) Final Letters = Application Type

Application Type

ADV Advert Application
AGR Agricultural Application (following PNO)
CMA County Matter Application (eg Minerals)
CAC Conservation Area Consent
COU Change of Use
CPO Consultation with County Planning (REG3)
DEM Demolition Application
DOM Domestic Application (Householder)
ELD Existing Lawful Development
FUL Full Application
GVT Government Department Application
HSC Hazardous Substance Consent
LBC Listed Building Consent
OHL Overhead Electricity Line
OUT Outline Application
PLD Proposed Lawful Development
PNO Prior Notification (Agr, Dem, Tel)
REG3 District Application – Reg 3
REG4 District Application – Reg 4
REM Approval of Reserved Matters
REN Renewal (of Temporary Permission)
TCA Tree in Conservation Area
TEL Telecommunication Application (After PNO)
TPA Works to tree subject of a TPO
CONACC Accesses
CONADV Adverts
CONAGR Agricultural
CONBC Breach of Conditions
CONCD Coastal
CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

Committee report changes appear in bold text
Application Status

ALLOW Appeal Allowed
APP Appeal in Progress
APPRET Invalid Application Returned
APPWDN Appeal Withdrawn
BCO Building Work Complete
BST Building Work Started
CLOSED Case Closed
CRTACT Court Action Agreed
CRTDEC Hearing Decision Made
CSS Called in by Secretary of State
DEC Decided
DECDET Decline to determine
DEFCH Defer – Chairman
DISMIS Appeal Dismissed
HOLD Application Clock Stopped
INV Application Invalid on Receipt
LEG Defer – Legal Agreement
LIC Licence Issued
NFA No Further Action
NODEC No Decision
NONDET Never to be determined
NOOBJ No Objection
NOTICE Notice Issued
NOTPRO Not to Prepare a Tree Preservation Order
OBJ Objection
PCNENF PCN Served, Enforcement Pending
PCO Pending Consideration
PD Permitted Development
PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 13 June 2018 at 9.30 am

Members Present: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mrs J Duncton, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell, Mrs P Tull and Mr D Wakeham

Members not present: Mr M Dunn

In attendance by invitation:

Officers present: Mr J Bushell (Principal Planning Officer), Mr A Frost (Director of Planning and Environment), Miss N Golding (Principal Solicitor), Miss K Davis (Member Services Officer), Mrs N Langford (Senior Planning Officer), Mrs F Stevens (Development Manager (Applications)), Mr T Whitty (Divisional Manager for Development Management) and Mr M Bleakley (Development Manager (Majors))

174 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting and drew attention to the emergency evacuation procedure.

Apologies were received from Mr Dunn.

175 **Approval of Minutes**

RESOLVED

That the minutes of the meeting held on 16 May 2018 be approved and signed by the Chairman as a correct record.

176 **Urgent Items**

There were no urgent items.

177 **Declarations of Interests**

Mrs Duncton declared a personal interest in respect of planning applications TG/17/01699/FUL and O/16/01785/FUL as a member of West Sussex County Council.

Mr Hixson declared a personal interest in respect of planning applications CC/18/00553/FUL, CC/18/00554/LBC and CC/18/00175/ADV as a member of Chichester City Council.

Mrs Kilby declared a personal interest in respect of planning applications CC/18/00553/FUL, CC/18/00554/LBC and CC/18/00175/ADV as a member of Chichester City Council.

Mr Oakley declared a personal interest in respect of planning applications TG/17/01699/FUL and O/16/01785/FUL as a member of West Sussex County Council.

Mr Oakley declared a personal interest in respect of planning application TG/17/01699/FUL as a member of Tangmere Parish Council.

Mr Plowman declared a personal interest in respect of planning applications CC/18/00553/FUL, CC/18/00554/LBC and CC/18/00175/ADV as a member of Chichester City Council.

Mr Plowman declared a personal interest in respect of planning applications CC/18/00553/FUL, CC/18/00554/LBC and CC/18/00175/ADV as a member of the Chichester Conservation Area Advisory Committee.

Mrs Purnell declared a personal interest in respect of planning applications TG/17/01699/FUL and O/16/01785/FUL as a member of West Sussex County Council.

Planning Applications

(To listen to the full debate of the planning applications follow the [link](#) to the online recording)

The Committee considered the planning applications together with two agenda update sheets at the meeting detailing the observations and amendments that had arisen subject to the despatch of the agenda.

During the presentations by officers of the applications members viewed photographs, plans, drawings, computerised images and artist impressions that were displayed on the screens.

RESOLVED

That the following decisions be made subject to the observations and amendments below:

178 TG/17/01699/FUL - Tangmere Airfield Tangmere Road Tangmere

Additional information was reported on the agenda update sheet relating to a correction to condition 28(iii), additional text for condition 19 and one additional informative.

Members favoured the following additional and amended conditions:

- Condition 3 – To include reference within the Construction Management Plan to limit parking to designated areas only.
- Condition 4 – To include a requirement for details of access at the northern most point of the site to prevent unauthorised access.
- Condition 6 – To specify a requirement for an open surface water drainage ditch, as these are easier to maintain, unless otherwise justified.
- Condition 10 – To include a planting requirement on the bunds

Recommendation to **Defer** for a **Section 106 agreement** with amended conditions 3, 4, 6, 10, 19 and 28, and one additional informative (works beyond boundary) then **Permit** agreed.

179 **O/16/01785/FUL - Land On The North Side Of Shopwhyke Road Shopwhyke**

Mr Bushell reminded members of the Secretary of State's decision to direct an indefinite non-approval of the planning application to retain the traffic controlled junction at the A27 and Oving Road crossroads functioning as it currently does. He referred to the Committee's previous decision at its meeting held on 11 January 2017 to defer making a decision on the application for a period of 12 months or until the Government announcement on the A27 preferred route if before that date. He explained that the officer recommendation to refuse remained the same and this was due to the severe adverse impact to the A27 that would result from the removal of conditions 9 (A27 Oving crossroads Interim Measures) and 11 (A27 Oving Crossroads Full Measures) for planning application reference O/11/05283/OUT.

The following information was reported on the agenda update sheet relating to the receipt of two additional third party objections.

The following members of the public addressed the Committee:

- Mrs L Smith – Supporter; and
- Mr S Schuyleman - Agent

Officers replied to members' questions and comments, as well as providing advice on the determination of the application:

Mr Bushell explained the proposals for the B class categorised spine road in more detail and advised that this road would be 7m wide and designed to take a higher level of traffic. The proposal to direct people travelling in their vehicles through the Spine road would not cut people or communities off, but would result in changed patterns of behaviour. Officers and the Highways Authority were satisfied that the Spine road would be engineered to the required standards to enable free flow of traffic. The concern with removing conditions 9 and 11 was that it would result in a long period of uncertainty both for the developer and local residents about what would happen to the traffic lights as there was potentially a five year period before the point where the Shopwyke Lakes development at its current build rate would trigger the necessary first changes to the junction. He referred to the pre-

preparation work required as part of the lead in period to the junction changes which the Committee should bear in mind when making their decision.

Mr Frost advised that since the Committee's previous resolution on this matter nothing had changed in terms of the evidence the applicant was required to submit. It was acknowledged that the evidence would require the recruitment of specialist consultants which would be costly to provide and the applicant had indicated that it was unlikely that they would be able to. Because the applicant for the Shopwyke Lakes development proposed a new junction on the north side of the development to the A27, Highways England expected that in order to permit that new junction a quid pro quo was required, i.e. another junction to be closed so there was no adverse impact (on safety primarily). Highways England was opposed, in principle, to additional accesses on the A27 unless there were very good economic or other reasons why not. The Committee had previously been shown the various routing diagrams, which demonstrated the revised traffic flows that were acceptable to Highways England. The Committee in approving the Shopwyke Lakes planning application had, therefore, accepted the different routing arrangements. It was not possible to undo the planning permission and in any case the developer was building out the permission, the trigger points for the alterations to the Oving Road access would occur over the next few years and the developer would be obliged to meet them. Whilst it was understood that the applicant and some sections of the community had concerns, there was no mechanism in the planning application for that to happen. Therefore, if the application was deferred for a third time, there would be two outcomes 1) If there is no Chichester scheme in RIS2 the developer would continue with the development and have no option but to comply with the conditions requiring the closure of the junction and 2) If a Chichester scheme is included in RIS2 there would not be any consultation on potential scheme options until mid-2020. There would not be a preferred route announcement until a year or two later. Officers could not see any benefit to the Planning Authority, Oving Parish Council or the community if the application was held in abeyance for a further long indefinite period. If the Chichester scheme was included in RIS2 there would be the potential for further work with the applicant and others with Highways England who would be looking for community consensus.

Miss Golding reminded the Committee about their duty to act fairly and consistently to all applicants. The applicant had not undertaken the necessary technical highways assessment required by the Planning Authority and the Highways Agency to enable assessment of the application to see if it could be recommended for permit. Therefore the applicant was recommended for refusal due to the receipt of insufficient information.

The Committee discussed the application in depth during which a number of differing views were expressed on the merits of the proposal.

Some members considered the proposal to retain the traffic lights was acceptable in light of their concerns about the amount of traffic already using the Portfield roundabout and the impact that the closure of the traffic lights would have in terms of the additional traffic that would be generated at this roundabout; the large number of people within the community that were in favour of the retention of the traffic lights; and were of the view that the application should not be determined at present

due to the continuing uncertainty surrounding the future A27 improvements. Whilst other members were content with the requirements imposed by conditions 9 and 11 for redirection of traffic through the new Spine Road.

However the majority of members, whilst some still having concerns as outlined above, in light of the advice provided to them by officers, considered that the application should be refused, as per the officer recommendation.

A vote on a proposal not to determine the application until further clarity was available on the Government's second Roads Investment Strategy 2 process was not carried.

Recommendation to **Refuse** agreed.

(Mr Oakley left the meeting during an adjournment and did not return for the remainder of the meeting)

180 **CC/18/00553/FUL and CC/18/00554/LBC - 36 East Street Chichester**

Additional information was reported on the agenda update sheet relating to clarification on page 58 that both the full and listed building consent application are recommended for permit, and the receipt of comments from the Chichester Conservation Area Advisory Committee.

CC/18/00553/FUL – Recommendation to **Permit** agreed.

CC/18/00554/LBC – Recommendation to **Permit** agreed.

181 **CC/18/00175/ADV - 19 Southgate Chichester**

Additional information was reported on the agenda update sheet relating to the correction of a typographical error on at paragraph 2.1 on page 69.

Recommendation to **Permit** agreed.

182 **Schedule of Planning Appeals, Court and Policy Matters**

The Committee considered and noted the schedule of outstanding planning appeals, court and policy matters that had been circulated with the agenda.

3. Current Appeals

BI/16/00933/OUT – Koolbergen, Kelly's Nurseries and Bellfield Nurseries, Bell Lane, Birdham: Additional information was reported on the agenda update sheet advising that the public inquiry date had been re-scheduled.

SY/16/03997/OUT – Land on the South side of Warners Lane, Selsey: The Committee expressed thanks to the officers and Selsey Town Council for the work undertaken to defend the appeal.

6. Court and Other Matters – High Court

Additional information was reported on the agenda update sheet reporting the latest position in respect of the following High Court proceedings:

- *River Farm, Brookfield Lane, Tillington.*
- *Breach Avenue, Southbourne:* The hearing date should read “20 June 2018” and not “2 June 2018”.

Land North West of Birdham Farm, Birdham Road, Chichester. Officers undertook to bring a report to the Committee on how the Planning Authority intended to deal with this matter as compliance for most of the enforcement notices issued matters was due by 2 August 2018.

The meeting ended at 11.04 am

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 18 July 2018

Declarations of Interests

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies are set out in the attached agenda report.

The interests therein are disclosed by each member in respect of planning applications or other items in the agenda which require a decision where the council or outside body concerned has been consulted in respect of that particular planning application or item.

Declarations of disclosable pecuniary interests, personal interests, prejudicial interests or predetermination or bias are to be made by members of the Planning Committee or other members who are present in respect of matters on the agenda or this meeting.

Personal Interests - Membership of Parish Councils

The following members of the Planning Committee declare a personal interest by way of their membership of the parish councils stated below in respect of the items on the schedule of planning applications where their respective parish councils have been consulted:

- Mr J F Elliott – Singleton Parish Council (SE)
- Mr R J Hayes - Southbourne Parish Council (SB)
- Mr L R Hixson – Chichester City Council (CC)
- Mrs J L Kilby – Chichester City Council (CC)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mr R E Plowman – Chichester City Council (CC)
- Mrs L C Purnell – Selsey Town Council (SY)

Personal Interests - Membership of West Sussex County Council

The following members of the Planning Committee declare a personal interest by way of their membership of West Sussex County Council in respect of the items on the schedule of planning applications where that local authority has been consulted:

- Mrs J E Duncton - West Sussex County Council Member for the Petworth Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs L C Purnell – West Sussex County Council Member for the Selsey Division

Personal Interests - Chichester District Council Representatives on Outside Organisations and Membership of Public Bodies

The following members of the Planning Committee declare a personal interest as Chichester District Council appointees to the outside organisations or as members of the public bodies below in respect of those items on the schedule of planning applications where such organisations or bodies have been consulted:

- Mr G A F Barrett - Chichester Harbour Conservancy
- Mr T M E Dunn – South Downs National Park Authority
- Mr R Plowman – Chichester Conservation Area Advisory Committee

Personal Interests – Chichester City Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a Chichester City Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

NONE

Personal Interests – West Sussex County Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a West Sussex County Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

- Mrs J E Duncton – South Downs National Park Authority

Parish: Boxgrove	Ward: Boxgrove
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BX/18/00696/FUL

Proposal Development of site to provide 22 residential units, access, public open space, landscaping, car parking.

Site Land West Of Abbots Close Priors Acre Boxgrove West Sussex

Map Ref (E) 490554 (N) 107058

Applicant Bargate Homes c/o Agent

RECOMMENDATION TO PERMIT WITH S106

	NOT TO SCALE	<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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site lies to the south west of the village of Boxgrove. The site is an irregular rectangular shaped, flat parcel of grassland 0.76ha in area, previously used for grazing in association with Boxgrove Farm. The site has a boundary with existing housing to the north and east. To the south, it adjoins the A27, less than 150m from the Boxgrove/Tangmere roundabout. The western boundary of the site abuts open farmland. The application site red line includes the access from the proposed development to Priors Acre. The site plans confirm there is a narrow strip of land between Rookfield and the proposed plot 11, which is under the control of the applicant but is excluded from the red line identifying the application site.
- 2.2 The site is outside, but adjacent to the Settlement Boundary for Boxgrove as established under the Chichester Local Plan. This boundary has however been reviewed under the emerging Site Allocation Development Plan Document (Policy BX1) although at this time the site remains in the designated countryside. The site lies within Flood Zone 1. Priors Acre is a residential road with a 30mph speed limit.
- 2.3 The land is to be accessed from Priors Acre, via a short section of private drive serving Boxgrove Farm, then through a 5 bar agricultural gate mid-way along the site's northern boundary. The northern boundary is otherwise identified by post and rail fencing. There is a mature, established native hedgerow along the western boundary of the site, beyond which is grazing land associated with Boxgrove Farm. The boundary along the eastern edge comprises a close-boarded fence, which varies in height from 1.8m down to 1.4m. The fencing is supplemented in places by mature planting, particularly adjacent to Old Police House adjacent to the far south east corner of the application site, where a significant proportion of the boundary is screened by a Leylandii hedge in excess of 3m in height. There are mature trees with hedgerow under along the southern boundary, as well as a low bund, screening the application site from the A27 dual carriageway.
- 2.4 Nearby residential development is a mix of dwelling types and sizes, mostly dating from the late 20th/early 21st century. Priors Acre to the north and east is predominantly 2 storey properties to the north of the site and a bungalow to the immediate north west, while Abbots Close to the east includes some two storey properties alongside small bungalows. The bungalows include 5 Abbots Close, which is adjacent to the application site.
- 2.5 A large 2-storey property, 49 Priors Acre, is located to the north of the application site, although it does not face the site. Rookfield, a semi-detached chalet bungalow, is located adjacent to the north-eastern boundary. To the south of Rookfield/The Paddocks, numbers 3, 4 and 5 Abbots Close back onto the application site. Old Police House, which is a 2-storey detached dwelling, is located adjacent to the south-eastern corner of the application site.

2.6 Permission was granted in January 2018 for 3 dwellings in a small parcel of unused land to the north east of the site, adjacent to the site boundary (BX/17/03042/FUL). These 3 dwellings are orientated so that their principal elevation faces Priors Acre and their rear gardens backing onto this application site. This permission has not yet been implemented.

3.0 The Proposal

3.1 This proposal is for 22 residential units, public open space, landscaping, access and car parking. Six affordable units are proposed.

3.2 An access is proposed from a private road off Priors Acre. The bell mouth access is proposed to be 12.0m wide. The plans submitted with this application propose 22no. dwellings arranged each side of a spine road. The spine road is proposed to be 5.0m wide, narrowing to 4.1m, and would run diagonally through the site (from the north west to south east corners) to a turning head in the south east corner of the site. The layout includes 14 garages and 43 parking spaces. The access road is proposed to be finished in tarmac, with block paving to shared and private parking areas. Bollards are indicatively shown to prevent unauthorised parking on the access route.

3.3 The housing mix is proposed as the following:

Market housing (16 units)

2bed x 6

3bed x 7

4bed x 3

Affordable Rented housing (4 units)

1bed flat x 2

2bed x 2

Shared ownership housing (2 units)

2 bed x 2

3.4 The dwellings would comprise a mixture of detached and terraced properties and two 1 bedroom flats. The detached properties have private side or rear gardens, with on-plot parking and single garages. The 6no. terraced properties are located to the southern end of the site, facing south and a further semi-detached pair. These dwellings have private rear gardens and parking is provided opposite each property. There is an area of open space to the north east of the application site (approx. 250sqm). A further small area of green space is proposed on the southern boundary (approx. 200sqm). Also on this southern boundary is a proposed 2m high acoustic barrier, which would lie adjacent to the A27.

- 3.5 The dwellings and garages would have pitched clay tiled roofs with some elevations revealing exposed rafter feet. The built form as a whole includes a variety of design details, including clay hanging tiles, contrasting brick quoining, timber framed pitched roof porches, feature gables, pitched roof dormer windows, half hipped, hipped and gabled roof forms and chimneys. Two multi brick types are proposed, with feature flint panels to plot 2. Windows will be white UPVC, with front doors in a cottage style. The heights of properties are 5m to eaves and with a 9m maximum ridge height. Private garden boundaries will be defined by 1.8m brick walling or close boarded fencing.
- 3.6 The foul sewerage arrangement on site would require the provision of a pumping station and the submitted plans show this sited in the area of public open space. Surface Water is proposed to be managed by a SUDS infiltration system using geocellular crates.
- 3.7 This proposal follows a previous outline scheme which was allowed at Appeal in 2016 (14/03827/OUT). A subsequent Reserved Matters application was submitted in 2017 with a similar layout to that submitted in this current application. The Reserved Matters application was deferred by the Planning Committee in November 2017 to enable further discussions between the applicant and Local Planning Authority to take place regarding the location of affordable housing and open space.
- 3.8 Negotiations between the applicant then followed but the applicant eventually decided not to amend the scheme and instead appealed against the Council's failure to determine the application within the permitted timescale. It is expected that this will be dealt with at a Hearing later this year, although the applicant has indicated that the appeal may be withdrawn in the event permission is granted for the current application.
- 3.9 The applicant has now submitted this full application for consideration for a similar scheme, which is running concurrently with the appeal. If permitted, the approval of this application would result in a standalone full permission for the site, with a separate Section106 Agreement.

4.0 History

14/03827/OUT	REF	Outline planning permission is sought for development of the site for up to 22 residential units, public open space, landscaping, access and car parking. All matters are to be reserved except for point of access.
		Outline planning permission is granted on appeal.

17/00898/REM	PDE	<p>Application for approval of reserved matters in respect of appearance, layout, scale and landscaping for the erection of up to 22 no. residential units, public open space, landscaping, access and car parking following outline planning permission 14/03827/OUT.</p> <p>Application deferred by the Planning Committee (November 2017) for further negotiations but subsequently taken to appeal by the applicant.</p>
17/01438/DOC	DOCDEC	Discharge of condition 7, 8,9, 12 and 14 from planning permission BX/14/03827/OUT (APP/L3815/W/15/3138439).
17/01637/DOC	DOCDEC	Discharge of conditions 6, 11 and 13 from planning consent BX/14/03827/OUT.
17/02292/DOC	DOCDEC	Discharge of Condition 14 from Planning Permission BX/14/03827/OUT (APP/L3815/W/15/3138439).

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Boxgrove Parish Council strongly objects to this application again. Nothing much has changed essentially except perhaps the clump of affordable homes (still all together) are moved a little further back from the A27. The placement of these affordable housing flies in the face of the National Planning Policy Framework upon which the CDC Local Plan is based. The affordable homes are still all located together nearest the A27 and will still be adversely affected by the noise and pollution. The affordable homes should be better integrated throughout the whole site (perhaps in 2 units) and indistinguishable from the market homes.

The issue of water and waste management has still not been answered (who will manage after the site is completed?)

Further the site layout and transport plans:

- the Tangmere Cycle route is not legally possible as there is only a public footpath at the end of Crouch Cross Lane and not a Public Bridleway. The route should follow the A27 Tangmere roundabout to Temple Bar. This has already been brought to WSCC's attention
- the bus timetable has recently changed with a more frequent service
- whilst the access width at the junction is 5m it then narrows to 4.1m which is too narrow for a large service or refuse vehicle to pass a parked or moving vehicle. The width of the access road should be at least 4.5m with localised widening on the bends.
- The service vehicle dimensions are shown on the proposed access arrangement drawing. The width is 2.45m. This leaves only 1.65m available to pass an oncoming or parked car which is too narrow.
- There is no visitor parking shown so visitors will have little option but to park on the access road or in the service vehicle turning head at the southern end, thereby causing an obstruction.
- The service vehicle swept path turning head would just about work provided no-one is parked within it. If parking does take place then service vehicle turning would be impossible and drivers would have to reverse back to the access road from Priors Acre with all the associated Highways' risks. The provision of 2 visitor parking spaces off the southern end of the service vehicle turning head need to be provided to deter parking within the service head itself. It would also provide 2 much-needed visitor spaces.

The Parish Council would recommend that the southern kerb radius leading to the development and the stables from Priors Acre be increased from 6m to 10.5m due to the nature and size of vehicles passing here (horseboxes/service vehicles/refuse).

The council would also request that construction traffic of ALL types should access the site via the A27 Tangmere roundabout and not through the Northern access through The Street in Halnaker to protect the very narrow road through a conservation area which already has a 7.5t weigh limit and also has a primary school along the Street.

The A27/A285 Temple Bar junction provides a safe access for site traffic approaching from the North.

6.2 Southern Water

Southern Water has undertaken a desk study of the impact of the proposed development on the existing public sewer network. This indicates that there is an increased risk of flooding unless network reinforcement is undertaken.

This reinforcement will be provided through the New Infrastructure charge but Southern Water will need to work with and understand the development program and to review if the delivery of network reinforcement aligns with the occupation of the development.

Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 10 metres to the boundary of a proposed pumping station site.

We request that should this application receive planning approval, a condition is attached to the consent for details of foul and surface water disposal to be submitted to the Local Planning Authority.

6.3 Portsmouth Water

The application site is in close proximity to the Source Protection Zone 2 for our Aldingbourne Public Water Supply.

Portsmouth Water have a presumption against the use of piled foundations at this location and therefore if piles are to be used we would request information be submitted outlining the method statement and pollution prevention measures anticipated.

Site Drainage

Surface water from the site sourced from roofs and roads is collected via gulley pots in a surface water drain and conveyed to the proposed Aquacell/Polystorm soakaway in the east of the site.

Driveways are proposed to drain to permeable paving across the site and soakaway. Portsmouth Water understand the Head Superficial Geology ranges from 2.9 to 4.2 metres below ground level (at the time of investigation in 2014) and therefore there is a risk of the proposed soakaway cells being situated in Chalk, the Principal Aquifer. Based on this we request details of pollution prevention measures up-stream of the soakaways and design details of the permeable paving proposed.

There is a request to update sections of the submitted CEMP to include groundwater protection and contaminated land procedures.

Further comment on revised CEMP

Thank you for providing further drainage details and the updated CEMP.

Portsmouth Water have no further comments in relation to this application.

6.4 WSCC Local Development Division

Access and Internal Layout Plan

The site access will provide good visibility and a 1.8m footway will connect the site to the existing footway network, and wider Boxgrove area. Having measured the drawing via the online measuring tool we have been able to estimate the road layout dimensions at their widest are 5m and at their narrowest 4.1m. A turning head is also provided and this will allow vehicles to exit the site in forward gear.

Furthermore the swept path analysis of a Chichester Refuse Vehicle submitted in drawings 17140-0040-REV P02, T940-002 REV C, and PRA-MHA-00-ZZ-DR-A-103 REV P03 and PRA-MHA-00-ZZ-DR-A-104 all indicate movements are possible. MFS guidance figure 7.1 illustrates the ability of a larger vehicle or two cars side by side to move through a road of 4.1m. Therefore in context with the scale of the development and the frequency of associated vehicle uses, the layout is considered to be acceptable.

Car parking Strategy

The planning, design and access statement states 54 car parking spaces shall be provided.

It is noticed no spaces are allocated to the flats and there is no visitor parking. We recommend visitor spaces are included within the development. The WSCC car parking calculator has been used to see what the expected parking demand for visitor spaces would be based on the allocations given to each property. The calculator suggests an allocation of 51 spaces and 6 visitor spaces. This includes garages providing they are 3m x 6m.

By providing 1 space per flat and 6 visitor spaces there would be an overall parking demand for 59 spaces. We would like to see 5 additional spaces included into the layout of the development.

RSA

No designers response is required as no problems were found and the RSA is accepted by WSCC.

Transport Statement

An assessment of the likely traffic generation has been undertaken and summarises that there could be the potential for 18 trips in the morning and evening peak hours which would equate to 1 movement every 3 minutes. It is accepted this would not have a severe impact on the local highway network.

Summary

WSCC as the County Highway Authority (CHA) raises no objection subject to any conditions attached. The site will not create any material capacity issues and all proposed access and road layouts meet with our current guidance.

Please can a revised car parking layout plan, including additional spaces be submitted to the LPA for approval.

We will also confirm, as soon as possible if an Section 59 agreement is to be progressed with our area office.

Further comment on revised layout plan

Access and Internal Layout Plan

The Proposed Access Arrangement T940-002 REV C and Proposed Site Plans PRA-MHA-00-ZZ-DR-A-103 REV P06 and PRA-MHA-00-ZZ-DR-A-104 REV P06, has been considered.

The site access will provide good visibility and a 1.8m footway will connect the site to the existing footway network, and wider Boxgrove area. In response to the particular ongoing concern regarding the width of the internal access road layout, we have looked at the above plans via a desktop exercise.

Having measured the drawing via the online measuring tool we have been able to estimate the road layout dimensions at their widest are 5m and at their narrowest 4.1m. A turning head is also provided and this will allow vehicles to exit the site in forward gear.

Furthermore the swept path analysis of a Chichester Refuse Vehicle submitted in drawings 17140-0040-REV P02, T940-002 REV C, and PRA-MHA-00-ZZ-DR-A-103 REV P03 and PRA-MHA-00-ZZ-DR-A-104 all indicate movements are possible.

MFS guidance figure 7.1 illustrates the ability of a larger vehicle or two cars side by side to move through a road of 4.1m. Therefore in context with the scale of the development and the frequency of associated vehicle uses, the layout is considered to be acceptable.

It is acknowledged that none of the roads within the development will be offered up for adoption and will remain private.

The access onto Prior Acre from the private road is considered suitable to accommodate this development.

Car parking Strategy

Proposed Site Plans PRA-MHA-00-ZZ-DR-A-103 REV P06 and PRA-MHA-00-ZZ-DR-A-104 REV P06 show these to be both driveway spaces and garaged spaces.

The tenure mix and car parking allocation for 22 dwellings, is as follows:-

Private

6 x 2 bed houses -2 spaces per house

7 x 3 bed houses -2 spaces per house

3 x 4 bed houses -3 + spaces per house

Social

2 x 1 bed flat - 1 space per flat

2 x 2 bed house – 2 spaces per house

Shared Ownership

2 x 2 bed house – 2 spaces

The WSCC car parking calculator has been used to see what the expected parking demand for visitor spaces would be (see Priors Acre Update Car Parking Calculator).

Based on the allocations given to each property the calculator suggests an allocation of 43 spaces and 7 visitor spaces. This includes garages providing they are 3m x 6m.

Revised layout plan PRA-MHA-00-22-DR-A-104 Rev p06 provides 40 car parking spaces, 14 garaged spaces and 3 visitor spaces. This amounts to 57 spaces which WSCC are satisfied will create enough parking options for the proposed use.

RSA

No designers response is required as no problems were found and the RSA is accepted by WSCC.

Construction, Environment and Management Plan

The construction management plan has been considered against the main criteria required below to ensure the highway is kept safe for all users. Details provided within this document may require further investigation, should a S59 agreement be needed. An update CMP may need to be sent to the LPA for approval.

Transport Statement

An assessment of the likely traffic generation has been undertaken and summarises that there could be the potential for 18 trips in the morning and evening peak hours which would equate to 1 movement every 3 minutes. It is accepted this would not have a severe impact on the local highway network.

S59 Agreement

A Section 59 agreement is to be progressed with our area office.(see conditon)

Summary

WSCC as the County Highway Authority (CHA) raise no objection to the use of the existing access at Prior Acre for use by the propose private development at land of the west.

The site will not create any material highway safety or capacity issues and all proposed access and road layouts meet with our current guidance.

6.5 WSCC Flood Risk Management

Modelled surface water flood risk: low risk

Modelled ground water flood risk susceptibility: moderate risk

The site lies in an Source Protection Area and Ground Water contamination.

Records of any historic flooding within the site?: No

Watercourses on site or nearby?: No

6.6 CDC Environmental Health Officer Contaminated Land

Contaminated Land

The original Geo environmental report produced in October 2014 has been re submitted and an addendum report dated May 2017 has been submitted with this application. The October 2014 report recommended the following:

No specific remediation required with respect to human health or groundwater based on investigation work undertaken to date.

Additional ground gas monitoring should be undertaken this has now been completed and is reported in the addendum report. The conclusion of the addendum report is that the site is of low risk with respect to land gases and no remediation measures are required within the buildings to protect future occupants.

A discovery strategy should be maintained during development in case unexpected contamination is discovered during construction works.

The results of the soil analyses should be sent to the water utility provider in order to confirm the requirements for pipe materials.

Condition DC13 should be applied with respect to unexpected contamination.

Air quality

It is recommended that for properties closes to the A27 highway, facades facing the road should be designed so that less sensitive rooms face the road (eg landings, bathrooms, halls and kitchens). It is noted that the plans for properties 15-19 and 20-22 show the layout of ground floors to be as above.

Mitigation measures should still be put in place at the site to reduce its impact on local air quality and the following are recommended (not an exhaustive list):

- Secure covered cycle parking should be installed at each property
- Cabling for electric vehicle re-charging points
- Linkages for pedestrians and cyclists should be put in place at the site to encourage non-motorised transport.

Information on public transport and car sharing opportunities should be given to future residents.

Construction

In addition to consideration of the air quality impacts from the operational site, there should also be an assessment made of the construction phase of the development and it is recommended that the approach outlined in the IAQM document Guidance on the assessment of dust from demolition and construction is followed. Following the assessment, a construction method statement should be drawn up and applied to the site in order to control emissions, particularly from dust. A condition should be applied to require the air quality assessment from construction.

Noise

Consideration has been given to 24 Acoustics Noise Impact Assessment (Ref: R7018-1 Rev8, dated 20th February 2018).

A scheme, shall be implemented, that secures internal sound levels within all habitable rooms that do not exceed 35dB LAeq,16hours (07:00-23:00); that secure internal sound levels within all bedrooms that do not exceed 30dB LAeq,8hours (23:00-07:00) and a level of 45dB LA[F]max shall not be exceeded on a regular basis (10 times) during night-time (23:00-07:00) within bedrooms.

In order to achieve the above criteria it is required that the glazing shall meet the minimum specifications as detailed in Table 3 of 24 Acoustics Report and the ventilation shall meet the minimum specification as detailed in Table 4 of 24 Acoustics Report.

In addition, a separating distance of 20m shall be observed and maintained from the façade of the nearest dwellings to the roadside, of Arundel Road.

A 2m high acoustic barrier shall be erected and maintained to the site boundary facing Arundel Road. The fencing shall have no gaps and have a minimum density of 12Kg/m².

6.7 CDC Housing Enabling Officer

This scheme is seeking to deliver 22 residential units. Policy 34 of the Chichester Local Plan requires a 30% affordable housing contribution (6.6 units). This scheme seeks to deliver 6 affordable units. The remaining 0.6 units will be sought as a commuted sum.

Commuted Sum

As set out within the Planning Obligations and Affordable Housing SPD, a financial contribution of £76,955 will be sought in lieu of the 0.6 unit.

The proposed market housing mix is broadly in-line with the SHMA recommendations and is, therefore, supported.

Affordable Housing

The table below sets out the proposed affordable units

Affordable rent (50%)

1 bed x 2

2 bed x 1

Shared ownership (50%)

3bed x 3

Taking into consideration the SHMA recommendations, housing register figures, stock turnover, the following units would need to be delivered to meet the local need:

Affordable Rent (70%)

1bed x 2

2 bed x 2

Shared ownership (30%)

2bed x 2

The Planning Obligations and Affordable Housing SPD require no more than groups of 10 affordable units in one area; all 6 are positioned together which meets this requirement. However, it would be preferable if there was better integration "within the development" with the market units.

To conclude, the housing delivery team is unable to support this application until the affordable units have been amended to reflect the above required mix.

Further comment on proposed new housing mix

Following my previous comments dated 15.05.2018, the applicant has amended the affordable housing mix to meet the SHMA recommendations shown below:

Shared ownership 2 x 2bed

Affordable Rent 2 x 1bed and 2 x 2bed

No amendments have been made to the market mix which was previously agreed.

We require that the affordable mix be secured within the S106 agreement.

To conclude, the Housing Delivery Team raises no objections to this proposal.

6.8 CDC Contract Services

Provision of bins

Individual properties would require one waste and one recycling bin.

Site Layout

Our freighter should not have to reverse over excessive distances and all turning areas

All road surfaces should be constructed in a material suitably strong enough to take the weight of a 26 tonne vehicle. I would discourage the use of concrete block paving unless it is of a highway standard, as these tend to move under the weight of our vehicles.

To prevent access issues please may I insist that either parking restrictions are put in place, or adequate visitor parking is provided to prevent visitors from parking at the side of the road.

The layout looks very tight, and whilst it is workable we are very much reliant on being able to access the turning head to be able to turn around. If there was any obstructions half way down it would prove difficult to reverse back out.

Would it be possible for the parking bays next to the turning head to be moved further to the left? Maybe the removal of the tree between the groups of bays would achieve this? This would give us a little more room to turn around if a larger vehicle is parked within the end bay.

6.9 CDC Drainage Engineer

Despite being detailed, no flood risk assessment has been provided with this application.

We will require the following additional details:

- Drainage calculations for the proposed design.
- A location plan for the soakage tests, this is required to confirm the rate used to size the soakaway.
- Winter groundwater monitoring, this is required to ensure the soakage structure will not be compromised by groundwater.
- A maintenance schedule for the scheme, including details of who will be responsible for what and how this will be funded.
- Construction details.

Further response

Insufficient information has been provided. A condition is required that provides detail on a SUDS scheme, informed by hydrological and hydro-geological survey of the site for a 1 in 100 year + 40% for climate change critical storm event and shall not exceed the run-off from the current site on a corresponding rainfall event.

To aid the applicant going forwards when they wish to discharge the condition, I have the following comments.

- It should also be noted that the worst infiltration rate should be used for design, not the best.
- The soakaway does not have sufficient capacity as designed at the minute.
- A permeable geotextile needs to be provided around the permeable sub base on permeable paving areas.
- No calculations have been provided for the permeable paving.
- Please specify which manholes are to have catch-pits.

6.10 CDC Environmental Strategy Officer

Reptiles

As detailed within the Phase one Habitat Survey (Feb 2018) there is potential for reptiles to be onsite. Due to the protection reptiles hold we require that the applicant either has a reptile activity survey undertaken by a suitably qualified ecologist or assume reptiles are onsite and have a mitigation strategy for reptiles produced and submitted with the planning application prior to determination. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works

Bats

The lighting scheme for the site will need to take into consideration the presence of bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed as detailed within the survey, new hedgerow should be planted. Conditions should be used to ensure this.

Nesting Birds

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

Further comment following submission of reptile mitigation strategy

Mitigation has been proposed within the Reptile Mitigation Strategy (April 2018) for reptiles and we are happy that the proposed mitigation is suitable and this can be conditioned. The applicant should note that no works can commence until the reptile mitigation has taken place.

6.11 CDC Archaeology Officer

The archaeological evaluation report submitted with the application demonstrates that the site is unlikely to contain any structures or deposits of archaeological interest. I can confirm that the report is satisfactory, that I concur with its conclusions and that no further archaeological intervention is warranted.

6.12 Four Third Party Objection

- Construction traffic should access site via A27 and not through conservation area where there is 7.5ton limit
- Proximity of affordable housing to the A27
- Small area of public open space
- Proximity of housing to the Police house and adverse impact on amenity and boundary treatment with property.
- Affordable housing properties have less parking
- Preventative measures for parking in the turning head
- Land not suitable size for 22 homes
- Controlled construction hours requested

6.13 Applicant/Agent's Supporting Information

At the applications submission, the proposal was supported by:

- A Design and Access Statement
- Arboriculture Implications Assessment and Mitigation
- Archaeological Evaluation Report
- Ecological Investigation Report
- Construction Environmental Management Plan
- External Materials Schedule
- Energy Statement
- Noise Impact Assessment
- Ground Investigation Report
- Transport Assessment
- Affordable Housing Statement
- Updated Reptile Mitigation Report
- Flood Risk Assessment

During the course of the application, further documents were received which were requested by consultees to support the proposal:

- Road Safety Audit (May 2018)
- Substitute Construction Environmental Management Plan (May 2018)

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Boxgrove Parish at this time, although this is being progressed (see paragraph 7.3 below).

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

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 5: Parish Housing Sites 2012- 2029
- Policy 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 9: Development and Infrastructure Provision
- Policy 33: New Residential Development
- Policy 34: Affordable Housing
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk
- Policy 47: Heritage

Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 52: Green Infrastructure
Policy 54: Open Space, Sport and Recreation

- 7.3 The Boxgrove Neighbourhood Plan 2017-2029 Regulation 16 Submission has been made to Chichester District Council. Consultations closed on the 8 June 2018. The following emerging policies are relevant to the proposal; though at this time the policies carry reduced weight prior to examination by an Independent Examiner:

Policy EH1: Protection of trees and hedgerows
Policy EH2: Renewable and Low Carbon Energy
Policy EH4: Surface Water Management
Policy EH7: Dark Skies
Policy EH10: Utility Infrastructure
Policy EE3: Communications Infrastructure
Policy H1: Quality of Design
Policy H2: Housing Mix
Policy H4: Outdoor Space
Policy GA2: Parking in new development

- 7.4 The application site is included within the Emerging Site Allocation Development Plan Document (DPD). Policy BX1 (Land West of The Street) establishes 5 criteria to advise the development of about 25 dwellings on the 0.76ha site. Proposed modifications M6 (clarification on the consideration of minerals) and M7 (confirmation of the site boundary) apply. The DPD has been subject of an Examination and therefore carries weight as a material consideration.

National Policy and Guidance

- 7.5 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

- 7.6 Consideration should also be given to paragraph 17 (Core planning principles), 32, 34, 35, 39 (Promoting sustainable transport), 47-50 (Delivering a wide choice of high quality homes), 56-61, 63-64 (Requiring good design), 69 (Promoting healthy communities), 109, 115, 118, 120, 123-125 (Conserving and enhancing the natural environment), 183-185 (Neighbourhood planning), 196-197, 203-206 (Decision-taking), Annex 1 (Implementation).
- 7.7 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

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

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Drainage SPD

- 7.9 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:

- Support communities to meet their own housing needs

8.0 Planning Comments

- 8.1 The main issues arising from this proposal are:

- i) The principle of development
- ii) Highways safety, access and parking
- iii) Housing mix and tenure
- iv) The character and appearance of the development
- v) Noise and residential amenity
- vi) Water management (foul and surface water)
- vii) Landscaping
- viii) Ecology and biodiversity

Assessment

i) The principle of development

- 8.2 This application proposes 22 dwellings including access, public open space, landscaping and car parking.
- 8.3 It is an allocation proposed by the Council in the Site Allocation DPD which identifies an indicative housing number of 25 dwellings. Through the allocation of the site in the DPD, the Settlement Boundary has been redrawn to reflect the proposed allocation. The DPD is at an advanced stage and the Inspectors report is awaited. The DPD therefore carries weight as a material consideration in the determination of this application. The allocation in the emerging Site Allocation DPD is 0.76ha in size and includes the Police House to the south east of the site as well as the land to the north east of the site, granted permission for 3 dwellings (BX/17/03042/FUL). Also relevant is the outline planning permission granted by an Inspector at appeal in 2015 for 22 dwellings. The effect of this is that the principle of development on this site is clearly established. Whilst the Parish Council does not include this site as an allocation in its emerging Neighbourhood Plan, this does not outweigh the position as set out above.

ii) Highways safety, access and parking

- 8.4 This application proposes a new access point from Priors Acre and into the site from the private access track. A new footpath would be created from Priors Acre connecting to the site. A singular spine road would feature centrally within the site, mainly being 5.0m in width, but narrowing to 4.1m at some points, off which parking and private garages are proposed to be located. The application was supported by a Road Safety Audit, which has been accepted by WSCC.
- 8.5 The road is wide enough at 5.0 metres to allow two cars or a van and a car to pass freely at a width of up to 4.8m. This is confirmed under the Manual for streets Guidance. A turning head has been designed in the scheme to allow HGV turning at the south of the site. The road narrows to 4.1m with visitors parking bays on the west edge. It has been demonstrated with tracking diagrams that a standard HGV and a CDC waste freighter to current dimensions would be able to turn. CDC contract services has asked for spaces to be moved further to the west in the case of a large car in the space closest to the turning head but this not possible within the constraints of the site and deliver the parking provision WSCC Highways seeks. WSCC are also satisfied that the parking space dimensions are correct and that HGVs can safely navigate the turning space. The applicant has also advised that they are able to place signs, yellow box hatching and non enforceable yellow lines, and if so required a formal enforceable double yellow line within the turning head to ensure its availability at all times.
- 8.6 The site proposes sufficient car parking spaces in accordance with the WSCC parking calculator, with two visitors parking bays. All but 8 properties on the site would have three car parking spaces, one of which would be a garage. The parking provision is also consistent with the emerging Boxgrove Neighbourhood Plan (Policy GA2) which seeks maximum provision of parking under Policy 39 of the CLP.

8.7 The CDC Environment Team has requested that for air pollution reduction purposes, electrical car charging cabling is made available during the construction of the scheme. This would allow charging points to be added at a later stage. It has also asked that there is safe and secure cycle storage available for each property. Where garages are proposed, these should be built to the dimensions of 3x6m to allow cycle storage within them, and remain for vehicle use at all times. These requirements are proposed to be imposed via condition.

iii) Housing mix and tenure

8.8 The affordable housing mix has been amended during the course of the application to reflect the comments of CDC Housing Officers. The currently proposed housing mix is shown at paragraph 3.3 of this report and CDC Housing Officers are content with the proposed housing mix, which is SHMA compliant. Four of the properties are also proposed to be lifetime homes, as 2 bedroom chalet bungalows. A third downstairs bedroom would be possible by converting a dining room, which has a ground floor bathroom adjacent to it.

8.9 The emerging Boxgrove Neighbourhood Plan seeks 25% of all homes on new development sites to be lifetime homes. This proposal includes 20% lifetime homes, but only limited weight can be placed on Policy H2 as the plan has not yet passed through examination and the proposal is in-line with the spirit of the policy to provide further lifetime homes in the parish and follows the previous outline permission.

8.10 The affordable units are proposed to be located to the south of the site, in a grouping of 6 units, which includes 2 flats. Immediately adjacent to the affordable units is market housing (west and north). Whilst located in a small cluster, this proposal is consistent with Policy 34 and specifically paragraph 17.20 of the CLP, which seeks affordable housing integration within new developments. The affordable units would be indistinguishable from the market dwellings, in character, appearance and materials. The affordable units would be secured through a Section106 agreement, which would also seek a commuted sum for 0.6 of a dwelling which is not provided on site and would be around £77 000. This proposal is consistent with Policy 33 and 34 of the CLP which seek appropriate housing mixes of both market and affordable housing.

8.11 The location of the affordable housing, as proposed, was one of the reasons why the Committee deferred the earlier, previous reserved matters application in November 2017. Officers have used their best endeavours at meetings with the applicants to try and negotiate improvements but this has proved not to be deliverable. While this is disappointing, this scheme is considered to be policy compliant and the location of the affordable housing does not provide sustainable grounds for refusal.

iv) The character and appearance of the development

- 8.12 The development would be set around a central spine road, the 22 houses being proposed either side of the road. A two storey semi-detached 'gateway' property is proposed at the junction of the development site with Priors Acre and would face onto the access road. To the east of the spine road, the open space, (220sqm) is proposed, along with the pumping station and five detached dwellings (including 4 chalet bungalows) with on-site parking. The open space would be secured through a Section 106 Agreement. The proposed Grade 2 Pumping Station requires a 10m stand-off area and this proposal complies with this distance, as set out in 'Sewers for Adoption 7th Edition', a Southern Water adopted document.
- 8.13 To the west of the spine road would be a mix of 2 storey detached, semi-detached and terraced dwellings. Additional green space is to be located on the southern boundary of this site with the A27 (approximately 200sqm). This allows for a greater separation distance between the southern facades of the southern dwellings and the carriage way.
- 8.14 The scale of the dwellings at 1.5 or two storeys is consistent with adjacent dwellings and those more widely in the village of Boxgrove, which has a more semi-rural appearance.
- 8.15 The layout is broadly consistent with that shown indicatively at the outline appeal and also that subsequently submitted at the reserved matters application. During the lifetime of the application, amendments have been made to the layout to reflect changes required by CDC Housing Officers for the correct mix of affordable housing. The layout also includes a 2m high noise barrier on the southern boundary. Noise issues are discussed further below.
- 8.16 The elevational treatment and design reflects a more urban character than the edge of this more semi-rural settlement location. However, Priors Acre directly to the north of this application site is a modern housing development which was permitted in 1995. There is a mix of flint and boarding treatment to the elevations in Priors Acre, along with a sympathetic stock brick. This proposal takes the same elevational and materials approach as Priors Acre. In consequence, Officers consider that the proposed dwellings would be entirely consistent with the appearance of the area and would respect the local character. It is recommended that materials are controlled by condition. Overall, however, the scale, layout and appearance of the development are consistent with Policy 33 of the CLP.
- v) Noise and residential amenity
- 8.17 This site lies adjacent to the A27 and includes a 2.0m acoustic barrier and noise reducing windows on properties which have facing southern elevations looking towards the A27.
- 8.18 The applicant has appropriately demonstrated that the measures proposed would mitigate any potential harmful levels of traffic noise. This includes orientating private rear gardens to the north of the properties and minimising bedrooms and habitable rooms on the southern elevations.

The applicant proposes high standard windows with vent systems to mitigate noise. The applicant has also demonstrated, through SAP calculations (a technical calculation for Building Regulations on the predicted energy requirement of a building), that the bedrooms on the southern elevations would not be subject to overheating in the summer if the occupant chose to keep windows closed. Consequently, no boost ventilation is proposed and no additional windows are proposed on side elevations on plots 15- 22.

- 8.19 The orientation of properties and the layout would allow for a satisfactory acoustic environment, with appropriate glazing and ventilation systems, across the site as a whole.
- 8.20 Boxgrove Parish Council has raised concern about the proposed location of the 6 affordable dwellings, as the closest dwellings to the southern boundary of the site with the A27. This row of housing is not only affordable housing and also includes 2 market dwellings. CDC Housing Officers consider the affordable dwellings acceptable in this location following discussions with Affordable Housing Providers.
- 8.21 Third party consultations have been received during the course of the application with concerns over amenity harm, overlooking and increased activity on the eastern boundary. It is considered by Officers that the scheme has been sensitively designed to ensure that any impacts from the proposed new development are properly mitigated. Bungalows feature on the eastern boundary of the site, so as to ensure a low profile and an appropriate relationship with residents in Priors Acre and Abbots Close to the East.
- 8.22 The proposals would not have a significant impact on the amenities of the Police House (adjacent to the A27 carriage way and the closest residence to the development). There would be limited opportunities for new residents to overlook the police house from the dwellings to the north and west of the property, due to proposed boundary treatments, separations distances (17m and 15m) and existing and proposed landscaping. Vehicle movements close to this boundary are also considered to be low, with infrequent HGV turning and residents (for 8 dwellings) and their visitors accessing the parking spaces. Conditions are proposed to ensure the construction of boundary treatments and delivery of landscaping and also to ensure tree and hedgerow protection during the construction phase.
- 8.23 A condition is recommended which requires the developer to comply with the submitted and agreed Construction Environmental Management Plan. This would help to protect the impact on the amenity of residents during the construction phase. The proposed development would not result in any harmful impacts on the health and enjoyment of the proposed properties or the amenity of existing properties in Priors Acre and the Police House. The proposal is, therefore, consistent with Policy 33 and Paragraph 109 of the NPPF in respect of the impact of the development on amenity.

vi) Water management

- 8.24 The application site lies in Flood Zone 1 but in an area of moderate groundwater flood risk. Winter groundwater modelling data indicates a high groundwater level and an indicative SUDs scheme has been designed appropriately. Surface water is proposed to be managed through a SUDs system, using a permeable system of sealed crates and permeable paving. Furthermore, specific design details are required by condition prior to commencement of works. CDC Drainage Engineers are mindful of a condition on the previously agreed scheme under the outline consent, which has since been discharged. They consequently agree that a condition requiring further detailed design is acceptable for this proposal.
- 8.25 Foul water on site will be managed by pumping the foul to the existing foul network. It will require the delivery of a 'Type 2' pumping station for 18 properties and the free-flow of foul water to the network for 4 dwellings to the north of the site. The pumping station is required due to the gradient of the site. New infrastructure will be required to connect the site to the foul network, with site specific costs agreed with Southern Water. Further details will be required about the foul drainage scheme, prior to commencement, through a recommended planning condition.
- 8.26 The details of the foul pumping station and its future ownership and management are required by condition as part of the ongoing maintenance plan for the foul station. These details will be required prior to occupation of any first dwelling. Land has been safeguarded within the layout with sufficient stand-off distance for the development to accommodate foul infrastructure.

vii) Landscaping

- 8.27 A landscape masterplan has been submitted with the application. This shows the open space, required under the Planning Obligations and Affordable SPD, as being located in the north east corner of the site. This area equates to 250sqm, which would be 30sqm above the 220sqm policy requirement for a development of this size and housing mix. This area would also accommodate the on- site pumping station. The open space is proposed to include a wildflower grass mix, so as to enhance the ecological value of the site. Existing boundary vegetation would be retained to the north and east of the open space inside the applicant's control.
- 8.28 A further area of green space is proposed to be located to the south of the site, adjacent to the A27. This is in excess of policy requirements and provides a softer setting to the parking area. To the south of this additional area of landscaping is a proposed 2m high acoustic fence and the existing tree line. Also proposed is the planting of native trees to provide a better buffer between the development and the A27.
- 8.29 A 3m landscaping buffer is also proposed on the western site boundary. This is to help ensure the retention of the existing hedgerow, which is important for commuting bats and birds. This is proposed to be secured within the s106 agreement. Proposed within the amenity areas to the front of dwellings, is a mixture of evergreen and flowering shrubs and grasses which should create year round interest, once established. Some decorative tree planting is also proposed at the entrance to the site and along the spine road.

8.30 As the provided details are only within a masterplan, the final landscaping details are proposed to be submitted to and agreed by the LPA via condition. The indicative masterplan would appear to provide a good mix of native and climate change tolerant species, as well as the correct provision of open space. The proposal is, therefore, consistent with Policy 33 and 54 and the Planning Obligations and Affordable Housing SPD which require new developments to deliver a high quality living environment and to enhance the character of the surrounding area.

viii) Ecology and biodiversity

8.31 The site is a redundant agricultural field. The phase one habitat survey submitted with the application notes the potential for reptiles, bats and birds. The retention of the hedgerow on the western boundary for its ecological importance for commuting bats is recognised, and is part of a landscape buffer in the s106. Proposed conditions also require details of external lighting to ensure that this prevents artificial light spill.

8.32 The applicant was advised to provide reptile mitigation on site. A Reptile Mitigation Strategy was submitted in April 2018 and CDC Ecologists consider this to be acceptable. Conditions are proposed to ensure the development is carried out in accordance with the agreed reptile mitigation and enhancement details, which include reptile hibernacula and enhanced area close by with a wild flower mix.

8.33 Proposed conditions also require tree felling to be conducted outside bird nesting seasons and if work is proposed during this time, that any trees felled are appraised by a suitably qualified ecologist. This proposal, with the proposed conditions is consistent with the criteria set out in Policy 49 of the CLP.

Significant Conditions

8.34 This proposal has been supported by a number of reports and assessments which have been considered acceptable by consultees. The documents have therefore been conditioned to be complied with at all times/ during construction and include:

- Construction Environmental Management Plan
- Arboriculture Assessment and Mitigation
- External Materials Schedule
- Updated Reptile Mitigation Report
- Noise Mitigation Report.

8.35 Further conditions are also recommended for highways matters, specifying the delivery of the access, kerb radii, parking and turning heads. Also conditions are proposed to ensure that garages remain for vehicle and cycle storage only and that the car charging point cabling is provided on site.

8.36 Landscaping conditions are proposed, including a requirement that the long term maintenance of the site takes place and the replacement of dead or dying vegetation within the first 5 years. Hedgerow and tree protection is required during the construction phase.

8.37 Further details are required by condition on foul drainage, surface water drainage, street lighting, position of fire hydrants, connection to utilities and current and proposed site levels.

Section 106 Agreement

8.38 A s106 agreement is required to secure aspects of the development which are policy compliant. The clauses within the draft s106 include:

- The delivery of 6 affordable dwellings
- The payment of a commuted sum of £76 955 for 0.6 of one affordable dwelling, not being provided on site.
- The delivery and maintenance of open space
- Private estate road clause
- Landscape buffer of 3m on the western boundary

8.39 This development is liable to pay the Council's CIL charge. In the south of the District the fee is £120per sqm.

Conclusion

8.40 This proposal for 22 dwellings in Boxgrove is considered to be acceptable in principle, as a result of its conformity with the advanced Site Allocations Development Plan Document and the grant of outline planning permission for 22 dwellings, as allowed on appeal. The supplementary details regarding the layout and appearance of the development, as well as access points and highways matters are also considered to be acceptable, subject to conditions. The indicative landscaping plan also shows that this development would be consistent with policies of the emerging Boxgrove Neighbourhood Plan and the Chichester Local Plan.

8.41 The scheme is in close proximity to the A27, but it has been demonstrated to a technical standard that the noise levels would not cause any harm to health. It is also considered by Officers that this proposal has been sensitively designed in order to not result in harm to residential amenity between existing development to the east of the site and the new dwellings.

8.42 Officers have met with and worked with the applicant since November 2017 when the Planning Committee deferred the previous application (now at appeal). This was principally to try and seek amendments to the scheme in relation to the location of open space and the affordable housing. Despite best efforts, these changes have not been achieved and this is reflected in the detailed proposals within the current submission.

8.43 Nevertheless, the previous scheme was recommended for approval by officers and this remains their current professional view. This is because the scheme remains acceptable overall in planning terms and this is reflected in the recommendation to the Committee.

8.44 Based on the above it is considered the proposal complies with Chichester Local plan policies 1, 2, 4, 8, 9, 33, 34, 39, 40, 42, 47, 48, 49, 54 and emerging Boxgrove Neighbourhood Plan policies EH1, EH2, EH4, EH7, EH10, EE3, H1, H2, H4 and GA2 and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT WITH S106 subject to the following conditions and informatives:-

1) 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).

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: Plan/DRG No.:PRA-MHA-00-ZZ-DR-A-101 REV P03 Plan/DRG No.: PRA-MHA-00-ZZ-DR-A-103 REV P06 Plan/DRG No.: PRA-MHA-00-ZZ-DR-A-104 REV P06 Plan/DRG No.:PRA-MHA-00-ZZ-DR-A-107 REV P02 Plan/DRG No.:PRA-MHA-00-ZZ-DR-A-108 REV P02 Plan/DRG No.: PRA-MHA-00-ZZ-DR-A-109 REV P02 Plan/DRG No.:PRA-MHA-00-ZZ-DR-A-110 REV P02 Plan/DRG No.:PRA-MHA-00-ZZ-DR-A-111 REV P02 Plan/DRG No.: PRA-MHA-00-ZZ-DR-A-112 REV P02 Plan/DRG No.: PRA-MHA-00-ZZ-DR-A-113 REV P02 Plan/DRG No.:PRA-MHA-00-ZZ-DR-A-114 REV P02 Plan/DRG No.:PRA-MHA-00-ZZ-DR-A-115 REV P02 Plan/DRG No.:PRA-MHA-00-ZZ-DR-A-116 REV P02 Plan/DRG No.:PRA-MHA-00-ZZ-DR-A-117 REV P04 Plan/DRG No.: PRA-MHA-00-ZZ-DR-A-118 REV P04 Plan/DRG No.: PRA-MHA-00-ZZ-DR-A-119 REV P04 Plan/DRG No.: PRA-MHA-00-ZZ-DR-A-120 REV P03 Plan/DRG No.:PRA-MHA-00-ZZ-DR-A-121 REV P02 Plan/DRG No.:PRA-MHA-00-ZZ-DR-A-123 REV P01 Plan/DRG No.:T940-002 REV C Plan/DRG No.: PRA-MHA-00-ZZ-DR-A-122 REV P04 Plan/DRG No.:17140-0050P09 Plan/DRG No.:17140-0051P01 Plan/DRG No.:17140-0052P01 Plan/DRG No.:17140-0061P03

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

3) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: To ensure adequate provision for drainage. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

4) No development shall commence until details of the specification and location of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The development will thereafter proceed only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development benefits from appropriate infrastructure. This is required to commencement to ensure all appropriate infrastructure is installed at the groundwork stage.

5) No development shall take place until details of street lighting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: This is required pre-commencement to protect the appearance of the area, the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.

6) No development/works shall commence on the superstructure of plot 2 until a sample panel of flint and brickwork to accurately reflect the proposed bond, coursing and finish of the material and the type, composition and profile of the mortar has been constructed, and made available for inspection, on site and has been approved in writing by the Local Planning Authority. The sample panel(s) shall be accompanied by a written specification which shall be submitted to and approved in writing by the Local Planning Authority before the work to the superstructure of plot 2 are begun. The approved sample panel(s) shall be retained on site until the work is completed and the work shall be carried out in full accordance with the approved details.

Reason: To ensure the materials and finishes to be used are appropriate in order to maintain the visual amenity of the development.

7) Prior to the commencement of development, details and the specification of the 2m acoustic barrier as shown on plan PRA-MHA-00-ZZ-DR-A-104 REV P06 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the colour of the acoustic barrier. Once approved the acoustic barrier shall be implemented prior to the occupation of any dwelling. Once installed the barrier shall be maintained and fit for purpose in good repair in perpetuity.

Reason: To avoid noise giving rise to significant adverse impacts on health and quality of life as a result of the new development. 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 full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on site during works. The development will thereafter proceed only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development benefits from appropriate infrastructure. This is required prior to commencement to ensure all appropriate infrastructure is installed at the groundworks stage.

9) No development shall commence until details showing the approximate location of fire hydrants (in accordance with 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.

Prior to the first occupation of any dwelling, details showing the precise location, installation and ongoing maintenance of the fire hydrants to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The fire hydrant(s) 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.

10) No development shall commence on site, including demolition, until the existing hedgerow to be retained has been protected by a fence providing a landscape buffer 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 plans showing the type and position of all protective fencing. The landscape buffer shall be undisturbed during the construction period and the fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site.

Reason: To protect foraging areas for bats and in the interests of preserving the visual amenities of the area. 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 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.

12) Before first occupation of each dwelling, the parking and turning arrangements for that dwelling shall be provided in accordance with the approved plan PRA-MHA-00-ZZ-DR-A-104 REV P06 and thereafter retained clear of obstruction.

Reason: To ensure the development is served by appropriate parking infrastructure.

13) 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. 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

14) **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.

15) The development hereby permitted shall not be first brought into use until a landscape/open space management plan, including a maintenance schedule indicating proposals for the long-term management of landscape areas, other than small, privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape/open space shall thereafter be managed in accordance with the approved details.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation, or historical significance.

16) No part of the development hereby permitted shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ensuring safe and adequate access to the development.

17) No part of the development hereby permitted shall be occupied 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 development, hereby approved, shall be carried out in complete accordance with the Arboricultural Implications Assessment and Method Statement by ecourban Ltd, dated 12 March 2018 (Document reference- 17988- AIA 2).

Reason: To ensure trees on site are protected from harm

19) The development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the principles set out in the landscape masterplan BAR21001 10 Rev D. The scheme shall include a fully detailed planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and a program for the provision of the landscaping. The landscaping scheme shall also include details of enclosure and boundary treatments. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

The approved scheme 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. The 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.

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

Reason: In the interests of the visual amenities of the locality and the environment and biodiversity value of the site.

20) The development shall be carried in out in complete accordance with the details in the agreed Reptile Mitigation Strategy dated April 2018 by Lindsay Carrington Ecological Services, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure the protection of existing species consistent with Policy 49 of the Chichester Local Plan

21) The development shall be carried out in complete accordance with the details in the agreed Construction and Environmental Management Plan dated 26.04.2018 by Bargate Homes, unless otherwise agreed in writing by the Local Planning Authority.

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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the garages as shown on approved plan PRA-MHA-00-ZZ-DR-A-104 REV P06 shall not be used for any purpose other than as a private and domestic garage for the parking of cars incidental to the enjoyment of the associated dwelling house. The garages shall have an internal dimension of 6m x 3m.

Reason: To accord with the terms of the application and to safeguard proper planning of the area and To ensure the adequate provision of onsite parking for the interest of highway safety.

23) 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 A and E; of Part 1 Schedule 2 shall be erected or made on properties shown as plots 11, 12, 13, 14 and 15-22 on site layout PRA-MHA-00-ZZ-DR-A-104 REV P06 without a grant of planning permission.

Reason: In the interests of protecting the amenity of existing residents in Abbots Close and for new residents in plots 15-22 due to the depth of the gardens

24) The development, hereby permitted, shall be carried out in complete accordance with the noise mitigation measures as set out in Updated Noise Impact Assessment Technical Report: R7018-1 Rev 8 by 24 Acoustics (dated 20 February 2018) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid noise giving rise to significant adverse impacts on health and quality of life as a result of the new development.

25) The development hereby permitted shall not be constructed other than in accordance with the materials specified in the External Materials Schedule by Bargate Homes (dated July 2017) unless otherwise agreed in writing by the Local Planning Authority.

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

26) Prior to the occupation of the first dwelling, details of the ongoing ownership and maintenance schedule of foul treatment plant shall be provided in writing to the Local Planning Authority for approval. Once approved these details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure there is ongoing adequate infrastructure to serve the development and that there is no increased risk of flooding as a result of the development.

27) 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 0800 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: To ensure the protection of residential amenity

Informatives

- 1) The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

For further information on this application please contact Rhiannon Jones on 01243 534734

Agenda Item 6

Parish: Chichester	Ward: Chichester South
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CC/18/00192/ADV & CC/18/00196/LBC

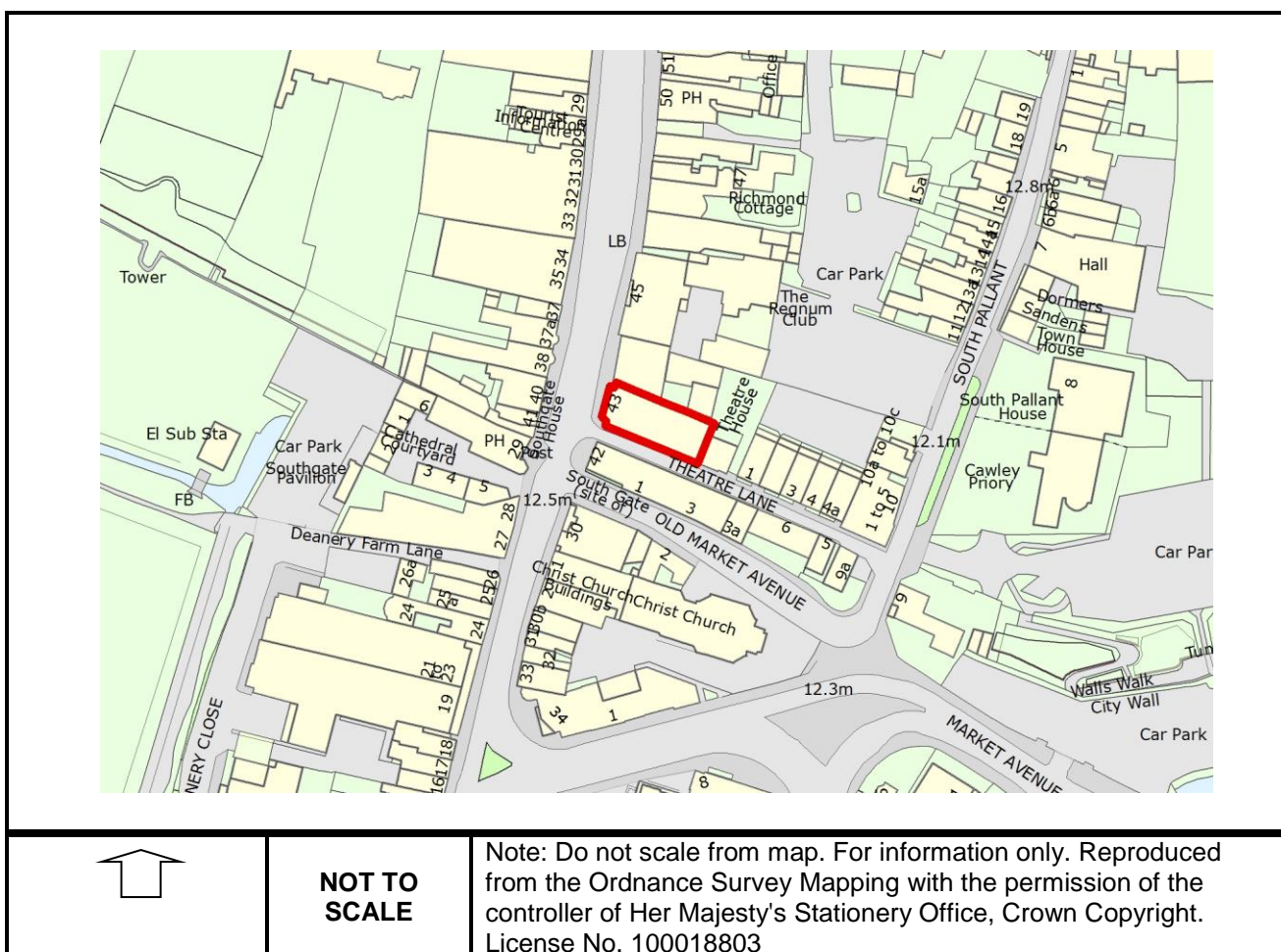
Proposal 1 no. externally illuminated projection sign, 1 no. externally illuminated fascia sign and 1 no. internally illuminated menu sign

Site Zizzi The Old Theatre 43 South Street Chichester West Sussex PO19 1DS

Map Ref (E) 486040 (N) 104559

Applicant Mr ANGELO MARERI

CC/18/00192/ADV: RECOMMENDATION TO PERMIT
CC/18/00196/LBC: RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 City Council objection - officer recommendation is to permit.

2.0 The Site and Surroundings

2.1 The application site is located on the corner of South Street and Theatre Lane within the centre of Chichester. The building is grade II listed and located within the Chichester Conservation area. The application building is a two storey, red brick building, with two sliding sash windows floor and three openings that have been bricked up at the first. The ground floor has bio folding timber doors with two separate timber doors. The previously approved signs have been removed and an unauthorised fascia sign has been installed on the building. This is the same design and material as what forms part of this current application. However the sign currently on the building is not centrally located and larger than currently proposed.

3.0 The Proposal

3.1 The application seeks advertisement consent and listed building consent for an externally illuminated fascia sign, a externally illuminated projecting sign and a internally illuminated menu sign. The proposed fascia sign would be copper 'Zizzi' letters, which would project 43 mm from the building, with the letters having a depth of 25 mm. The proposed letters would be located centrally on the building, with a height of 50mm and a width of 1.1 metres and manufactured from 1.2 mm cooper. The letters would be external illuminated from a light strip above, which would project 225 mm from the building with a width of 1.1 metres. The projecting sign would replace an existing hanging sign, and would project 1.2 metres from the building. The hanging sign would measures 0.75 metres, in height and width, while the advert would be 0.57 metres in high and 0.49 metres in width. The menu board would be located to the right of the main door and would be 0.7 metres in height and 0.5 metres in width.

3.2 The application seeks listed building consent for the painting of the building in Dulux Azure Fusion 1 weather proof breathable paint and door frames and window frames in Farrow & Ball London Clay.

3.3 The application has been amended since its submission, by removing the retractable awning, reducing the size of the facia sign and relocating it to the centre of the building.

4.0 History

03/00359/LBC

PER

Change of use to A3 (food and drink). Removal of existing ground floor shop partitions and first floor office mezzanine structure and construction of replacement mezzanine toilet and kitchen facilities. Plasterboard and thermal lining to existing roof skeillings.

03/00360/FUL	PER	Change of use of A1 (shop) to A3 (food and drink).
91/00550/CC	PER	The division of retail space into two units only by the erection of stud partitioning and a ceiling at ground level.
03/01732/FUL	PER	Increase in permitted number of restaurant covers from 84 to 114. Interior alterations to ground floor level shop front and position of extract duct.
03/01733/LBC	PER	Variation to CC/03/00359/LBC in respect of proposed internal alterations to ground floor level shop front and position of extract duct.
03/03157/ADV	REF	Illuminated fascia sign, projecting sign and 1 no. menu box.
04/02223/LBC	PER	Variation to new doors on west elevation from previously approved application CC/03/01733/LBC.
04/04141/FUL	REF	Addition of external lighting to front elevation.
04/04142/LBC	REF	Add external lights to front elevation.
11/02488/PE	REC	HBA: refurbishment.
11/02878/LBC	PER	Alteration to shopfront including replacement signage, internal alterations and shopfit works.
11/02881/ADV	REF	1 no. externally illuminated fascia sign and 1 no. externally illuminated projecting sign.
11/03513/LBC	PER	Installation of signage comprising of: 1 no. non-illuminated fascia text, 1 no. externally illuminated projection sign and 1 no. internally illuminated menu box.
11/03979/ADV	PER	1 set of non illuminated fascia text. 1 x externally illuminated projection sign.
04/00007/REF	ALLOW	Illuminated fascia sign, projecting sign and 1 no. menu box.

05/00029/REF	DISMIS	Addition of external lighting to front elevation.
05/00030/REF	DISMIS	Add external lights to front elevation.
11/00115/REF	DISMIS	1 no. externally illuminated fascia sign and 1 no. externally illuminated projecting sign.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chichester City Council

Original comments

Object. The proposed development, particularly proliferation of lighting and more prominently sited illuminated hanging sign would harm the character and appearance of the listed building and the conservation area. It is also noted that the date "1791" has been erased from the pediment; this should be reinstated.

Comments following amended plans

Object: Although the re-siting of the hanging sign is now omitted, the additional lighting over the main fascia sign and the very bold colours appear still to be proposed and therefore the objection would still apply in this case.

6.2 CCAAC

Object: The whole ensemble of this signage (raised composite lettering and illumination) does not comply with the Council's shop-front guidance, and in style is unsympathetic to this distinctive and important listed building. The hanging sign is not needed at this location and the pink awning is intrusive and damaging to both the building and the Conservation Area. If this application is permitted, it should be a condition that the date (1791) be reinstated on the pediment.

6.3 CDC Historic Buildings Advisor

No objection to the amended proposal.

6.4 Theatres Trust

The building has been out of use as a theatre for some time and the proposal will have no further impact within the building. The Trust therefore has no objection to these applications.

6.3 Third Party Representations

1 letter of objection has been received concerning;

- a) The awning and blue shopfront walls are out of character with and disfigure this Listed Building.
- b) the design and illumination of the replacement signage (as with the existing) contravenes the CDC Shopfront Design Guidance Notes for the Conservation Area.
- c) further clarity is required as to whether the awning is to be illuminated.

7.0 Planning Policy

The Development Plan Documents

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 47: Heritage and Design

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), paragraph 67 is also relevant to advertisement applications.

Other Local Policy and Guidance

CDC Shopfront and Advertisement Guidance
Chichester Conservation Area Character Appraisal

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:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area.

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Visual Amenity
- ii. Public safety
- iii. Other matters

Assessment

8.2 Advertisement applications must be considered in accordance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. These regulations allow the Local Planning Authority to consider amenity and public safety, taking into account; the provisions of the development plan, so far they are material; and any other relevant factors. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic architectural, cultural or similar interest. In this case the factors relevant to public safety include; the safety of persons using any highway, whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Visual Amenity

- 8.3 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the planning Authority (LPA) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same act requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In addition, the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore, policy 47 of the Local Plan requires new development to recognise, respect and enhance local the distinctiveness and character of the area and heritage assets.
- 8.4 The proposed signs are of a similar scale and location of the previous approval. The previous fascia sign was formed from plastic and located centrally on the building, the lettering projecting 54mm from the building. The current application proposes a copper 'Zizzi' sign, with raised side around each letter, creating a recessed letter. The letters would project 43mm from the building, the letters themselves would have a depth of 25mm. The letters would be externally illuminated from a light strip above. The projecting sign would replace an existing hanging sign, and would project 1.2 metres from the building. The sign would be externally illuminated and the same size as the existing. A menu sign is proposed to the right of the main entrance, which replaces an existing menu sign.
- 8.5 The CDC Shopfront and Advertisement Design guidance note sets out a preference for hand painted lettering for fascia signs on listed building, stating that built up lettering may be acceptable on non-listed building. In addition, the guidance states that 'Fascia design should suit the building as a whole and should be in proportion to the shopfront and the rest of the property'. The application property is a distinctive grade II listed building set apart from surrounding listed building in terms of its architecture and without a traditional shopfront as found on retail units situated within Georgian buildings in the city centre. The previously approved signage comprised plastic built up lettering in a gold colour with applied vinyl lettering behind. It is considered that on this particular building, with its wider and relatively modern frontage at ground floor level - which is set back from the adjoining property to the north, the continued use of built up lettering would not be harmful.
- 8.6 The shopfront guide makes it clear that modern materials such as metals must be used very carefully within the conservation area and on listed buildings to ensure that they do not detract from the building or the street scene. The lettering would comprise a polished copper face with an aged copper surround to each letter. Although the central element of the letter would have a polished finish the overall appearance of the signage would be in a matt, aged copper. The raised copper surround to the set face of the lettering would also serve to minimise reflection from the signage. It is therefore considered that the proposed materials and finish would not result in a shiny or overly strident form of advertisement that would detract the building or its locality.

Therefore the amended scheme is considered to be of an appropriate scale to the existing building and located centrally to the building width. The reduction in depth of the lettering, combined with the replacement of the previous plastic sign and the simplification of the advertisement to contain only the 'Zizzi' lettering would provide a more sensitive signage design than the former advertisement, despite the use of a metal for the lettering.

- 8.7 The building is current partly painted in a cream colour and this application seeks to change this colour to blue. Given the application seeks to paint parts of the building that have already been painted, which are render and now brick, this is considered acceptable. In addition the proposed colour is considered in keeping with the street scene and the listed building and is also considered acceptable.
- 8.8 The Council's Historic Buildings Advisor has confirmed that there is no objection to the proposal as amended by reason of the detailed design of the proposal in the context of this building and locality. The amended scheme is considered to propose a respectful form of advertisement that would be considered sympathetic to the visual amenities of the locality and the listed building, therefore would not harm the significance of the heritage assets.

Public safety

- 8.9 In this case the factors relevant to public safety include; the safety of persons using any highway. In this regard the height of the signage from the pavement to the bottom of the projecting sign and fascia boards and the size of the projecting sign are considered to be such that would not cause harm to those users of the highway (the pavement in this case). Further the signage would not be likely to obscure, or hinder the ready interpretation of any traffic sign and/or hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle. The proposed illumination levels would be no greater than 500 cd/m, which is considered acceptable. A condition will be imposed to ensure these luminance levels are not exceeded

Other matters

- 8.10 Comments have been received from the Chichester Society and CCAAC that the date marking on the building should be revealed again. Since the submission of the application the date has been painted onto the building.

Conclusion

- 8.11 Based on the above it is considered the proposed advertisement application complies with the Advertisement Regulations and the development plan and therefore the application is recommended for approval. In addition it is considered that the proposed signage and alteration to the building would not have an adverse impact upon the character of the special architectural and historic character of the listed building. It is therefore considered that the proposal would respect, conserve and enhance the existing shop frontage and is therefore in accordance with Policy 47 of the Chichester Local Plan, and the listed building consent is recommended for approval.

RECOMMENDATION (CC/18/00192/ADV)

PERMIT subject to the following conditions and informatives:-

- 1) The illumination levels shall not exceed 500 cd/sqm at any time.

Reason: in the interest of protecting the visual amenity of the area.

- 2) The illumination of the advertisements hereby approved shall not take place other than during the opening hours of 'Zizzi' and the illumination shall not be operational at any other time.

Reason: In the interests of visual amenity

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.

RECOMMENDATION (CC/18/00196/LBC)

PERMIT subject to the following conditions and informatives:-

- 1) The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 595864-3 A, 595864-4 A, 595864-5 A, 595864-3 REV B, 595864-4

Reason: To ensure the development complies with the listed building consent.

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.

For further information on this application please contact Daniel Power on 01243 534734

Parish: Chichester	Ward: Chichester East
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CC/18/00798/FUL

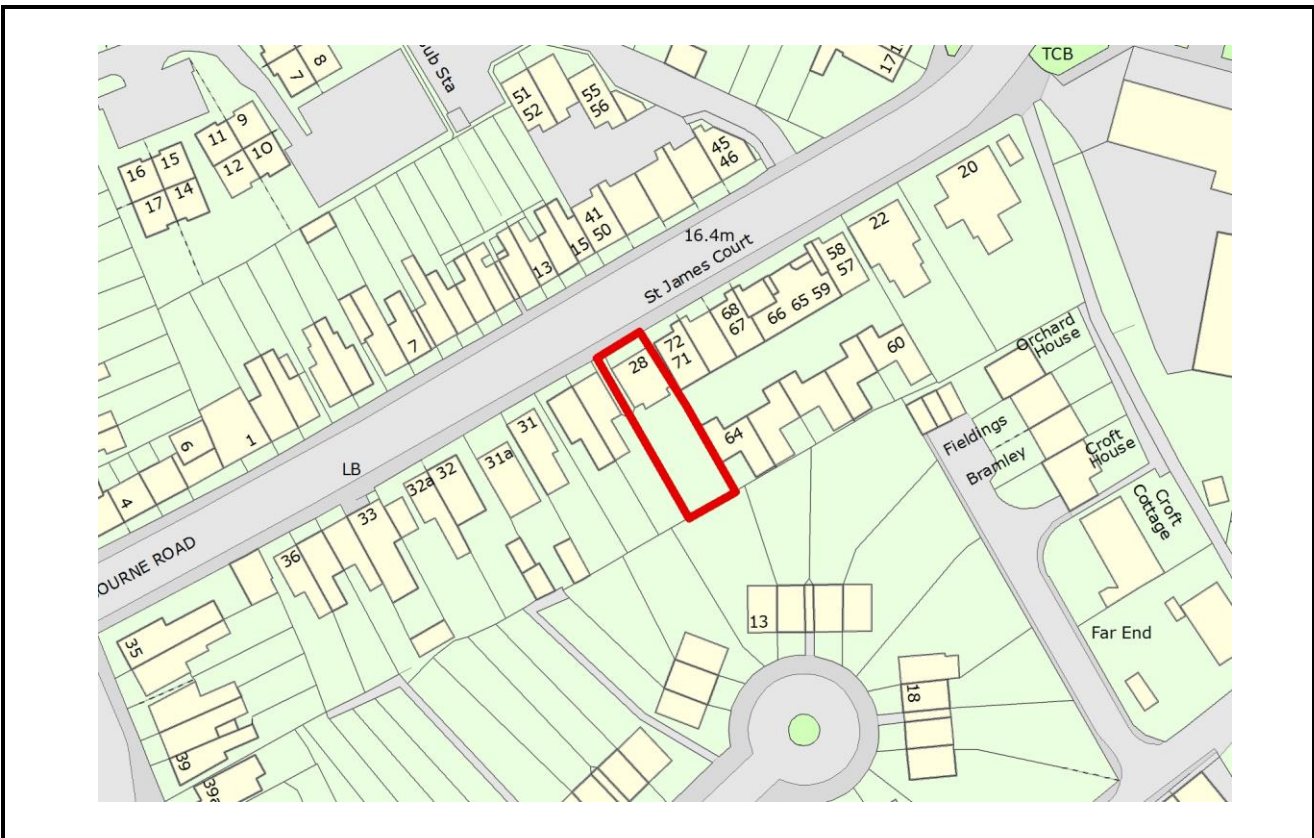
Proposal Demolition of existing dwelling and erection of 2 no. dwellings.

Site 28 Melbourne Road Chichester PO19 7ND

Map Ref (E) 486798 (N) 105271

Applicant Mr C & A Colbourne

RECOMMENDATION TO PERMIT WITH S106



	NOT TO SCALE	<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

City Council Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the settlement of Chichester within a residential road characterised by two storey houses. The application site is the exception and comprises a detached bungalow to the southeast of the road with a central ridge line and gable end roof form running parallel with the road.
- 2.2 There is a modest ornamental front garden with pedestrian gate adjacent to the pavement and a side alleyway to the southwest of the site with private gardens to the rear (southeast).
- 2.3 The properties either side of the site are two storeys, and some of the properties in the locality have traditional Victorian detail to the brickwork, windows and proportions.

3.0 The Proposal

- 3.1 Planning permission is sought for the demolition of the existing bungalow and its replacement with a pair of two storey semi-detached properties with accommodation (bedroom and bathroom) within the roof space.
- 3.2 At ground floor open plan living, kitchen and dining areas are proposed with a porch to the front and a single storey element to the rear. The first floor would provide two ensuite bedrooms and within the roofspace one ensuite bedroom would be accommodated.
- 3.3 The ridge height would measure 9.1m from existing ground level and the underside of the eaves would measure 5m in height. The main two storey element of the building would be sited in line with the neighbours on each side. There would be a 1.7m two storey projection beyond the 2 storey rear elevation of number 29 to the north of the application site.
- 3.4 The rear single storey element would measure 4.2m deep x 7m wide x 2.9m in height with central roof lanterns. The gardens would be divided equally with bike storage located at the end of the gardens within a modest, timber, 2.4m x 1.8m garden shed with felt roof.
- 3.5 The materials to the main houses would include; a natural slate roof with clay ridge tiles, red/brown mix stock bricks to the elevations and painted timber windows and doors.

4.0 History

98/00245/DOM	PER	Single storey conservatory extension to rear of existing dwelling and replacement front boundary wall and railings.
17/00572/FUL	WDN	Demolition of existing dwelling and erection of 2 no. dwellings.
17/02186/FUL	WDN	Demolition of existing dwelling and erection of 2 no. new dwellings.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

07/06/2018

Objection. The proposal involves built development extending the full width of the plot, indicating overdevelopment of the site. This would preclude any access to the rear garden (for example for access to cycle storage or for garden waste) other than through the dwellings. The size, scale and proximity of the development would be detrimental to the amenity of the neighbouring properties.

23/05/2018

The City Council commented "no objection" on the above application last week. Our chairman has requested that this be withdrawn please, as some residents have new points to make which may not have been considered by the committee. The matter will therefore return to our committee on 7th June, and we would like to request an extension of time so that we can submit new comments on that date once we have heard all the potential new information.

17/05/2018

No objection

6.2 WSCC Highways

Summary

This proposal is for the demolition of the existing dwelling and erection of two three-storey, three bedroom dwellings. The site is located on Melbourne Road, a D-classified residential road subject to a speed limit of 20mph.

No vehicular access to the site is proposed and a nil car parking provision is proposed for the new dwellings. Under the WSCC Car Parking Standards three car parking spaces may be provided for the proposal.

Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

The site is sustainably located within walking distance of Chichester City Centre, local bus stops and Chichester train station. The applicant is proposing to provide secure and covered cycle storage for each dwelling to further reduce the reliance upon the private car.

Conclusion

The LHA does not consider that this proposal would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application the following condition should be secured:

Condition

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

6.3 CDC Land and Coastal Drainage Officer

Thank you for consulting us. We have the following comments regarding flood risk and surface water drainage. Flood risk: the site is wholly within flood zone 1 (low risk), and we have no additional knowledge of the site flooding. Therefore we have no objection to the proposed scale, use or location on flood risk grounds, subject to satisfactory surface water drainage.

Surface Water Drainage: The proposed means of surface water drainage is via soakaways, this approach is acceptable in principle. Infiltration rates have been provided that evidence soakage is achievable. Groundwater monitoring will be required to show soakage structures would not be constructed lower than the peak groundwater level. Soakage structures should be capable of handling runoff from a 1 in 100 year storm event plus 40% climate change. Should the application be approved we recommend the following condition to ensure the site is adequately drained:

"Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish 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.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details."

6.4 Third Party Representations

2 x Third Party letters of objections have been received concerning:

Original Proposals

- a) noise and pollution of the demolition and construction works
- b) the proposed development would be right up on the boundary wall, it would be impossible to construct it without encroaching onto the narrow gap within the curtilage of St James's Court and the foundations of the terrace could well be affected
- c) reduction in daylight to nos 71 and 72 and in the case of 72, the ground floor flat, loss of direct sunlight to kitchen and living room after 12 midday.
- d) loss of privacy and quiet enjoyment of the landscaped courtyard garden if the proposed development were to be built.

Amended Proposals

Whilst accepting that the revised proposals are a minor improvement, a number of the original objections still apply. These are as follows; -

- a) the outlook to our first-floor bedroom window, will still be a blank gable wall, approximately 3m away. This will deprive this habitable room of any outlook & significantly impact the room in terms of natural light
- b) the full depth of the proposed house should not extend beyond that of the adjacent properties, which it currently does.
- c) fail to see how these extremely large brick gable walls, can be constructed without foundations being on the adjacent properties sides of the boundaries. Also, to build such walls we presume scaffolding would be required on our side of the boundary, thereby blocking access to the rear garden, which would not be acceptable.
- d) the proposed cycle storage would necessitate bringing any bicycle through the house. As this would be unlikely, it means the potential for additional car parking requirement, already necessitated through the increase in the number of dwellings, would increase.

- e) the proposed 3-storey building is circa 7m away from the rear face of 64, St James's Court & directly overlooks the common space between 64 & 71 St James's Court. Additionally, there is significant overlooking into the rear properties of St James court from the proposed rear windows.

6.5 Agent's Additional Information

There would be no encroachment under, over or onto any neighbouring property. As such, there is no requirement to serve notice on any of the neighbouring properties.

I have reviewed all comments made on this application and the earlier comments from the City Council. Notably, they did not raise objection to the previous schemes due to the removal of a side access to the properties, it is only on this application where this matter appears to have been raised. This is not considered to be a planning matter and in any case it is not unusual for access to be provided via a house to rear garden in Chichester, as previously confirmed.

In terms of construction, there are a number of options to construction. This includes overhand construction, which is seen on many sites within a town or city centre. Current modern methods of construction could also be employed through off-site construction and craning in sections to form flank elevations. In any case, the construction is a matter that would be addressed through agreement with the relevant landowners and in accordance with the Party Wall Act.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.
- 7.2 The principal 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 8: Transport and Accessibility
Policy 9: Development and Infrastructure Provision
Policy 10: Chichester City Development Principles
Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment
Policy 13: Chichester City Transport Strategy
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 47: Heritage and design
Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

National Policy and Guidance

- 7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

- 7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), sections 7, 10 and 11 are also relevant to this case.

- 7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

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

Planning Obligations and Affordable Housing SPD
CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions
CDC Waste Storage and Collection Guidance

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:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of the development
- ii. Impacts on visual amenities and character of the area
- iii. Impacts on neighbouring amenities
- iv. Highway safety and parking
- v. Ecological considerations

Assessment

i) Principle of the development

8.2 The site is located within the designated Settlement Boundary and Replacement and net gain of dwellings in such locations are supported in principle by the Chichester Local Plan (CLP) policies 1 and 2 which require development to be sustainable and sets out the hierarchy of settlements for sustainable development within the district. Chichester is the largest of the designated settlements as is the Sub Regional Centre for the district. Therefore, new houses in this location are supported by the Development plan, in principle and subject to other considerations within the Development Plan and any planning considerations material to the case.

ii) Impacts on visual amenities and character of the area

8.3 Policy 33 of the CLP refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape; In addition that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.

- 8.4 The proposed eaves and ridge heights proposed would be comparable in height, scale and proportions to the immediate neighbours. Two storey properties in close flank to flank relationships are a common feature in this location and this close relationship forms part of the character of this section of the road. Concerns have been raised by the City Council and third parties regarding the limited space provided between the neighbouring properties on each side.
- 8.5 Whilst the existing pedestrian alleyway to the southwest of the site would be lost and replaced with a two storey building and gabled end, the proposals would not appear cramped or overdeveloped, given that spacing between the proposed dwellings and neighbouring dwelling would be retained to distinguish them as semi-detached properties. This spacing between dwellings would be sympathetic to the character of the locality and the dwellings would not appear cramped or out of keeping with the character and appearance of the area. It should also be noted that the existing bungalow is already positioned on the northeast boundary. On this basis it is considered that the proposed dwellings would be appropriate in terms of their size, siting and design and would not cause significant harm or detriment to the wider area.
- 8.6 With regards to specific parts of the proposals, the front porch and bay windows would be in line with others in the row, would be single storey in scale and would have a mono pitched roof and set back front doors with canopy over. These features are considered to be visually sympathetic to the street scene. The external materials and finishes would include brick multi stock walls and natural slate roof and painted timber windows and doors which would be sympathetic to the materials found in this locality and the traditional architectural character and quality of the nearby Victorian properties.
- 8.6 It is considered that the proposals would respect the visual character and appearance of the locality and would not result in harm to the street scene. Therefore, it is considered that the development would comply with NPPF sections 7 and 11, CLP policies 2, 33 and 47.

iii) Impacts on neighbouring amenities

- 8.7 The NPPF states in paragraph 17 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties. In this case it is considered that given the size and position of the plot and the built up nature of the surrounding residential environment that the level of development being sought by this application would not result in harm to the living conditions and amenities of neighbouring properties and their private gardens. The depth of the proposed two storey properties would align with the neighbouring properties. No. 29 has a two storey rear projection that extends further to the south east than the proposed dwellings.

- 8.8 In terms of loss of light and outlook, Number 29 is located to the west of the application site. Guidance in terms of loss of light to neighbouring properties is provided within the Council's Design Guidance, which advises two storey development should not encroach on a 45 degree line taken from the nearest habitable room windows on the ground floor of neighbouring premises. In this instance this line would not be encroached. The ground floor kitchen window at number 29 with study/box bedroom above at first floor would face towards the proposed two storey dwelling to the north east. However this would be located at approximately 3m from the shared boundary and the two storey element of the proposed dwelling would stretch only 1.6m along that boundary. Views from the kitchen would be of single storey building, which would ensure that there would be not be a significant overbearing or adverse impact in terms of loss of light to the neighbouring dwelling, especially in the context of the site, where neighbouring dwellings are located in close proximity to one and another. On this basis the proposals would not result in any significant loss of light to the neighbouring property that would warrant the refusal of the application on this basis.
- 8.9 To the northeast of the application is a two storey terrace that is divided into flats located at St James's Court. There would be an impact on the closest single storey property to the rear by way of the positioning of the proposed dormer windows. However, there are already two storey properties in this location with first floor and dormer windows facing at an oblique angle to the single storey buildings of St James's Court - meaning that the introduction of a two storey dwelling here with dormers in the roof would have a similar level of overlooking at an oblique angle to the properties. The existing bungalow has a rear dormer at first floor and number 29 is two storeys with a dormer bedroom window in the roof. On the basis of this existing relationship and the fact that these windows would only facilitate internal views to the rear (southeast) with oblique views to each side the proposals are considered to be acceptable in this regard.
- 8.10 Concerns by third parties have been raised with regards to a right to light. Right to light is a separate legal matter to 'loss of light' which has already been considered above, and is therefore not a material consideration.
- 8.11 Directly to the rear the rear gardens would remain of a depth that would provide sufficient separation so that the impact on the two storey properties to the south which are in a back to back relationship with their properties at an oblique angle to the application site would be sympathetic.
- 8.12 For the reasons outlined above it is considered that the development complies with paragraph 17 of the NPPF and policy 33 of the current CLP.

iv) Highway safety and parking

8.13 In terms of highway safety, on road parking is prevalent in this city centre location. Bus stops, safe walking and cycling would be possible in this location and there are local shops and the city centre nearby. There would be an additional demand for parking given the increase in properties however in this central location on site parking would not be possible. Cycle parking details have been submitted and would be secured via condition. It is appreciated that the occupants would have to walk through or store their bikes within the house however this is not unusual in tight-knit urban housing development and would not be a reason that would warrant refusal of this application. In addition WSCC Highways have been consulted and have not raised an objection in this regard.

v) Ecological considerations

8.14 In accordance with CLP policies 50 and the CDC Planning Obligations and Affordable Housing SPD an amended Unilateral Undertaking and appropriate contributions has been submitted to mitigate the likely significant impact of the development on the Chichester and Harbour Special Protection Area. The Case Officer has carried out an Appropriate Assessment and the Unilateral Undertaking and contributions are considered appropriate mitigation in this case.

vi) Water management

8.15 The site is located within flood zone one, an area identified as having the lowest risk of flooding. Never the less the LPA must consider water management to ensure that appropriate drainage is put in place to manage the impacts of the development. The CDC Land and Coastal drainage officer has been consulted and a condition to ensure appropriate site specific surface water management has been requested and is proposed within the recommendation.

vii) Other Matters

8.16 It is appreciated that the owner and contractor would need permission to construct this development by way of access to neighbouring land and that no encroachment is proposed by this application as certificate A has been submitted. Access to neighbouring land is a private matter between the parties that lies outside the material planning considerations.

Conclusion

8.17 It is considered that the proposed properties would respect the character and quality of the site and surroundings and would not be detrimental to the amenity of neighbouring properties and private gardens. The proposal accords with national and local planning policies and therefore, this application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 2.01 revision J, 2.01 revision J and cycle store details

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

- 3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and 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 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. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

- 4) **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.

5) **No development shall commence** until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, 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 occupation unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

6) The development hereby permitted shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish 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.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason; to ensure additional surface water is managed in an appropriate manner for the site specifics in the interest of flood reliance of the development.

7) **No part of the development hereby permitted shall be occupied** 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.

8) **No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with the approved plans and the cycle parking shall be retained for it intended purpose in perpetuity.

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

For further information on this application please contact Maria Tomlinson on 01243 534734

Parish: Chichester	Ward: Chichester South
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CC/18/01064/FUL

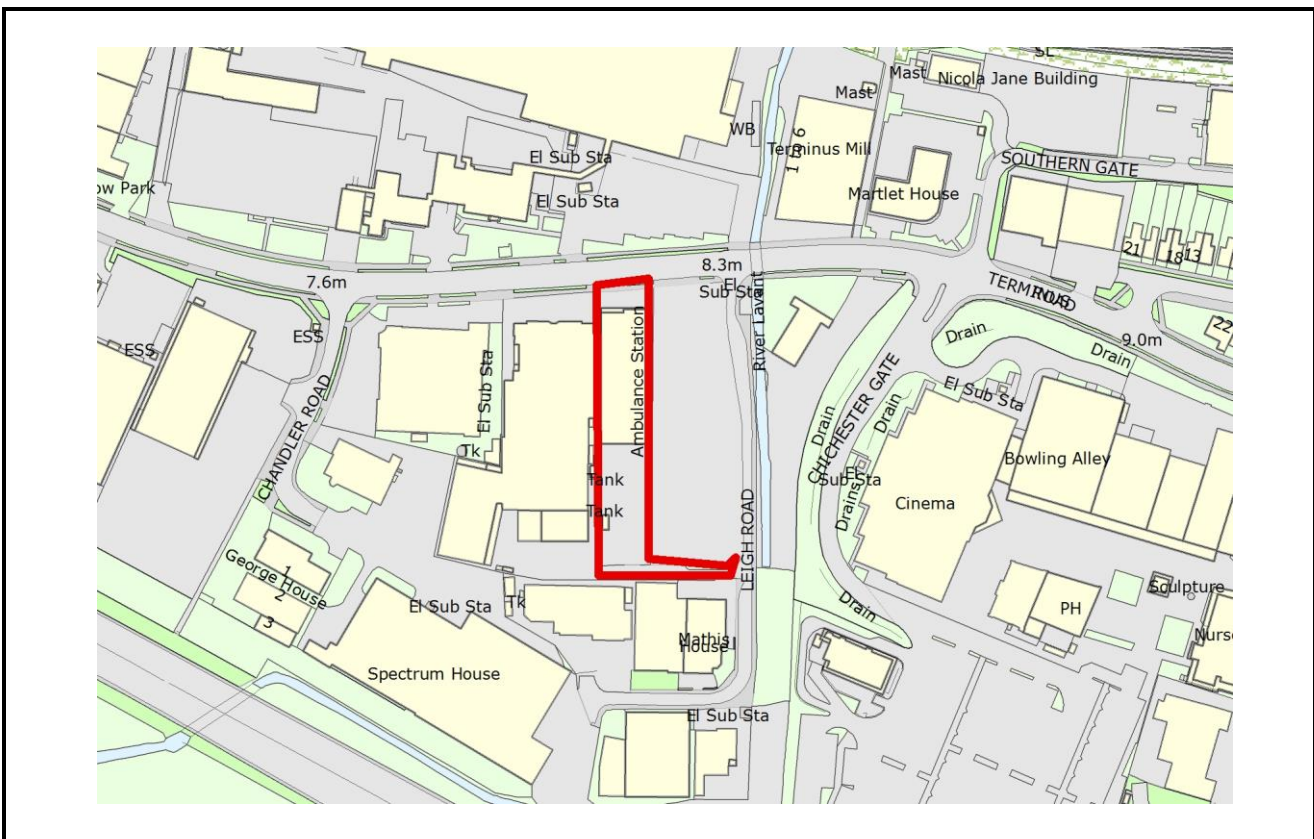
Proposal Change of use of existing building (former ambulance station) to church (D1 use including some B1 space) including minor external alterations.

Site Chichester Ambulance Station Terminus Road Chichester PO19 8TX

Map Ref (E) 485503 (N) 104175

Applicant Grace Church

RECOMMENDATION TO PERMIT



	NOT TO SCALE	<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

1.1 A leader of Grace Church (the applicant) is related to an employee of the Council.

2.0 The Site and Surroundings

- 2.1 The application site is located to the south side of Terminus Road, a predominantly commercial road within the settlement of Chichester. The application site is accessed from Terminus Road, including a parking area to the front, and there is an additional vehicular access from Leigh Road to the east, which provides an alternative access to the rear of the building. The building comprises a pitched roof and clad two storey elevations. The building is currently vacant, and was previously a mixed 'sui generis' use comprising office space at first floor level with an open plan ground floor used to accommodate the ambulance vehicles. Planning permission was granted in 2015 for the change of use of the building to B1/B8 use, however this was never implemented.
- 2.2 The site lies within an established employment area amongst a range of business units including offices, car showrooms/garages and storage and distribution uses. Whilst the site contains on site parking, there are also designated parking bays for a period of up to two hours located along the road.

3.0 The Proposal

- 3.1 This application seeks planning permission for the change of use of the existing building to a church (D1 use) which would also include ancillary B1 office and meeting space at first floor level. The proposal also includes minor external alterations to the physical form of the building, consisting of:
- New access ramp to the front elevation
 - Replacement of roller shutter door on front elevation with glazed door and windows
 - Replacement of roller shutter door on rear elevation with glazed door and windows
 - Two new window openings in ground floor of rear elevation

4.0 History

89/00574/CC	PER	One external unit 'Tornado Super De Lux' light vehicle plant spraybooth.
03/01152/ADV	PER	1 no. flag pole sign.
14/04285/COU	PER	Change of use from Sui Generis to B1/B8 use.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 **Representations and Consultations**

6.1 **Parish Council**

No objection.

6.2 **WSCC Highways**

Having reviewed the accompanying information, the highway authority has no objection to the application. Given the times at which most of the transport-intensive activities take place at the proposed church, the use is unlikely to have a severe impact on the local road network. We assume that no modification is to be made to the access from Terminus Road.

Forty car parking spaces are proposed. The Design & Access Statement commits the church to directing users to public car parking spaces at times when the church car parks are full. The authority acknowledges that on-street spaces are likely to be available when church activities take place.

The applicants must send in a drawing showing the parking layout for approval before the building is first used. This is to ensure that the proposed number of spaces will indeed be made available and so avoid overspill onto the roads outside the site. The drawing must include details of bicycle parking. We assume that the occupant of the site has right of access from Leigh Road to the rear car park. All vehicles must be able to enter and leave the site nose-first. The 'Keep Clear' road markings on Terminus Road outside the site must ideally be removed before the building is first used and existing parking restrictions on the road may need to be extended. The applicant must contact the Area Highway Manager via <https://www.westsussex.gov.uk/roads-and-travel/make-an-enquiry-about-a-road-or-pavement/> to discuss this.

6.3 **CDC Environmental Management (Contaminated Land)**

The building is located within an industrial estate and there is considered to be potential for land contamination in the area. When the present building was constructed, site investigation and remediation works were undertaken however there may be residual land contamination at the site.

Given that the proposed building works are internal minor alterations, a watching brief should be kept while undertaking any construction works. Condition DC13 should be applied if permission is granted.

It is not known if there is fuel storage at the site (given its previous use as an ambulance station). If a tank is present it should be bunded to prevent spills leaks affecting ground conditions at the site. If removal of a tank is required as a result of this development, a method statement should be submitted to clarify the measures to be taken to ensure ground conditions are protected during such works. During construction works, all waste arisings must be disposed of in accordance with current Waste Regulations and there should be no burning of construction materials. Measures to mitigate the impacts of construction (such as dust and other emissions) should be taken to reduce the impact from the works on neighbouring premises.

6.4 Economic Development

Economic Development have no objections. The property has been on the market for since 2014, with little interest. Grace Church have been actively looking for premises for over two years, with no success. In our opinion, this is a suitable re-use of a building, that might otherwise be empty for a number of years.

6.5 Third Party Representations

1 third party letter of comment has been received from Chichester Society which made the following comments: The Executive Committee considers that the proposal is reasonable. However we do feel that this site should really be used for employment, and for relocation of a use to free up a site important to the Southern Gateway Regeneration such as the Royal Mail Depot.

7.0 Planning Policy

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029. There is no made neighbourhood plan for Chichester at this time.

7.2 The principal policies and neighbourhood plans relevant to the consideration of this application are as follows:

Chichester Local Plan 2014-2029:

Policy 1 Presumption in Favour of Sustainable Dev
Policy 2 Dev Strategy and Settlement Hierarchy
Policy 3 The Economy and Employment Provision
Policy 8 Transport and Accessibility
Policy 11 Chichester City Employment Sites
Policy 26 Existing Employment Sites

National Policy and Guidance

- 7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

- 7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), and sections 7 and 12 generally.

Other Local Policy and Guidance

- 7.5 Consideration has also been given to:
CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions
- 7.6 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:
- Support and empower communities and people to help themselves and develop resilience
 - Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

The main considerations are:

- i) Principle of development / Loss of employment site
 - ii) Impacts on visual amenities and character and quality of site and surroundings
 - iii) Impact on amenity of neighbouring properties
 - iv) Highway Safety
 - v) Contamination
- i) Principle of Development

- 8.1 The site is located within the settlement boundary and comprises an existing employment site, as defined within the Local Plan. Policies 2, 3 and 11 of the Local Plan are supportive of employment generating uses whilst policy 26 of the Local Plan states that alternative uses will be permitted on business sites only where it has been demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for business of similar uses.
- 8.2 The proposal would involve the loss of an employment use and therefore to demonstrate compliance with this policy and the marketing guidance, the applicant has submitted a marketing statement and summary produced by Flude Commercial. The statement reports that two phases of marketing were undertaken between September 2016 to October 2017 (Phase 1) and October 2017 until the present day (including during the consideration of the planning application) (Phase 2). Marketing techniques across two periods (the second of which included a price reduction) included: brochure production; online marketing; target mailing; marketing boards; local advertising (Chichester Observer), telephone canvassing and marketing strategies. In addition an enquiry log and summary of why potential buyers did not pursue their interest in the site has also been provided. The report by Flude Commercial states that the property has been unsuccessfully marketed for another business use and concludes;
- ‘...it is self-evident that there is currently no demand for this type of property at present with the benefit of the original sui generis ambulance consent or with the recently expired B1 and B8 consent....our view is that the configuration of the property (specifically built as an ambulance station) is the main cause of the lack of interest.’
- 8.3 Whilst the requisite marketing period of two years as outlined within Appendix E of the Local Plan has not been completed, Officers are satisfied that based on the marketing evidence submitted and the fact the previous use of the site as an ambulance station would not constitute an employment use for interpreting Policy 26 of the Local Plan, it has been demonstrated that the site is unlikely to be re-used or redeveloped for employment purposes. The property has been marketed since October 2016 and has been reduced in rental and freehold price. Furthermore, whilst there is evidence that the site has attracted interest from 9 potential occupiers, there are genuine reasons as to why those interests have not been pursued. In particular; as a purpose built ambulance station the property has limitations in terms of its operational use for other employment uses, including: sloping floor within the main warehouse designed for providing run off for cleaning down of ambulance vehicles; concrete kerb allowing ambulance vehicles to park up, and limited parking and loading areas to front. The Economic Development Team have also confirmed that they support the proposals to bring the application site back into operational use.
- 8.4 Having regard to the difficulties in attracting an alternative business use to the premises the proposals would represent a sustainable use of a vacant site and would not conflict with the aims of Policy 26 of the Local Plan to protect existing employment sites.

ii) Impact on visual amenities and character of the area

8.5 The proposals would not result in a significant change to the character of the area in terms of its use. Whilst the church would operate during the week and at weekends it would retain its appearance as commercial unit, and the level of use would not significantly change the character and appearance of the site or the surrounding area.

8.6 The proposals would alter the front and rear elevations of the building by replacing the previous roller shutter doors used by the ambulance station with glazed panels and entrance doors. Furthermore two additional windows are proposed within the rear elevation. It is considered that these changes represent practical and sympathetic alterations to the existing building to accommodate the proposed use. On this basis the proposals are considered to be acceptable and relate appropriately with the character and appearance of the area.

iii) Impact on amenity of neighbouring properties

8.7 Given its location within an employment area, it is considered that the proposed change of use and its alterations would not result in significant harm to the amenity of neighbouring properties, which comprise of commercial units. There are no immediate neighbours, either residential or commercial that would be affected by the proposals, as the development would operate within the confines of the existing site

iv) Impact on Highway Safety

8.8 Policy 39 of the Local Plan seeks to ensure that new development has acceptable parking levels, and safe access and egress to the highway. The proposed development would utilise the existing accesses from Terminus Road and Leigh Road. The site provides a total of 6 parking spaces to the front and 34 spaces to the rear. WSCC Highways have confirmed that this is an acceptable level of parking provision for the proposed use. Furthermore the WSCC Highways are content that excess vehicles wishing to park could use nearby public car parks and available on-street spaces when church activities take place. In addition, WSCC Highways have raised no objection to the application regarding the impact of the change of use on the local highway network. In this regard it is anticipated that more intensive movements to and from the site, would be during the evenings and weekends which would avoid peak traffic movements taking place at other businesses around the site. Therefore the use is unlikely to have a severe impact on the local road network. The advice from WSCC Highways recommends conditions securing an appropriate parking layout, as well as details of bicycle parking. Subject to compliance with the requested conditions it is not considered that the proposed use would result in a severe highway impact or inappropriate parking behaviour. On this basis the proposals would comply with Policy 39 of the Local Plan.

v) Contamination

8.9 The building is located within an industrial estate and the Environmental Protection Team (EPT) consider that there is potential that there may be residual land contamination at the site. Given that the proposed building works are internal minor alterations the EMT are content that a watching brief should be kept while undertaking any construction works. The views of the EMT are agreed and a condition is recommended to secure a watching brief.

8.10 In addition the EPT recommend that a condition is imposed regarding the removal of fuel storage tanks on site. Given that the proposals involve the change of use of the site and minor alterations, a condition in this respect is considered to be unnecessary in order to make the proposals acceptable. However an informative is recommended, drawing the applicant's attention to this advice.

Conclusion

8.11 Based on the above assessment, it is considered the proposal would represent an appropriate alternative use of the site and would not result in harm to the visual amenities of the area, or highway safety impacts. As such the proposal complies with the Development Plan. There are no material considerations that indicate otherwise therefore, subject to conditions, permission should be granted.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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:748/02 REV A, 748/04, 748/03 REV B

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

3) The development hereby permitted shall be constructed using external materials to match those on the existing building in colour, texture, form and composition unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

4) 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 be used for D1; and for no other purpose (including any other purpose in Class D1; only of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

5) The development shall be occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for cars and bicycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning areas shall be used and retained exclusively for its designated purpose.

Reason: In the interests of highway safety.

6) 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. 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 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

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) if there is fuel storage at the site (given its previous use as an ambulance station). If a tank is present it should be bunded to prevent spills leaks affecting ground conditions at the site. If removal of a tank is required as a result of this development, a method statement should be submitted to clarify the measures to be taken to ensure ground conditions are protected during such works. During construction works, all waste arisings must be disposed of in accordance with current Waste Regulations and there should be no burning of construction materials. Measures to mitigate the impacts of construction (such as dust and other emissions) should be taken to reduce the impact from the works on neighbouring premises.

For further information on this application please contact Robert Sims on 01243 534734

Parish: Funtington	Ward: Funtington
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FU/17/02187/FUL

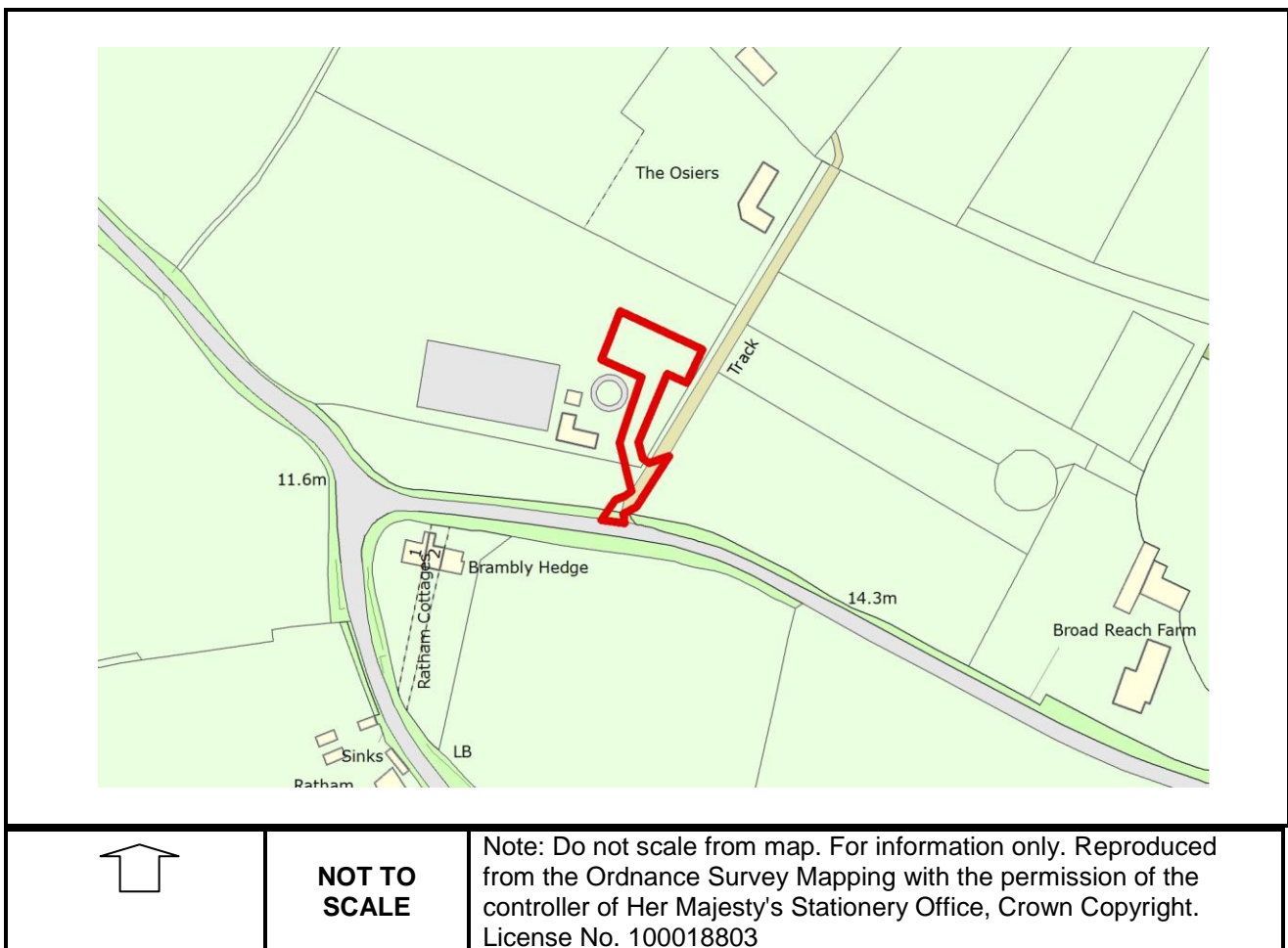
Proposal Permanent stationing of mobile home to support equestrian business.

Site Land South Of Osiers Clay Lane Funtington West Sussex

Map Ref (E) 481237 (N) 106519

Applicant Mr & Mrs D Ward

RECOMMENDATION TO PERMIT WITH S106



1.0 Reason for Committee Referral

Parish Council objection - Officer recommends permit

2.0 The Site and Surroundings

- 2.1 The application site lies on the northern side of Clay Lane approximately 1km north of Bosham and 0.6km south of West Ashling (as the crow flies), within the open countryside. The site comprises a stable block, horse exercise facility, manege and paddock with a temporary dwelling located adjacent to the eastern boundary of the site. The temporary dwelling is a mobile home 20m x 6.7m in size providing 134 square metres of accommodation which has been designed internally to provide accessible and functional accommodation having regard to the needs of the applicant.
- 2.2 The site is reasonably well screened from the road by a band of mature trees mainly consisting of Oak, Ash & Field Maple which is covered by an area Tree Preservation Order (TPO). The access to the site is shared with the neighbouring dwelling and caravan site which is located to the north (The Osiers), and a solid timber gate at the main access to the site screens much of the site from the access. To the south of the application site there is a terrace of 3 cottages. The application site is otherwise surrounded by open countryside.

3.0 The Proposal

- 3.1 The application seeks planning permission for the permanent stationing of mobile home to support equestrian business.

4.0 History

18/00178/TPA	PER	Crown raise by up to 4m (above ground level) on 1 no. Oak tree (T1). Crown raise to first fork (on the limb adjacent to the schooling area) on 1 no. Oak tree (T2). Fell T3-T5 combination of Field Maple and Hawthorn. Crown raise by up to 6m (above ground level) on 2 no. Oak trees (T6 and T11). Remove 2 no. limbs on northern sector at 6m (above ground level) on 1 no. Oak tree (T7). Reduce width on northern sector by 0.5m and prune overhanging branches to 6m on 1 no. Hawthorn (T8). Remove lowest limb at 4.3m (above ground level on north sector) and crown raise by up to 6m (above ground level) on 1 no. Oak tree (T9). All 10 no. trees are within Woodland, W1 subject to FU/04/00538/TPO.
14/02144/FUL	PER	14/02144/FUL Stationing of mobile home for temporary period of 3 years.
15/00336/DOC	DOCDEC	Discharge of conditions relating to FU/14/02144/FUL, condition 5.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Funtington Parish Council objects to this application.

The original permission, to which, incidentally, the Parish Council objected, purported to be for a limited period to enable Mrs Ward to train for the Olympic Games in 2016. The justification for that permission has therefore expired and the mobile home should be removed. Further, although the land adjacent has been used for keeping the applicants' horses for a long period of time no permission has been granted for an equestrian business or for a school of equitation.

The use of the land for business purposes should therefore be determined before consideration is given to this application.

6.2 Third party representations

None received

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Funtington at this time.

7.2 The principal 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 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 33: New Residential Development
Policy 37: Accommodation for Agricultural and other Rural Workers
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 55: Equestrian Development

National Policy and Guidance

- 7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:
At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:
For decision-taking this means unless material considerations indicate otherwise:
- *Approving development proposals that accord with the development plan without delay; and*
 - *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*
- 7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), 7, 14, 28, 49, 55, 56 and 58.
- 7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing.

The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

Consideration has also been given to the following documents:

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Drainage SPD

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 work place and support the development of life skills
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

The main considerations are:

- i. Principle of development
- ii. Impact upon rural character of the surrounding area
- iii. Impact upon the amenity of neighbouring properties
- iv. Ecological considerations

Assessment

i. Principle of development

- 8.2 The application site lies within in the rural area where new development is resisted in accordance with policy 2 of the Chichester Local Plan (CLP), unless the proposal requires a countryside location and would meet a small scale local need in accordance with policy 45 of the CLP. Policy 45 of the CLP identifies that development will be granted permission where it required a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements. In addition, policy 37 sets out the criteria that any proposal necessary to meet the accommodation needs of full-time workers in agriculture, forestry or other business requiring a countryside location should meet.

- 8.3 In order to be justified there must be an essential need for a worker to live on site, there should be no other suitable accommodation on site or in the vicinity, a dwelling should not have recently been disposed of, the dwelling should not be larger than operationally necessary and the siting of the development and landscaping should minimise the impact upon the surrounding area.
- 8.4 The applicant obtained a temporary and personal permission for a rural workers dwelling on the site for a period of 3 years in December 2014. The minutes of the Planning Committee at which permission was granted state it was proposed that 'the application should be permitted for a temporary period of three years and made personal to the applicants for the purpose of breeding horses and activities undertaken in relation to dressage on the premises..... On a vote being taken the proposal to permit was supported by the majority of members' (PC 10.12.14 M12). Therefore the LPA has previously been satisfied that there is an essential need for the applicant to reside on the site to support the rural enterprise.
- 8.5 The temporary permission has now expired and the applicant is seeking permission to retain the existing dwelling on the site permanently. The applicant has confirmed that they would agree to a further personal permission. During the course of the application the applicant has submitted a detailed Business Plan which explains the breeding program she is undertaking and the dressage training that she undertakes from the premises. In addition the year end accounts for 2017-2018, evidence of the level at which the applicant is competing, and details of the available homes nearby have been submitted.
- 8.6 The information submitted confirms that, although following the grant of the temporary permission the business was slow to develop, this was as a result of medical issues for the applicant which prevented her from working for a time. The applicant commenced the breeding program for elite dressage foals and although it has been halted temporarily this is to allow their colt to mature and to increase its value, during this time the applicant has grown the dressage training element of the business. The business has established itself over the past 18 months, and during the year 2017-2018 the business showed a small profit. The temporary dwelling was also permitted because it allowed the applicant to train to compete for GB. Although the applicant was not able to represent GB at the Rio Games she has subsequently been re-classified for competition (due to the worsening of her condition) and she has competed for GB at other events. It is considered that given the LPA previously accepted there was an essential need for the applicant to reside on the site to operate the enterprise and she is in the process of developing the enterprise in line with the business plan submitted that the retention of the dwelling would be justified.
- 8.7 There has been no change in the accommodation proposed, and therefore it is considered that the scale of the dwelling would be appropriate to meet the needs of the equestrian enterprise. There are no other dwellings close to or on the site either available or suitable to meet the needs of the applicant. The site is well-screened from the road by mature vegetation ensuring that the proposal would not harm the rural character of the locality.

8.8 Concerns were raised during the last application there was insufficient land on the site to accommodate the number of horses described in the business plan. The applicant states that the site provides 2.5-3 acres of well-maintained rotated grazing (1.01-1.2ha), however the site in total amounts to approx. 1.2ha (1ha with the band of trees deducted). Taking into account the stable block, manege, horse exercise ring, car parking area and also the area of the proposed mobile home it did not appear that there would be 2.5-3acres of quality pasture for the grazing of horses. However, in granting temporary permission previously, the LPA has accepted that there would be sufficient space to grow the business as set out in the business plan submitted alongside the application. There have been no material changes to the nature of the equestrian business and therefore it would be unreasonable to resist the proposal on these grounds following a grant of temporary permission to allow time for the business to develop.

8.9 In conclusion, it is considered that the applicant has provided adequate information to demonstrate that the proposed accommodation would meet an essential need of a rural enterprise. Furthermore, the proposed business plan combined with accounts submitted demonstrate that the enterprise is growing as anticipated when temporary planning permission was granted. It is therefore considered reasonable to now grant a permanent permission for a dwelling on the site, subject to an occupancy condition, in accordance with policies 2, 37 and 45 of the CLP

ii. Impact upon the rural character of the surrounding area

8.10 The application site lies within a rural area characterised by hedgerows to the field boundaries, pastureland and also woodland, with a large copse located to the north east of the application site. The area surrounding the site also reflects a strong rural character as a result of the loose-knit and sporadic nature of residential properties along Clay Lane. The use of the land for the stationing of a mobile home would not result in a significant change to the rural character due to its siting within the site, the extent of screening provided by the belt of TPO'd trees along the front of the site and single store scale and mass of the dwelling.

8.11 For the reasons set out above it is therefore considered that the proposal would not detract from the character of the surrounding area and would accord with policies 33 and 48 in this respect.

iii. Impact upon the amenity of neighbouring properties

8.12 There is a residential property to the north of the application site, and a row of cottages to the south of the application site. It is considered that due to the siting of the proposed mobile home some distance from these properties, and also the screening of the mobile home as a result of the planting surrounding the site that the proposal would not have an unneighbourly impact upon the occupiers of these dwellings. The proposal therefore accords with policy 33 of the CLP in this respect.

iv. Ecological considerations

8.13 The application site lies within the 5.6km zone of influence around the Chichester and Langstone Harbour Special Protection Area (SPA) where a net increase in dwellings is likely to have a significant effect. An Appropriate Assessment has been carried out in accordance with the Habitat Regulations 2017, and subject to the payment of a contribution to mitigate the impact the proposal would not have an adverse impact upon the SPA. The applicant has agreed to enter into an agreement and to pay the contribution, which would ensure that the proposal would be acceptable in this respect and the proposal would as a result accord with policy 50 of the CLP. An update will be provided at the Planning Committee.

Conclusion

8.14 Based on the above, in particular the assessment of the principle of the proposed development it is considered the proposal accords with development plan policies 2, 33, 37 and 45 and the NPPF, and therefore the application is recommended for approval.

Human rights

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

RECOMMENDATION

PERMIT WITH S106 subject to the following conditions and informatives:-

1) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 4820 01 and 4820 02

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

2) The residential occupation of the land shall be limited to Mr and Mrs Ward whilst solely or mainly working or last working in connection with the equestrian enterprise on the land currently known as Fallen Oaks and as outlined in green on the attached plan (drawing no. CDC01), or a widow or widower of such a person, and to any resident dependants.

Note: (i) "Last Working" covers the case both of a person who is temporarily unemployed or of a person who from old age, or illness, is no longer able to work. Nor need the words necessarily exclude a person who is engaged in other part-time, or temporary employment, if that person could still be regarded as an equestrian worker or retired equestrian worker. A person who last worked in an equestrian enterprise but who now works on a permanent basis mainly in non-equestrian employment would not satisfy this condition.

(ii) "Dependants" means persons linking in family with the person defined and dependant on him (or her) in whole or in part for their subsistence and support.

If the land is no longer occupied by Mr and Mrs Ward the mobile home and all associated domestic paraphernalia shall be removed from the land within three months of the use ceasing.

Reason: The site lies in a rural area where in accordance with the policies of the Local Plan development unrelated to the essential needs of a rural enterprise, agriculture and/or forestry would not normally be permitted.

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) S106

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

For further information on this application please contact Fjola Stevens on 01243 534734

Agenda Item 10

Parish: Southbourne	Ward: Southbourne
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SB/18/00048/FUL

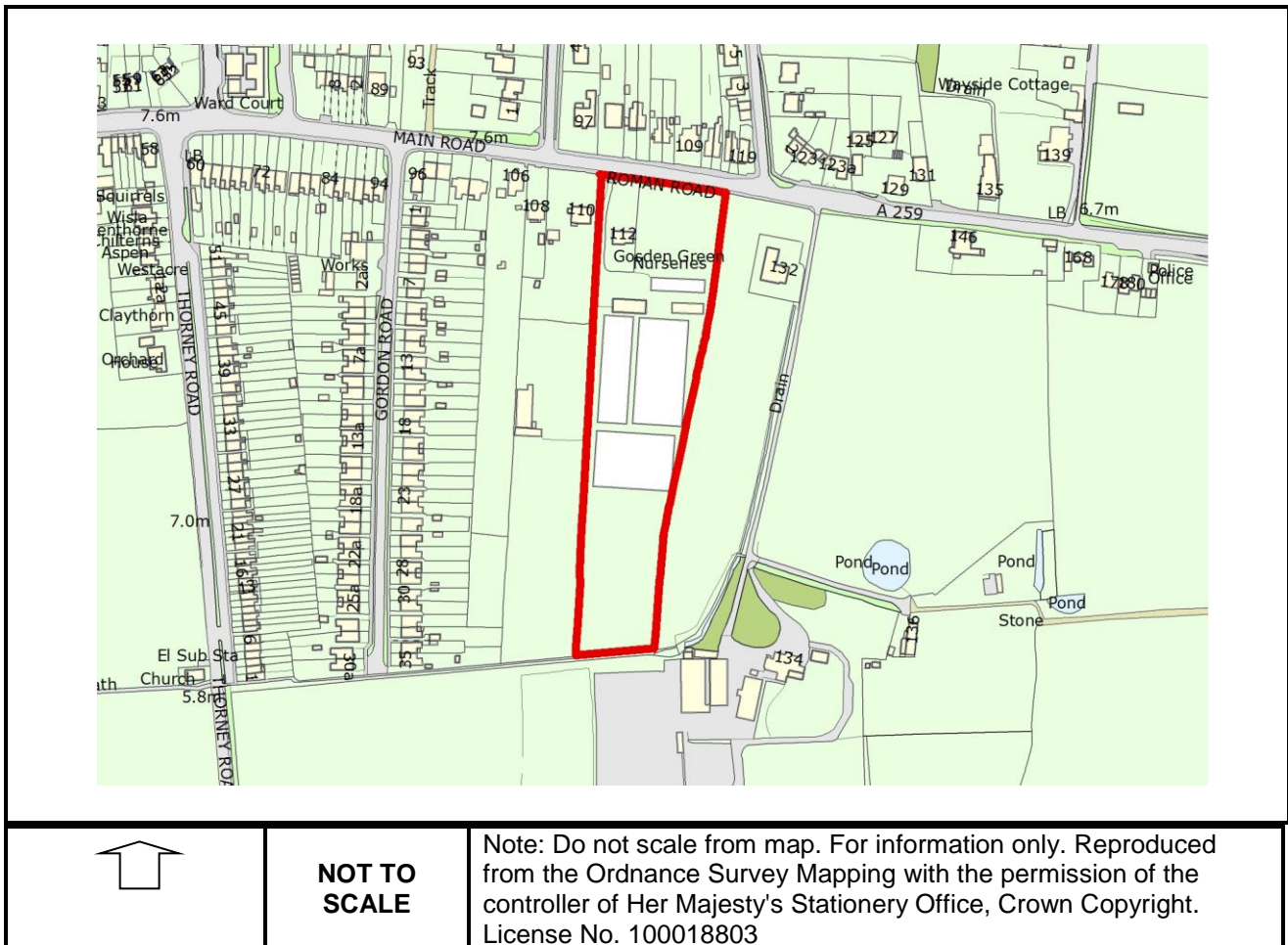
Proposal Creation of new access onto A259 to serve lawful B8 uses.

Site Gosden Green Nursery 112 Main Road Southbourne PO10 8AY

Map Ref (E) 475854 (N) 105690

Applicant Mr J W Littler

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 This application site is located to the western edge of the parish of Southbourne and sited to the south of Main Road (A259) within an Area of Outstanding Natural Beauty.
- 2.2 It currently shares access from the A259 with 112 Main Road; a detached residential property to the north of the application site. This section of the A259 is subject to a 30 mph speed limit. Most of the surrounding properties have a drive way access onto the Main Road.
- 2.3 The front boundary treatment is characterised by a mature hedge and grass verge set back from the highway.

3.0 The Proposal

- 3.1 Planning permission is sought for the creation of new access onto A259 to serve lawful B8 uses. The proposed point of access will be located circa 55 metres east of the existing point of access, which is to be retained to serve 112 Main Road.
- 3.2 The proposed access would measure 5.5m wide for the first 12m and the rest within the site would be 4m in width.
- 3.3 Following receipt of comments from WSCC Highways and the Parish Council, the agent submitted amended plans to address concerns regarding the internal layout of the site. The amended plans demonstrated that the amount of internal manoeuvring space would be same as existing arrangement and would not be constrained by the proposed fence located along the southern boundary of No. 112. Furthermore the visibility splay onto the A259 has been increased to 2.4m x 90m in both directions.

4.0 History

80/00168/SB	REF	Outline - house.
79/00003/SB	PER	Glasshouse.
99/02325/FUL	PER	Proposed new workshop building.
05/01350/OUT	REF	Outline permission for erection of affordable housing.
08/03919/OUT	REF	2 no. two storey dwellings.
09/02602/ELD	PER	Use of greenhouse for storage purposes.
11/00949/OUT	REF	Demolition of existing detached residential dwelling, associated outbuildings, 3 no. glasshouses. Erection of 42 no. 2 and 3 bedroom dwellings and associated outbuildings, parking and access with some matters reserved.

12/00504/OUT	REF	Demolition of existing detached residential dwelling, associated outbuildings, 3 no. glasshouses and polytunnel and erection of 42 no. 2 and 3 bedroom dwellings with associated parking and access with some matters reserved.
16/03541/ELD	PER	Existing lawful development certificate for the siting of mobile home within garden of 112 Main Road, Southbourne and its use for purposes ancillary to that dwellinghouse.
17/00125/FUL	WDN	Creation of new access onto A259 to serve lawful B8 uses.
17/01039/ELD	PER	Use of land and buildings for storage purposes [Use Class B8].

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Amended Plans - 25/06/18

The proposal is an overdevelopment of the site, which is within the AONB. The Planning Committee believes the existing road could be made to be adequate without the need for a new entrance and the environmental damage caused by the removal of the hedge.

Original Plans – 27/02/18

Objection - on the grounds of over development of the site. The site is currently used for B8 purposes, not causing a lot of disturbance and served adequately by the existing entrance. The new road would increase disturbance and also requires breaking through the hedge on the edge of the AONB.

6.2 Highways Authority

Amended Plans – 25/05/18

Having looked at the plan the amount of internal manoeuvring space would now be same as existing arrangement and therefore am happy that swept path tracking not required for this, subject to a suitably worded condition restricting larger HGV's. The additional following conditions should also be secured:

Visibility (details approved)

The access shall not be in use until visibility splays of 2.4 metres by 59 metres have been provided at the proposed site vehicular access onto Main Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

INFORMATIVE

Section 278 Agreement of the 1980 Highways Act - Works within the Highway

The applicant is advised to enter into a legal agreement with 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.

Original Plans – 14/02/18

Context

This application seeks the implementation of a new point of access onto Main Road (A259), Southbourne to serve Gosden Green Nursery which has a lawful B8 use. Main Road (A259) is subject to a 30 mph speed limit at this point. Gosden Green Nursery is currently served via an existing shared point of access with 112 Main Road a residential dwelling. The proposed point of access will be located circa 55 metres east of the existing point of access, which is to be retained to serve 112 Main Road. The application has been submitted with the support of a Stage 1 Road Safety Audit and Designers Response. The application was subject to pre-application discussion with WSCC Planning Services.

Visibility

It has been identified at the pre application stage that visibility splays of 2.4 x 59m in both directions would be adequate. These splays have been calculated in accordance with the principles within Manual for Street guidance using actual recorded 85th percentile vehicle approach speeds (37mph).

These speeds were obtained from an automated speed survey undertaken within the vicinity of the site in support of an unrelated application. The splays demonstrated on plan 5B have been drawn correctly and are considered achievable.

Road Safety Audit

The Stage 1 Road Safety Audit has identified two potential problems:

Problem 3.1.1 – Risk of inadequate surface water drainage

The audit recommends that such matters be addressed at the detailed design stage. The designer has responded by agreeing such matters can be dealt with at the detailed design stage. This approach is considered acceptable to the Local Highways Authority.

Problem 3.5.1 – Risk of inadequate junction markings

The audit recommends that such matters be addressed at the detailed design stage.

The designer has responded by adding junction markings to the audited plan. The applicant should provide a copy of this amended plan for comment by the audit team, the auditors response should then be submitted in support of this application.

Access

The access is shown as being a bell-mouth simple priority junction with 6m kerb radii and tactile pedestrian paving.

The access will measure 5.5 metres in width for the first 12 metres, which in principle is acceptable to facilitate the passing of rigid axle large vehicle but not articulated HGV's. Given the lawful B8 use it is not unreasonable that an articulated HGV would access the site. As such I would ask the applicants to demonstrate, with appropriate tracking plans, those vehicles can pass at the access point should such a vehicle be waiting to exit the site. It is anticipated some minor internal modifications would be required to facilitate this. It is appreciated that the proposed does seem to represent an improvement over the existing situation in this regard.

Internal Manoeuvring

The proposed fencing separating the residential dwelling seems to prejudice the available parking and turning provision on site. The applicant should provide a tracking plan to demonstrate that large HGV's associated with the permitted B8 use can still turn on site and leave in the forward gear.

Conclusion

I would ask the matters raised above are addressed by the applicant and the Local Highways Authority be re-consulted.

6.3 Chichester Harbour Conservancy

Recommendation – No objection, although expressing concern about tree and boundary hedge loss, which does not appear to be being mitigated for by replacement tree planting.

COMMENTS

I made a site visit 27.2.2018, and reviewed the proposal in terms of the *Policy Framework below. The only differences to 17/00125/FUL, appear to have been highways related to satisfy the County Council There is a current hedge boundary to the street.

There was one significant tree where it is proposed to 'snake' the new access road back to the eastern boundary, the last time I photographed the site 6.2.17. This appears to have been removed. It is not clear whether this tree is to be replaced from Drawing 5B.

The boundary hedge would also need to be trimmed to create the junction sight lines. This would open up greater views of the glasshouses, albeit these are set some distance away from the street.

6.4 Third Party Representations

Four letters of objection has been received concerning;

- Additional access onto the A259 at a point where there are already multiple accesses on both sides of the road would create increased risk to all road users.
- Loss of 4m strip of grassed area used by wildlife
- Lack of adequate turning space of HGVs would mean such large vehicles would either reverse into or out of the proposed driveway creating a hazard to all road users
- Sitting of new access would cause problems to residents on opposite side exiting their driveways

7.0 Planning Policy

The principal policies and neighbourhood plans relevant to the consideration of this application are as follows:

Chichester Local Plan 2014-2029:

Policy 1 Presumption in Favour of Sustainable Dev
Policy 2 Dev Strategy and Settlement Hierarchy
Policy 8 Transport and Accessibility
Policy 39 Transport, Accessibility and Parking
Policy 48 Natural Environment

The Southbourne Parish Neighbourhood Plan September 2014 -2029

Policy 1: Development within the Settlement Boundaries

Policy 7: Environment

National Policy and Guidance

The Core Planning Principles and relevant paragraphs of the NPPF have been considered, in particular, paragraphs 14, 17, 56 and 64.

Other Local Policy and Guidance

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:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main considerations are:

- i. Principle of development
- ii. Impact upon visual amenity and character of the surrounding area
- iii. Impact on Highways safety
- iv. Ecological considerations

Principle of Development

8.2 The site lies within the settlement boundary of Southbourne, a sustainable location where new development is considered acceptable in accordance with policy 2 of the Chichester Local Plan (CLP) and Policy 1 of the Southbourne Neighbourhood Plan (SNP), subject to relevant material considerations as set out below. The proposals would create new access onto the A259; therefore the key considerations are the impact of the development on the character and appearance of the area and highway safety. In addition the proposals would result in the loss of a section of hedgerow therefore the impact on biodiversity falls for consideration.

Impact upon Visual Amenity / AONB

8.3 The site lies to the south of the A259 with the site and its surroundings comprising of a semi-rural appearance despite being located within the settlement policy boundary. Policy 7 of the Neighbourhood Plan seeks to ensure all development takes account of the natural environment.

8.4 The proposals would result in the loss of a section of hedgerow along the A259 with the access meandering from left to right within the site along the eastern boundary of the site. The access would create a 6m bellmouth and tactile paving with the highway edge. Whilst the proposals would result in an additional access along the site frontage, there are a number of existing accesses along this side of the road including the access to No. 112 the existing dwelling for the nursery and the residential property of No. 132 to the east. Therefore the addition of a new access in this location is not unprecedented or out of character. The width of access would allow vehicles to pass and without being excessive and out of character. A landscaping condition is proposed to ensure that the appearance of the hard landscaping associated with a new access and tactile paving would be softened. Subject to compliance with this condition, it is considered that the proposals would conserve the environmental and landscape assets of the area and would not be detrimental to its visual amenity. On this basis the proposals are considered to be acceptable would comply with Policy 7 of the Neighbourhood Plan.

Impact on highway safety

8.5 Policy 39 of the Local Plan seeks to ensure that new development has acceptable parking levels, and safe access and egress to the highway. The proposed development would create a new access onto the A259, which would measure 6.0m and sweep from west to east within the site to align with the eastern boundary. The access will measure 5.5 metres in width for the first 12 metres, which facilitates the physical passing of commercial vehicles associated with the established B8 use. WSCC Highways have considered the application and conclude that the development would represent a highway safety improvement as it would remove the requirement for a shared access with No. 112. Furthermore the development would provide visibility splays of 2.4m x 90m east and west, which would be acceptable and safe for this part of the A259 which has a 30mph speed limit. On this basis the proposed access is considered to acceptable in terms of highway safety. A condition will be imposed, as suggested by WSCC Highways to secure an acceptable access.

8.6 In terms of internal movement, the plans have been amended to show that the proposed fence that would separate No. 112 from the application site would still provide adequate internal movement and turning within the site. On this basis there would be no internal conflict in terms of vehicle manoeuvrability.

Impact on Biodiversity

8.7 The proposals would result in the removal of a 6.0m stretch of hedge along the A259 to create the 6m access and tactile paving associated with the development. Whilst the application has not been supported by an ecological appraisal there is no indication that protected species would be adversely impacted upon by the proposal and further planning could be achieved by condition to mitigate the loss of existing habitat. The loss of existing habitat must be weighed against the highway safety benefits of the proposals.

The existing access to the site is shared with No, 112 which is narrower in width than the proposed access and would not allow two commercial vehicles to pass. The site has established a B8 storage use under a certificate of lawfulness application, which means that the level of commercial vehicle movements and intensification of the use cannot be controlled through planning conditions.

- 8.8 An informative is proposed to ensure that the applicant is made aware of their responsibilities under the Wildlife and Countryside Act 1981 in terms of protected species. On this basis it is considered that the loss of this section of hedgerow would be outweighed by the benefits of the proposals in terms of highway safety, which coupled with the potential for habitat enhancement through new landscaping would ensure that the development would be acceptable in this regard and compliant with Policy 48 of the Local Plan.

Conclusions

- 8.9 Based on the above assessment, it is considered the proposal would be acceptable in terms of highway safety and would not result in harm to the visual amenities of the area, or biodiversity. As such the proposal complies with the Development Plan. There are no material considerations that indicate otherwise therefore, subject to conditions, permission should be granted.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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: Drawing 5B – Access Design

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

3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

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

4) The access shall not be in use until visibility splays of 2.4 metres by 90 metres have been provided at the proposed site vehicular access onto Main Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

5) No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall include seeding with a Native British Wildflower Flora mix appropriate to the soil and climate of the site and shall make particular provision for the conservation and enhancement of biodiversity on the application site. The scheme shall be designed to achieve levels of shelter/windbreak, shade and drought resistance to accord with the expected climate changes during the design life of the development.

Reason: In the interests of amenity and of the environment of the development and to comply with the Natural Environment and Rural Communities Act 2006.

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. *Section 278 Agreement of the 1980 Highways Act - Works within the Highway* . The applicant is advised to enter into a legal agreement with 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. The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms,

Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

For further information on this application please contact Robert Sims on 01243 534734

Parish: Selsey	Ward: Selsey North
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SY/18/00595/FUL


Proposal Construction of D2 building for private gym and health club with associated access, car parking and landscaping (alternative use to that approved under LPA Ref: SY/17/02137/FUL.


Site Land South Of Ellis Square Selsey Chichester West Sussex PO20 8AF

Map Ref (E) 486072 (N) 93918

Applicant Byrne Commercial Property Ltd

RECOMMENDATION TO REFUSE



	NOT TO SCALE	<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

1.1 Red Card: Cllr Connor. Exceptional level of public interest

2.0 The Site and Surroundings

- 2.1 The application site is an area of land, located within the employment land allocation at Ellis Square, off Manor Road within the settlement boundary of Selsey. The site area extends to approximately 0.24ha and is predominantly flat. Development has commenced on site to provide a Class B1 commercial building that has previously been granted planning permission.
- 2.2 The surrounding area is characterised by a mixture of commercial and residential development. The Selsey Centre is located to the west, directly opposite the site and Pulsar Business Park is located to the east. Residential development is located to the north and south of the site.

3.0 The Proposal

- 3.1 The application seeks full planning permission for the erection of a two storey building, previously granted permission as a use within Class B1, for an alternative use as a private gym and health club.
- 3.2 The proposed building would be two storeys in height, positioned to the western side of the site, fronting Manor Road and Ellis Square. Vehicular access would be taken from the northern site boundary off Ellis Square and 32 parking spaces would be provided, including 2 disabled spaces and cycle parking/motorbike parking. A landscaping strip would extend along the length of the western site boundary and the site would be enclosed by a mixture of 1.8 metre high brick wall and security fencing. The siting and external layout is in general accordance with the previous approval, although there are also some minor changes to the external appearance of the building, as set out below.
- 3.3 The changes to the external appearance include the reconfiguration and removal of windows and doors on the east and west elevations, and the introduction of a single storey lean-to structure on the south elevation to form a plant room. Alterations to the cladding from cedar vertical cladding to a cream white timber effect cladding are also proposed. Internally, a variety of rooms would be provided, to include treatment rooms, showers and changing areas, a salon, gymnasium fitness room and a coffee/snack bar.

4.0 History

00/00837/OUT	PER106	Mixed use development including business, housing and open space provision and the construction of a new distributor road.
00/00838/OUT	REF	Mixed use development including business, housing and open space provision and the construction of a new distributor road.

03/00947/REM	PER	B1 step up units providing cheap basic space for a variety of small businesses to start or relocate from the Selsey area at Selsey Gate Enterprise Park.
04/02066/FUL	PER	Industrial development (B1and B8 use) one block of 4 no. units with 25 on site car parking spaces and servicing.
07/05313/OUT	PER	B1/Office/Light Industrial.
14/00439/PD	REC	Creation of hard standing for car parking.
16/02537/PD	REC	Formation of access onto the highway.
17/02137/FUL	PER	Construction of B1 office building with associated access, car parking and landscaping.
17/03477/DOC	DISCHA	Discharge of Condition 3 of planning permission SY/17/02137/FUL - Construction and Environmental Management Plan.
18/00595/FUL	PDE	Construction of D2 building for private gym and heath club with associated access, car parking and landscaping (alternative use to that approved under LPA Ref: SY/17/02137/FUL.
18/00886/DOC	DISCHA	Discharge of condition 4 from planning permission 17/02137/FUL.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Selsey Town Council objects to the application on the grounds that the proposed use is contrary to the designation of the land as Employment Allocation in the Chichester District Council Local Plan.

The following comments are summarised:

6.2 Natural England

No comments.

6.3 Southern Water

No objection.

6.4 WSCC- Highways

No objection, subject to conditions. Access to the site is taken from Ellis Square and no changes or amendments are proposed. A turning head is also provided and was approved at planning stage, for the B1 office planning permission.

WSCC car parking standards for D2 use are 1 space for every 22sqm which equates to 30 spaces. The site has a car park which can hold 32 spaces, 2 of which are disabled spaces. This provides slightly more than the standard recommends however, given the local concern over parking these additional spaces are helpful.

Pedestrian visibility is acceptable. There are no enforceable parking restrictions in place at the junction of Ellis Square and Manor Road. In responses to local issues surrounding on-street parking, the applicant should request a TRO for double yellow lines here and request a condition regarding the TRO is imposed.

6.5 CDC Economic Development Officer

The Economic Development Service objects to this proposal.

This site is allocated for employment space falling within the B1 - B8 uses classes and should be treated as such. An application for B1 office space was permitted in September 2017 under SY/17/02137/FUL. Appendix E of the Chichester Local Plan sets out the minimum marketing requirements for the change of use of sites falling within these classes and this should be carried out prior to any change of use.

However, we do appreciate the requirement for leisure use in the area and the requirement for many business space occupiers to be able to offer their staff a range of facilities in the local area, predominantly shops and gyms. This encourages staff wellbeing, which in turn supports staff retention for businesses.

We also acknowledge that a leisure facility at this site will create employment; however, it is likely to be lower than an office. According to the Homes and Communities Agency Employment Density Guide (Version 3) Fitness Centres, employ 1 person per 65sqm, which in this application equates to approximately 10 FTE (although gyms typically employ between 40-50 staff, many of these will be on part time contract). Whereas 680sqm of office space, which was applied for under SY/17/02137/FUL, would be expected to employ approximately 57 FTE.

6.6 CDC Drainage Engineer

No objection to the proposed alternative use, but recommends a condition requiring full details of proposed drainage, given this is a further full application.

6.7 1no. Third party letters of objection, relating to:

- a) Parking in the area is already at a premium, with dangerous on road parking, and the number proposed is not enough for employees and members;
- b) There are already numerous gyms in Selsey, including one in Ellis Square.
- c) Selsey is overrun with cafes and does not need another

6.8 35no. Third party letters of support, relating to:

- a) An asset to the area and provide excellent facilities for those that live or work in Selsey;
- b) Just what Selsey needs and close to a large residential area on the east side of Selsey;
- c) Selsey now as the population to support this type of health/beauty centre;
- d) Has its own car park which is beneficial;
- e) Will provide more choice for health and well-being activities reducing impact on NHS;
- f) Will provide additional jobs;
- g) Gyms in holiday parks get too busy in the summer holiday season and the alternatives in Chichester result in additional trips along an already congested road;
- h) Classes being offered would be beneficial and no other gym in this area offer anything like this;
- i) Great use of a piece of land that has stood bare for a number of years and will not be another storage unit;
- j) Proposed operator of the beauty salon indicates that up to 4 nail and 4 massage/treatment customers can be accommodated at any time and the response to the proposed service has been positive; and
- k) The proposed operator of the gym provides additional services compared to other gyms, including nutrition and education on health and fitness.

Applicant/Agent's Supporting Information

In summary, the key points the applicant has raised in support of their application are:

- a) The original planning consent was applied on the basis that Checktrade would locate part of its business in the new building. Since then, Checktrade has been sold and the new owners do not have a need for the building as they are relocating part of the business to Portsmouth;
- b) Flude Commercial has advised that it is very unlikely that this size of building would be rented for office use due to the remote location (away from Chichester and the A27) and the current supply of vacant premises in Selsey and lack of demand (email provided);
- c) Oceanair: Selsey's second largest employer and probably the only company large enough to want an office of this size and location has been approached and has stated the building is not needed by them (email provided);
- d) There remains vacant and underused land within the existing employment allocation;
- e) The supporting policy text (paragraph 13.9 of the Local Plan) recognises that the take-up of undeveloped at Ellis Square has been slow and paragraph 16.6 explains that the objective of policy 26 to safeguard existing employment land relates to land/buildings where they continue to remain suitable for business and related employment uses;
- f) The Employment Land Review Update (2013) recommends reducing the existing employment land allocation and allowing a greater range of uses on the remainder of the site;
- g) In 2014 planning permission (14/03745/COU) was granted for the change of use of unit 2 Sherrington Mews from B1 office to D2 Gym (Fitness Factory);
- h) In 2016 planning permission was granted for a large car park on land allocated for Business use without the need for marketing;
- i) For the past 7 years, Checktrade has used unit 21 Sherrington Mews as a private gym for their 200 plus staff in Selsey. If a change of use is granted, Checktrade would partner with the new gym facility for staff use which would free up unit 21 Sherrington Mews to be turned back into office space to accommodate an additional 24 employees;
- j) The gym facility at this location would generate 10 -20 employment positions. Add the 24 from Checktrade equals 39 positions; and
- k) The provision of the gym facility at this location would be between the residential area and the community recreation area and business area. This would offer a transitional use that would positively contribute to the vitality and viability of the area.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Selsey at this time, however, there is an emerging plan which has been through its Regulation 16 public consultation which ended in March (see 7.3, below).
- 7.2 The principal 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 9: Development and Infrastructure Provision
Policy 23: Selsey Strategic Development
Policy 26: Existing Employment Sites
Policy 39: Transport, Accessibility and Parking
Policy 49: Biodiversity

- 7.3 The Selsey Neighbourhood Plan 2017-2029 Regulation 16 Submission has been made to Chichester District Council. Consultations closed on 23 March 2018. The following emerging policies are relevant to the proposal; though at this time the policies carry reduced weight prior to examination by an Independent Examiner:

Policy 001: Design and Heritage
Policy 003: Settlement Boundary
Policy 010: Existing Allocated Sites
Policy 011: New Employment Floorspace on Existing Employment Sites

National Policy and Guidance

- 7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

decision-taking this means unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

7.5 Consideration should also be given to paragraphs 6-14 (Sustainable Development), paragraph 17 (Core Planning Principles) Paragraphs 18-22 (Strong Competitive Economy), 37 and 39 (Sustainable Transport), 56, 58, 60, 64 (Design), and 186 and 187 (Decision Taking).

Other Local Policy and Guidance

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

Surface Water and Foul Drainage SPD

7.7 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles

8.0 Planning Comments

8.1 The main considerations are:

- i. Principle of development
- ii. Loss of employment land and appropriateness of alternative use
- ii. Design and visual amenity
- iii. Impact upon the amenity of neighbouring properties
- iv. Highways safety
- v. Drainage

Principle of development

8.2 The site is located within the settlement boundary of Selsey, wherein there is a presumption in favour of sustainable development, in accordance with policy 2 of the Local Plan, subject to compliance with other policies of the Development Plan.

8.3 Given the site has a history of planning permissions relating to the building currently being constructed on the site, this is considered acceptable in principle. The issue relating to the acceptability of the proposed use is dealt with below.

Loss of employment land and appropriateness of alternative use

- 8.4 Policy 3 of the Local Plan supports sustainable growth of the local economy through a wide range of employment opportunities on allocated and identified employment sites. Policy 23 of the Local Plan relates to Selsey strategic development and within the supporting text makes reference to Ellis Square. The site is identified on the proposals map as an employment site. Policy 26 of the Local Plan relates to the existing employment sites and sets out when alternative uses may be acceptable.
- 8.5 The promotion of employment opportunities and economic development is a key driver in Selsey. Policy 010 of the Emerging Selsey Neighbourhood Plan indicates that "with limited opportunity for new employment or commercial land, the existing allocated sites should be protected". Furthermore Policy 011 indicates that "the development of new employment floor space, refurbishment, upgrading or modernisation of existing premises, and/or proposals which make more efficient use of under used employment sites and premises will be supported".
- 8.6 The Chichester District Council Employment Land Review Update 2013 (ELR), in respect of Ellis Square, indicates that "Internal road access and environmental quality is generally good, however take-up at this location at some distance from Chichester appears to have been slow. While we consider that while there is a role for some employment land allocation on the Manhood Peninsula, the Council may wish to consider permitting a greater mix of uses on plots to the east of Ellis Square."
- 8.7 The applicant has drawn attention to the ELR and to the planning permission in 2017 (17/03005/FUL) relating to the larger area of land to the east of Ellis Square. They have indicated that the Council sold the land with covenants relating to the fact that no permanent buildings should be erected on the site. The 2017 permission relates to the provision of a car park and a temporary storage building. Whilst it is acknowledged that the site is not providing employment opportunities, the parking on the site is directly associated with the existing employment uses on the site. Condition 17 of that permission restricts its use solely to commercial businesses within the local vicinity. It is, therefore, considered to be a supporting use to the existing commercial uses within Ellis Square. Given its open nature and car parking use, should the demand for commercial space increase, there would be an opportunity for this to take place in this location, as noted in the Officer report for that application. The Senior Estates Surveyor has indicated that the covenants were imposed as the land was not sold at full industrial development land rate, in order to alleviate the parking difficulties in the area. They also advised that the covenant was to ensure that the land was used for parking and an overage agreement is in place so that if in the future the site is redeveloped the Council will be able to achieve the full development value of the land. It is clear, therefore that, there would be an opportunity for the covenants to be removed in the future, should the demand for employment land increase.

- 8.8 The applicant has also made reference to the supporting text within the Local Plan associated with Policy 23 and a planning permission from 2014 for the change of use from an office to a gym (14/03745/COU) in a unit within Sherrington Mews to the north of the site. The applicant has also indicated that "In the case of the application site planning permission (17/02137/FUL) has been granted for B1 office use but the market demand for the commercial premises is for a gym and fitness centre. Given that the land has historically been vacant, the applicant considers that the proposed use would complement the existing business uses, as well as the surrounding recreational, mixed use and residential uses. This would positively contribute to the regeneration of Selsey and add to the vitality and viability of this part of Selsey which has seen growth in recent years".
- 8.9 Whilst the applicant's comments are noted, the construction of the building is proceeding on the basis of permission for a Class B1 use, albeit it is indicated that the original proposed tenant has withdrawn. Once complete, the unit may be more attractive to potential employment users, than as a vacant site, or partially complete development. The supporting text for Policy 23 indicates that the preference will be for Business Use Classes, or alternatively, it may be acceptable for a mix of Business Use Classes and other employment generating uses, if this is shown to be more viable.
- 8.10 Although the applicant has suggested that the market demand for the commercial premises is for a gym and fitness centre and has approached 2 of the larger local employers, there is no supporting marketing evidence to justify their claims, and uses falling within B1, and B8 of the Use Classes Order cannot be discounted. It has not consequently been demonstrated that there is any issue of commercial viability. The other (2014) gym application referred to related to a substantially smaller unit of 74sqm, compared to 680sqm for the current proposals. That approval also preceded the adoption of the current Local Plan and is not considered to have set a precedent for this type of development in the area.
- 8.11 Policy 26 of the Local Plan seeks to protect existing employment sites, which given the existing permission and fact that the building is being constructed for this purpose, is considered to be relevant to the determination of this application. This Policy indicates that planning permission will be granted for alternative uses on land or floorspace currently or previously in employment generating uses where "it has been demonstrated (in terms of the evidence requirements accompanying this policy) that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses".
- 8.12 As noted above, no marketing evidence has been provided, in accordance with the policy requirements. Given that the unit is not yet complete, it is considered reasonable that any marketing should include a period after completion of the building, when the building should be more attractive to potential occupiers.
- 8.13 Paragraph 22 of the NPPF indicates that Policies should avoid long term protection of employment sites, where there is no reasonable prospect of a site being used for that purpose and alternative uses should be treated on their merits, having regard to market signals.

A commercial agent has offered comments on the limited likely take up of the site for commercial purposes in this location and there is a vacant piece of land currently being marketed in the Ellis Square area adjacent to the car park site. However, due to the lack of marketing of the application site for its approved purpose it has not been demonstrated that the site is no longer required and is unlikely to be used for employment uses contrary to Local Plan and emerging Neighbourhood Plan policy. Although the proposed use would offer health and well-being benefits to the users of the facility, this is not considered to outweigh the employment benefits of a Class B1 use, as required by the Policy.

- 8.14 The applicant has sought to present employment figures for both the proposed use and as a result of CheckaTrade utilising space currently occupied by a gym in Sherrington Mews, allowing them to increase occupation in this unit. Whilst the proposed use would offer a benefit in terms of additional employment, this would be below that likely to be generated by a B1 use of the same size. Although the increase in occupation of Sherrington Mews by CheckaTrade would be a positive, there can be no guarantee that this will occur over a longer term, nor can it be secured as a requirement through this planning application. It consequently carries limited weight in relation to this decision.

Design and Visual Amenity

- 8.15 The building height and general design would not change significantly from the previous permission. The changes to the fenestration are minor and would not affect the overall external appearance of the building. Similarly, the proposed single storey projection would be located on the south elevation and would appear subservient to the main building, screened in part by the landscaping to Manor Road. This is considered to be an acceptable alteration.
- 8.16 Whilst the change to the materials would give an altered appearance to the building, given the location of the building and the wide mix of materials surrounding the site, both in the residential properties and the adjacent commercial buildings, the proposed timber effect cladding is considered acceptable. However, there is some concern over the colour choice given its similarity to the proposed render. It would be preferable to have contrasting render and cladding and this can be controlled by planning condition if the proposal was found to be acceptable in all other respects, along with details of a landscaping scheme.

Impact on Residential Amenity

- 8.17 There are roads on three sides of the site and the nearest neighbouring properties are located at St George's Close to the south and on Manor Road to the northwest. An area of mature vegetation and screening to the south of the application site is still proposed and would partially screen the building and associated parking area in views from the south at St George's Close. Separation distances would be retained to the nearest residential properties as per the previous approval. The proposed alterations to the materials, fenestration and the erection of the single storey projection, by reason of its siting and design, would not adversely impact the residential amenities of the occupiers of neighbouring properties.

Highways Impact and Parking

- 8.18 The proposed access is as previously approved for the commercial use of the site. The level of parking is also identical. West Sussex County Highways Authority has been consulted on this application and raises no objection on highway safety and parking grounds, confirming the parking levels exceed that required. They have recommended a number of conditions relating to the provision and retention of parking and turning areas, cycle storage, a construction management plan and a Traffic Regulation Order (TRO).
- 8.19 The Highway Authority has indicated that given the local issues surrounding on-street parking, the applicant should request a TRO for double yellow lines. The parking provision for this development, as they note, exceeds the requirements of the parking standards and the access has not been altered from the previous permission, where there was no requirement for a TRO. It is not, therefore, considered reasonable to require this to be included as part of this application. An informative could be included on any permission to encourage the applicant to progress this with the Highway Authority, in order to make improvements to visibility generally.

Drainage

- 8.20 Whilst details of the drainage were secured under the previous permission, given this is for a full permission of the building works as well as the use, the Council's Drainage Engineer has requested further details in respect of the surface water drainage strategy and how it is proposed to discharge surface water from the site. A condition to secure full details of the surface water drainage strategy could be imposed on any permission.

Conclusion

- 8.21 Based on the above assessment it is considered that the retention of commercial uses within Selsey is a key matter that must be addressed before alternative uses are considered. The applicant has failed to demonstrate that the site is no longer required and is unlikely to be used for commercial purposes, contrary to the aims and objectives of the policies within Local Plan and emerging Neighbourhood Plan.

Human Rights

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

RECOMMENDATION

REFUSE for the following reasons:-

1) The proposed development would result in the unacceptable loss of employment land which has not been justified through a marketing and viability assessment. The proposal is, therefore, contrary to Policy 26 of the Chichester Local Plan Policies 2014-2029 and emerging Policies 010 and 011 of the Selsey Neighbourhood Plan.

For further information on this application please contact Mark Bridge on 01243 534734

Agenda Item 12

Parish: West Wittering	Ward: West Wittering
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WW/17/03295/FUL

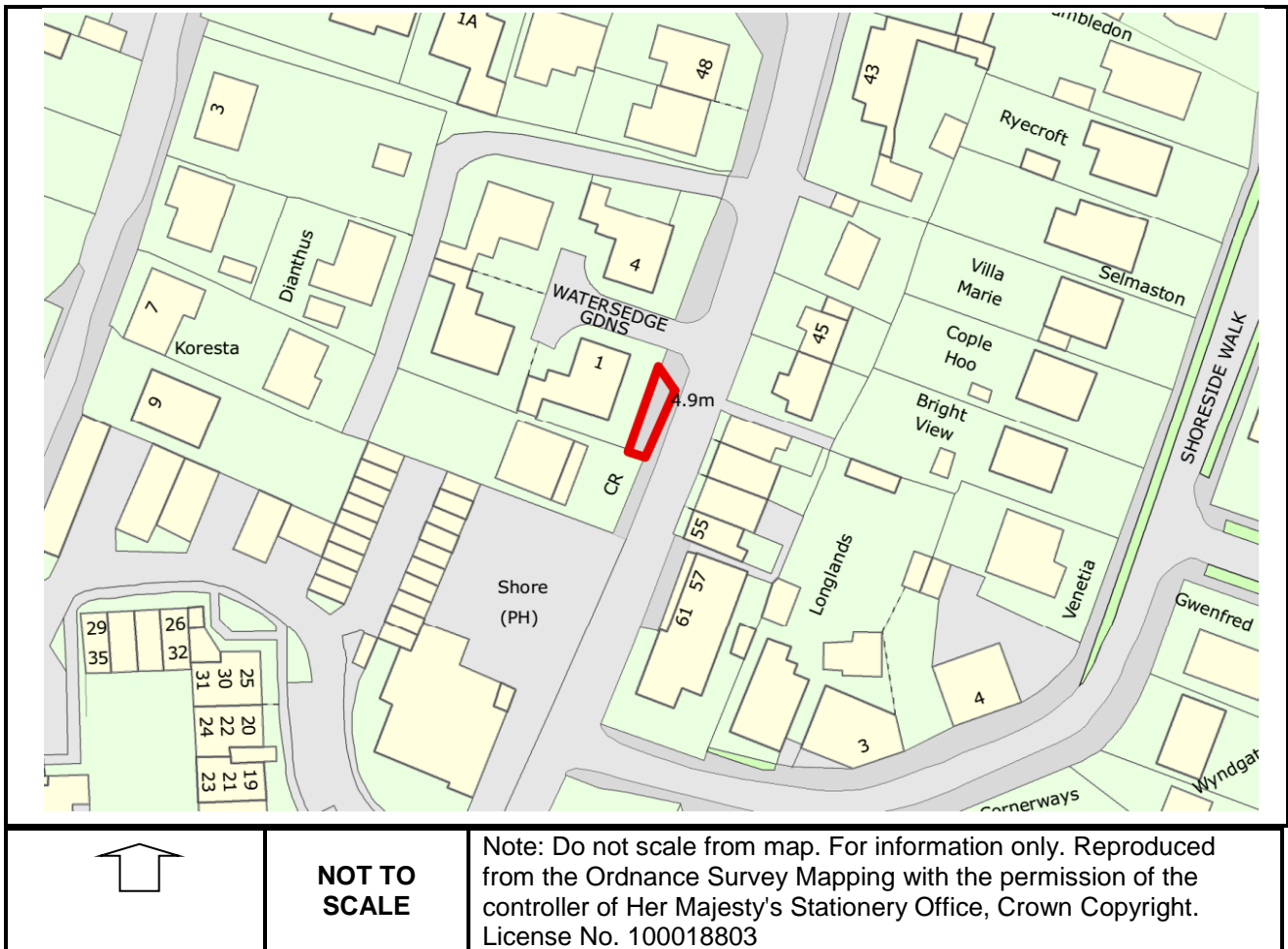
Proposal Change of use from public highway pavement to residential garden use.

Site Izora 1 Watersedge Gardens West Wittering PO20 8RA

Map Ref (E) 479424 (N) 96978

Applicant Mr Paul Collard

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Parish Council Objection - Officer recommends Permit

1.2 This application was deferred at the meeting on 16 May 2018 for a Members site visit and for officers to seek further advice from WSCC Highways.

2.0 The Site and Surroundings

2.1 The application site is located within the settlement boundary of East Wittering, on the western side of Shore Road. 1 Waterside Gardens is one of four dwellings that form Watersedge Gardens and is located to the south of Watersedge Gardens. The application dwelling is a chalet bungalow with hipped gables and three dormers facing Shore Road. Permission was granted in 2017 under application 17/00644/DOM for a loft conversion and extension and conversion of the existing garage, which have largely been completed.

2.2 There is a footpath on the western side of Shore Road, which links the public pay and display car park to the north west to the beach to the south. The footpath outside of the application site is currently 4.5 metres wide, reducing to 2 metres wide to the south of the application site. The footpath is 4.5m to the north of the junction with Watersedge Gardens with Shore Road.

3.0 The Proposal

3.1 The application seeks full planning permission for the change of use of part of a footpath to form part of the residential use of Izora 1 Watersedge Gardens. The application also proposes to demolish the existing boundary wall and erect a new wall along the new residential boundary. The new boundary wall would be 1 metre in height and constructed from brick and flint to match the existing. The existing rear garden has a depth of 4.5 metres, which the proposals would increase to 7 metres in depth.

4.0 History

90/00062/WW	WDN	Outline - demolition of existing hotel and erection of 8 no. courtyard town houses.
91/00032/WW	PER	Outline - demolition of existing hotel and erection of 2 no. detached houses together with 4 no. semi-detached houses.
95/01346/OUT	PER	Demolition of existing hotel and erection of 2 no. detached houses with 4 no. semi-detached houses - all with integral garages.
96/02035/FUL	PER	Demolish existing derelict building. Construct 4 No. new bungalows and garages.
17/00644/DOM	PER	Loft conversion with new hipped roof, extension and conversion of existing garage, weatherboarding, dormers, roof lights and proposed cross over for new parking space.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Objection - The widening of this footway at this location plays an integral part as a refuge for all users. Shore Road is the main access to the beach at East Wittering and does not have the benefit of a continuous footway throughout its length. In particular when busy, with locals and tourists, there is a necessity to walk in the roadway and this particular area, where a footway does exist, becomes vital as a much needed area of safety for pedestrians, especially those who are less manoeuvrable with pushchairs and wheelchairs. With this in mind the Parish Council requests that a disability assessment be carried out. There are mains services running under the site, which could be compromised by being under private land. The Parish Council notes that generous offer has been made to the County Council to acquire this area of footway, but the Parish Council was unaware that this area of land was available to purchase and, if so, where had it been advertised.

6.2 WSCC Highways (summarised)

No objection – WSCC highways commented on the previous application in December 2017 in which they did not raise any concerns to proposal, subject to purchasing of land and formal stopping up of land to extinguish the public's right of way over this. The proposed vehicle visibility splays of 2.4 metres by 43 metres have been demonstrated to show that visibility upon a car exiting the private road would not be detrimentally impacted. Sufficient footway width will remain as per guidance in Manual for Streets and Inclusive Mobility.

Further consultation with WSCC Highways (comments in full)

No objection: The Local Highway Authority (LHA) wish to provide further detailed comments in respect to the proposal to change a section of public highway to residential garden use. A site visit was carried out on 18th December 2017 as part of assessment of this planning application from a highway safety point of view.

A technical drawing has now been provided by the applicant. This demonstrates that a minimum of 2 metres between the proposed brick wall and the footway edge will be retained throughout this section of footway. This also demonstrates that between the street lighting pole and wall will retain at least 2.5 metres width. The LHA acknowledge that the reduced width between telegraph pole and neighbouring wall is an existing situation not exacerbated by the proposals.

Figure 6.8 of Manual for Streets (MfS) demonstrates the minimum footway width of 2 metres and refers to Department for Transport (DfT) Inclusive Mobility. Paragraph 3.1 of Inclusive Mobility states that a “clear width of 2000mm allows two wheelchairs to pass one another comfortably and that where this is not possible due to physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another”. The resultant footway width meets with these parameters and will be no less than that provided south of the site.

The LHA acknowledge the increased level of pedestrian traffic in the vicinity during the warmer months due to the proximity of the beach. The nearby footway provision is also taken into account whereby some sections north of the site have no pedestrian facilities and the carriageway is used as a “shared space” environment without any known personal injury incidents in the past 5 years on this section of Shore Road. MfS paragraph 7.2.8 states that shared surface streets work best in ‘relatively calm traffic environments’. Paragraph 7.2.14 goes on to state that shared surface streets work well where they form cul-de-sacs, where volume of motor traffic is below 100 vehicles per hour and where parking is controlled or takes place in designated areas. Shore Road is a no-through road with no waiting between 1 April – 30 September (8am-8pm). The LHA therefore consider vehicle movements would be low with no public car park reached from the southern end of Shore Road and on-street parking restricted. We would also anticipate that vehicle speeds would be low and take account of pedestrians considering the existing non-continuous footway in the vicinity and local context of the site.

In summary the LHA are satisfied that the applicant has demonstrated sufficient footway width will remain in line with national guidance documents MfS and Inclusive Mobility. Existing sub-standard footway provision in the vicinity should not prejudice the proposals where these have been demonstrated to meet with nationally recognised guidance.

The LHA could therefore not cite a highway safety ground to resist the proposals.

6.3 Third party representations

30 letters of objection have been received, summarised as follows:

- Proposals would compromise safety and convenience of all users, especially pedestrians, wheelchair users, pushchairs and mobility scooters.
- The pavement is well used especially in the summer by tourists. There is no pavement on the opposite side and this pavement serves as a passing point for multiple users.
- Development would impede visibility of vehicles and pedestrians when exiting Watersedge Gardens
- The visibility splays are not achievable due to the presence of a refuse bin, telegraph poles and lampposts.
- Turning circles for a wheelchair, mobility scooter and pushchair would not be achievable on the reduced pavement.
- Development sets a precedent for other households
- A rendered brick painted wall with a fence would not be appropriate for the site and would be a poor substitute and would be inappropriate for the area.
- Development would encroach onto public space for private uses
- The existing small garden of the house is self-inflicted as an extension has been built.
- Soft landscaping was approved for this boundary under application 96/02035/FUL
- No details of the stopping up of the highway or the purchase of the land from WSCC has been made public.
- The purchase of the land should be open to public tender
- WSCC own the land and have raised no objection to the application. This is a conflict of interest.
- Other residents within Watersedge Gardens and nearby properties have not received a letter of notification regarding the planning application.
- **Swept path analysis should be provided for all users of the footpath**
- **A Risk assessment, Disabled Impact assessment, Environmental Impact Statement, Method Statement of carrying out the works, Access Statements for pedestrians and a Traffic Regulation Order should be provided prior to the determination of the application.**

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for West Wittering at this time.

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 8: Transport and Accessibility
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

- *For decision-taking this means unless material considerations indicate otherwise;*
- *Approving development proposals that accord with the development plan without delay;*
- *and*
- *Where the development plan is absent, silent or relevant policies are out-of-date,*
- *granting planning permission unless any adverse impacts of doing so would significantly*
- *or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development*
- *should be restricted.*

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), and section 4 relating to transport and section 7 in general relating to the requirement for good design.

7.5 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:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of the development
- ii) Character of the Area
- iii) Highway Safety
- iv) Impact on the amenities of neighbouring properties

i) Principle of the development

8.2 The application site is located within the settlement boundary of East Wittering. The proposals relate to a change of use of the land from a public footpath to form part of the residential curtilage of the existing property. The land that forms part of this application is finished with tarmac and contributes to the character and appearance of the area in terms of providing a function. It is considered the reduction in width of the footpath in principle is acceptable subject to the impact of the proposal on the character of the area and the highway impacts of the proposal.

ii) Character of the Area

8.3 The application site is located within an East Wittering at the junctions with Watersedge Gardens and Shore Road. There is a footpath on the western side of Shore Road, which links the public pay and display car park to the north west to the beach to the south. The footpath outside of the application site is currently 4.5 metres wide and reduces to 2 metres wide to the south of the application site. The boundary walls along Shore Road are mainly brick and flint construction no higher than 1 metre.

8.4 The land that forms this change of use application is currently part of the public footpath that runs along the western side of Store Road north to south. The footpath is particularly wide at this point (4.5m); the gardens of properties to the south narrow the footpath to a width of (2m). The proposed reduction of the footpath to the front of 1 Watersedge Gardens would result in a footpath of 2m in width at its narrowest point. The application also proposes a new boundary wall which would be in line with the boundary of the property to the south and taper to the north, where the wall approaches the junction with Shore Road. The proposed boundary wall would be 1 metre in height and be constructed in flint and brick.

8.5 It is considered that the design and construction of the proposed wall would be in keeping with the neighbouring dwelling to the north and similar to the existing wall to be replaced. The height of the wall would match existing examples within the street and retain the open street frontage seen along Shore Road. On this basis it is considered that the proposals would not have a harmful impact on the host dwelling or the street scene and is considered acceptable.

iii) Highway Safety

- 8.6 The application would result in the change of use from a public footpath and adopted highway to form part of the residential garden of 1 Watersedge Gardens. The proposal would narrow the existing footpath from 4.5 to 2 metres for a length of 10 metres. Objections have been received from third parties stating that the width of the remaining footpath would be insufficient for users of wheelchairs, pushchair and pedestrians.
- 8.7 With regard to the safety of vehicles using the junction, the Local Highway Authority (WSCC) have raised no objection. The application has demonstrated vehicle visibility splays of 2.4 metres by 43 metres which ensures sufficient visibility for a car exiting the Watersedge Gardens. WSCC have also stated that visibility from this junction would not be impacted upon by the proposals.
- 8.8 WSCC originally commented on the application stating they had no objection to the proposal. The Planning Committee deferred the application at the 16May Planning Committee and requested further clarification regarding the potential impact the proposed development could have on all users of footpath. WSCC's further comments can be found in full in paragraph 6.2 of this report, which refers to a site visit being carried out in December 2017.
- 8.9 The proposals would result in the narrowing of the footpath with a minimum width of 2 metres being retained. This is the same width as the footpath to the south heading towards the beach. The footpath would be wider towards the junction with Shore Road where there is also street furniture. WSCC Highways refer to figure 6.8 of Manual for Streets which outlines a minimum footway width of 2 metres, which is also referred to in the Department for Transport Inclusive Mobility document. Paragraph 3.1 of Inclusive Mobility states that a 'clear width of 2000mm allows two wheelchairs to pass one another comfortable and that where this is no possible due to physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another.'
- 8.10 The additional comments provided by WSCC Highways acknowledge the increased level of pedestrian traffic in the vicinity during the warmer months due to the proximity of the beach. They have also taken account of the nearby footway provision whereby some sections north of the site have no pedestrian facilities and the carriageway is used as a "shared space" environment. WSCC has noted no known personal injury incidents in the past 5 years on this section of Shore Road and advise that paragraph 7.2.8 of Manual for Street states that shared surface streets work best in 'relatively calm traffic environments'. Paragraph 7.2.14 of the same document states that shared surface streets work well where they form cul-de-sacs, where volume of motor traffic is below 100 vehicles per hour and where parking is controlled or takes place in designated areas. Shore Road is a no-through road with no waiting between 1 April – 30 September (8am-8pm).

8.11 WSCC state that they consider vehicle movements would be low with no public car park reached from the southern end of Shore Road and on-street parking restricted. Furthermore they would also anticipate that vehicle speeds would be low and take account of pedestrians considering the existing non-continuous footway in the vicinity and local context of the site.

8.12 The further detailed comments from WSCC Officers explain that the view of the local highway authority is that the application would provide sufficient footway width which would accord with the advice contained within Manual for Streets and the Inclusive Mobility document. The proposal would also provide sufficient visibility for vehicles exiting Watersedge Gardens. The proposal is therefore considered to comply with the relevant local and national planning policy with regard to highway safety, and Officers consider that there would be no justifiable grounds for refusal in terms of the proposals demonstrating severe harm to highway safety.

iv) Impact on the amenities of neighbouring properties

8.13 The land would form part of the rear garden area for the dwelling, which would be adjacent to 52 Shore Road's front parking area to the south. Given the area to the front of the neighbouring property is for parking and the distance to other properties, it is considered the proposal would not have a detrimental impact to the amenity of neighbouring properties.

Conclusion

8.14 It is considered that the proposed change of use would not have a harmful impact on the character and appearance of the existing dwelling or the street scene. Furthermore the proposal would provide sufficient visible splays for vehicles exiting Watersedge Gardens and would not impact upon highway safety. The proposal would also provide a sufficient width of footpath for the safety of pedestrian movements. The application is therefore considered to accord with Local Plan policies and the NPPF and is recommended for approval subject to conditions.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 001B, 002A, 005A, 08/048-002, 08/048-003

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

3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for the boundary wall has been submitted to and 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 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. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

INFORMATIVE

The applicant is advised to contact the Department for Transport in order to commence the "Stopping Up" process under Section 247 of the Town and Country Planning Act.

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.

For further information on this application please contact Daniel Power on 01243 534734

Agenda Item 13

Chichester District Council

Planning Committee

Wednesday 18 July 2018

Report of the Head of Planning Services

Schedule of Planning Appeals, Court and Policy Matters

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

Note for public viewing via Chichester District Council web site To read each file in detail, including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

* - Committee level decision.

1. NEW APPEALS

Reference/Procedure	Proposal
17/03629/DOM Southbourne Parish Case Officer: Maria Tomlinson Householder Appeal	2 Fairview Cottages Prinsted Lane Prinsted Emsworth Hampshire PO10 8HR - Change use of loft space to habitable accommodation to include rear dormer.

2. DECISIONS MADE

Reference/Procedure	Proposal
<p data-bbox="197 333 531 405"><u>15/00375/CONCOU</u> North Mundham Parish</p> <p data-bbox="197 468 560 504">Case Officer: Reg Hawks</p> <p data-bbox="197 566 411 602">Public Inquiry</p>	<p data-bbox="638 333 1465 439">Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex - Change of use of barn to residential.</p>
<p data-bbox="400 642 1294 678">Appeal Decision: APPEAL ALLOWED - NOTICE QUASHED</p>	
<p data-bbox="221 680 1469 786">Appeals A&B Refs: APP/L3815/C/16/3158273 & 74 - The breach of planning control as alleged in the notice is without planning permission the change of use of a building (in the approximate position shown on the attached plan) to use as a dwellinghouse....</p> <p data-bbox="221 826 1469 931">Appeals C&D Refs: APP/L3815/C/16/3158288 & 89 - The breach of planning control as alleged in the notice is without planning permission, the erection of a dwelling...</p> <p data-bbox="221 972 1445 1115">Appeal E Ref: APP/L3815/X/17/3174953 - The development for which a certificate of lawful use or development is sought is the continuous occupation for in excess of 4 years of barn style building erected under planning permission 10/00517/FUL granted on 28 April 2010.</p> <p data-bbox="221 1155 363 1191">Decisions</p> <p data-bbox="221 1193 432 1229">Appeals A & B</p> <p data-bbox="221 1232 1182 1267">1. The appeals are allowed and the enforcement notice is quashed.</p> <p data-bbox="221 1270 432 1305">Appeals C & D</p> <p data-bbox="221 1308 770 1344">2. The enforcement notice is quashed.</p> <p data-bbox="221 1346 352 1382">Appeal E</p> <p data-bbox="221 1384 1469 1924">3. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is considered to be lawful. No Statement of Common Ground was produced and all of the oral evidence was heard under oath or by sworn affirmation. ... The Council have chosen to serve enforcement notices in the alternative....because they maintain the appellants' position has changed over time...the appellants set out that the original purpose of the barn, when constructed in 2010, changed during the building process and from 6 February 2011 became the residential home to the appellants. If that were the case then the Council would argue that the appellants set out to deliberately conceal any residential use of the building... In that light the appellants would have acted fraudulently and that would disqualify them from acquiring immunity under the four-year rule. However the appellants... maintain... that the barn was originally constructed as a tractor shed and hay barn and was then used for such purposes. The building was then converted for residential purposes such that there is in their view no need for the enforcement notice subject of Appeals C&D....</p>	

From all that I have heard, seen and read it is apparent that the appellants' case is centred upon the building changing uses. I see no reason to disagree for the reasons set out under the appeals on ground (d). In that light I find the material change of use notice to be correct and I will quash the operational development notice in any event, since there is a risk of uncertainty and injustice if the two notices subsist. I am satisfied to do so will not lead to prejudice to either party. Therefore my deliberations will focus solely on Appeals A, B and E.... In this case the onus is upon the appellants to demonstrate, on the balance of probabilities, that the change of use, to a single dwellinghouse, occurred 4 years or more at or before the time the enforcement notice was served, the relevant date being 3 August 2012.... At the Inquiry the appellants called a number of witnesses who all, on oath, gave oral evidence that supported the appellants' case.... When questioned about living conditions in the barn the appellants set out that the barn could be adequately ventilated and lit with natural daylight by opening the doors. Whilst I understand the Council's suggestion that would not have been an ideal situation. There is nothing before me to corroborate what living conditions would have been like or if opening the barn doors would have been sufficient for light and ventilation.... when questioned about the lack of refuse collection during the disputed period the appellants were both clear. Disposing of rubbish not by way of public refuse collection was simply a way of life for them borne out of their gypsy and traveller roots. Mr Chatfield was also paying Council Tax at Jimmy's Yard and rightly or wrongly assumed he should only pay that once given he was not living at Jimmy's Yard. As well as those witnesses called, there are three signed witness statements.... The Parish Council maintain that local residents only became aware of the barn being used in 2015. The Parish Council also set out that the gates to the site were mainly locked prior to 2015, the bins were only collected after 2015, and the retrospective Council Tax bill spanning back to six years is not credible evidence of continuous occupation. The Council point to the evidence that the Chatfield family were still living in the mobile home at Tommy's Yard. That is as evidenced by the information given on a Planning Contravention Notice, a planning application and statement and a report by Henry Adams concerning a planning proposal dated August 2013 at 10 Acres.... The fact that local residents only reported the residential use when the rooflights were inserted and the garage area glazed is not a surprise given the distance of the Right of Way to the barn.... the Council has no direct evidence, such as eye witnesses, to say that that the appellants were still living in the mobile home at Tommy's Yard. ... Considering all these matters together it seems to me that, unless all of the appellants' witnesses were lying on oath, which seems in itself untenable, that the appeals on ground (d) are bound to succeed.... I consider this oral evidence to be plausible and sufficiently precise and unambiguous on the balance of probability. For these reasons I am satisfied, on the evidence before me, that the material change of use of the building from agriculture to use as a dwellinghouse took place more than 4 years before the Notice was issued and the appeals on this ground should succeed in respect of those matters which, are stated in it as constituting the breach of planning control. In view of the success on legal grounds, the appeals under the various grounds (f) and (g) as set out in section 174(2) of the 1990 Act as amended do not fall to be considered.... I do not find that the appellants have been deliberate in making misleading false statements such that they should not be able to rely on the period for immunity.... Accordingly both enforcement notices will be quashed.

In these circumstances the appeal under grounds (f) and (g) set out in section 174(2) to the 1990 Act as amended and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended do not need to be considered. Furthermore I find for the reasons set out above, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the use of the barn as a single dwellinghouse was not well-founded and that appeal should succeed also."

16/00424/ELD
North Mundham Parish

Case Officer: Reg Hawks

Public Inquiry

10 Acres Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex PO20 1YU - Continuous occupation for in excess of 4 years of barn building erected under planning permission 10/00517/FUL granted on 28 April 2010.

Appeal Decision: APPEAL ALLOWED - NOTICE QUASHED

As above

<p>16/03997/OUT Selsey Parish</p> <p>Case Officer: Steve Harris</p> <p>Informal Hearing</p>	<p>Land On The South Side Of Warners Lane Selsey West Sussex - Outline application for the construction of 68 no. residential units with primary access off Old Farm Road.</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>Policy 23 establishes a strategic development approach for Selsey where new development to meet identified local needs will be supported. This is set out as 150 homes. Accompanying text to this policy indicates that this modest allocation reflects the town's physical, environmental and accessibility constraints. To my mind, the figure of 150 was an appropriate broad target for acceptable development in this part of the Manhood Peninsular. Against such a target, with permissions for 249 houses recently approved, the additional 68 houses would represent a very significant increase. The proposed housing would therefore conflict with the strategic approach set out in the Local Plan under Policies 2 and 23. . At the Hearing, the appellant raised the issue of a recent position as regards the part of the district covered by the South Downs National Park. It was reported that the National Park would be unable to meet its OAN, representing a shortfall of 44 homes per annum for Chichester. To my mind this cannot be taken further within this appeal. Such matters must be left for consideration as part of the formal Local Plan process under the Duty to Cooperate. Flood Risk - I have considered the submitted evidence. Any Sequential Test (ST) must respond to the specific issues of the district or the agreed area for the ST. , While I accept that there is a good standard of flood alleviation offered; flood risk remains higher than land across the majority of the district. As such, I consider that the possibility of building out part of a larger site, or combining two or more smaller sites should not have been rejected out of hand, and this may include land that has not been identified through the SHLAA process. Similarly, land that is allocated or has permission, but is not being brought forward could also have been considered as a sequentially preferable option. On balance, while I accept that the Council are likely to need to seek additional land for housing, in light of my findings above there is insufficient evidence to show that all options to meet the development's needs have been fully assessed in the ST. Consequently, the proposal has not properly addressed the ST and so conflicts with the Framework and Policy 42 of the Local Plan, which references the Framework requirements in this regard. To set against these conflicts, I find moderate weight in favour of the scheme with regard to the provision of affordable housing and open market housing, the provision of public open space. Nonetheless, these benefits do not amount to material considerations which would justify making a decision other than in accordance with the development plan.</p>	

<p><u>17/00074/CONENF</u> Oving Parish</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>Decoy Farm Decoy Lane Oving Chichester West Sussex PO20 3TR - Appeal against non-compliance with Enforcement Notice O/11 - O/12.</p>
<p>Appeals A – Notice 1 - Refs: APP/L3815/C/17/3180340 & 3180341 Land to the north west of Decoy Farmhouse, Decoy Lane, Aldingbourne, Chichester PO20 3TR The enforcement notice, numbered O/27, was issued on 14 June 2017. The breach of planning control as alleged in the notice is as follows: Change of use of the land to a general storage use...</p> <p>Appeals B – Notice 2 - Refs: APP/L3815/C/17/ 3189998 & 3190006 Land to the north west of Decoy Farmhouse, Decoy Lane, Aldingbourne, Chichester PO20 3TR The enforcement notice, numbered O/28, was issued on 14 June 2017. The breach of planning control as alleged in the notice is the erection of a wooden building on raised concrete blocks... The appeals are dismissed.</p> <p>It is stated that any matters relating to the earlier notices are irrelevant for the purposes of the present enforcement notices. I agree that this is generally the case, but they are material considerations with regard to the planning history of the site... In this case the Council had to take direct action to clear the site of the matters which had earlier been enforced against. I note that there is an on-going legal dispute between the Council and the appellants relating to what exactly was removed from the site. However, these matters are not relevant to the two notices the subject of these appeals and are not for me to consider. In this case the Council had to take direct action to clear the site of the matters which had earlier been enforced against. I note that there is an on-going legal dispute between the Council and the appellants relating to what exactly was removed from the site. However, these matters are not relevant to the two notices the subject of these appeals and are not for me to consider... On the basis of their investigations the Council considered that further enforcement action was expedient with regard to what is now alleged in the two notices... Under the provisions of the Act a named officer of the LPA was entitled to enter the land to establish whether further breaches of control had occurred...</p> <p>I consider, therefore, that the validity/legality of the notices cannot be challenged on the basis of the officer entry on to the land...I consider that the enforcement action taken by the LPA was a proportionate response to the alleged breaches of planning control... The consequences of any actions taken as a result of the previous notices and the subsequent legal cases are matters between the LPA and the appellants and are not before me...</p>	

The authorized use of the appeal land is agricultural and the appellants still contend that this is its current use and that a general storage use has not occurred... The items on site appeared to be a mix of old agricultural machinery and tools; domestic items; building materials and rubble and what can only be described as general rubbish (including old shopping trolleys)... Considering the plethora of items; the overgrown nature of the land and the variety of materials it seems likely that there are non-agricultural items dating back to before 2005, as well as those alleged to have been introduced since 2016... Even if the requirement to remove all items which were not ancillary or incidental to the agricultural use had been completed, that requirement was on-going. To bring back other non-agricultural items on to the land for storage purposes constituted a breach of the notice...

Notice 1

Appeals A on ground (b)

In this case the allegation lists a number of items allegedly being stored on the land... The list was not exclusive in any case and not every item has to be accounted for in order for a breach to have taken place as a matter of fact... I consider, that what is alleged in Notice 1 has occurred as a matter of fact... the appeals fail, therefore, on ground (b).

Appeals A on ground (c)

On the basis of what I have read and seen it is my view that, as a matter of fact and degree, a change of use of the appeal land from agricultural use to a mixed use of agriculture and general

storage has taken place... The overall impression is that the site is perceived as an overgrown

junk or scrapyard, albeit one which contains some agricultural items and the dilapidated 'pigsty'... It follows that there has been a breach of planning control in addition to the continuing breach of the earlier notices. The appeals, therefore, also fail on ground (c).

Appeals A on ground (d)

For the alleged change of use (set out in notice 0/27) to be immune from enforcement action and for the appeal to be successful on ground (d), the onus is upon the appellant to conclusively show that the mixed use of agriculture and general storage, has been occurring continuously for a 10 year period commencing on 14 June 2007. This cannot possibly have been the case... There is no evidence to indicate that what is alleged in notice 0/27 (in relation to all or indeed any of the items stored) have been in place for the necessary 10 year period... I consider, therefore, that ground (d) has not been conclusively proven and the appeals also fail on this ground... Appeals A on ground (f) I have concluded above that the items are not ancillary to any agricultural use of the land; that it has not been conclusively shown that all of the items enforced against have been on the land for the required 10 year period and that any items removed must still form part of the requirements of the notice. The appellants have not provided any conclusive evidence relating to what is, or is not, ancillary or incidental to any agricultural use of the land. No attempt has been made to make an inventory of the items on the land and the seemingly haphazard method of storage simply confuses or blurs any distinction between agricultural and nonagricultural items (to whichever notices they refer). Overall I do not consider that the requirements of the notice are excessive and the appeal fails on ground (f).

Appeals A on ground (g)

Having considered the overall circumstances and taking into account the fact that some items have already been removed I consider that a three month compliance period to remove the rest of the items is more than adequate. The items are relatively small and can all be easily transported. I do not consider, therefore that the compliance period is too short and the appeals also fail on ground (g).

Notice 2

Appeals B on ground (b)

Irrespective of its planning status, or what it is used for, the shed is there, as a matter of fact. It follows that the appeals must fail on ground (b).

Appeals B on ground (c)

During my visit I was able to see the domestic items stored in the shed. As far as I could see there were no agricultural items being stored inside the shed. It is claimed that it was only built as a direct result of the Council's actions.

The previous Inspector had concluded that there was no agricultural justification for the incomplete brick and flint building, whether as a barn or for some other function. He also concluded that no agricultural business was taking place on the land. Since 2006 it is the LPA's case that the situation has not changed and that there is no firm evidence of agricultural activity having been carried out on the land since that time. On the basis of the submissions before me and from my site inspection I see no reason to disagree with the LPA. There is no evidence before me of any recent or current agricultural activity... The land was not in any obvious agricultural use at the time of my site visit... There are no agricultural business records before me and whilst accepting that the lawful use of the land is agricultural there does not appear to be any such uses (other than some agricultural items being stored) currently taking place... By the appellants' own admission the wooden shed had been erected in 2017 to house materials and the personal chattels of their mother. I conclude, therefore, that it cannot be permitted development for agricultural purposes. The shed is not being used for agricultural purposes. There is no planning permission in place and with no permitted developments right either, the development is unauthorized and a breach of planning control as alleged in notice 0/28. It follows that the appeals cannot succeed on ground (c).

Appeals B on ground (d)

the appeals cannot possibly succeed on ground (d). The building was only brought to the Council's attention in 2017 and in the appellants' joint statement it is indicated that it was purchased after the previous partially completed building had been demolished in 2016. It could not possibly meet the 4 year rule requirement and the Council was not precluded from taking enforcement action. The appeals must also fail, therefore on ground (d). Appeals B on ground (f)

Having considered all of the representations I agree with the Council that lesser steps would not overcome the visual harm caused by shed in its isolated position. Again, the appellants have not put forward any suggested lesser steps... I do not consider that the requirements of the notice are excessive and the appeals fail on ground (f).

Appeals B on ground (g)

The shed is not very large and considering that it is storing domestic items it should not take too long to empty... I do not consider, therefore, that the compliance period is excessive and the appeals also fail on ground (g)...

Formal Decisions
 Appeals A – Notice A
 The appeals are dismissed and the enforcement notice (No 0/27) is upheld.
 Appeals B – Notice B
 The appeals are dismissed and the enforcement notice (No 0/28) is upheld.

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p>16/00933/OUT Birdham Parish</p> <p>Case Officer: Jeremy Bushell</p> <p>Public Inquiry 2/10/18 - 5/10/18</p> <p>Vicars Hall, The Royal Chantry, Cathedral Cloisters, Chichester PO19 1PX</p>	<p>Koolbergen, Kelly's Nurseries And Bellfield Nurseries Bell Lane Birdham Chichester West Sussex PO20 7HY - Erection of 77 houses B1 floorspace, retail and open space with retention of 1 dwelling.</p>
<p>SDNP/17/02952/FUL Bury Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Hadworth Barn Hadworth Lane Bury RH20 1PG - Proposed agricultural storage building.</p>
<p>15/00064/CONLB Chichester Parish</p> <p>Case Officer: Sue Payne</p> <p>Public Inquiry 20/09/2018</p> <p>Edes House West Street Chichester West Sussex PO19 1RQ</p>	<p>13 Parchment Street Chichester West Sussex PO19 3DA - Appeal against removal of x 3 wooden casements and fitting of x 3 UPVC casements in Grade II listed building in Conservation Area.</p>

<p>17/01073/FUL Chichester Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>22A Lavant Road Chichester West Sussex PO19 5RG - Demolition of existing dwelling and erection of 2 no. 4 bed detached properties with shared garage, 3 no. 3 bed link detached properties with integral garages, parking and new access drive.</p>
<p>* 17/01712/FUL Chichester Parish</p> <p>Case Officer: Rob Sims</p> <p>Written Representation</p>	<p>Whyke Lodge Residential Care Home 115 Whyke Road Chichester West Sussex PO19 8JG - 6 no. dwellings.</p>
<p>17/03126/FUL Chichester Parish</p> <p>Case Officer: Summer Sharpe</p> <p>Written Representation</p>	<p>Rose Court St Cyriacs Chichester PO19 1AW - Replacement windows and doors.</p>
<p>17/02138/FUL East Wittering And Bracklesham Parish</p> <p>Case Officer: Naomi Langford</p> <p>Informal Hearing</p>	<p>Royal Oak Stocks Lane East Wittering Chichester West Sussex PO20 8BS - Demolition of the former public house and erection of a two storey terrace of 9 no. dwellings (consisting of 7 no. 3 bedroom units and 2 no. 4 bedroom units) with undercroft and parking to the rear and the erection of 1 no. 2 bedroom bungalow.</p>
<p>SDNP/17/02266/FUL Fernhurst Parish</p> <p>Case Officer: Bev Stubbington</p> <p>Written Representation</p>	<p>October House Marley Heights Fernhurst Haslemere West Sussex GU27 3LU - Change use of land to garden land and construction of tennis court with 2.75m high surrounding fence.</p>

<p>17/03572/DOM Fishbourne Parish</p> <p>Case Officer: Summer Sharpe</p> <p>Householder Appeal</p>	<p>Tambelup 127 Salthill Road Fishbourne PO19 3PZ - Detached garage.</p>
<p>SDNP/17/00949/FUL Funtington Parish</p> <p>Case Officer: Derek Price</p> <p>Informal Hearing</p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex - Retention and continued use of mobile home for gypsy family occupation including existing timber shed and refuse enclosure. Linked to SDNP/16/00496/OPDEV</p>
<p>SDNP/16/00496/OPDEV Funtington Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex – Mobile home inc installation of a cesspit and engineering works - appeal against enforcement notice. Linked to SDNP/17/00949/FUL</p>
<p>17/02162/FUL Loxwood Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Beech Farm Roundstreet Common Loxwood RH14 0AN - Proposed mixed use live work development - conversion of commercial equestrian buildings and barns into flexible B1 offices and light industrial workshops/B8 commercial storage uses and 9 no. residential dwellings together with re-routing of internal access and removal of outdoor menage and enclosed horsewalker.</p>
<p>15/00202/CONAGR Oving Parish</p> <p>Case Officer: Reg Hawks</p> <p>Written Representation</p>	<p>Ham Farm Church Lane Oving West Sussex PO20 2BT - Appeal against new agricultural building, earth bund and access track.</p>

<p><u>16/00359/CONTRV</u> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Informal Hearing</p>	<p>Land Adj To Ham Road Sidlesham West Sussex - Appeal against Enforcement Notice SI/69</p>
<p><u>16/00359/CONTRV</u> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Informal Hearing</p>	<p>Land Adj To Ham Road Sidlesham West Sussex - Appeal against the Stationing of a mobile home</p>
<p><u>16/03383/FUL</u> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p>Informal Hearing</p>	<p>Land Adjacent To Ham Road Sidlesham West Sussex - Use of land as a travellers caravan site consisting of 2 no. touring caravans, 1 no. amenity structure and associated development.</p>
<p><u>17/00031/CONMHC</u> Southbourne Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>Land North Of Marina Farm Thorney Road Southbourne Hampshire - Without planning permission, change of use of the land to a mixed or dual use for the grazing of horses and the stationing of a mobile home for the purposes of human habitation</p>
<p><u>17/03629/DOM</u> Southbourne Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Householder Appeal</p>	<p>2 Fairview Cottages Prinsted Lane Prinsted Emsworth Hampshire PO10 8HR - Change use of loft space to habitable accommodation to include rear dormer.</p>

16/00191/CONCOU Westbourne Parish Case Officer: Shona Archer Written Representation	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against change of use to tarmac contractor.
17/00378/FUL Westbourne Parish Case Officer: Caitlin Boddy Written Representation	The Old Army Camp Cemetery Lane Woodmancote Westbourne PO10 8RZ - Retrospective application for change of use of land as open storage for vehicles and use as HGV Operating Centre, with ancillary office and stores.
17/01644/FUL Westhampnett Parish Case Officer: Claire Coles Written Representation	Land North Of Junction With Old Arundel Road Stane Street Maudlin Westhampnett West Sussex - Proposed construction of 5 no. dwellings.

4. VARIATIONS TO SECTION 106 AGREEMENTS

None

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Court Hearings		
Site	Matter	Stage
Decoy Farm Oving	Claim for clearance costs	Council to serve defence to counterclaim and trial to be fixed between September and December 2018

Prosecutions		
Site	Breach	Stage
Elms Lane, West Wittering	Breach of Enforcement Notice	Summons issued. Court date on 30 July at Worthing Magistrates' Court

7. POLICY MATTERS

None

Agenda Item 14

**Planning Committee
Wednesday 18 July 2018
Schedule of Outstanding Contraventions**

1. This report presents the Schedule of Outstanding Planning Enforcement Contraventions. The report provides an update on the position of contraventions included in the previous schedule and includes cases that have since been authorised.

2. Statistics as at 30 June 2018

Case Numbers	CDC	SDNP cases remaining on CDC system until closed	SDNP cases	Total
On hand as at last report:	278	5	136	414
Cases received since last report:	92		36	128
Cases closed since last report:	104		48	152
Current number of cases on hand:	266	5	124	390
“On hand” includes cases awaiting compliance with an EN or the decision of an appeal/application	59		22	81

3. Performance Indicators are for CDC area only as this information is not available for cases within the South Downs National Park:

a. Time taken to initial visit from date of complaint:

Low within 20 days (66 Cases)	96%
Medium within 10 days (20 Cases)	100%
High with 2 days (6 Cases)	100%

b. Time taken to notify complainants of action decided from date of complaint:

Low within 35 days (69 Cases)	84%
Medium within 20 days (23 Cases)	74%
High within 9 days (6 Cases)	84%

NOTE: A system error resulted in incorrect target dates being issued to officers. This matter has now been corrected.

4. Notices Served

Notices Served:	1 Apr – 30 Jun		Total in FY 2018/19	
	CDC	SDNP	CDC	SDNP
Enforcement Notices	8	4	8	4
Breach of Condition Notices	1	1	1	1
Stop Notices				
Temporary Stop Notices				
Section 215 Notices	1		1	
Section 225A Notices				
High Hedge Remedial Notices				
Tree Replacement Notice				
Total	10	5	10	5

Outstanding Contraventions – South Downs National Park

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BURY/SDNP/ 13/00032/COU (Reg Hawks)	Sandy Meadow Farm, Bignor Park Road, Bignor	No compliance with the occupancy condition	29.11.17	BCN BY/23 issued Compliance date 30.05.18 Ownership change and date amended to 09.07.18 20.06.18 – Notice complied with. Remove from next list
BURY/SDNP/ 17/00093/ SEC215 (Sue Payne)	Sydenham Cottage West Burton Road West Burton Pulborough	Untidy land	19.03.18	S215 Notice S215/29/BY/24 issued Compliance date 30.07.18
BURY/SDNP/ 17/00585/ GENER (Sue Payne)	Flint Acre Farm Bignor Park Road Bury RH20 1EZ	Without planning permission, change of use of the Building to use as a single dwelling	13.06.18	EN BY/25 issued Compliance date 25.01.19
BURY/SDNP/ 16/00691/COU (Reg Hawks)	Foxbury Farm West Burton Lane West Burton	Without planning permission construction of a concrete hardstanding	02.07.18	EN BY/26 issued Compliance date 14.11.18
COMP/SDNP/ 15/00210/COU (Reg Hawks)	Cowdown Farm Cowdown Lane Compton	Without planning permission, change of use of the building for the stationing of a caravan for the purposes of human habitation	27.06.18	EN CP/7 issued Compliance date 08.02.19

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COMP/SDNP /15/00209/COU (Reg Hawks)	Cowdown Farm Cowdown Lane Compton	Without planning permission, the construction of a gable end wall in the west elevation of the building	04.07.18	EN CP/9 issued Compliance date 15.11.18
FU/08/00230/ EWSTNP (Shona Archer)	The Old Post Office Southbrook Road West Ashling Chichester West Sussex PO18 8DN	Untidy building and land	04.02.11	S215 Notice issued 09.10.13 – Prosecution for failure to carry out the works 23.04.15 - Officers carried out a property assessment 08.07.15 – The SDNPA authorises Direct Action 01.10.15 – Decision with SDNP - basic works to make good the property not full repair works 16.1.16 – works of compliance commenced on site 24.1.17 – works completed, land secured with new fence 4.4.17 – contractor contacted to progress next phase of work – rebuild front boundary wall and paint woodwork 14.6.17 – Entry to property by officers to assess its condition. Contractor completed all works. 29.9.17 – A note of the expenditure undertaken to date has been put on the Local Land Charge and consideration is now being given to applying to the Court for making a charge on the Land Registry. 22.01.2018 – The Historic Buildings Advisor for the SDNPA has considered the survey report and condition of the property and considers that further action by the LPA should be taken.. 03.04.2018 – This matter is being managed by the SDNPA 23.5.2018 – Property re-entered with surveyors

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FUNT/SDNP/ 16/00496/ OPDEV (Shona Archer)	Land south of Braefoot Southbrook Road West Ashling	Without planning permission, change of use of the land to use as a residential caravan site	14.06.17	EN FU/46 issued Compliance date 26.01.18 Appeal ongoing awaiting Hearing date 10.07.18
FUNT/SDNP/ 16/00676/COU (Reg Hawks)	New Barn Farm Common Road Funtington	Without Planning permission change of use of the land to B8 commercial storage	04.01.18	EN FU/66 issued Compliance date 15.06.18 Appeal lodged – Written Representations
HART/SDNP/ 17/00457/ OPDEV (Shona Archer)	Land at Torberry Hill House Torberry Lane South Harting	Non-compliance with the Town and Country Planning (General Permitted Development) Order 2015 Part 4 Class A – temporary buildings and structures	26.03.18	BCN HT/27 issued Compliance date 26.06.18 26.06.18 – partial compliance with the notice has been achieved. 02.07.18 - further site visit to be carried out before contacting the landowner to request removal of the four containers and mobile home stored on the land.
MID/SDNP/16/ 00204/OPDEV (Shona Archer)	Flat 2 Thomond House North Street Midhurst	Without planning permission the formation of a door opening and installation of a steel balustrade	21.12.16	EN MI/16 issued Appeal dismissed. New compliance date 12.12.17 11.12.17 – notice not complied with. Application to be submitted to overcome the harm. 25.01.18 – pending application now withdrawn 03.04.2018 – application made to insert a glazing panel in place of the door. In other respects compliance has been achieved. 30.05.18 – planning application approved. New compliance date of 30.08.18

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ML/SDNP/ 16/00110/COU (Steven Pattie)	Land West of the Junction to Dangstein Road	Without planning permission change of use to mixed use of camping, education and training courses and manufacture of wood products	19.06.18	EN ML/25 issued Compliance date 31.10.18
ROG/SDNP/15/ 00492/COU (Steven Pattie)	Land northwest of Laundry Cottage Dangstein Woods, Rogate	Without planning permission, change of use of the land to a mixed use for leisure, education and training purposes and for the production of timber products	26.02.18	EN RG/36 issued Compliance date 09.07.18 Appeal lodged awaiting start letter
SN/SDNP/15/ 00301/ BRECON (Shona Archer)	1 Sutton Hollow The Street Sutton	Without planning permission the erection of a dwellinghouse	18.08.16	EN SN/3 issued Appeal ongoing – Written Representations Exchanged statements and awaiting date for PINS site visit SDNP/17/00294/FUL – refused and appeal lodged SDNP/17/00295/LB – refused and appeal lodged 20.09.17 – s174 appeal conjoined with s78 appeal 28.02.18 – Appeal dismissed, enforcement notice upheld. New compliance date 28.10.18

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STED/SDNP/ 16/00334/COU (Shona Archer)	The Old Studio Bridgefoot Lane Stedham West Sussex GU29 0PT	Without planning permission, change of use of the land/building to use as a single dwellinghouse	09.01.17	EN SJ/24 issued Appeal lodged – Written Representation 26.10.17 - Appeal dismissed, notice upheld and planning permission refused Compliance date 26.04.18 04.04.18 – Notice complied with. Remove from next list
STED/SDNP 15/00109/ OPDEV (Reg Hawks)	Land south of The Old Stables, Mill Lane, Stedham, Midhurst, GU29 0PR	Without planning permission, formation of a hardsurfaced access track	02.03.17	EN SJ/25 issued Appeal ongoing – Written Representation 16.02.18 – Appeal dismissed New compliance date 16.05.18 29.05.18 – site visit identified non-compliance with the notice 11.06.18 – commencement of works delayed and due to commence on mid-June. Compliance check to be carried out 26/27.07.18
STED/SDNP/ 16/00120/COU (Shona Archer)	Minsted Heath Barns Minsted Lane, Minsted Stedham	Untidy Land	27.06.16	Section 215 Notice SJ/23/S215/25 issued Compliance date 25.10.16 20.1.17 – Non-compliance with the notice. 26.01.17 – letter before action sent 28.4.17 – site visit showed partial compliance. Caravan removed from the land. 04.08.17 – investigations made on owners address 25.08.17 – letter sent to current owners address 20.9.17 – owner has communicated with officers 03.07.2018 - Current condition of land does not warrant a prosecution to be instigated in this case. No further action to be taken. Remove from next list.

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TL/SDNP/14/00 462/BRECON (Reg Hawks)	River Farm Brookfield Lane Tillington Petworth	Stationing of mobile homes and caravans for seasonal workers	15.11.16	BCNEN TL/2 issued Appeal received– Written Representation; 14.07.17 – date for exchanging statements; 12.09.17 – Appeal dismissed. New compliance date of 12.12.17 28.11.17 – High Court hearing - the court granted permission for the matter to proceed on one of the five grounds pleaded:- that the Inspector did not consider, or did not give adequate reasons for not considering, the Appellants mitigation measures (landscaping) when deciding whether planning permission should be granted for the development. 26.06.18 – High Court date set for 18.07.18
UPWA/SDNP/ 16/00069/COU (Emma Kierans)	The Mill Eartham	Change of use of a building to a dwellinghouse	02.02.17	EN ER/6 issued Appeal Lodged – Public Inquiry held 31.10 & 01.11.17 Appeal dismissed and the notice upheld with variation. New compliance date 08.06.18 06.07.18 – site visit: compliance achieved. Remove from next list
WO/SDNP/16/ 0458/BRECON (Emma Kierans)	3 Claypit Cottages	Breach of condition – windows	19.06.18	BCN WO/2 issued Compliance date 19.12.18

Chichester District Cases

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/15/00194/ CONTRV (Shona Archer)	Land North West of Birdham Farm, Birdham Road, Chichester	Without planning permission the stationing of a mobile home for the purposes of human habitation	06.05.15	EN BI/23 issued The Appeal decision was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations. Compliance date: 2 August 2018
BI/15/00194/ CONTRV (Shona Archer)	Land North West of Birdham Farm, Birdham Road, Chichester	Without planning permission the stationing of a mobile home for the purposes of human habitation	06.05.15	EN BI/24 issued The Appeal decision on the above matters was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations. Compliance date: 2 August 2018
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road Chichester	Without planning permission erection of a stable building	10.08.15	EN BI/29 issued with compliance date of 21.12.15 Following the outcome of the Inquiry, compliance to remove the stables is considered to be 2 August 2018.
BI/15/00139/ CONSH (Shona Archer)	Access track and hardstanding -land North West of Premier Business Park, Birdham Rd	Without planning permission excavation, deposit of hardcore and erection of gates and fences	21.09.15	EN BI/30 issued The Appeal decision on the above matters was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations. Compliance date: 2 November 2018

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BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road	Without planning permission, change of use of the land to a mixed use as a residential caravan site, for the storage of caravans and the keeping of horses	03.03.16	EN BI/31 issued The Appeal decision on the above matters was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations. Compliance date: 2 August 2018
BI/16/00229/ CONCOU (Steven Pattie)	Kellys Farm Bell Lane Birdham	Without planning permission, change of use of land to a mixed use as a horticultural nursery and operation of a car wash business	13.12.17	EN BI/34 issued Compliance date 24.02.17 Appeal lodged – awaiting start letter
CC/17/00165/ CONLB (Sue Payne)	Flames 10-11 St Pancras Chichester	Without consent works to a Listed Building	26.09.17	EN CC/137 issued Compliance date 07.02.18 26.03.18 - Two planning applications submitted (CC/18/00337/ADV and CC/18/00283/LBC) to address issues to be remedied in the LBEN. Determination date 23.04.18 26.06.18 - planning permission granted 29.05.18. 27.06.18 – partial compliance. Owners undertaking remainder of steps following vacation by tenants.
CC/115/00064/ CONLB (Sue Payne)	13 Parchment Street Chichester	Without Listed Building Consent the installation and fitting of 3 no. upvc double glazed windows	18.10.17	LBEN CC/138 issued Compliance date 29.05.18 Appeal lodged – Public Inquiry 30.10.18 at City Council

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CC/17/00089/ CONWST (Sue Payne)	87 Bognor Road Chichester	Untidy Land	19.03.18	S215 Notice S215/30/CC/140 issued Compliance date 30.07.18
CC/17/00358/ CONLB (Steven Pattie)	28 East Street Chichester	Without Listed Building Consent the display of an acrylic shop sign, red vinyl adverts and the painting of the shopfront and an internal beam red	16.04.18	LBEN CC/141 issued Compliance date 28.07.18
CH/14/00399/ CONMHC (Reg Hawks)	Cockleberry Farm Main Road Bosham West Sussex PO18 8PN	Without planning permission, change of use to a mixed use comprising commercial uses, equine and the stationing of 4 no. mobile homes for the purposes of human habitation	04.08.16	EN CH/54 issued Appeal lodged –linked to s78 appeal against refusal of 16/01902/PA3P 06.06.17 – Hearing held at Assembly Rooms, Chichester 28.07.17 – Appeal dismissed and the notice upheld with variations. New compliance date 28.01.18 03.04.18 – communication rec from agent that the landowner is intending to apply for planning permission to redevelop the site. Await outcome of the planning process. 29.06.18 – application 18/01449/FUL pending consideration for 2 self-build dwellings in place of the static caravans.

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CH/14/00181/ CONMHC (Shona Archer)	Field West of Five Oaks Newells Lane Chichester West Sussex	Without planning permission the laying of hardcore and the stationing of a mobile home for the purpose of human habitation	09.12.14	EN CH/49 issued Appeal lodged – Hearing date 10.12.15. Appeal dismissed. New compliance date of 15.09.16 11.10.16 - Site inspection 07.11.16 – prosecution papers to Legal Services 22.11.16 – authority given to proceed with prosecution 20.9.17 – Owners remain in occupation of the Site. A meeting with owner is to be held on 26.9.17 to consider personal circumstances before deciding whether a prosecution should proceed. 10.11.17 – prosecution advice requested 04.01.18 – following legal advice letter before prosecution action sent to owner. 19.1.2018 – phone conversation with occupier confirmed that occupation of the land continues. No change in circumstances. Papers are now being prepared to instruct legal to commence a prosecution. 01.03.18 – prosecution papers forwarded to Legal Services 25.05.18 – Adjournment requested by contravener. The court granted an adjournment to 03.08.18 10.05.18 – planning application 18/01191/FUL made for use of land as a gypsy site. The outcome of this application will now be awaited before any further action is taken in respect of this site.
CH/14/00181/ CONMHC (Shona Archer)	Field West of Five Oaks Newells Lane Chichester West Sussex	Use of the land for the stationing of a mobile home for human habitation	09.12.14	Stop Notice CH/50 issued with EN CH/49 See above

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CH/14/00292/ CONBC (Shona Archer)	Paddock View Drift Lane Chidham	Without planning permission the construction of a concrete hard standing, a paved area, brick steps and a brick wall	28.02.18	EN CH/55 issued Compliance date 11.12.18 Appeal lodged – awaiting start letter
E/16/00068/ CONCOU (Steven Pattie)	Land at Earnley Grange Almodington Lane Almodington Earnley	Untidy Land	15.06.17	S215 Notice S215/27-E/28 issued Compliance date 14.10.17 15.10.17 – site visit showed non-compliance with notice 31.10.17 – prosecution papers forwarded to Legal Services 02.01.18 – amendments made to prosecution papers but information received that site has been sold. 03.04.18 - Condition of land to be monitored. 27.06.18 – Notice complied with. Remove from next list
E/16/00216/ CONCOU (Reg Hawks)	Earnley Grange Almodington Lane Almodington Earnley	Without planning permission the change of use of the land and associated building to A3 café	11.10.17	EN E/29 issued Compliance date 22.05.18 01.06.18 – New owner made aware of notices. 26.06.18 – Compliance achieved on 5 out of 8 steps. Remaining steps held in abeyance whilst application submitted to regularise the remaining use of buildings.
E/17/00391/ CONDWE (Emma Kierans)	Dragon Nursery	Without planning permission, the construction of outer walls of a building	14.06.18	EN E/31 issued Compliance date 26.01.19

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EWB/18/00020/ CONBC (Emma Kierans)	Land South of Clappers Lane Earnley	Breach of condition – hours of operation	11.05.18	BCN EW/43 issued Compliance date 08.06.18 29.06.18 – site continues to be monitored.
EWB/16/00366/ CONWST (Emma Kierans)	12 Kestrel Close East Wittering	Untidy Land	19.06.18	S215 Notice EW/42 issued Compliance date 18.10.18
FB/16/00023/ CONBC (Reg Hawks)	139 Salthill Road	Breach of condition – fence height	02.07.19	BCN issue FB/13 Compliance date: 03.09.18
KD/17/00192/ CONWST (Sue Payne)	Broad Leaf Barn Village Road Kirdford	Untidy Land	12.03.18	S215 Notice S215/31/KD/25 issued Compliance date 10.07.18
HN/17/00121/ CONBC (Emma Kierans)	Brook Lea Selsey Road Hunston	Breach of condition – hours of operation	20.12.17	BCN HN/26 issued Compliance date 18.01.17 No further complaints have been received since this date. Construction work completed. Remove from next list.
HN/17/00121/ CONBC (Emma Kierans)	Brook Lea Selsey Road Hunston	Breach of condition – visibility splay		26.06.18 – authorised to issue HN/27

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NM/15/00375/ CONBC (Shona Archer)	Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex	Without planning permission, change of use of a building to a dwellinghouse	03.08.16	EN NM/21 issued Appeal ongoing – Public Inquiry conjoined with s195 appeal under ref: NM/16/00424/ELD. 22.06.18 – appeal upheld and notice quashed. Partial costs awarded to LPA. Remove from next list
NM/15/00375/ CONBC (Shona Archer)	Land North Of Fisher Common Nursery Fisher Lane North Mundham	Without planning permission, the erection of a dwelling	03.08.16	EN NM/24 – notice issued in the alternative Appeal ongoing – Public Inquiry – 09.01.18 Conjoined with s195 appeal under ref: NM/16/00424/ELD Public Inquiry adjourned until 22-24 May 2018 22.06.18 – appeal upheld and notice quashed. Partial costs awarded to LPA. Remove from next list
NM/16/00325/ CONCOM (Shona Archer)	Land at Stoney Lodge School Lane North Mudham Chichester	Without planning permission storage of metal containers and other items	20.12.17	EN NM/27 issued Compliance date 30.04.18 5.7.17 – due to a change in circumstances relating to the use and ownership of the land the notice will be withdrawn and reissued
O/17/00074/ CONENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the change of use of land to general storage use	14.06.17	EN O/27 issued Appeal dismissed New compliance date 01.10.18
O/17/00074/ CONENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the erection of a wooden building on raised concrete blocks	14.06.17	EN O/28 issued Appeal dismissed New compliance date 01.10.18

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O/15/00202/ CONAGR (Reg Hawks)	Oakham Farm Church Lane Oving	Without planning permission the erection of a building, hardstanding and an earth bund	03.02.17	EN O/25 issued Appeal dismissed – new compliance date 05.04.18. 09.02.18 – application rec for change of use of barn from storage of vehicles to storage and maintenance of agricultural machinery and vehicles under 18/00354/FUL. Application pending consideration 26.06.18 - enforcement action held in abeyance
O/15/00202/ CONAGR (Reg Hawks)	Oakham Farm Church Lane Oving	Without planning permission change of use of the land to a mixed use for agriculture and the storage of caravans, motorhomes/ caravanettes, motor vehicles and shipping containers.	03.02.17	EN O/26 issued Appeal dismissed – new compliance date 05.04.18 06.04.18 – Partial compliance achieved as storage use continues to be reduced. Further site visit to be carried out w/c 16.07.18
O/17/00274/ CONBC (Emma Kierans)	Land at Colworth Manor Farm Colworth Lane Colworth	Non-compliance with condition – details of passing places	19.02.18	BCN O/29 issued Compliance date 19.03.18 03.04.18 – detail of passing places not received. Discussions ongoing with WSCC s.278 team on details 29.06.18 – notice not complied with. Letter before prosecution action to be sent

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PS/13/00015/ CONAGR (Reg Hawks)	Crouchland Farm, Rickmans Lane, Plaistow	Without planning permission, change of use of the land from agriculture to a commercial biogas plant	15.07.15	EN PS/54 issued Appeal lodged – Public Inquiry originally scheduled for 24.09.16-04.10.16. The full extent of the planning issues to be considered at the Inquiry will depend on the outcome of current CLU appeal under ref: WSCC/036/15/PS 12.05.16 - HEARING in connection with unrestricted use of the biogas plant and equipment. 22.06.16 – appeal decision letter published re CLU appeal - APP/P3800/15/3137735. Appeal part allowed/part dismissed. s78 & s174 appeals held on 25-28.04.17 – 03-04.05.17 31.07.17 - the last scheduled day for the Inquiry 18.08.17 – Inquiry closed 21.11.17 – Appeal dismissed. Enforcement Notice upheld, subject to corrections and variations. New compliance date of 21.12.17 for Step (i) - “cease use including the cessation of importation and processing of feedstock”. Compliance date of 23.05.19 for all other steps; 04.12.17 – EA confirmed that compliance achieved on Step (i); 20.05.18 – Ongoing discussions with Administrators who are working towards compliance. 26.06.18 – as above
PS/13/00015/ CONAGR (Reg Hawks)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the installation, construction, engineering operations and deposit of earth in connection with a commercial biogas plant	15.07.15	EN PS/55 issued As Above

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PS/14/00278/ CONENG (Reg Hawks)	Hardnips Barn Crouchland Farm Rickmans Lane	Without planning permission, erection of a timber open sided building and the laying of a hardsurface area	03.02.17	EN PS/57 issued Compliance date 13.10.17 16.10.17 – site visit showed non-compliance 17.10.17 – letter before action sent – 28 days to comply 21.11.17 – non-compliance with notice. Currently exploring how to achieve compliance with the administrator. 09.01.18 – Bat Survey concluded; confirmation that the intention is to demolish the building within the next few weeks; 18.05.18 – building removed. Remove from next list
PS/17/00055/ CONCOU (Reg Hawks)	Nell Ball Farm Dunsfold Road Plaistow	Without planning permission, the erection of a building	18.10.17	EN PS/58 issued Compliance date 29.05.18 Appeal lodged – Written Representation awaiting start letter
SB/16/00176/ CONCOU (Emma Kierans)	Land East of Inlands Road, Inlands Road, Nutbourne	Without planning permission, the use of three metal shipping container buildings	15.12.16	EN SB/114 issued Written Representation Appeal dismissed 05.05.18 - new compliance date Site visit reveal non-compliance with the notice. Next stage issue letter before action
SB/17/00031/ CONMHC (Shona Archer)	Land to the north of Marina Farm Thorney Road Southbourne	Without planning permission the change of use of land to a mixed or dual use for the grazing of horses and the stationing of a mobile home	11.10.17	EN SB/116 issued Compliance date 22.05.18 Appeal Lodged 26.07.18 – Hearing – Assembly Rooms

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SI/16/00359/ CONTRV (Emma Kierans)	Land adj to Ham Road Sidlesham	Without planning permission the stationing of a mobile home for the purposes of human habitation	26.06.17	EN SI/69 issued Appeal lodged – Hearing 04.07.18
SY/15/00074/ CONHH (Shona Archer)	47 Wellington Road Selsey Chichester	Without planning permission to erection of a dwellinghouse	25.11.15	EN SY/62 issued Appeal lodged – Written Representation. 13.09.16 - Appeal dismissed 19.01.17 - Appeal lodged with High Court against PINs decision 16.02.17 – Permission to appeal refused New compliance date 16.08.17 20.9.17 – Building remains on site. PA 17/01892/DOM has been made to retain structure as ancillary outbuilding. 22.11.17 – application refused. 22.01.18 – Site visit scheduled to view building and use 03.04.18 – appeal lodged against refusal of application 17/01892/DOM. Await appeal decision 22.05.18 – Appeal allowed and planning permission granted for retention of building as ancillary accommodation. File closed – Remove from next list

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SY/15/00177/ CONHH (Steven Pattie)	Portsoy 16 Bonnar Road Selsey Chichester PO20 9AT	Without planning permission the erection of an extension	14.12.15	EN SY/63 issued Compliance date 25.07.16 27.9.16 – Letter to owner to be sent advising that prosecution proceedings will now be instigated. Notice held in abeyance until determination of application 16/03696/DOM 30.03.17 – application remains pending consideration 16.08.17 – application refused and appeal lodged awaiting start letter. 10.11.17 – appeal against 16/03696/DOM dismissed New compliance date 30.04.18 29.06.18 – prosecution papers prepared.
WE/15/00135/ CONWST (Reg Hawks)	Land west of The Bridle Lane Hambrook	Without planning permission, the excavation of top soil, deposit of hardcore to form a track	15.10.15	EN WE/33 issued – Appeal lodged Appeal dismissed – new compliance date 13.12.16 16.01.17 – letter before action sent 13.03.17 – no change following site visit. 04.04.17 - Commence prosecution proceedings 19.04.17 – prosecution paperwork forwarded to Legal but held in abeyance pending site visit; 30.05.17 – further SV observed that the hardsurface access track had not been removed – proceed with prosecution. 13.09.17 – authority given to commence prosecution 25.09.17 – prosecution held in abeyance awaiting outcome of application 17/02579/FUL 24.10.17 - application returned as invalid 18.01.18 – consult Legal on prosecution case 09.03.18 – fresh application to be submitted taking account of the issues highlighted by the Council. NFA at this stage. 03.04.18 – application 17/02244/FUL pending consideration 29.06.18 – as above

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WE/15/00322/ CONENG (Reg Hawks)	Land west of Jubilee Wood Hambrook Hill North Hambrook	Without planning permission the construction of a storage compound	20.01.16	EN WE/34 issued Compliance date 02.06.16 14.09.16 - application refused under WE/16/00565/FUL 27.09.16 – letter before action sent for compliance. 10.11.16 – site visit revealed storage compound demolished. Partial compliance achieved – defer removal of the materials from the land pending outcome of s78 appeal 19.05.17 – appeal dismissed. 03.07.17 – letter sent seeking removal of debris/materials 07.08.17 –Await the outcome of this application (17/02244/FUL) before taking further action. 13.03.18 – application pending consideration 03.04.18 – as above 29.06.18 – as above
WE/13/000163/ CONWST (Reg Hawks)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use as a civil engineering contractor's yard	10.04.18	EN WE/40 issued Compliance date 22.09.18 Appeal lodged – awaiting start letter
WE/13/000163/ CONWST (Reg Hawks)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use for the storage of portable site office cabins, container cabins, portable toilet blocks and commercial vehicles	10.04.18	EN WE/41 issued Compliance date 22.09.18 Appeal lodged – awaiting start letter

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WE/13/000163/ CONWST (Reg Hawks)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use for the storage of metal skips, building materials, scaffolding equipment, lifting platforms, storage racks, engine parts, commercial vehicles, HGV's, redundant vehicles and truck bodies	10.04.18	EN WE/42 issued Compliance date 22.09.18 Appeal lodged – awaiting start letter
WE/13/000163/ CONWST (Reg Hawks)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to a mix use of a civil engineering contractor's yard, for the storage and use of the building for vehicle repair and servicing	10.04.18	EN WE/43 issued Compliance date 22.09.19 Appeal lodged – awaiting start letter
WE/16/00094/ CONMHC (Reg Hawks)	Racton View Marlpit Lane Hambrook Westbourne	Without planning permission, change of use of the land to a mixed use for agriculture and the stationing of a mobile home for the purposes of human habitation	09.01.17	EN WE/38 issued Appeal lodged – Public Inquiry to be held on 01.05.18 08.05.18 – appeal dismissed New compliance date 08.11.18 14.06.18 – Notice complied with. Remove from next list

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WE/16/00191/ CONCOU (Reg Hawks)	Unit 2 Land north of Cemetery Lane Woodmancote	Without planning permission material change of use of the land to a mixed for open storage of vehicles and use as a HGV Operating Centre	24.07.17	EN WE/39 issued Appeal ongoing – Written Representation 19.06.18 – PINs sit visit Awaiting decision
WE/17/00333/ CONMHC (Reg Hawks)	Land at Home Paddock Stables Hambrook Hill North Hambrook	Without planning permission, change of use of the land to a mixed us comprising equine and the stationing of a shepherd's hut	27.06.18	WE/44 issued Compliance date 08.02.19
WI/14/00365/ CONCOU (Steven Pattie)	Northshore Yacht Limited The Street Itchenor	Without planning permission change of use of the land for the storage of boat moulds	08.04.16	EN WI/21 issued Compliance date 20.11.16 12.1.17 – site visit showed partial compliance achieved. Operator of site confirmed that works would continue once ground has dried out. 07.04.17 - Continue monitoring to check full compliance. 04.07.17 – Site visit to be carried out in July 13.07.17 – Site visit carried out and letter sent on outstanding issues in the site and new boat moulds stored in the northern field along with other paraphernalia 20.09.17 – letter before action sent 26.01.18 - Site visit carried out and discussed with the occupiers of the land for the completion of the clearance of the southern field. 12.03.18 Due to the continued storage of moulds and other

				paraphernalia on the northern field not subject to the EN WI/21 following discussions with the occupier of the land and further to the remaining moulds and paraphernalia on the land which has not been cleared a new Enforcement Notice is to be issued in respect to this separate parcel of land. 19.06.18 – see WI/14 in following serial.
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WI/18/00100/ CONCOU (Steven Pattie)	Land at Itchenor Park Itchenor Chichester	Without planning permission, change of use of the land to the storage of boats, boat hulls, moulds, frames, boat trailers, wooden pallets, metal cages, boxes magazines and packaging.	19.06.18	EN WI/14 issued Compliance date 31.01.19
WW/16/00257 CONACC (Emma Kierans)	Land north of Elms Lane West Wittering	Without planning permission formation of an access onto a highway	16.08.17	EN WW/44 issued Compliance date 27.12.17 04.01.18 - Notice not complied with. Discussions with Highways WSCC on joint action to prosecute. 02.04.18 – discussions with WSCC in progress 10.05.18 – prosecution paperwork sent to Legal Services 26.06.18 – authorisation given to commence prosecution proceedings.

If members have any specific questions on individual cases, these should be directed to the contact officer:

Shona Archer - Enforcement Manager 01243 534547